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

July 8, 2021
8:51 a.m.

HIGHLY CONFIDENTIAL
ATTORNEYS' EYES ONLY
- Volume I -

VIDEOTAPED ZOOM DEPOSITION of WITNESS
7/8/2021, in the above-entitled
investigation, located in New York State,
taken before Dawn Matera, a Notary Public
of the State of New York.

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

CLEARY GOTTLIEB STEEN & HAMILTON
On behalf of the New York Attorney
General

One Liberty Plaza
New York, New York 10006

By: JOON H. KIM, ESQ.
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GREGORY MORVILLO PLLC
Attorneys for Stephanie Benton
90 Broad Street
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By: GREGORY MORVILLO, ESQ.
-and-

THE LAW OFFICES OF DIANE FERRONE PLLC
Attorneys for Stephanie Benton
1740 Broadway, 15th Floor
New York, New York 10019

By: DIANE FERRONE, ESQ.

Also Present:
ROBERT RUDIS, Videographer
~oOo~

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[REDACTED] [REDACTED] [REDACTED]

THE VIDEOGRAPHER: Good morning. We are now going on the record at a.m. on July 8th, 2021. Please note the microphones are sensitive and may pick up whispering and private conversations. Please mute your microphone whenever possible. Audio and video recording will continue to take place unless all parties agree to go off the record.

This is media unit 1 of the video-recorded deposition of Stephanie Benton taken by counsel on behalf of the New York State Attorney General's Office in the Matter of Independent Investigation Under New York State Executive Law Section 63(8).

This deposition is being held remotely. My name is Robert Rudis from the firm of Veritext Legal Solutions and I am the videographer. Our court reporter, Dawn Matera, is also from the firm Veritext Legal Solutions, New York.

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[REDACTED] [REDACTED] [REDACTED]
I am not related to any party in this action, nor am I financially interested in the outcome.

Counsel and everyone attending will please now state their appearances and affiliations for the record. If there are any objections to proceeding, please state them at the time of your appearance beginning with the noticing attorney.

MR. KIM: Joon Kim from the law firm of Cleary Gottlieb Steen & Hamilton appearing today in my capacity as the Special Deputy to the First Deputy Attorney General.

MR. WEAVER: Andrew Weaver, also of Cleary Gottlieb appearing today as Special Assistant to the First Deputy Attorney General State of New York.

MS. CHUN: Charlotte Chun from the law firm of Clearly Gottlieb Steen & Hamilton.

MR. MORVILLO: Good morning. I am Greg Morvillo. I represent

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[REDACTED] [REDACTED] [REDACTED]
Stephanie Benton. I'm with the firm
Morvillo PLLC.

MS. FERRONE: Good morning,
Diane Ferrone, also here on behalf of
Ms. Benton. I'm from the Law Offices
of Diane Ferrone PLLC. Thank you.

THE VIDEOGRAPHER: Will the
court reporter please swear in the
witness.

S T E P H A N I E B E N T O N, having
been first duly sworn by Dawn Matera, a
Notary Public, was examined and testified
as follows:

EXAMINATION BY MR. KIM:

Q. Good morning, Ms. Benton.

A. Good morning, Mr. Kim.

Q. Thank you for joining us. As
you know, our law firm Cleary Gottlieb
Steen & Hamilton and the law firm of
Vladeck Raskin & Clark have been
appointed by the New York State Attorney
General's Office to conduct an
independent investigation under New York
Executive Law Section 63(8) into

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allegations of sexual harassment brought
against the Governor and the surrounding
circumstances. And it's in that
connection that we subpoenaed you for
documents and are taking your testimony
today. Do you understand that?

A. Yes.

Q. And as you note, we are
currently video-recording this testimony.
And also you were just placed under oath.
And that means that you have to testify
fully and truthfully, just as if you were
in a court before a judge and a jury, and
your testimony is subject to the penalty
of perjury. Do you understand that?

A. Yes.

Q. And although this is a civil
investigation, the New York State
Attorney General's Office does have
criminal enforcement powers as well. And
you have the right to refuse to answer
any questions if answering the question
might incriminate you. And that's a
right you have under the Fifth Amendment

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of our Constitution. Do you understand
that?

A. Yes.

Q. But although under the Fifth
Amendment, any assertion of that right
cannot be used against you in a criminal
proceeding, it can be used against you in
a non-criminal civil proceeding. And it
can be held against you for refusing to
answer that question on that basis in a
civil proceeding. Do you understand
that?

A. Yes.

Q. You are appearing today with
your attorney present. Your attorney is
present and you may consult with them on
issues of privilege. Attorney/client
privileges. And so if you believe you
need to consult with them on that issue,
you tell us and we can take a break and
you can do that. The only request would
be that if there is a question pending,
you should try to answer that question
first before consulting, unless the

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answer requires you to consult with your
lawyers on issues of privilege. Do you
understand that?

A. Yes.

Q. And if at any point you want to
take a break, just tell us and we will
either break right at that moment after
the question or if there is a convenient
time with a few more questions to break,
we will break. And we will also take a
short lunch break for everyone involved
to grab some food. Okay?

A. Okay.

Q. A couple of other logistical
things. If you would like to make a
brief sworn statement at the end of the
testimony, we will give you that
opportunity at the end to do that. So
keep that in mind as well. And because
this questioning is being done with a
court reporter and remotely, I just want
to remind you that it will be important
for you to wait for me to finish my
question before you answer the question,

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because that's the only way the court reporter will get it, and I will try to do the same. Okay?

A. Okay.

Q. And also you should answer all of the questions verbally with a yes or no and an explanation instead of just nodding or shaking your head or saying uh-huh, because those things are not captured on the transcript.

A. Okay.

Q. And if you don't understand a question that I ask, tell me and I will try to rephrase it. Otherwise, I will assume that you understood the question.

A. Okay.

Q. Also, I will be asking you about -- I will be asking you questions that might call for specific names, dates, times, events. If you know, if you remember the specific time, date, event, you have to testify about it. If you don't remember the specifics, you need to testify about what you do

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remember, even if it's general and even
if you don't remember the specifics, just
make clear that what you're recalling is
not with specifics, but you have a
general recollection of certain things,
even if you don't remember the particular
date or even the particular person or the
particular words used in a conversation.
If you remember the general, general
nature of those things, that you need to
answer those questions. Do you
understand that?

A. Yes.

Q. Okay. Can you confirm and your
counsel confirm that you're not recording
this session yourselves?

A. I am not recording it.

MR. MORVILLO: We are not
recording.

Q. And also, if you can confirm
that you're not allowing others to listen
in on this testimony?

A. No one is here.

MR. MORVILLO: There is no one

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[REDACTED] [REDACTED] [REDACTED]

here listening.

Q. And also that in breaks or otherwise, that you will not be communicating with others, other than your own counsel here on the substance of the testimony?

A. Yes.

Q. And on that note, I will also remind you, and I will remind you at the end, that Executive Law Section 63(8) prohibits the disclosure of information obtained from our investigation. And so even after the testimony today, Section 63(8) would prohibit you and your counsel from disclosing information that you learned from the questions we ask or the documents we show you.

A. Yes.

MR. MORVILLO: Just to be clear, I understand that's your interpretation of the law. That's not my interpretation of the law. I want it on the record. We can debate it some other time. I don't want to take

1 [REDACTED] [REDACTED] [REDACTED]
2 up your time now. I don't interpret
3 it that way. I am not aware of any
4 interpretation of it that way. And so
5 I want, I just want it on the record
6 that even though you are interpreting
7 it that way, I don't see it that way.
8 And like I said, we can have that
9 conversation some other time if we
10 need to. But I wanted that on the
11 record.

12 MR. KIM: We can have that
13 conversation and I think it's
14 important for us to put you on notice
15 of what our position is. Obviously I
16 think to be complete, conversations
17 that counsel may need to have in their
18 good-faith view with the Executive
19 Chamber of counsel on questions of
20 privilege, that I think is
21 understandable, but other
22 communication or substance about our
23 investigation or the substance of it
24 for reasons unrelated to that, it is
25 our view that 63(8) would prohibit

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both the witness and counsel from
doing that. But, you know, obviously
you can disagree at your own risk.

MR. MORVILLO: I appreciate you
clarifying it. I understand what your
position is.

Q. Are you taking any medication
or drugs or anything else that might
affect your ability to answer questions
truthfully today?

A. No.

Q. Can you state your name, your
date of birth and your current home and
business addresses for the record?

A. Stephanie Benton. ██████████.
Home address is ██████████ ██████████ ██████████ ██████████
██████████ ██████████ ██████████ ██████████ Business address
is the New York State Capitol, Albany,
New York, 12224.

Q. And can you or your counsel
open up the binder of documents that we
sent you.

MR. MORVILLO: So you want the
box or the --

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MR. KIM: The box. The one that
went last week.

MR. MORVILLO: You want to see
me open it or can I just open it?

MR. KIM: You can just open it.

MR. MORVILLO: All right. By
the way, I have gotten better presents
in my life.

MR. KIM: You haven't even
looked at it.

Q. So if you can turn in that
binder to tab 125 and then also 127, the
two of those are document subpoenas that
we have served on you and your counsel.
And tell me once you've had a chance to
look at them.

(Witness reviews document.)

A. Okay.

Q. Do you remember receiving these
subpoenas?

MR. MORVILLO: I am not -- I
don't think she received them. I
think I got them.

Q. Have you reviewed them?

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2 A. I have not looked at them.

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Q. What did you do to help respond
to the request for documents pursuant to
these subpoenas?

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A. I turned over access to my
e-mail addresses, my text messages to
Greg. I believe Diane and/or Greg went
through the materials. I think Greg had
a technical person assist in downloading,
essentially, my text messages to Greg.

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Q. And when you said you turned
over access to your e-mail addresses, how
did you do that?

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A. Well, the long story is I first
attempted to literally give Greg access
to my e-mail with my password. It's a
very sad story about how I got locked out
and had no access for a couple of weeks,
which is, I don't know if you would think
this way, but debilitating. And then
ultimately someone from Google helped us
unlock it. And then Greg's technical
person was able to get back in in some
way without me being locked out again.

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[REDACTED] [REDACTED] [REDACTED]
I'm not sure about the technical details.

Q. Okay. And what was the e-mail address that you gave him access to, was it more than one?

A. Yes.

Q. What were they?

A. The one address is [REDACTED]@gmail. The other address is [REDACTED]@gmail.

Q. Any others?

A. No.

Q. Do you use any other personal e-mail addresses?

A. No.

Q. And how do you use these two different e-mail addresses?

A. What do you mean by how?

Q. Is one used for particular purposes or others or are they just used interchangeably?

A. No, they are not interchangeable. The [REDACTED] address was created during the last campaign cycle in an attempt to sort of not flood my own

1 [REDACTED] [REDACTED] [REDACTED]
2 personal e-mail address with
3 campaign-related e-mails.

4 Q. So when was that created?

5 A. I don't remember exactly, but
6 the last campaign was in, what, 2018. So
7 at some point in 2018. 2017. 2017, I
8 think.

9 Q. And is that used primarily for
10 campaign-related communications or not
11 necessarily?

12 A. No, exclusively. In fact, I am
13 not really all that active a participant
14 in that sort of stuff. But I am on a lot
15 of e-mails just for the purpose of
16 awareness. You know, scheduling events,
17 that type of thing.

18 Q. And [REDACTED]@gmail, when was
19 that created?

20 A. A long time ago.

21 Q. And that's your primary
22 personal e-mail?

23 A. Yes.

24 Q. What are your practices in
25 terms of retaining or deleting e-mails in

1 [REDACTED] [REDACTED] [REDACTED]

2 the [REDACTED] e-mail account?

3 A. I try to keep it cleaned up to
4 the extent possible. But there is a lot
5 of solicitations and shopping
6 opportunities. So it's not really
7 cleaned up that well.

8 Q. When you say you try to keep it
9 cleaned up to the extent possible, what
10 do you mean?

11 A. I don't tend to keep things
12 that I don't need, that I am not using.
13 That I won't need in the future.

14 Q. And what do you do when you
15 think you don't need something?

16 A. Delete it.

17 Q. And then does it go into a
18 deleted folder or does it get
19 permanently, do you permanently delete
20 it?

21 A. Well, I think technically it
22 first goes into a deleted folder. And
23 then, you know, I clean up the deleted
24 folder from time to time.

25 Q. You said you also turned over

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2 [REDACTED] [REDACTED] [REDACTED]
3 text messages. Text messages on which
4 phone, from which phone?

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A. On my personal phone.

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6 Q. And what's the number for that
7 phone?

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A. [REDACTED]

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9 Q. Do you use any other phones?

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10 A. That's my personal phone. I
11 have a work BlackBerry.

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12 Q. And the work BlackBerry, did
13 you turn that over to anyone for
14 production of documents to us?

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A. Yeah, the chamber handled that.

15

16 Q. Who did you give that to?

16

A. Harold Moore.

17

18 Q. And in your personal phone text
19 messages, do you have a practice in terms
20 of how long you retain text messages from
21 that phone?

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22 A. Not a set practice. But my
23 text messages, I don't tend to hang onto
24 unless it's something I need in the
25 future.

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Q. And how do you go about not

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2 hanging onto things that you don't need
3 in the future? Is there a regular
4 practice that you follow?

5 A. I wouldn't say there is a set
6 practice. When I'm done with something,
7 I delete it.

8 Q. Have you been the subject of
9 any document retention or hold notices
10 during your time at the Executive
11 Chamber?

12 A. I believe so.

13 Q. When?

14 A. Well, prior to this, this
15 investigation, I recall a time, but not
16 the specific issue.

17 Q. Okay. When was that?

18 A. I don't remember.

19 Q. What was the subject?

20 A. I don't recall that either.

21 Q. Do you have a recollection that
22 you were the subject of a hold at some
23 point in time on an unrelated issue?

24 A. I do.

25 Q. And do you have a sense of at

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[REDACTED] [REDACTED] [REDACTED]
all when that was, about when that was?
This year, last year?

A. I really don't remember.

Q. Can you walk through for us
your employment history starting from
after college?

A. Sure. Shortly after I
graduated, so let's say fall, after
spring graduation I went to work for an
Albany law firm Greenberg Traurig.

Q. What year did you graduate?

A. 2001.

Q. Okay. And what did you do at
Greenberg Traurig?

A. I worked for [REDACTED] [REDACTED]
who was a partner there. Assisted him.
Worked on filings with him.

Q. And how long did you work for
[REDACTED] [REDACTED] ?

A. I worked for him at the firm,
so privately, until February of 2007.
[REDACTED] left the firm shortly after the 2006
Attorney General's race to be the then
Attorney General's counsel. He started

1 [REDACTED] [REDACTED] [REDACTED]
2 in January of 2007. And I went and
3 joined him in February of 2007.

4 I then continued to work with
5 [REDACTED] initially and then with the Attorney
6 General through that entire term. And
7 [REDACTED] was there through the end of the
8 Attorney General's term.

9 So to answer your question, all
10 in, I worked with [REDACTED] from 2001 until
11 the beginning of 2011.

12 Q. And in the Attorney General's
13 Office, what was your title when you were
14 working with [REDACTED] [REDACTED] ?

15 A. I think it was executive
16 assistant.

17 Q. What kind of work did you do
18 when you were his executive assistant?

19 A. Whatever the work was that
20 would assist him. You know, his phone
21 calls. I don't know. There is probably
22 filing involved. Assisting with his
23 scheduling. Meetings.

24 Q. And then what happened after
25 2011?

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A. Well, the Attorney General ran for Governor in 2010. He won that race. He was sworn in in 2011. And I transitioned from the Attorney General's Office to the Governor's Office.

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Q. And prior to 2011, were you exclusively the executive assistant for ██████████ ██████████ or were you doing work for others as well?

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A. There was a period of time where it was exclusively ██████████ He and I were both based in Albany. A lot of the other senior staff was New York City based.

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At some point, I started assisting in sort of an operational way on events that happened outside of either Albany or New York City. And in that role, had more direct contact with the Attorney General.

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Q. And what kind of direct contact did you have with the Attorney General in that role?

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A. Just assisting, facilitating

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[REDACTED] [REDACTED] [REDACTED]
his appearance at events. Also, you know, helping logistically on the ground in anticipation of his visit.

Q. But you remained based in Albany?

A. I did. At some point I started traveling to New York City more regularly, and in that role was then assisting him directly in the New York City office.

Q. While he was Attorney General?

A. Correct.

Q. And how did that come about?

A. I think it was just a product of the fact that in the capacity that I would assist him while he was on the road at events, it became obvious that, you know, quite frankly, I was capable of doing that job. I was able and willing to travel back and forth to New York. And I think there was the need for some, maybe additional support for him in the office.

Q. And when was that, that you

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began to do more work for the Attorney
General?

A. I don't remember specifically,
but I would say it's fair probably to say
halfway through the term.

Q. So 2009-ish?

A. Probably.

Q. During that time you remained
also the executive assistant for ██████████
██████████?

A. No. There was a period of time
where, when I was regularly in New York
City. So let's say four days a week,
maybe even five days a week, that I
wasn't able to assist ██████████.

Q. And so then was someone else,
did someone else become the executive
assistant for ██████████ ██████████?

A. I believe so.

Q. But did your title formally
change to being an executive assistant
for the Governor -- for the Attorney
General, or you remained in that role,
but just functionally did these things?

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[REDACTED]

A. I don't remember my title changing. You know, it was essentially the same job of supporting but, you know, geographically changed and for a different person.

Q. The Attorney General at the time specifically asked you to help more with him or was the decision made in some other way?

A. No, I recall him asking if it was a possibility for me to spend more time in New York City.

Q. And when was that? When did he raise that as a possibility?

A. I don't remember.

Q. Was it following a particular event that you helped cover with him or was it just sort of not in connection with any particular incident or event?

A. I don't recall a particular incident.

Q. And then while you were in the Attorney General's Office, then how often do you think you interacted directly with

1 [REDACTED] [REDACTED] [REDACTED]

2 the Attorney General?

3 A. When I started spending more
4 time in New York City?

5 Q. Yes.

6 A. I would say that it was, you
7 know, four or five -- four or five days a
8 week, eventually, and interacted with him
9 regularly as his assistant.

10 Q. Did he also have a separate
11 assistant based in New York City?

12 A. He did.

13 Q. And who was that?

14 A. Her name was [REDACTED] [REDACTED].

15 Q. Any others? Just her?

16 A. To the best of my recollection,
17 there may have been people who filled in
18 from time to time.

19 Q. So was your role when you
20 started coming down to New York City
21 more, was it your role to supplement the
22 work that [REDACTED] [REDACTED] was doing or did you
23 have different roles or did you
24 essentially provide very similar help and
25 work for him?

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██████████ ██████████ ██████████
A. Yes, I would say it's similar.
It's kind of like a tag team.

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Q. And when you were spending that
time in New York City, where did you
actually stay?

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A. I would stay in a hotel.

Q. And so you would stay in a
hotel four to five days a week?

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A. Well, four or five days there.
I would arrive on a Monday morning. So
three to four nights.

13

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Q. And for how long did you do
that, spending weekdays in New York City?

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A. Again, I don't recall exactly,
but I would say, you know, maybe the last
half to the last third of the term.

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Q. So for at least a couple of
years?

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A. Well, I don't know -- I didn't
say at least a couple of years. I said
maybe half to a third.

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Q. So more than a year?

A. Probably.

Q. And then what happened after he

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[REDACTED] [REDACTED] [REDACTED]
was elected Governor? How did the
process of switching your employment to
the Governor's Office or the Executive
Chamber happen?

A. As I recall it, all those many
years ago, Steve Cohen asked me to make
the transition.

Q. What did he ask you?

A. If I wanted to assist the
incoming Governor.

Q. And what did you say?

A. I said yes.

Q. What was your official position
with the Executive Chamber when you first
started there?

A. I think it was still executive
assistant. Maybe it was executive
assistant to the Governor.

Q. Were there other executive
assistants to the Governor at that time
or was it just you?

A. Yeah, there are other
assistants. I don't know if they are all
executive assistants. If you're talking

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specifically about titles, I don't know
for sure.

Q. Okay. And once you moved over
to the Executive Chamber, how, if at all,
did your role change relative to the
assistance you were providing the
Governor?

A. I don't know that it changed
all that much. It's a different job.
There is a transition from, you know,
what's essentially a legal practice to
being a Chief Executive of the State. So
there certainly is much more involved.
More to juggle and pieces to bring
together. But my essential role did not
change.

Q. And since 2011 to today, has
your role changed or evolved in any
substantive way?

A. It hasn't changed terribly
substantively, but I've taken on more, I
would say, management responsibility in
connection with the operation of his
office. The practical, logistical

1 [REDACTED] [REDACTED] [REDACTED]

2 operation of his office.

3 So in other words, there are --
4 there is a pool, for lack of a better
5 word, of people who ultimately support
6 him who assist me in supporting him. So
7 I think that's, that's how it's changed
8 practically.

9 Q. And you oversee that pool of
10 people who support him?

11 A. Yes. I think -- I'm sorry, I
12 think two of them report to me directly,
13 meaning that I approve their time sheets.
14 But in the pool there are others who help
15 from time to time.

16 Q. And when you say two of them
17 who you approve the time sheets, are
18 these two executive assistants?

19 A. I believe that's their title.

20 Q. Okay. And who are the two
21 executive assistants that you approve the
22 time sheets for now?

23 A. It's EA #3 [REDACTED] and EA #2

24 [REDACTED]

25 MR. MORVILLO: Hey, Joon.

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[REDACTED] [REDACTED] [REDACTED]

MR. KIM: Yes.

MR. MORVILLO: Just for the record, I think somebody else joined the call. Do you want to note that?

MR. KIM: Sure.

MS. KENNEDY PARK: This is Jen Kennedy Park, I am Joon's partner.

THE REPORTER: I got it on the record.

Q. So there are two executive assistants that you approve the time sheets for, and those are currently EA #3 [REDACTED] and EA #2 [REDACTED]?

A. Correct.

Q. But then there are others who also help support the Governor's work in a similar way to the way that EA #3 [REDACTED] and EA #2 [REDACTED] do?

A. Yes.

Q. About how many people are there in that category?

A. Well, EA #3 [REDACTED] and EA #2 [REDACTED] are sort of permanent fixtures in that capacity. From time to time there are, I don't

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know, two or three others who can be
called in to help.

Q. And those two to three others
who from time to time are called in to
help, do they have formal titles or
positions or how do you refer to that?

A. I don't refer to them by title.
I don't know what their titles are.

Q. So they are not formally
executive assistants?

A. They may be.

Q. And how do you go about
identifying -- selecting and identifying
people to fill that role?

A. I mean it's not an official
role. It's just sort of a by necessity,
you need some extra help. So whether
that's asking one of the senior staff
members if, you know, their assistant can
help out on the phones for a period of
time, it's not like a plan where you find
somebody to fill that sort of pinch hit
role.

Q. So when there is a need for

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[REDACTED] [REDACTED] [REDACTED]
additional help, you look for other people who can fill that role, who are already part of the Executive Chamber or already part of the State government, is that a fair description?

A. I think that's fair.

Q. And then once you identify them, what do you do?

A. What do I do in what way?

Q. Like what do you -- you just simply ask them can you come help, and then they do? Is that how it works?

A. Yes, I think that's generally how it would work. It's not like a formal process. So it's, for example, EA #3 has to go to a doctor's appointment today, you know, can you help on the phones while she's out. There have been times when I have asked Lauren Grasso, who is our administrative person, who runs, you know, the administrative office, can you find somebody who can help on the phones.

Q. So over the years, from 2011 to

1 [REDACTED] [REDACTED] [REDACTED]
2 today, have there always been two
3 executive assistants who fill the role
4 and position that EA #3 [REDACTED] and
5 EA #2 [REDACTED] do now?

6 A. Yeah, I think so. The other
7 thing to understand is that EA #3 [REDACTED] and
8 EA #2 [REDACTED] also support Melissa DeRosa. So
9 when you think about it in that context,
10 as far as I can recall, there has always
11 been two people who have helped myself,
12 the Governor, and Melissa.

13 Q. And was that the case with
14 prior secretaries to the Governor, before
15 Melissa DeRosa as well?

16 A. Yes, as best as I can recall.

17 Q. Let's try to take this a bit
18 more chronologically. So when you first
19 joined the Executive Chamber, after the
20 Governor's election, you were the
21 principal executive assistant, is that a
22 fair way to describe it?

23 A. Yes.

24 Q. And at that time, were there
25 two additional executive assistants who

1 [REDACTED] [REDACTED] [REDACTED]
2 assisted the Governor, right from the
3 start?

4 A. I can't say for certainty that
5 there was right out of the box.

6 Q. What is the first that you
7 remember in terms of --

8 A. My first recollection is a
9 combination of [REDACTED] [REDACTED] and
10 [REDACTED] -- [REDACTED] has been married since
11 she started, so her name is now [REDACTED].
12 They both were from the previous
13 administration. [REDACTED] [REDACTED] worked
14 with Larry. [REDACTED] worked with Howard
15 Glaser probably until he left and then
16 transitioned over to the situation
17 involving the Governor, the Secretary,
18 myself. I can't remember who was there
19 prior to [REDACTED] and [REDACTED]

20 Q. [REDACTED] and [REDACTED] were two
21 executive assistants who, in addition to
22 you, helped cover the Governor and Larry
23 Schwartz?

24 A. Larry Schwartz, Steve Cohen.
25 Whoever the Secretary was.

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Q. And do you also cover the
Secretary as well or you exclusively work
with the Governor?

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A. No, not in a real way. I
consider myself a helpful person. So in
a pinch, I am happy to help.

8

9

Q. But primarily you are an
executive assistant for the Governor?

10

A. Correct.

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Q. And the other two, do they
similarly primarily cover the Governor
and help with the Secretary or are there
people who are primarily assigned to the
Secretary and help the Governor or is it
more flexible than that?

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A. It's more flexible. It's
assisting where assistance is needed at
the time.

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Q. So ██████████ ██████████ and ██████████
██████████ how long did they remain in that
role?

23

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A. I don't remember when they
left. They both retired.

25

Q. And who came after that?

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2 A. I think that was probably when
3 EA #3 was hired. And then EA #2 came
4 after EA #3. I don't know that there was
5 somebody really in that role, unless it
6 was sort of, again, pinch hitting before
7 EA #3 was hired.

8 Q. So really the two of them have
9 been replaced by EA #3 and EA #2 ?

10 A. Yeah, that's the best of my
11 recollection, as sort of a permanent
12 situation.

13 Q. And then over the years, how
14 many different individuals have come in
15 to supplement and help in that role who
16 are not formally part or have the title
17 of executive assistant?

18 A. I mean certainly off the top of
19 my head, I can't give you a number, but I
20 would guess five, six, seven.

21 Q. And who do you -- can you give
22 me the names of the five, six or seven?

23 A. Well, there is also -- so this
24 is an Albany-based operation that we're
25 talking about. We also have the New York

1 [REDACTED] [REDACTED] [REDACTED]
2 City office. So I don't know if you want
3 to separate that from the conversation or
4 add it all up together.

5 Q. Yeah, why don't we add it up.
6 So the two positions that [REDACTED] [REDACTED]
7 and [REDACTED] [REDACTED] and EA #3 and EA #2
8 now occupy, they are in Albany?

9 A. Correct.

10 Q. And what about New York City,
11 is there a formal executive assistant
12 role?

13 A. The New York City situation has
14 been mostly, again, more of a
15 supplemental role. So if I am not
16 traveling with the Governor to staff him
17 on that particular day or trip or
18 whatever the circumstances are, people
19 have sat in for me. Those people have
20 included, going way back, [REDACTED] [REDACTED],
21 who was briefer at the time, I believe.
22 Andrew Ball would staff him from time to
23 time. Annabel Walsh. And those people
24 that I just named are the people who
25 would sit in my office if I wasn't there.

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[REDACTED] [REDACTED] [REDACTED]
Q. In New York City?

A. Correct. And then you had a desk outside my office where someone would sit to assist, like EA #3 and EA #2 do in Albany. And that person, that person, at any given time, and chronologically, I am sure this isn't right, but there are times that Andrew Ball sat at that desk when I was in the City. There were times that Annabel sat in that desk when I was in the City.

Staffer #5 [REDACTED]. Kaitlin [REDACTED]. Charlotte Bennett. Currently it's [REDACTED]. [REDACTED]. It has been a gentleman named [REDACTED].

I'm sure I'm leaving someone out. But that's the basic New York City model.

Q. That's New York City. When the Governor is working out of New York City, you often come down and cover him from the City?

A. I think often is fair.

Q. Okay. And so when you can, if

1

2 he's in New York City, you come down and
3 you occupy the desk that's right outside
4 his office?

5 A. It's an office that's adjoining
6 to him. There is a door between his
7 office and my office.

8 Q. Okay. And that's where you sit
9 in New York City, if you are in New York
10 City?

11 A. Correct.

12 Q. And then there is another
13 office outside of your office.

14 A. Outside of my office is a
15 cubicle, really.

16 Q. And in that cubicle will be one
17 or more of the people that you mentioned
18 in New York City?

19 A. Just one at a time.

20 Q. Right, one at a time, but it
21 would be one of those individuals?

22 A. Correct.

23 Q. Over the years. But then if
24 you are not down there covering the
25 Governor, then those people would sit

1 [REDACTED] [REDACTED] [REDACTED]

2 where you normally sit?

3 A. Not any of those people. Some
4 of the people may have. Again, Andrew
5 Ball has. Annabel Walsh had.

6 Q. I think you had mentioned Staffer #5
7 [REDACTED]

8 A. Staffer #5 yes.

9 Q. Staffer #5 Did he sit there?

10 A. He probably sat in the office
11 from time to time.

12 Q. You mentioned Kaitlin [REDACTED].

13 A. Yes.

14 Q. Would she sit there?

15 A. I don't know that she ever sat
16 in my office.

17 Q. How about Charlotte Bennett?

18 A. I don't believe so.

19 Q. [REDACTED] [REDACTED] ?

20 A. I don't know that she has yet,
21 she's relatively new.

22 Q. And [REDACTED] [REDACTED] ?

23 A. I'm not sure if he has. He may
24 have.

25 Q. In your mind, it seems like

1 [REDACTED] [REDACTED] [REDACTED]
2 some people would sit there and some
3 people would not. How is that
4 differentiated?

5 A. So for example, let's take
6 Annabel and Andrew who had sat at the
7 outside desk. After, I think, a certain
8 amount of time, naturally you understand
9 a little bit more, become a little bit
10 more comfortable with not just being a
11 person who is fielding phone calls.
12 You're the person who is moving him
13 through the day. Keeping him on time.
14 Which sometimes means you have to say to
15 him, you've got to hang up this call and
16 get to this meeting. And not everybody
17 is comfortable doing that.

18 Q. And so who made that
19 determination as to who is comfortable
20 and ready to do that?

21 A. Probably me. At which point I
22 would say this person is going to sit in
23 my office.

24 Q. To who?

25 A. To the Governor, so it wasn't

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2 that he just looked up and saw someone
3 sitting there and wasn't expecting it.

4

Q. And would the Governor have a
5 say or a view of whether someone is ready
6 or not to sit there?

7

A. I don't think so. I don't
8 think so. I mean I wouldn't put someone
9 there who I didn't believe could handle
10 the little bit more aggressive managing
11 of him. And I think he knows that.

12

Q. So you would assess, see who
13 is ready. And then say to the Governor,
14 look, so and so is going to be sitting at
15 my desk. Don't be surprised if you see
16 that person?

17

A. Essentially. And it would be
18 someone who he is familiar with and I
19 know has worked competently with him.

20

Q. You've listed for me a number
21 of people who have occupied that role of
22 helping out in New York City. How many
23 were there at any given time?

24

A. I'm sorry, what?

25

Q. How many were there at any

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2 ██████████ ██████████ ██████████
3 given time? You have given me names of
4 people over the years, right? One, two,
5 three, four, five, six, seven, you have
6 given me eight names over the years that
7 you remember. How many were there in New
8 York City that played that role at any
9 one time?

9 A. I don't understand.

10 Q. Was there just one of them --
11 was it you and then the person sitting at
12 the other desk and there was just that
13 one person or were there sometimes two?
14 Are there sometimes three who played that
15 role?

16 A. If I understand your question,
17 I think there were probably times when
18 there was more than one person currently
19 working for the administration that I
20 could call on. But if you're asking me
21 at a particular time how many people are
22 filling that role, it's one, it's one
23 cubicle.

24 Q. I see, so physically there is
25 only one cubicle?

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[REDACTED] [REDACTED] [REDACTED]

A. Yes.

Q. So there is really only one person?

A. Right.

Q. That's their cubicle?

A. Yes.

Q. But there may be times when there were others who were available, maybe not sitting at that cubicle, but could help?

A. I think that's fair.

Q. Okay. You said in terms of approving the time sheets, it's just the two executive assistants in Albany that you approve?

A. It's not -- those aren't the only time sheets I approve. Those are the two assistants I approve.

Q. The two executive assistants that you approve?

A. Right.

Q. Who else's time sheets do you approve?

A. [REDACTED] [REDACTED] who is, I believe

1 [REDACTED] [REDACTED] [REDACTED]
2 her title is director of the
3 Correspondence Bureau. I also do -- I'm
4 sorry, I hope she doesn't think I'm
5 forgetting her, but [REDACTED] [REDACTED], who is
6 relatively new.

7 Q. She's in New York?

8 A. She's in New York. She's based
9 in New York, but she does some traveling
10 back and forth. She also, she will help
11 staff him in New York City, but she also
12 is, I believe, sort of pitching in with
13 the scheduling operation.

14 Q. Anyone else that you approve
15 the time sheets for?

16 A. I don't believe so.

17 Q. So the people who occupied this
18 cubicle in New York City, who did they
19 formally report to?

20 A. I don't know. I can't tell you
21 specifically who any one of them formally
22 reports to.

23 Q. But functionally, you would
24 sort of tell them what to do? They did
25 take direction from you?

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A. Yes, and inasmuch as on that particular day, they were assisting in assisting.

Q. Right, okay. And so what happened when you were not able to go down to New York City but there was sort of the person in the cubicle was someone that you had not been deemed ready to occupy that role, were there instances when that happened?

A. Yes. But in those instances there were others who could occupy that role.

Q. Like who?

A. Like Annabel Walsh.

Q. I see. But when Annabel Walsh -- but Annabel Walsh was in that role. So you're saying even when she sort of left from that role --

A. No, what I -- to be clear, Annabel Walsh was the director of scheduling. But functionally, as you said, she was that person who was strong and capable of getting him through the

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2 ██████████ ██████████ ██████████
3 day. You know, helped that she actually
4 created his schedule. So she was one of
5 those people who would be pulled, who had
6 an actual real job, but would be pulled
7 in to help if I did not travel.

8 Q. I see. So if you knew you were
9 not going to be able to travel and the
10 person who played that role in the City
11 was not ready yet or not the right
12 person, then you would ask someone like
13 Annabel Walsh --

14 A. Correct.

15 Q. -- to sit at your desk and
16 cover the Governor in the way that you
17 would if you were there?

18 A. Correct.

19 Q. And then how about -- now,
20 that's New York City. In Albany, how did
21 it work?

22 MR. MORVILLO: I'm sorry, Joon,
23 you broke up, can you repeat that
24 question.

25 Q. We covered how it worked in New
 York City. How did it work in Albany?

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2 A. So we already talked through
3 pieces of it. The difference in New York
4 City is there is the one person in the
5 cubicle. In Albany, there is EA #3 and
6 EA #2 supporting, as we discussed
7 Melissa, the Governor, myself. In New
8 York City, I'm sorry to keep going back
9 and forth, but they actually --

10 Q. It's fine.

11 A. -- function sort of
12 differently, for whatever reason. In New
13 York City, Melissa, who is at the other
14 end really of the building, the floor,
15 has her own standalone assistant, one
16 person.

17 In Albany, the Governor,
18 myself, Melissa had offices within the
19 same suite. Within that suite, there is
20 what we refer to as the front office. So
21 it's a large space with, I don't know,
22 maybe three desks. And there are the two
23 people there, EA #3 and EA #2, who are
24 supplemented from time to time with an
25 additional person or more.

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[REDACTED] [REDACTED] [REDACTED]

Q. So in Albany there is a front office. And when the Governor is there, he's there, Melissa DeRosa is there and you are there. And then there is also the two desks for the other executive assistants, EA #3 and EA #2 ?

A. I think there are three desks, just as the physical setup.

Q. I see. And who sits on the third desk?

A. Well, it's EA #3 and EA #2 who are always there. And then, except that, again, not to confuse the issue, they are not actually physically sitting in there right now, if that's of any interest. Because of COVID, everybody moved out of that suite to a suite across the hall. But do you want to talk about it as if it's not COVID?

Q. Let's talk pre-COVID.

A. So it would be EA #3 and EA #2 . And then someone would come in to help as needed. So sort of think of it as an additional person, much like the

1 [REDACTED] [REDACTED] [REDACTED]

2 cubicle in New York City.

3 Q. And who are the people who have
4 occupied that as-needed spot?

5 A. I am trying to go as far as I
6 can remember and start at the beginning.
7 A woman named [REDACTED] [REDACTED] helped what
8 I would describe a handful of times.
9 Annabel probably did from time to time.
10 She traveled back and forth from New York
11 City.

12 I'm trying to think of anyone.
13 I think in Albany it's more likely that
14 somebody did a couple of times, because
15 EA #3 and EA #2 are more permanent
16 fixtures. If I am missing someone, I am
17 missing someone.

18 You also have Brittany
19 Commisso. Alyssa McGrath a few times
20 probably. I don't remember Charlotte
21 Bennett ever actually sat in that front
22 office or not. But those are probably
23 the main ones.

24 Q. And you said Melissa DeRosa in
25 New York City had her own executive

1 [REDACTED] [REDACTED] [REDACTED]

2 assistant. Who is that?

3 A. Currently, her name is [REDACTED], I
4 believe her last name is [REDACTED]. She had
5 other assistants prior to that. One was
6 [REDACTED] [REDACTED], who was long term. I don't
7 remember other names.

8 Q. Does that person who occupies
9 that role report to you formally?

10 A. Melissa's assistant?

11 Q. Yeah.

12 A. No.

13 Q. No, okay. So in Albany,
14 though, it sounds like EA #3, EA #2,
15 plus if there is the need for a third,
16 collectively cover both the Governor and
17 the Secretary, Melissa DeRosa?

18 A. Correct.

19 Q. And in terms of covering the
20 Governor, what work does that entail?
21 Answering his phones and forwarding phone
22 calls for them, but what else?

23 A. In which role, mine or theirs?

24 Q. Let's start with yours.

25 A. So, yes, I don't take in the

1 [REDACTED] [REDACTED] [REDACTED]
2 incoming calls. But I will -- so EA #3
3 and EA #2 will take the incoming calls.
4 Call me, tell me that so and so was on
5 the line. Either we determine that we
6 are going to take a message or I
7 determine I am going to interrupt the
8 Governor if he's doing something. And if
9 he's not doing something, just tell him
10 that a particular person is on the phone
11 and he takes the call. If he cannot take
12 the call for whatever reason, if he
13 hasn't connected with a particular
14 person, I make sure that phone call is in
15 some way ultimately executed and followed
16 through with. So that's my role in the
17 phone management system.

18 In addition to that, as I
19 mentioned, I am the person who ensures
20 that he is staying on schedule throughout
21 the day. Trying to facilitate what
22 ultimately will be a day where the
23 schedule goes off course, in attempting
24 to maneuver what we had planned for him
25 to do, in addition to things that pop up.

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Things that he needs to do. Things that
we weren't expecting.

So fitting that all together.
And keeping him on time to whatever
extent possible. I will often relay to
him message requests, questions to
members of his senior staff, which will
then, naturally it's expected that I will
not only relay but follow up. Ensure
that a question has been answered. A
request for something to be done has been
done. So I deal a lot with the senior
staff in that capacity.

I mean, those are pretty big
pieces specifically.

Q. How about drafting of documents
or speeches or statements?

A. A draft?

Q. I'm sorry?

A. I jumped in too fast.

Q. Drafting documents, speeches or
statements, do you play a role in
drafting those --

A. I do not.

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Q. -- for the Governor?

A. I do not draft.

Q. How about just taking dictation?

A. I take dictation from time to time. That's more now a role that EA #3, EA #2, other supplemental help will do.

Q. And how does the Governor go about drafting things, whether it's a speech or a public statement or whatever it is, a letter, how does he do that?

A. Do you mean physically?

Q. Yeah. Does he type himself? Does he dictate? Does he handwrite? What does he do?

A. He really doesn't type himself. He dictates. He handwrites.

Q. So if he dictates, what does he do? How does it work, if he wants to dictate a document?

MR. MORVILLO: Hey, Joon, at a convenient time, I don't want to interrupt you, at a convenient time, can we take a five-minute break when

1

██████████ ██████████ ██████████
you're done with this topic?

2

3

MR. KIM: Maybe five more
minutes?

4

5

MR. MORVILLO: Whatever,
whatever.

6

7

Q. If he's dictating, how does
that work?

8

9

A. Well, how it works for him is
that he verbally dictates.

10

11

Q. And who goes in to write it
down?

12

13

A. I will from time to time.

14

EA #3 will. EA #2 will. Brittany
Commisso has. Alyssa probably has.
That's Albany.

15

16

I know this sounds strange, but
I think it would be fair to say that a
majority of his dictation is done in
Albany. So I mean I think that's the
model.

17

18

Q. So he says I want to dictate
something, a letter, can you send someone
in?

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A. Yes, he could say that.

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Q. Or it sounds like he could.
How does it work or do you just --

A. Well, as with anything, really, there is not like a standard. So when I say yes, he could say that, he could say can you get somebody to come in, I want to dictate a letter. He may say to me, can you come in. I want to dictate whatever.

Q. Got it. So it could be you, it could be one of the others. And then what do you do? He speaks and you record it or do you actually type it while he's sitting there?

A. I do not record it. I either write it or depending on what it is, may just type it. I think the others have -- you know, I think people write it. I can't really speak exactly how the others take dictation. I am not quite sure exactly how they capture, how they are comfortable capturing.

Q. For you, you go in, when you say you write it just by hand, you go in

1 [REDACTED] [REDACTED] [REDACTED]
2 with a notepad and write it?

3 A. Right.

4 Q. Or if you type it, what do you
5 mean? You go in with a laptop?

6 A. Right.

7 Q. Got it. So those are the two
8 ways. You don't record?

9 A. I don't.

10 Q. And then how about, you said he
11 doesn't type. And one of the things that
12 you do, one of the roles seems to be
13 relaying messages to senior staff and
14 then following up to make sure it's being
15 done, and I presume reporting back to the
16 Governor. How do those things happen?
17 Meaning how do you physically convey it?
18 Do you type up an e-mail or a pin to
19 other people with a request that he
20 conveys to you orally? How does that
21 work?

22 A. Dictation can happen a number
23 of ways. He could call me on the phone
24 and ask me to let someone know something
25 or ask someone a question. He can come

1

2 by my desk in person and ask me to do the
3 same. He can send me a pin and ask me to
4 do the same. At which point, depending
5 on what I am relaying, I might send an
6 e-mail. I might, if it's just a question
7 for one person, rather than let's say a
8 group of people, I might just pick up the
9 phone and say the Governor asked this.

10 And maybe that person immediately has the
11 answer to the question. And then my
12 follow-up is very easy. But that can
13 happen a number of different ways.

14 Q. Got it. So if you decide that
15 the right way to convey it is through an
16 e-mail, so that you will just send that
17 e-mail, because the Governor does not use
18 e-mail?

19 A. He does not.

20 Q. You will e-mail to someone,
21 either a request or some substance of
22 something that the Governor wanted to
23 convey, does the senior staff generally
24 understand that that is coming from the
25 Governor if you're sending it?

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[REDACTED] [REDACTED] [REDACTED]
A. Well, I mean it depends, I suppose, on what the message says. I do oftentimes correspond on my own behalf with the senior staff.

Q. I see. So depending on the message, it could be coming from you or it could be you conveying something the Governor wanted conveyed?

A. Correct.

Q. And that can happen by e-mail or pin or by phone call or in person?

A. Yes.

MR. KIM: I think we can take a short break now if that works. It's 10:08, so give everyone ten minutes, so 10:20.

MR. MORVILLO: Perfect.

THE WITNESS: Thank you.

THE VIDEOGRAPHER: Off the record at 10:08. This marks the end of media unit number 1, thank you.

(Off the record.)

THE VIDEOGRAPHER: We are back on the record at 10:20. This marks

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[REDACTED] [REDACTED] [REDACTED]

the beginning of media unit number 2.

Please proceed.

BY MR. KIM:

Q. Ms. Benton, I have seen your title publicly described as Director of Governor's Offices; is that correct?

A. Yes.

Q. Is that the title you had throughout or at some point you were given that title?

A. Yes, at some point I was given that title.

Q. When was that?

A. I don't remember exactly.

Q. And when you assumed that title, was there a change in the substantive work or role you had been playing?

A. I wouldn't say substantively. I think it was just sort of an amplification of what I have always been doing. And as we've previously discussed, sort of the management of the additional staff.

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██████████ ██████████ ██████████
Q. But you don't remember what
year you assumed that title?

3

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A. I don't off the top of my head.

5

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7

8

Q. And over the years, have there
been times where you were looking to hire
people to cover your role in New York
City more, because you live in ██████████,
right?

9

10

A. I live ██████████ ██████████ ██████████.

11

12

13

Q. Were there times when you were
looking to identify people who could help
you travel less to the City?

14

A. Yes.

15

Q. And tell us about that.

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A. Well, just as you described,
always looking for someone who can do
that. It hasn't been terribly successful
over the years. If you are talking about
hiring a new person, that's always
something that's on the agenda, but it
hasn't really worked out that a new
person comes in and can alleviate my need
to travel. But there have been times, as
we've discussed, where someone who has

1 [REDACTED] [REDACTED] [REDACTED]
2 been around and understands what's
3 required has been able to alleviate my
4 need for travel. Again, Annabel, Andrew.
5 Those are the prime examples.

6 Q. Why hasn't it been terribly
7 successful?

8 A. I think it's fair to say it's
9 difficult to have someone come in the
10 administration without the benefit of
11 time, the time it takes to learn the
12 people, learn the practices, learn, you
13 know, the preferences. Learn the phone
14 system. It's hard to walk in cold and
15 without really learning all of those
16 things over a period of time, it's a very
17 difficult job to just come in and do.

18 Q. How about for the people who
19 come in and have done it, why is it they
20 haven't stayed?

21 A. Well, no one, that I can
22 recall, has been hired from outside of
23 the administration and come in and done
24 it. People have been hired to come in
25 and be the secondary support. And in a

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perfect world, that person could over
time, and through that learning process
that I just described, hopefully
alleviate my need for travel all the
time.

7

Q. But it sounds like you have
continued to have to travel a lot?

9

10

A. Yes. Depending on what --
depending on what his day looks like, I
travel regularly.

12

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Q. And in terms of identifying
these people who can step in and play
these roles and help cover for you and
others, who has been involved in
identifying those people and hiring them?

17

18

A. I'm sorry, can you say that
again?

19

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22

Q. Who is involved in identifying
the people and getting them to either
move their positions and play the role
that you described?

23

24

A. You mean people internally, not
outside hires?

25

Q. Yeah.

1

██████████ ██████████ ██████████
2 Albany would cover her as well as the
3 Governor, right?

4

A. Yes, they could have covered
5 her.

6

Q. And would you consult with her
7 before moving someone into that role?

8

A. No, I wouldn't say I consulted
9 with her.

10

Q. So you don't consult with her?

11

A. I can't say that we haven't
12 discussed additional help, but I don't
13 know that I would consult her. But you
14 have to remember that in Albany, EA #3
15 and EA #2 are pretty permanent fixtures.
16 So, I mean, she's used to them. And to
17 the extent that somebody else comes in,
18 somebody else comes in.

19

Q. How about in New York?

20

A. Well, as I said before, in New
21 York City, she has her own standalone
22 assistant.

23

Q. How about the Governor, did you
24 consult with him before moving people
25 into those roles?

1

██████████ ██████████ ██████████
2 A. Not that I recall.

3

4

5

Q. Would you tell him at some
point that someone has been brought into
that role?

6

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A. To the extent that that person
would deal with him, yes, I would let him
know that this person was helping on this
particular day.

10

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Q. How about externally, trying to
bring someone in from the outside, how
have those efforts been handled?

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A. I don't know. I suppose a
review of resumés that come in. I don't
know exactly how the hiring process
works.

17

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21

Q. Was there ever a formal
announcement for this role in New York
City that you were trying to fill, to try
to identify people from the outside to be
hired?

22

23

24

A. I don't know for sure if there
was, but I wouldn't be surprised if there
was.

25

Q. But you're not aware of any

1 [REDACTED] [REDACTED] [REDACTED]
2 specific outreach of that type?

3 A. Not that I recall. But, you
4 know, there is a hiring operation that's
5 constantly running, so I don't know how
6 that works.

7 Q. Who ran that, to your
8 knowledge?

9 A. Currently, the appointments --
10 hiring process was the wrong word. It's
11 appointments. And currently that
12 person's name is [REDACTED] [REDACTED]

13 Q. Any instances that you remember
14 where the Governor identified someone or
15 said I think it would be a good idea to
16 hire this person or look into that?

17 A. One instance was Kaitlin [REDACTED]
18 who was recommended to the Governor by a
19 former congressman. He had met her at a
20 gathering. And I think based on the
21 congressman's recommendation, let
22 somebody know, whether it was Jill at the
23 time, Jill DesRosiers, who is chief of
24 staff, that the congressman had
25 recommended this person and I think we

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██████████ ██████████ ██████████
interviewed her at that point. I can't
recall any other instance.

Q. Okay. So in that instance, did
the Governor come to you to tell you
about Kaitlin ██████████ or did he first go to
Jill DesRosiers, if you remember?

A. I don't remember.

Q. So what do you remember?

A. About what?

Q. About how you came to learn
about the potential hiring of Kaitlin
██████████.

A. I don't remember the sequence
of events on that. I may have heard it
from Jill.

Q. And you had heard that the
Governor had met her at an event?

A. Yes, I did know that.

Q. Do you know what kind of event
it was?

A. I think it was a fund raiser.

Q. And you heard that she had come
recommended by a congressman?

A. A former congressman.

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██████████ ██████████ ██████████
Q. A former congressman. Who?

A. Congressman ██████████.

Q. And then what did you do after you learned that the Governor had met Kaitlin ██████████ and that she had been recommended by a congressman, a former congressman?

A. I don't know that I did anything. In what context?

Q. Did you reach out to her or did someone else reach out to her?

A. I did not reach out to her.

Q. And do you remember interviewing with her?

A. I vaguely recall sitting with her before she was hired. I don't really participate, generally, in the interview process, but given that she would be working with me, I remember sitting with her for a short period of time.

Q. And who else sat with her, was it just you and her or was there someone else?

A. No, I recall it being Jill.

1

2 ██████████ ██████████ ██████████
3 And I recall Annabel. I don't recall
4 whether it was all four of us together or
5 whether it was like different segments.

6 Q. And what job was it that she
7 was going to be hired for, that you were
8 interviewing her for?

9 A. So I think Kaitlyn, it's fair
10 to say, is an example of someone that we
11 hoped could eventually move into the
12 office that I occupy in New York City.
13 But she started out in the cubicle
14 outside my office. I believe the title
15 she was given was Deputy Director of the
16 Governor's offices.

17 Q. So you were interviewing her
18 for the position of Deputy Director of
19 the Governor's Office.

20 A. I don't know what the thought
21 process going into the interview was.
22 But as best I recall, when it was decided
23 to hire her, that was the goal.

24 Q. And whose decision was it to
25 hire her?

 A. I don't know who ultimately

1

2 [REDACTED] [REDACTED] [REDACTED]
3 decides. I think it's, you know, the
4 appointments office who works pretty
5 closely with the chief of staff on hiring
6 decisions. I don't know who ultimately
7 decided.

7

Q. It wasn't your decision?

8

A. No. I don't hire people.

9

Q. Sorry?

10

A. I don't hire people.

11

Q. Did anyone ask you what you
12 thought of her?

13

A. I don't recall specifically.
14 But it's possible I gave my input after I
15 sat with her.

16

Q. And do you remember what your
17 input was?

18

A. Not specifically.

19

Q. Do you remember whether you
20 liked her?

21

A. Yeah, I remember thinking that
22 she was pleasant and she seemed
23 enthusiastic about the possibility.

24

Q. Do you remember other people
25 having doubts about whether she'd be

1 [REDACTED] [REDACTED] [REDACTED]

2 right for the job?

3 A. I don't remember that.

4 Q. Do you remember Annabel Walsh
5 expressing doubt?

6 A. I don't recall that.

7 Q. And did you know what salary
8 she was going to be paid?

9 A. I don't remember at the time if
10 I knew a specific number.

11 Q. Did you come to learn later?

12 A. Again, I don't recall a
13 specific number.

14 Q. Was it more or less than you
15 were making?

16 A. I don't think it was more than
17 I was making. I assume it was less than
18 I was making.

19 Q. What were you making in
20 December of 2016?

21 A. I can't tell you specifically.

22 Q. Approximately?

23 A. I don't know, maybe

24 [REDACTED]

25 Q. Do you remember any discussions

1 [REDACTED] [REDACTED] [REDACTED]
2 about how much Kaitlin [REDACTED] was going to
3 be paid?

4 A. I don't remember specific
5 conversations about how much. I remember
6 a conversation about her having a second
7 job. And her request that in order for
8 her to not work that second job, we give
9 her slightly more than she may have made
10 as a new hire in this position with the
11 understanding that she would be someone
12 who would sort of be on call. So in
13 other words, she gets a little bit more
14 coming in the door than someone might.
15 But that other person might be 9 to 5 or,
16 you know, potentially not available on
17 weekends.

18 And I remember Kaitlin being
19 willing to sacrifice her second job if we
20 could supplement what she made in that
21 job in agreeing to be someone who would
22 be happy to work on weekends or early in
23 the morning or whatever the case may be.

24 Q. And do you remember whether
25 people agreed to pay her more for that?

1

2 A. I believe it was agreed to,
3 yes.

4 Q. Who made that decision?

5 A. I don't know.

6 Q. Do you remember the Governor
7 playing any role in, other than initially
8 sort of suggesting the interview, any
9 role in the decision to hire her?

10 A. I don't remember that he did.

11 Q. Did you have any discussions
12 with the Governor about Kaitlin [REDACTED]
13 before she started work?

14 A. I don't recall any discussions
15 with him about her.

16 Q. Can you actually turn to tab 2
17 of the document, of the binder in front
18 of you. Are you there?

19 A. I'm here.

20 Q. Okay. So if you look at --
21 this is a text exchange between you and
22 Jill?

23 A. Yes.

24 Q. And I want to draw your
25 attention to the second page which was

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██████████ ██████████ ██████████
from December of 2016. Does that sound
like about the time when Kaitlin ██████████
was hired?

MR. MORVILLO: Are you talking
about the last two text messages?

MR. KIM: Yes, the last two from
Jill.

A. I'm sorry, did you ask if I
think this is around the time she was
hired?

Q. Yeah, December of 2016. Is
that consistent with your memory?

A. I mean, I don't, I don't
remember that we hired her in 2016. But
that seems to make sense here.

Q. You don't have that specific
memory?

A. I am not good with years.

Q. Okay. So she asks, Jill asks,
is this who he meant. And she has a link
to a Kaitlin ██████████ bio or a web page with
her bio. Do you see that?

A. Yes.

Q. Do you remember Jill DesRosiers

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 ██████████ ██████████ ██████████
reaching out to you to ask whether this
is the person that the Governor meant for
you to interview?

5

A. I don't specifically remember
this, but it makes sense.

7

Q. Do you remember learning about
the interactions the Governor had with
Kaitlin ██████████ at the event after which he
reached out to see if he could hire her?

10

11

A. I know that he had met her at
an event.

12

13

Q. Have you seen pictures of the
event and the Governor interacting with
her at that event?

15

16

A. Yes, I recall pictures.

17

18

Q. When did you see those
pictures?

19

A. I don't remember.

20

Q. Was it at the time?

21

A. I don't remember.

22

23

Q. Do you remember whether the
Governor, after the event, pulled
pictures of the event and said can we
look to interview or hire this person?

24

25

1

2 Do you remember any discussion like that?

3

A. I don't remember that.

4

5 Q. Did anything ever happen, to
6 your memory, where the Governor asked or
7 pulled pictures of events and asked you
8 to identify or reach out to people who
9 were in pictures?

9

10 A. I mean the Governor deals with
11 photos from every event that he attends.
12 There is always a photographer. There is
13 always thank you letters for people who
14 have attended the event. And they will
15 often receive photos if a photo was taken
16 with him. I don't specifically recall
17 him asking me to reach out to someone
18 from a photo.

18

19 Q. You're talking about photos
20 from events and saying let's send a
21 signed letter or copies of the photos,
22 that what you're talking about?

22

23 A. Yes. There is a system in
24 place. Every event that he -- that we
25 conduct that he attends, there is a
system in place where the guest list,

1

2 ██████████ ██████████ ██████████
3 there is a thank you for attending letter
4 that's generated. And if that particular
5 person took a photo with him, they will
6 also get a photo with their thank you
7 letter.

8 Q. And who works on that process?
9 Are you a part of it?

10 A. No. There is a correspondence
11 office, which is what it sounds like.
12 And there is a person assigned to each
13 event to do, quote unquote, follow-up,
14 which includes sending the list of
15 attendees with their addresses,
16 et cetera. So that a letter merge, or
17 whatever the technical term is, can be
18 created by the correspondence office, and
19 it's essentially a form letter saying,
20 you know, tweaked a little bit for each
21 event obviously, but thanking the person
22 for coming.

23 And then that same person who
24 creates the list of attendees will go
25 through the photos from that event and
26 identify as many photos as possible to

1 [REDACTED] [REDACTED] [REDACTED]

2 include with the letters.

3 Q. So other than that process, you
4 don't remember any other discussions
5 where the Governor pulled people from
6 photographs and said, can you find out
7 who this person is or reach out to this
8 person? You don't have any memory of
9 that?

10 A. I don't remember that, no.

11 MR. KIM: Can we actually share
12 screen, Charlotte. Some of the photos
13 from the event.

14 Q. Can you see this screen, Ms.
15 Benton?

16 A. I can.

17 Q. Okay. So do you see this photo
18 with the Governor, that's Kaitlin [REDACTED]?

19 A. Yes.

20 Q. And then if we can scroll down
21 a little bit further, that's again the
22 Governor with Kaitlin [REDACTED] in a dance
23 pose?

24 A. I don't know how to describe
25 the pose, but, yes, that's the Governor

1 [REDACTED] [REDACTED] [REDACTED]

2 and Kaitlin.

3 Q. And then go down a little bit
4 further, very similar picture?

5 A. Right.

6 Q. Go down a little bit more, it's
7 the same, go down a little more. This is
8 a group photo. Do you remember seeing
9 these photos before?

10 A. I do.

11 Q. When do you remember seeing
12 these photos?

13 A. I don't remember when.

14 Q. Do you remember it's at the
15 time or more recently?

16 A. I don't remember exactly when I
17 saw them, but part of what I do is to get
18 him to sign these letters, these thank
19 you letters with these photos. So that
20 would happen shortly after the event. I
21 assume that is when I saw them.

22 Q. Do you remember when a thank
23 you letter was sent to Kaitlin [REDACTED] ?

24 A. I don't remember specifically.

25 Q. So you recall you may have seen

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[REDACTED] [REDACTED] [REDACTED]
these photos, but likely around the time
of the event?

A. I don't know what to say other
than I don't remember specifically.

Q. Not generally?

A. No, other than the possibility
that I just described about giving him
letters and photos for a particular
event.

Q. Looking at the photos, does it
jog your memory at all whether you had
any conversations with the Governor about
reaching out and identifying Kaitlin
[REDACTED] and potentially hiring her?

A. I don't remember having that
conversation with him directly. I
believe he discussed with Jill the fact
that she had been recommended and that he
had met her and that she might be
interested in a job.

Q. Do you remember if this was
around the time when someone had recently
left from that role in New York City?

MR. KIM: We can take down the

1 [REDACTED] [REDACTED] [REDACTED]

2 photo, Charlotte.

3 A. I don't remember that.

4 Q. Do you remember someone by the
5 name of [REDACTED] [REDACTED]?

6 A. I do.

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

8 A. [REDACTED] [REDACTED] sat in the cubicle
9 outside of my office for a period of
10 time. I don't recall how long. I don't
11 think it was terribly long.

12 Q. And you don't think it was
13 terribly long. About how long was it?

14 A. I don't know.

15 Q. Why was she not there for
16 terribly long?

17 A. I don't remember why she
18 decided to leave.

19 Q. You have no recollection of why
20 she left?

21 A. I can't recall.

22 Q. Did you speak to her at all
23 about her departure?

24 A. I don't remember.

25 Q. How was [REDACTED] [REDACTED] hired?

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██████████ ██████████ ██████████
A. I recall that ██████████ ██████████ had
worked for Steve Cohen and had expressed
an interest in public service rather than
private sector, which Steve was in at the
time.

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Q. And were you involved in hiring
██████████ ██████████ ?

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A. No.

Q. Do you know who was?

A. No.

Q. You had no conversations with
anyone about the hiring of ██████████ ██████████ ?

A. I don't recall a conversation
about ██████████ ██████████ .

Q. She assumed that role of
sitting in the cubicle outside your
office, right?

A. Yes.

Q. How did that come about? What
is your memory, did she just show up one
day?

A. I really don't recall the
circumstances around her hiring.

Q. So you have no recollection of

1

2 ██████████ ██████████ ██████████
3 how she was hired. But it sounds like
4 you do recall that she had a connection
5 with Steve Cohen?

5

A. Correct.

6

Q. How did you learn that?

7

A. I think through Jill
8 DesRosiers, who was, again, as the chief
9 of staff, the person who was ultimately
10 responsible for managing the appointments
11 process and the hiring.

12

Q. So did you ever meet her before
13 she actually started work?

14

A. I don't remember if I did. I
15 may have.

16

Q. And then she started work and
17 what kind of interaction did you have
18 with ██████████ ██████████?

19

A. The interaction would have been
20 the same as it is with any person. I
21 don't specifically recall much about
22 ██████████ ██████████. So she would have assisted
23 with phone calls and other things that
24 came up and she was asked to do.

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Q. And did she do a good job?

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[REDACTED] [REDACTED] [REDACTED]
A. I don't know enough whether to characterize it was a good job or not a good job. I don't remember it being bad.

Q. And then suddenly she left?

A. I really don't recall the circumstances under which she left.

Q. Do you remember that it was around that time that you had -- it was around the time when you were looking to hire Kaitlin [REDACTED] or asked to interview Kaitlin [REDACTED]?

A. I don't remember the timing.

Q. You don't remember the timing at all, you have no recollection?

A. I don't.

Q. Do you remember talking to Judy Mogul about this in December of last year?

A. Talking to Judy Mogul about [REDACTED] [REDACTED]?

Q. About the hiring of Kaitlin [REDACTED].

A. I don't remember that.

Q. Can you turn to tab 130. Just

1

2 ██████████ ██████████ ██████████
3 so I understand, you don't remember
4 talking to Judy Mogul in December of last
5 year about the hiring of Kaitlin ██████████ ?

6

A. I don't remember.

7

Q. These are notes from Judy
8 Mogul. Once you're there.

9

A. I'm there.

10

Q. And it says "Per staff.
11 Political event where Gov spoke to her
12 and felt she might be able to help us in
13 office as a Deputy to staff." Do you see
14 that?

15

A. Yes.

16

Q. Does that jog your memory at
17 all whether you had a conversation with
18 Judy Mogul about Kaitlin ██████████ and the
19 Governor meeting her at a political
20 event?

21

A. I don't remember talking to
22 Judy about this, but this is essentially
23 what I said to you before minus the
24 recommendation from the congressman.

25

Q. And it says "After ██████████ ██████████
left in December." Does that jog your

1 [REDACTED] [REDACTED] [REDACTED]
2 memory whether you knew that was around
3 the time when [REDACTED] [REDACTED] left?

4 A. It doesn't. But I mean it
5 certainly makes sense. I believe what
6 Judy is saying here. I don't remember
7 clearly the timeline.

8 Q. And it says "An attempt to try
9 and get Steph not to live in NYC." Do
10 you see that?

11 A. I do.

12 Q. Do you remember Kaitlin [REDACTED]
13 hiring being part of the attempt to get
14 you to travel less to New York City?

15 A. Yes. As I had said before, I
16 think the goal once it was decided,
17 decided to hire her, was that hopefully
18 that would work out. Thus she had the
19 title that she had.

20 Q. And then the notes say, "He
21 knew it. It didn't work." "How did she
22 get moved out? It didn't work. He knew
23 it. She knew it." Do you see that?

24 A. Yes.

25 Q. How did Kaitlin [REDACTED] do in her

1

2 ██████████ ██████████ ██████████
role once she was hired?

3 A. I think that she struggled to
4 do some of the things that were really a
5 requirement of that role. And when I say
6 that role, I mean let's call it the
7 cubicle role. So she repeatedly dropped
8 calls, was unable to transfer calls,
9 which is a huge portion of that role.
10 And ultimately I think that -- not to
11 speak for her, but I think that she
12 realized that she didn't actually want to
13 do that job.

14 Q. How do you know that?

15 A. I don't know that she said it
16 to me specifically. But my recollection
17 is that job was billed as my Deputy and I
18 am just guessing that she didn't really
19 think of that job as like the answerer
20 and placer of phone calls, for example.

21 Q. Did you observe her
22 interactions with the Governor?

23 A. Yes.

24 Q. And anything noteworthy about
25 their interactions?

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A. Not particular noteworthy. The phone call example I think is a good one. Phone calls are very important to him. And I think her struggles with the phones caused frustration from time to time. But I don't think there is anything particularly noteworthy.

Q. Did you ever hear the Governor comment on her appearance?

A. I did not hear that, that I recall.

Q. Did you ever hear the Governor comment on something she was wearing?

A. Yes, I did overhear him comment that the shirt that she was wearing, that she was wearing a lumberjack shirt or something to that effect. I believe she was wearing a plaid shirt.

Q. And what do you remember about that? Just that he said it?

A. Yes.

Q. Where were you when he said it?

A. I don't remember where I was. Probably at my desk.

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██████████ ██████████ ██████████
Q. Any other comments that you recall the Governor making about any clothing she was wearing?

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A. No, I don't recall anything else.

6

7

Q. Do you remember her mentioning to you anything about her interactions with the Governor?

8

9

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A. I don't specifically remember her saying anything.

11

12

Q. Do you remember her ever appearing upset while she was in the office?

13

14

15

A. Not specifically.

16

Q. How about generally?

17

A. Not that I can remember.

18

Q. You seem to remember the lumberjack comment while not remembering sort of the circumstances of her hiring. Is there a reason that that is a memory that sticks out for you?

19

20

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22

23

A. Well, I remember hearing it. The hiring process is not something that I am intimately involved in or usually

24

25

1 [REDACTED] [REDACTED] [REDACTED]

2 even generally involved in.

3 Q. So you remember hearing it at
4 the time, the lumberjack comment?

5 A. I do remember.

6 Q. And has that been a subject of
7 conversations more recently with the
8 Governor or others?

9 A. Not that I recall.

10 Q. Have you read any news reports
11 about allegations that someone by the
12 name of Kaitlin has been making about her
13 time at the Executive Chamber?

14 A. I have read some news accounts.

15 Q. Okay. And you understood
16 that -- well, who did you understand that
17 Kaitlin to be?

18 A. I don't recall how she's
19 referenced in the article. I understood
20 that to be Kaitlin [REDACTED].

21 Q. And who have you had
22 discussions with about that article,
23 about Kaitlin [REDACTED]?

24 MR. MORVILLO: Other than with
25 your lawyers.

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Q. Other than with your lawyer.

A. I don't recall specific
conversations about Kaitlin ██████████.

Q. How about generally?

A. Well, as any of these press
inquiries come in, there is a discussion
or more discussions about the inquiry and
how to respond to it. There are times
that I am in and out of those calls.
There are times that I am not. So I
don't think I can say I had a specific
conversation with anybody about Kaitlin
██████████, but was generally aware of the
press inquiry.

Q. We'll get to those later. But
generally speaking, what was your role in
those discussions as allegations started
coming out publicly and people getting on
calls and e-mail chains on those
subjects, what has your role been?

A. My role in that situation is
to, when necessary, sort of convene a
call. You know, send around a dial-in.
Open up the line so that people can join

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██████████ ██████████ ██████████
the call. I don't have like an active
role in the response to the press
inquiry. I am sort of a facilitator.

Q. Did you convey your views on
how to respond either to the Governor or
others?

A. No, not that I recall.

Q. Go ahead, sorry.

A. Not that I recall.

Q. And did you sometimes convey
the Governor's views about how to -- on
these subjects?

A. No, it's not my role.

Q. But you did sometimes send
e-mails for him, presumably, and texts or
dictate documents on this subject?

A. That's correct. But I don't
recall doing that in response to a press
inquiry.

Q. You don't remember conveying
any particular information about a press
inquiry on the Governor's behalf to the
other senior staff?

A. Not that I recall.

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██████████ ██████████ ██████████
Q. Was the Governor generally on
these calls that you would help
facilitate and set up?

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A. No.

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Q. So it would be among senior
staff?

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A. Yes. So the idea would be that
the press office receives the inquiry. A
number of questions are asked by the
particular outlet. A group of people
will discuss the inquiry and the
questions, and I think ideally come up
with proposed answers. And then likely
the Governor is consulted with the
answers. Maybe not. Maybe Alyssa signs
off, depending on the inquiry, I suppose.

23

A. Vaguely.

24

25

Q. And about how she needs to be
fired?

1

2 A. I don't specifically recall
3 saying that she needs to be fired.

4 Q. What memory -- what
5 recollection do you have about
6 discussions with -- about her?

7 A. I generally remember realizing
8 that it wasn't really working out. And I
9 think that to your point, how do I know
10 that she wasn't happy. I couldn't really
11 tell you how I knew she wasn't happy.
12 But I think people felt like she wasn't
13 happy. And I don't recall ever saying
14 that she needed to be fired. I think
15 that she ultimately moved to another role
16 that would allow her more of a,
17 potentially allow her more of a
18 substantive interaction. And I think
19 that she was anticipating more of a
20 substantive role as the Deputy of the
21 Governor's offices, and realized that
22 that is not what that role was.

23 So she moved to work with [REDACTED]
24 [REDACTED], who at the time I think was
25 maybe a special advisor to the Governor.

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██████████ ██████████ ██████████
Perhaps that was her title. Don't hold me to that. And I think Kaitlin became, I think she may have become her chief of staff, don't hold me to that either. But in that role I think there was the opportunity for her to have a little bit more of a substantive interaction with someone who was an advisor to the Governor.

Q. And who made that decision to move her to work with ██████████ ██████████ ?

A. I don't know. I can assume, but I don't know.

Q. But it wasn't you?

A. No, I don't make those decisions.

Q. Her position was Deputy, your Deputy, right?

A. Yes.

Q. But it wasn't a decision that came from you?

A. No.

Q. And did this discussion about her not working out last for a period of

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[REDACTED] [REDACTED] [REDACTED]
time?

A. I don't remember. It was a long time ago.

Q. If you can turn to tab 9 in your binder. You see this is a text exchange between a number of people, Dani Lever, you, Annabel Walsh. I guess it's the three of you. And someone writes "Oh my God, already smiling. Wait, also let's fucking fire Kaitlin [REDACTED] like six months ago."

A. Okay.

Q. Does this jog your memory at all about whether there were ongoing discussions about firing Kaitlin [REDACTED]?

A. It doesn't. It appears that Dani Lever sent this text. And my response doesn't seem to address what Dani said. It doesn't jog my memory about the Kaitlin discussion.

Q. So your response is, "Do we know if he's def coming into office first?"

You're addressing a different

1 ██████████ ██████████ ██████████
2 subject of whether presumably the
3 Governor is coming into the office?

4 A. It looked like it, yes.

5 Q. And then if you go to the
6 second page, this text exchange ends with
7 "Oh, ██████████, at least my new lady bag is
8 coming today."

9 Do you know what you're talking
10 about here?

11 A. Are you talking specifically
12 about lady bag?

13 Q. Yes, do you know what this is?

14 A. I am assuming that I had
15 ordered a handbag that I was excited
16 about receiving.

17 Q. You can put that to the side.

18 A. Sorry?

19 Q. You can put the binder to the
20 side. So while you have been with the
21 Executive Chamber, have you taken sexual
22 harassment training?

23 A. I have.

24 Q. How frequently?

25 A. It's an annual training.

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Q. And have you taken it annually?

A. Yes, I have taken it annually.

I'm not sure that I took it during the window of time that we were dealing with COVID.

Q. So last year, 2020?

A. Yeah. Other than that, I believe I have taken it annually.

Q. What form did you take it in?

Is it in person, video, a hard copy? How did you do it?

A. There were periods of time where all three of those were the means of taking it. So, in other words, initially, when we first came to the chamber, it was an in-person, an in-person meeting. It then became a live webinar. It then became a packet of paper to review.

Q. So it changed over time?

A. Yes.

Q. So the last few years what has it been, a packet of paper?

A. It's a packet of paper

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currently. I don't know how many years
that's been.

Q. And then after you -- and if
it's a packet of paper, what was your
understanding of what you were supposed
to do, just read it?

A. Yes.

Q. And then was there a
certification requirement?

A. There is a form to sign.

Q. And is that something that you
remember doing every year, certifying?
Both, I guess, first doing it and then
certifying it?

MR. MORVILLO: Just to be clear,
she didn't say it was a certification.
She said it was a form to sign. So I
just want to make sure that's clear.

Q. That form you signed was
certifying that you did the training,
right?

A. It was a confirmation that I
had done the training. I don't know if
it's technically a certification or what

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[REDACTED] [REDACTED] [REDACTED]
the language is.

Q. Okay. We'll call it a confirmation.

A. To the best of my recollection, yes.

Q. That you signed it every year?

A. Yes.

Q. And that you did it every year?

A. To the best of my recollection, yes.

Q. And over the years that you have been at the Executive Chamber, have you played a role in helping the Governor take the sexual harassment training?

A. The role I play in helping him is to give him the paperwork to review. And then there have been times that he has finished the review and authorized me to sign the form for him, which I have done.

Q. And what years did you sign the form for him?

A. I don't recall specifically, if it was all or some.

1

2 Q. Why did he ask you to sign the
3 forms for him?

4 A. I don't know. I typically sign
5 things for him when he tells me to, when
6 he authorizes me to, depending on what it
7 is.

8 Q. And when he asked you to sign
9 the forms for him, presumably he was in
10 listening distance or close to you?
11 Right? It wasn't by phone? You weren't
12 in different offices?

13 A. No, to the best of my
14 recollection, we would have been in the
15 office.

16 Q. And so when he asked you to
17 sign the form for him, why didn't you
18 just walk it over to his office so he
19 could sign it?

20 A. I don't know. It could have
21 been with other paperwork that I may have
22 been signing. You know, there is a lot
23 of potential circumstances for why I
24 would have not brought it in to him to
25 sign.

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Q. So how many years do you think you signed the sexual harassment form or completion of the sexual harassment training form for the Governor?

A. I can't say for sure. As I said before, it could have been all, it could have been some.

Q. And did you read the form before you signed it?

A. I assume so. I sign the same form for myself.

Q. But the form says that, and we can pull out the form, we will pull it up now. It says that I certify or, to quote the language, I took the training, correct? Do you remember that being the form of, the substance of the form that you signed?

A. Saying that I took the training, yes. Generally, yes.

Q. Did you have any issues signing the Governor's name to that form? We pulled it up. It says, "I hereby attest," this is from 2019, "that I have

1 [REDACTED] [REDACTED] [REDACTED]
2 completed the following mandatory
3 training courses, have read and
4 understand the material and acknowledge
5 that I am responsible for complying with
6 its contents."

7 A. I didn't have any problem
8 signing it. He told me that he had taken
9 the trainings and had authorized me to
10 sign for him, which isn't a rare
11 occurrence.

12 Q. And if you look at this
13 document, is that your handwriting?

14 A. Yes.

15 Q. Andrew Cuomo?

16 A. Yes.

17 Q. And is that your signature?

18 A. It's my signature for him, yes.

19 Q. How do you do it, it just kind
20 of looks like, I guess, an AC. Did this
21 look like a document the way he signs it
22 or are you just sort of doing a signature
23 that looks like a signature?

24 A. It doesn't look exactly like
25 his signature, if that's what you're

1

2 asking.

3

Q. I guess what I am asking, when
4 you sign for him, do you try to mimic or
5 for lack of a better word, mimic his
6 actual signature or are you just signing,
7 it looks like a signature?

8

A. Yeah, not especially. Not
9 especially mimicking.

10

Q. You're just signing?

11

A. Uh-huh.

12

Q. And you note that this one has,
13 some of the ones checked off, but not
14 others, like fire safety and internal
15 controls, do you see that?

16

A. I do.

17

Q. Are those checkmarks or cross
18 marks your handwriting?

19

A. Yes.

20

Q. How did you know what to
21 cross-check and what not to?

22

A. I don't remember. I assume he
23 told me that those were the packets that
24 he had reviewed.

25

Q. Did you do anything to verify

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2 ██████████ ██████████ ██████████
3 that he had in fact reviewed the ones
4 that he had X'd out?

4

A. No.

5

6 Q. Had you printed them out for
7 him?

7

8 A. No, someone generally prints
9 them for me and I give them to him.

9

10 Q. Who prints them for you?

10

11 A. I don't know exactly where they
12 come from. They may come from Lauren
13 Grasso's shop. She may have dropped them
14 off to me. She may have dropped them off
15 to EA #3 and EA #2, who dropped them off
16 to me.

16

17 Q. And you just hand them over to
18 him?

18

19 A. I hand them over and tell him
20 that these are the training packets. And
21 then I will check back with him
22 periodically to ask if he has reviewed
23 them. And then ultimately he tells me
24 that he has reviewed them. So it may
25 take a couple of days or a few days, but
with reminders, he reviews them.

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Q. And then does he ask you to sign them for him?

A. He will tell me that he has reviewed them. And I may say do you want me to sign. And he will say sign. You know, the language there could be a variety of things.

Q. Other than this attestation form, what other documents do you sign for the Governor?

A. There are times that I sign letters. There are times that I sign checks. I can't really think of anything specifically other than that.

Q. So we have this 2019 form, but do you remember doing something similar to this every year for the Governor?

A. I don't remember how many years I signed versus he signed.

Q. And you know the convention of when you're signing for someone else's name, you can put an S and write their name. Have you done that before?

A. I don't know that I have done

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[REDACTED]

that.

Q. So whenever you sign for the Governor, you just sign like it's a signature?

A. Yes.

Q. Is there anyone else that you sign documents for in that way?

A. Not that I can think of.

Q. Can you turn to tab 50 in the binder in front of you. And this is an Equal Employment Opportunity New York State employee handbook for employees of New York State agencies. Do you recognize this?

A. Vaguely.

Q. Do you understand that there is a handbook for New York State employees that talks about their rights and responsibilities?

A. Generally. Yes, I recognize it.

Q. If you can turn to page 11. And this talks about, this is the part of the handbook that talks about sexual

1 [REDACTED] [REDACTED] [REDACTED]
2 harassment. Do you see that?

3 A. I do.

4 Q. Okay. And at the bottom of
5 page 11, it reads "Sexual harassment
6 includes unwelcome conduct which is
7 either of a sexual nature or which is
8 directed at an individual because of that
9 individual's sex when," and the three
10 bullets are, "such conduct has the
11 purpose or effect of unreasonably
12 interfering with an individual's work
13 performance or creating an intimidating,
14 hostile or offensive work environment,
15 even if the reporting individual is not
16 the intended target of the sexual
17 harassment. Such conduct is made either
18 explicitly or implicitly a term or
19 condition of employment; or submission to
20 or rejection of such conduct is used as
21 the basis for employment decisions
22 affecting an individual's employment."

23 Is that description of sexual
24 harassment consistent with your
25 understanding of sexual harassment?

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[REDACTED] [REDACTED] [REDACTED]
A. It is.

Q. It also goes on to say,
"Actions that may constitute sexual harassment based on a hostile work environment may include, but are not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature or are directed at an individual because of that individual's sex."

Is that also consistent with your understanding of sexual harassment under New York State law in the employee handbook?

A. It is.

Q. It also says sexual harassment also consists of "unwanted verbal or physical advances, sexually explicit derogatory statements or sexual discriminatory remarks made by someone which are offensive or objectionable to the recipient which caused the recipient discomfort or humiliation or would interfere with the recipient's job

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2 performance." Do you see that?

3

A. Yes.

4

Q. Is that consistent also with
5 your understanding?

6

A. Yes.

7

Q. And if you go to the next
8 paragraph, sexual harassment, second
9 sentence, "Sexual harassment need not be
10 severe or pervasive to be unlawful and
11 can be any sexually harassing conduct
12 that consists of more than petty slights
13 or trivial inconveniences." Is that also
14 consistent with your understanding?

15

A. Yes.

16

Q. And based on your understanding
17 of sexual harassment and the description
18 here, in your time at the Executive
19 Chamber, have you observed or been made
20 aware of any allegations that would
21 constitute sexual harassment under this
22 description?

23

A. Have I observed allegations?

24

Have I been made aware of allegations?

25

Q. Let's start with, let's put

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[REDACTED] [REDACTED] [REDACTED]
allegations to the side. Have you
observed any conduct that would qualify
for sexual harassment under this
description?

A. I don't, I myself have not
observed conduct.

Q. How about comments that would
match the description that's set forth in
this description?

A. No, I personally have not heard
comments that are defined within this
description.

Q. By anyone?

A. Not to me personally, no.
Oh --

Q. Go ahead.

A. I'm sorry, you're asking have I
observed anyone?

Q. Have you observed or heard
anyone engage in this type of conduct?

A. I mean, I don't recall the type
of conduct described in the definition.

Q. Okay. And we'll get to
obviously the allegations that have been

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[REDACTED] [REDACTED] [REDACTED]
made.

MR. MORVILLO: At an appropriate time, can we take another break?

MR. KIM: Okay.

MR. MORVILLO: Whatever time you need.

MR. KIM: Yeah, there are just a couple more sections of this handbook, and then we can take a break.

MR. MORVILLO: Okay.

Q. If you go to the second, the next page, page 13, and if you go towards the bottom of the first paragraph, "any complaint, whether verbal or written, must be investigated by GOER pursuant to the employee agency's policy. Furthermore, any supervisory or managerial employee who observes or otherwise becomes aware of conduct of a sexually harassing nature must report such conduct so it can be investigated."

Is that also consistent with your understanding of the reporting requirements at the Executive Chamber?

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[REDACTED] [REDACTED] [REDACTED]
A. Yes, I think so.

Q. You were aware of the reporting requirements of GOER of complaints about sexual harassment?

A. I don't know that I knew about that requirement. I mean, I am not fully familiar with the reporting structure and what happens to a complaint once it's lodged. But I see it.

Q. So you're not -- before seeing this here today, you're not sure if you knew that any complaint, whether verbal or written, must be investigated by GOER or pursuant to employee's policy?

A. I mean, I don't really know.

Q. If you go to page 39, and it talks about retaliation. Did you have a general -- do you have a general understanding that there can't be retaliation for people raising complaints of sexual harassment?

A. I do.

Q. And do you understand here, if you look at the middle of the first

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paragraph on this page, "The adverse
action does not need to be job-related or
occur in the workplace. Retaliation can
be any action more than trivial that
would have the effect of dissuading a
reasonable person from making or
supporting an allegation of
discrimination. Such action may be taken
by an individual employee."

Is that consistent with your
understanding of New York State law on
retaliation?

A. Yes.

Q. And then it says, "Actionable
retaliation by an employer can occur
after the individual is no longer
employed by that employer." Is that also
consistent with your understanding?

A. Yes.

Q. Okay.

MR. KIM: We can take a break
here? That makes sense.

MR. MORVILLO: All right.

MR. KIM: It's 11:34, so should

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we say 11:45?

MR. MORVILLO: Perfect. Just for planning purposes, what time do you want to do like a lunch break, remembering that I have the thing at 2 o'clock?

THE REPORTER: Do you want to go off the record?

THE VIDEOGRAPHER: We are going off the record at 11:35. This marks the end of media unit number 2. Thank you.

(Off the record.)

THE VIDEOGRAPHER: We are on the record at 11:51, and this marks the beginning of media unit number 3. Thank you.

BY MR. KIM:

Q. Before we took the break, I had asked you about your involvement in dealing with the allegations that came up more recently and the press response and you described your role as facilitating calls and being on some but not others.

1

2 In connection with -- you're aware that
3 Charlotte Bennett had made certain
4 allegations about the Governor taking the
5 sexual harassment training and the
6 signing of the form. You have a general
7 understanding that she had made certain
8 allegations relating to that?

9 A. I am.

10 Q. And did you communicate to the
11 press office in the Executive Chamber or
12 others the fact that you had signed the
13 attestation forms for the Governor?

14 A. Yes. I recall telling someone
15 that that signature was mine and not his.
16 I don't remember who it was.

17 Q. You don't know who you told?

18 A. I don't remember.

19 Q. Richard Azzopardi?

20 A. It's possible.

21 Q. Peter Ajemian?

22 A. It's possible.

23 Q. How about Melissa DeRosa?

24 A. That's possible too. Those
25 would be the three that I would have

1

2 told.

3

Q. Is it possible or do you
4 remember telling them?

5

A. I don't remember specifically
6 who I told, but I remember telling
7 someone.

8

Q. Someone among those three?

9

A. Yes, who would have been
10 handling the press inquiry.

11

Q. Okay. Let me ask you about
12 Lindsey Boylan. When did you first meet
13 Lindsey Boylan?

14

A. I don't remember the year or
15 the date certainly.

16

Q. In what context or where did
17 you first meet her?

18

A. I first met her when she was
19 chief of staff to the person who ran ESD.

20

Q. And who was that?

21

A. Howard Zemsky.

22

Q. And so when you first met her,
23 she was still chief of staff to Howard
24 Zemsky?

25

A. Yes.

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Q. And then how often did you see or interact with her when she was in that role?

A. I would say occasionally.

Q. Occasionally, once a week, once a month, less?

A. It's really hard to say. Howard was the primary driver on economic development. Projects was a big part of the administration's agenda. So he was someone, in terms of head of an agency, who was involved a lot. So I don't know, if I was going to guess, I would say maybe once or twice a month.

Q. When she was in that role, as chief of staff of ESD, where did she sit in New York City, office-wise?

A. I don't know exactly where she sat, but I believe she was on the 37th floor at 633 Third Avenue.

Q. And you and the Governor were on which floor?

A. 39.

Q. And who was on 38?

1

2 A. 38 is the Lieutenant Governor's
3 Office and conference room. 38, I think
4 is where our intergovernmental staff is.
5 It's where reception is, meaning when
6 there are visitors to the office, they
7 have to stop on 38 to check in with
8 reception before they go to a meeting or
9 whatever the purpose is on 39. I don't
10 know who else is on 38.

11 Q. And 37 is ESD?

12 A. I don't know if it's only ESD.
13 But I believe ESD is on 37.

14 Q. What other groups were on 37?

15 A. I don't know.

16 Q. And so when Lindsey Boylan was
17 chief of staff to Howard Zemsky, did you
18 observe interactions between Lindsey
19 Boylan and the Governor?

20 A. I don't recall specific
21 interactions.

22 Q. Do you remember her coming up
23 to the office on 39?

24 A. Well, I know that she
25 participated in meetings so she would

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[REDACTED] [REDACTED] [REDACTED]

have come to 39. I don't remember specifically an instance when she came.

Q. And during that time, did you communicate with the Governor about Lindsey Boylan in any way?

A. I don't recall specifically.

Q. Do you remember having any discussions with the Governor about the fact that she looked like Lisa Shields, the Governor's ex-girlfriend?

A. Well, I recall the Governor saying tell Lindsey she looks just like Lisa Shields. There was -- I don't recall him saying to me my ex-girlfriend.

Q. I see. So what do you remember about when he said that to you?

A. I don't remember exactly when.

Q. Was it after an event or something where he saw her or was it out of the blue or do you have any memory of in what context he said that?

A. I really don't.

Q. Do you remember him saying that to you in person or on the phone or text

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2 or e-mail?

3

A. I don't remember.

4

Q. And then you remember him
5 saying, tell her she looks like Lisa
6 Shields, you're saying you don't remember
7 him saying my ex-girlfriend?

8

A. Correct.

9

Q. Do you remember him saying that
10 she looks like the better looking sister
11 of Lisa Shields?

12

A. No, I don't remember him saying
13 that. My recollection was that was my
14 addition to his message.

15

Q. So let's take a look at tab 5,
16 which I think is a text that you have
17 seen before. Do you remember sending
18 this text to Lindsey Boylan?

19

A. I don't specifically remember
20 sending it.

21

Q. But this is consistent with
22 what we were just talking about, the
23 interaction we just spoke about?

24

A. Correct.

25

Q. Okay. So you say he said, look

1

2 up Lisa Shields. You could be sisters
3 except you are the better looking sister.
4 And this is in response to an e-mail she
5 sends to you about a great trip, right?

6 A. Yes.

7 Q. And so do you think that the
8 comment that the Governor made to you
9 about her looking like Lisa Shields was
10 around the time of this text, shortly
11 before or sometime before?

12 A. Yes, I think so.

13 Q. And you say he said, look up
14 Lisa Shields. Do you remember him saying
15 that, to look up Lisa Shields?

16 A. I don't remember the specific
17 conversation with him.

18 Q. I see. And you say you could
19 be sisters except you are the better
20 looking sister. That's the part,
21 although you don't specifically recall,
22 you think was your addition as opposed to
23 something the Governor said?

24 A. That is -- that part of this is
25 my voice. So, yes, I think so.

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Q. What do you mean by your voice?

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A. It sounds like something that I would say.

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Q. I see. He said, look up Lisa Shields, that's doesn't sound like something that necessarily you would say. Meaning he said it?

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A. No. My vague recollection of this is tell her to look up Lisa Shields. And then I made a comment that I thought was sort of fun and playful.

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Q. And you could be sisters, that's also something that -- well, what is your memory of whether you could be sisters was something he said?

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18

A. No, I think the last two portions of that message are from me.

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Q. So if we understand your testimony correctly, you don't have a specific recollection. Your general recollection is the Governor said she looks like my sister -- she looks like Lisa Shields, tell her look her up, look Lisa Shields up, she looks like Lisa

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Shields. And although you don't have a specific recollection, you think you could be sisters, except you're the better looking sister, sounds like it's your voice, so potentially your addition?

A. That's right.

Q. What did you think, why do you think the Governor was telling Lindsey Boylan to look up Lisa Shields and saying she looks like her?

A. Because I think in fact they do look very much alike.

Q. And did that, to you, feel odd at all?

A. I don't recall thinking it was odd.

Q. It was normal?

A. This looks like a message that I would send to anyone for any reason. I just think in a moment of levity, it was uncanny how much they do look alike.

Q. Have you heard the Governor compare other people to ex-girlfriends of his?

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[REDACTED] [REDACTED] [REDACTED]
A. Not that I recall.

Q. Have you heard the Governor compare to you or in your presence any other women to other women in his life or in public?

MR. MORVILLO: Counsel, I don't understand that question.

MR. KIM: That wasn't well put.

Q. Have you ever heard the Governor compare the appearances of other staffers, other people who are employed, State employees, to other women?

A. To any other woman?

Q. Yeah.

A. Not that I can remember.

Q. Do you remember getting Lindsey Boylan a BlackBerry during this time period when she was still chief of staff to ESD?

A. I don't remember personally getting her a BlackBerry.

Q. Who had BlackBerrys in this time period?

A. I don't know all of who had

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[REDACTED] [REDACTED] [REDACTED]
BlackBerrys.

Q. Maybe a better question is, who had BlackBerrys as well as access to the Governor's pin to send pins to him?

A. Well, I would say certainly the senior staff. Other people that he was in contact with for, you know, particular project or issue. I don't recall at the time who had the BlackBerrys. But if I had that list of who had the BlackBerrys, I could tell you from that list who would have had his pin.

Q. And before you would give out his pin, did you talk to the Governor about handing it out and tell him you're giving his pin?

A. Yes. I would say that a particular person had asked for his pin or do you want this person to have your pin. So he was aware.

Q. And do you remember doing that for Lindsey Boylan, giving the Governor's pin to her?

A. Yes, I do remember that.

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2 Q. What do you remember about
3 that?

4 A. I remember giving her his pin.

5 Q. Do you remember the Governor
6 said give Lindsey my pin?

7 A. I don't remember specifically.
8 I don't remember if it was that he told
9 me to or that I asked him if he wanted me
10 to. I don't remember.

11 Q. Okay. If you can look at tab 7
12 in your binder. You see first there is
13 an e-mail from her, from Lindsey Boylan
14 about Girls Inc. Annual Luncheon and the
15 Governor. And then you say, "Did we
16 already cover whether you have a
17 BlackBerry? Do you?" It says, "Yes, I
18 got one finally. I wrote the pin down at
19 my desk." You say, "You can feel free to
20 pin Gov. He'll be very happy to hear
21 from you."

22 What did you mean by that
23 "he'll be very happy to hear from you"?

24 A. I think I was just being
25 friendly and welcoming. And I assumed

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[REDACTED] [REDACTED] [REDACTED]
that at this point, I had told him that she had a BlackBerry. And that's when I gave -- and that's why I gave her here his pin.

Q. You wouldn't give the pin without informing the Governor that you're giving the pin?

A. That's right.

Q. And then you say, "Sent one. Hope I did it right. That was my first pin."

MR. MORVILLO: That's actually Lindsey.

MR. KIM: That's Lindsey Boylan, yeah.

Q. You say "Haha, now you're in for a real treat." What did you mean by that?

A. I think that is playful and semi-sarcastic. You know when you have the BlackBerry and you have the pin, you then can expect to hear from senior staff and from the Governor at various times that may or may not be convenient, that

1

2 sort of thing.

3

Q. So playful and semi-sarcastic
4 in the sense that now you might be
5 bothered a lot or at inconvenient times?

6

A. I don't know if bothered is the
7 right word. It may have added to her
8 correspondence.

9

Q. Do you remember whether, do you
10 remember the Governor being on any trips
11 where Lindsey Boylan also traveled with
12 him?

13

A. Yes, I remember her traveling.

14

Q. To what types of events?

15

A. Generally to events that were
16 the announcement of some sort of economic
17 development project. Yeah, economic
18 development project.

19

Q. And on those types of events,
20 did you also travel with the Governor?

21

A. From time to time, yes.

22

Q. And how would it be determined
23 whether you would travel with him or not?

24

A. Well, again, much like when I'm
25 in the office, when it's decided I am

1 [REDACTED] [REDACTED] [REDACTED]
2 going to go to New York City to staff it.
3 It generally depends on what he's doing
4 that day. So specifically if he was
5 traveling for the day and had to, you
6 know, also execute phone calls, that
7 would be a reason that I traveled with
8 him.

9 There are times that I, you
10 know, help on the ground operationally,
11 make sure that the press person is
12 briefing him before the event for Q&A
13 after. Just sort of a general
14 facilitator of things.

15 Q. And do you remember
16 accompanying the Governor on a trip that
17 he took for an event where Maria
18 Bartiromo was MC'ing an event?

19 A. I'm sorry, can you say that
20 again.

21 Q. Do you remember accompanying
22 the Governor on a trip down to New York
23 City for an event that Maria Bartiromo
24 was MC'ing?

25 A. I do not.

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Q. You don't remember?

3

A. No. I remember Maria Bartiromo coming to Albany to MC events.

5

Q. And do you remember

6

accompanying the Governor on any of those events in Albany where Maria Bartiromo

8

MC'd?

9

A. I certainly attended some of

10

those events. When you say accompany, do you mean travel?

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Q. No, to go with him to the

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event.

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A. I may have gone with him. I

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may have gone ahead of him. I may have

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gone just after him.

17

Q. But you were at the event?

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A. I have been at one or more

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events that Maria has MC'd. She's done a handful, I believe.

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Q. And do you remember Lindsey

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Boylan being at any of those events that

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Maria Bartiromo MC'd?

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A. Generally.

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Q. How many such events?

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[REDACTED] [REDACTED] [REDACTED]
A. I don't know how many.

Q. Do you remember in any of those events being engaged in any discussions about whether Lindsey Boylan should accompany the Governor back from one of those events, travel back with the Governor and Maria Bartiromo?

A. I remember generally a conversation about Lindsey traveling with Maria Bartiromo. I don't know necessarily that the Governor was traveling.

Q. So what do you remember about conversations about Lindsey Boylan traveling with Maria Bartiromo?

A. My general recollection was that Maria was coming up from New York City. And that the event was in Albany, I think was the sequence. And that Lindsey would accompany Maria to, it was the Regional Economic Development Council awards which Maria MC'd.

So that is, if you don't know, and it's certainly entirely possible that

1 [REDACTED] [REDACTED] [REDACTED]
2 you wouldn't, it was an annual event that
3 we did. The Regional Economic
4 Development Councils give awards to
5 regions around the State of money for
6 particular economic development projects
7 that they have submitted for a monetary
8 award. So that's the background.

9 My recollection is that we
10 asked and we, I didn't directly, but I
11 remember hearing the conversation, that
12 Lindsey travel with Maria to the event to
13 answer any questions that she would have
14 and to prepare her for the particulars,
15 the awards, the regions, et cetera.

16 Q. So you have a general
17 recollection of that?

18 A. Yeah.

19 Q. Any other recollection of after
20 any such event there being any
21 discussions about whether Lindsey Boylan
22 should travel back or go anywhere with
23 the Governor and Maria Bartiromo?

24 A. I don't remember that.

25 Q. You remember or you know that

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██████████ ██████████ ██████████
one of the stories or allegations that
Lindsey Boylan has made in her media
posts relates to an event that she was at
and Maria Bartiromo was MC'ing. Are you
aware of that?

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8

A. I generally remember that. I
don't remember exactly what she said.

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Q. So I guess the more specific
question is, when you read that, did you
have any particular recollection of that
event she was talking about or the
interactions that she was talking about?

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A. My recollection is what I just
laid out for you.

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Q. So beyond that, there is no
specific recollection of, oh, yeah, I
remember that event. What she's talking
about is this or that or I don't agree or
disagree. You didn't have a specific
recollection of a reaction of reading her
description of that event?

A. I don't recall exactly what the
medium article said about this particular
issue.

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Q. So you don't then have a particular recollection about a reaction that you had about what it said?

A. I can't, I can't remember if I had a reaction, because I don't remember the specific -- I don't remember exactly what she said about this issue and how it is different from what I just described.

Q. And the interactions between -- have you observed interactions between the Governor and Maria Bartiromo?

A. I have.

Q. Okay. And how would you describe their relationship?

A. I would describe it as friendly.

Q. Any interactions that you observed between the two of them that were noteworthy or unusual or anything like that?

A. Not that I recall.

Q. Have you ever seen the Governor touch Maria Bartiromo?

A. I am sure.

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Q. In what way?

A. Kiss hello. Hug hello.

Q. Kiss on the cheek?

A. Yes.

Q. How about on the lips?

A. Not that I remember.

Q. Have you heard the Governor
comment about Maria Bartiromo's
appearance?

A. I believe I have said to the
Governor how pretty she is. And I think
he has agreed that she is pretty.

Q. So you believe you said to him
that she's pretty and he's agreed?

A. Yes, I think so.

Q. Have you ever heard him talk
about Maria Bartiromo's, any body parts
or her breasts?

A. No, I have not.

Q. Her legs?

A. No, not that I recall.

Q. Have you heard the Governor
ever mention Lindsey Boylan's appearance
at any time?

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A. Not that I remember.

Q. Never heard him comment on her clothing or have you heard him comment on her clothing?

A. Not that I remember.

Q. How about her body in any way?

A. Not that I remember.

Q. Legs? No? You have to say yes or no.

A. I'm sorry, no, not that I recall.

Q. Breasts?

A. Not that I recall.

Q. Are you aware of the Governor sending out roses on Valentine's Day for various staff?

A. I am aware.

Q. Okay. And how often -- when did he start doing that?

A. I think it started, actually, with Sandra Lee, who as best as I can recall, organized it through the mansion staff. I think that was the beginning of that.

1

2 Q. And so when do you think that
3 was about?

4 A. I don't remember what year it
5 was.

6 Q. And so when you say organized
7 by mansion staff, what do you mean?

8 A. I mean I think that they
9 obtained flowers and put them together.

10 Q. The mansion staff did?

11 A. That's as I remember it.

12 Q. And then what, they would be
13 delivered to people's offices or homes or
14 how --

15 A. To the offices.

16 Q. But the mansion staff would do
17 it?

18 A. That's how I remember. I don't
19 know if that's how it happened every
20 year, but I believe that's how it
21 started.

22 Q. Okay. And who determined who
23 would get the roses?

24 A. I remember making a list.

25 Q. Every year?

1

[REDACTED] [REDACTED] [REDACTED]

2

A. I think so.

3

Q. And how did you make the list?

4

A. I identified senior staff

5

members, other employees who worked with

6

the senior staff and the Governor.

7

Q. So you would come up with a

8

list?

9

A. Yeah, as I recall it, I came up

10

with the list.

11

Q. And then did you show it to the

12

Governor?

13

A. Probably.

14

Q. And then who would actually buy

15

it, the mansion staff?

16

A. I don't know who bought them.

17

Q. So going to 2017, and this is

18

when Lindsey Boylan was chief of staff to

19

Howard Zensky, do you remember asking

20

Staffer #5 [REDACTED] to buy her roses for

21

Valentine's Day that year?

22

A. Not specifically. But that

23

would have made sense in New York City,

24

because the mansion is in Albany,

25

obviously.

1

2 Q. So the mansion staff would do
3 Albany and then what would happen in New
4 York City?

5 A. It would make sense that I
6 would have asked Staffer #5 to do that or I
7 would have gone out and done it myself.
8 I may have done it myself one year for
9 New York City.

10 Q. And so this is when Staffer #5 was in
11 that role in the cubicle?

12 A. That's right. And I think that
13 the New York City people would have
14 received like a single stem, whereas in
15 Albany the mansion staff put together a
16 little mason jar of flowers.

17 Q. For every person?

18 A. Yeah, for whomever received
19 them.

20 Q. So for New York City, do you
21 remember -- who do you remember getting
22 flowers for?

23 A. Well, in this case I can't give
24 you a New York City versus Albany list,
25 because I don't remember who would have

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been where when. But I can try to come up with the list of people.

Q. Would you have given to every woman who is on the 39th floor?

MR. MORVILLO: Do you have a specific time frame in mind?

MR. KIM: Yeah, 2017.

A. I don't remember if it was every woman on the floor. It might have just been senior staff. In other words, like opposed to assistants. I don't remember.

Q. I see. And then about 38, would you have identified women on 38?

A. I don't know that there was anyone on 38.

Q. And how about on 37?

A. I believe Lindsey did at that point receive a flower or however the flower was at that time.

Q. How did you decide to include Lindsey Boylan on that list?

A. I think at that time she was a person working with the senior staff and

1

with the Governor, and I don't know exactly when she transitioned from chief of staff to the chamber. But I think it was around that time.

6

Q. And who decided to include Lindsey Boylan, you or the Governor?

7

8

A. I think I put her on the list. I made the list.

9

10

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12

13

Q. You made the list. And then you may or may not have -- you may have shared it with the Governor, but you made the list?

14

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A. Yes, as I remember it.

19

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21

22

Q. Do you know if there is anyone else on 37 who got a flower for Valentine's?

23

24

25

A. I don't remember that there was.

Q. At some point she moved from

1

2 ██████████ ██████████ ██████████
3 being Chief of Staff to Howard Zemsky to
4 the Executive Chamber?

4

A. Yes.

5

Q. About when did that happen?

6

A. I don't know exactly, but I
7 believe it was sometime in 2017.

8

Q. And she became the Deputy
9 Secretary For Economic Development?

10

A. I believe so.

11

Q. How did that come about?

12

A. I don't know exactly.

13

Q. Did you play any role in that
14 decision?

15

A. No.

16

Q. Do you know who made that
17 decision?

18

A. I do not.

19

Q. When she moved into that role,
20 did she physically move into 37?

21

A. No, I believe she stayed -- I
22 believe she remained in the office she
23 had. I could be mistaken, but I believe
24 she did.

25

Q. Do you know why she stayed in

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[REDACTED] [REDACTED] [REDACTED]

the office she had?

A. I don't know. It's possible there wasn't an open office on 39.

Q. But again, you didn't have a role of whether she needed to move or should move or why she didn't?

A. No.

Q. And once she moved to that position, did her level of interactions with the Governor change, did they increase, decrease, stay the same?

A. I don't know exactly. She had become, you know, a substantive economic policy person over a period of time, is my recollection, which is -- I mean, she had been involved in these projects with Howard who works very closely, worked, I'm sorry, very closely with the Governor. So I don't know that her interactions increased or, you know, were about the same as they were. She was already working on these projects.

Q. And would she frequently come to the Governor's Office from 37?

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A. Certainly from time to time, she would be in meetings in his office.

Q. Would she be in sort of bigger staff meetings or meetings relating to ESD basically?

A. She would.

Q. The economic development?

A. She would.

Q. And who would generally be in these meetings or did it depend?

A. I'm sorry, I missed the last part?

Q. Or did it depend?

A. Yeah, it depended. A meeting changes for any specific conversation. It would always be for some -- for a broader discussion, it's usually the Secretary, it's usually one of the lawyers, it's usually a press person, because everybody adds sort of an element to the conversation, especially if it's regarding an event.

Q. How about any one-on-one meetings between the Governor and Lindsey

1

2 Boylan?

3 A. What are you asking?

4 Q. Were there times when she met
5 with him one on one in his office?

6 A. I believe so. There were
7 times.

8 Q. How often?

9 A. I don't think very often.
10 Maybe a few times.

11 Q. And what were your interactions
12 with Lindsey Boylan like?

13 A. Initially they were pleasant.
14 Friendly enough. But that sort of
15 evolved over time.

16 Q. And what happened? How did it
17 evolve?

18 A. My take on Lindsey is that she
19 had a difficult time hearing from
20 co-workers any sort of instruction or
21 direction or request. So I think she
22 sort of bristled at that. And there came
23 a point when it was understood that she
24 was going to the Governor directly to
25 communicate about issues, ideas, which is

1 [REDACTED] [REDACTED] [REDACTED]
2 not the operating procedure in the
3 chamber. It becomes very chaotic when
4 people are talking to him substantively
5 about things and the rest of the staff
6 does not know it. And she was, I think,
7 attempting to do that more often, based
8 on my understanding.

9 Q. How did you obtain that
10 understanding?

11 A. I know that she had -- I
12 believe she had a particular conversation
13 with Melissa about it, where Melissa
14 instructed her pretty clearly that it's
15 not the way things are done, which
16 Melissa relayed to me.

17 Also I remember that Jill had
18 relayed to me, Jill DesRosiers had
19 relayed to me that [REDACTED] [REDACTED], who at
20 the time was State Director of Operations
21 who Lindsey, I believe, technically
22 reported in her role as Deputy Secretary,
23 was expressing the same kind of
24 frustration, which was that she was sort
25 of operating in a silo and not sharing

1 [REDACTED] [REDACTED] [REDACTED]
2 information and trying to get everyone on
3 the same page.

4 Also, an additional point to
5 that is ideas and suggestions are brought
6 to the Governor when they then discussed
7 and sort of perfected as much as
8 possible, so that everyone is in
9 agreement.

10 Q. And how did Lindsey Boylan sort
11 of go outside of this practice and bring
12 thoughts and ideas to the Governor
13 directly, in what you recall?

14 A. I don't recall specifically how
15 she did it. I don't know how it came to
16 [REDACTED] attention that Melissa knew.
17 Although I believe Jill had expressed it
18 to Melissa. I wasn't part of those end
19 of the conversations. I had heard about
20 it after the fact, so I don't know how.

21 Q. Other than that, what were your
22 personal interactions with Lindsey Boylan
23 like?

24 A. Well, towards the end
25 certainly, I don't think she was very

1 ██████████ ██████████ ██████████
2 fond of me and it's fair to say I wasn't
3 terribly fond of her. We had one e-mail
4 exchange that I remember not perfectly,
5 but pretty well, which was a group
6 conversation, I can't remember who, but
7 it was relative to a particular work
8 project, where she was becoming very
9 upset via e-mail, I don't remember why.

10 I do remember replying at some
11 point some version of let's relax, which
12 she really didn't take well to. I don't
13 remember exactly what she said, but I
14 remember the emotion.

15 And then either right before
16 she left or shortly after she left, she
17 sent me an e-mail that said something to
18 the effect of you need to let me talk to
19 him. I know you love him. I love him.
20 Nobody around him is telling him what he
21 needs to hear. That unsettled me a
22 little bit.

23 Q. That e-mail unsettled you in
24 what way?

25 A. The "I know you love him, I

1

2 ██████████ ██████████ ██████████
3 love him" was unsettling to me. "Nobody
4 around him is telling him what he needs
5 to hear" was unsettling to me. I don't
6 know, it just seemed like there was a
7 little bit of delusion, I think is the
8 right word, in her approach to me to get
9 to him. I didn't quite understand where
10 she was coming from. But those two
11 pieces were a little unsettling.

12 Q. Have you seen that e-mail
13 recently?

14 A. No, I haven't.

15 Q. Have you looked for it
16 recently?

17 A. Yes, I have looked for it.

18 Q. In what context did you look
19 for it?

20 A. Well, I searched it in the
21 event that I had had it somewhere, maybe
22 in my Gmail, other places, and I hadn't
23 been able to find it.

24 I also thought that I had
25 printed a copy of it and given it to
 Alphonso David at the time, but it's my

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[REDACTED] [REDACTED] [REDACTED]

understanding that it may not be with
counsel's office.

Q. And was that e-mail only to you
or to anyone else as well?

A. No, I believe it was only to
me.

Q. And did you respond to that?

A. I don't remember responding to
that. I remember printing it and giving
it to counsel's office.

Q. Do you remember sharing it
with -- by counsel's office, you mean
Alphonso David?

A. I think I gave it directly to
Alphonso.

Q. Did you tell the Governor about
it?

A. I think I did tell the Governor
about it, and I think I told him in the
context of she's trying to speak to you
on the phone and this is what she's
saying. And I don't believe that he
spoke to her on the phone after that.

Q. And what did he say after you

1 [REDACTED] [REDACTED] [REDACTED]
2 shared that e-mail with him?

3 A. I don't remember exactly what
4 he said.

5 Q. So moving back a little bit,
6 that's around the time she leaves, right?

7 A. Yes.

8 Q. But at some point --

9 A. Shortly after, perhaps.

10 Q. Okay. And so it sounds like at
11 some point, it sounds like in the
12 beginning you had, I think you described
13 it as a pleasant relationship with her.
14 And then it was no longer as pleasant?

15 A. Right.

16 Q. So if you want to turn to tab
17 15, this was another text chat group
18 between, among you and Annabel Walsh. I
19 guess just the two of you. The top is a
20 little hard to read, there are a number
21 of names, for some reason. But it's just
22 you and Annabel. And you write, "I
23 actually don't like Lindsey."

24 Annabel says "Me either. She's
25 the worst."

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Do you remember -- well, do you remember this exchange?

A. Not specifically.

Q. Do you remember having discussions with Annabel Walsh about Lindsey Boylan?

A. Not specifically. But I'm not surprised by this.

Q. Do you remember knowing that she didn't like her either?

A. I don't remember specifically talking to Annabel about it. I recall the conversations with Melissa and Jill and through Jill, ██████████. But I don't, I don't remember specifically talking to Annabel about it.

Q. And why didn't you like her? Was it the -- you've talked about her going directly to the Governor, and that was not the way to do it, it causes chaos. What else?

A. Well, that's a very practical issue. But just personality-wise, you know, she was condescending. She didn't

1 ██████████ ██████████ ██████████
2 want to be, I think it's safe to say that
3 she wasn't a team player. She wanted to
4 work in a silo directly with him. And,
5 you know, there came a time when she was,
6 quite frankly, unpleasant.

7 Q. Was she unpleasant to you
8 personally as well?

9 A. Yes.

10 Q. On what occasions?

11 A. Well, the e-mail I described to
12 you.

13 Q. Yeah.

14 A. I don't remember exactly what
15 she said. But I very well remember the
16 general tone of the e-mail. But I can't
17 remember any other specific moments.
18 Just sort of a general feeling.

19 Q. Okay. If you can turn to tab
20 18. This is another text exchange
21 between you and Annabel Walsh. And this
22 is September 2018. You write to Annabel,
23 "I want to call Lindsey and say, you
24 ██████████ ██████████. How do you not understand
25 where we're coming from."

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[REDACTED] [REDACTED] [REDACTED]

Do you remember what this was about?

A. I don't specifically remember. It looks like it was after a call with the Governor that she was on. I don't remember it.

Q. But it looks like you felt pretty strongly about your dislike for her at this time?

A. It does.

Q. And if you look at tab 19, and this is actually a longer memo to file. But within it is an e-mail exchange that involves [REDACTED] [REDACTED] [REDACTED]. And if you go to kind of, they are all based under the same thing, if you look at 20797.

A. Yes, I'm there.

Q. And there are two sheets in between, but this is an [REDACTED] [REDACTED] that involves Staffer #5 [REDACTED] where [REDACTED] [REDACTED] [REDACTED] [REDACTED].

A. I'm sorry, I don't see that.

Q. If you go to 20799.

A. Yes.

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[REDACTED] [REDACTED] [REDACTED]
Q. That's the beginning of it.
And you can just kind of skip. There is
a blank sheet in this production between
each page.

A. I see.

Q. And then -- there are [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] If you go
another page down to the one that says
801 at the bottom.

A. Yes. Yes.

Q. This is the one where you say
[REDACTED] [REDACTED] [REDACTED]

A. Yes.

Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] no
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] And then she responds to
that.

A. Yes.

Q. Is this the exchange that you
were talking about that you thought she
overreacted and you told her to calm down
and that she continued to respond?

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██████████ ██████████ ██████████
A. Yes. I remember some version
of relax. But this is exactly what I was
talking about.

5

6

Q. What was this about, do you
remember? What was the underlying issue?

7

A. Do you mind that I am reading?

8

9

Q. No, that's fine, you can read
the other stuff too.

10

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A. So this is an example that I
would describe to you as her, you know,
the questions that are being asked of her
are very natural questions.

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16

MR. MORVILLO: Do you remember
the subject? Do you remember what
they are talking about is the --

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A. I don't specifically. But it's
not -- the specifics of it aren't
something that I would be involved in.
My role would be in attempting to help,
you know, bring whatever the task is to
completion, much like it looks like
Annabel here. So they are looking for a
drawing of something. I am assuming some
economic development project. Annabel

1 [REDACTED] [REDACTED] [REDACTED]

2 asks her --

3 MR. MORVILLO: Do you remember
4 this or are you just interpreting the
5 e-mail?

6 THE WITNESS: Yes, I am
7 interpreting the e-mail.

8 MR. MORVILLO: Just so it's
9 clear.

10 A. Do you want me to do that?

11 Q. Yeah, understanding that that's
12 what you're doing.

13 A. So Annabel is asking why didn't
14 we have this until 12 o'clock. That's
15 going to be a question meaning someone
16 who is expecting these drawings is going
17 to say, did you give them a deadline for
18 the drawing, did they meet the deadline.
19 Was 12 o'clock the deadline. You know,
20 et cetera.

21 She's been very excited having
22 been asked a question. I don't know who
23 [REDACTED] is. Oh, so the initial [REDACTED] that
24 says I have something for you on 39,
25 please come up when you can from [REDACTED] Staffer #5.

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[REDACTED] [REDACTED] [REDACTED]
Q. Yeah.

A. My interpretation of this is that it is drawings for her to take and turn into some sort of, you know, graphic or blueprint or something. And so Staffer #5 is double-checking that Lindsey, in fact, got the drawings on Friday. And the graphic or whatever the case was, not produced, it looks like until midnight on Sunday night.

Q. Did you consider this exchange with her as harassing on her part?

A. I considered this evidence of the fact that she did not work well with other people and was very upset to be questioned on anything.

Q. Did you raise this as a complaint to anyone?

A. I had given this e-mail exchange to Alphonso.

Q. And how did you end up doing that? Did you just volunteer to -- did you proactively reach out to Alphonso David or did he reach out to you or did

1 [REDACTED] [REDACTED] [REDACTED]

2 someone ask you to give it to Alphonso
3 David?

4 A. I recall giving it to Alphonso
5 myself.

6 Q. Okay. No one asked you?

7 A. I don't believe so.

8 Q. So if you go to the second page
9 of this, sorry, yes, the second
10 substantive page of this document, which
11 is the memo.

12 MR. MORVILLO: Is that 769?

13 MR. KIM: Yeah.

14 Q. And there is a reference to you
15 saying that [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] Is that
21 a fair --

22 MR. MORVILLO: Joon, can you
23 point me to the place, I don't see
24 that.

25 MR. KIM: 769 is the Bates. And

1 [REDACTED] [REDACTED] [REDACTED]

2 it's the paragraph.

3 MR. MORVILLO: The third
4 paragraph.

5 MR. KIM: [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 MR. MORVILLO: Got it.

8 Q. Is that consistent with what
9 you reported to Alphonso David?

10 A. I am sure I said [REDACTED]. I'm not
11 sure I said [REDACTED]. I may have.

12 Q. To your knowledge, was he
13 already working on an investigation or
14 dealing with other issues relating to
15 Lindsey Boylan when you raised this or
16 did you know?

17 A. I didn't know specifically. I
18 recall Alphonso saying to me, I'll put it
19 in the file. I didn't ask questions
20 about it.

21 Q. You don't know if there were
22 other things that he was looking at at
23 the time relating to Lindsey Boylan?

24 A. I did not know at the time.

25 Q. And this is not something that

1

2 ██████████ ██████████ ██████████
3 Melissa DeRosa or anyone else asked you
4 to go to Alphonso David on?

4

A. No.

5

Q. You just did it?

6

A. Not that I recall. I recall
7 this being my decision to share with
8 Alphonso.

9

Q. Can you look at tab 20.

10

MR. MORVILLO: Joon, it's 12:51.

11

I don't want to stop you.

12

MR. KIM: Why don't we stop

13

right after this document.

14

MR. MORVILLO: Okay. However

15

you want to do it is fine with me.

16

Q. And so this is October 2018,

17

about a month or so after the e-mail

18

exchange we saw. And Jill says, "I am

19

happy to confront ██████████ for kicks."

20

"Agree on all!" And you say "She's a

21

little Syracuse Lindsey Boylan."

22

Do you know who this is in

23

reference to ██████████ ?

24

A. I have no idea what the context

25

is, I certainly don't remember, but I

1 [REDACTED] [REDACTED] [REDACTED]
2 believe [REDACTED] last name was [REDACTED]
3 and was the Syracuse, the Syracuse area
4 regional rep or intergovernmental person.

5 Q. And do you remember having
6 issues with her?

7 A. I don't specifically remember.

8 Q. So what did you mean by she's
9 the little Syracuse Lindsey Boylan?

10 A. I don't know.

11 Q. Okay.

12 MR. KIM: Why don't we take a
13 break here for lunch. I don't know if
14 1:30 gives you enough time.

15 MR. MORVILLO: I think we're
16 going to have to check with Diane.
17 Because she's in an office, she's
18 going to have to go down and get stuff
19 and come back.

20 The question I have is do you
21 want to, do you want to -- Diane, how
22 long do you need?

23 THE REPORTER: Do you want to go
24 off so this isn't on the record?

25 THE VIDEOGRAPHER: Off the

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[REDACTED] [REDACTED] [REDACTED]
record at 12:53. This marks the end
of media unit number 3. Thank you.
(Off the record.)
(Lunch recess: 12:53 p.m.)

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Afternoon Session

1:31 p.m.

THE VIDEOGRAPHER: We are back on the record at 1:31. This marks the beginning of media unit number 4.

Thank you.

S T E P H A N I E B E N T O N, having been previously duly sworn, was examined and testified further as follows:

EXAMINATION (Continued)

BY MR. KIM:

Q. Ms. Benton, do you remember the circumstances under which Lindsey Boylan left the Executive Chamber?

A. I do.

Q. What do you remember?

A. I remember there had been complaints I believe from subordinates of hers at ESD, and that she and Alphonso had spoken about it. And I believe she decided to leave and then came back to Alphonso and asked for her job back, at which point he said that that wasn't going to work out.

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Q. How did you learn this?

A. I don't recall who told me that or when in particular.

Q. And did you -- you had no direct interactions with Lindsey Boylan before she decided to leave or in this time frame?

A. I don't recall specifically.

Q. Okay. And so you heard that some people complained at ESD, Alphonso David did an investigation, and then she said she wanted to leave, and then she tried to come back and Alphonso David said no?

A. If I can just be clear, I don't know that Alphonso did an investigation. I am not clear on the particular details.

Q. Right.

A. It's my understanding that he spoke with Lindsey.

Q. So you had no personal knowledge of any of that. You're just hearing it from --

A. I don't believe I knew those

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details at the time as it happened.

Q. And then at some point did Lindsey Boylan reach out to you to connect with the Governor or was it just that e-mail that you mentioned?

A. That e-mail is what I recall. I don't recall speaking to her about it.

Q. So that e-mail, was that right after she left?

A. To the best of my recollection, it was either right before or right after.

Q. Okay. And so you remember conveying, giving that to Alphonso David. You believe you mentioned to the Governor or spoke to the Governor about it?

A. I believe so, yes.

Q. And then what else do you remember?

A. I believe I also shared it with Linda Lacewell and Melissa. And my recollection is that was prior to relaying it to the Governor. And so in relaying it to the Governor, I remember

1 [REDACTED] [REDACTED] [REDACTED]
2 saying, I don't know if I said
3 specifically or Melissa or Linda or
4 whether I said the opinion is that you
5 shouldn't call her. But that I had
6 delivered to him the context of the
7 e-mail.

8 Q. I see. Do you believe you gave
9 copies of the e-mail to Linda Lacewell as
10 well?

11 A. I don't remember.

12 Q. And Melissa?

13 A. I don't remember specifically
14 giving them a hard copy or sending it to
15 them.

16 Q. Okay. So you told the Governor
17 that you shouldn't call her back or you
18 shouldn't reach out to her?

19 A. Yeah. I don't remember if I
20 said we don't think you should call her
21 back or specifically if Linda, Alphonso,
22 Melissa or some combination of suggest
23 that he not call her back or not answer
24 her request for a call.

25 Q. And what did he say?

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A. I don't remember him saying anything. There are times when he just listens to me and moves on.

Q. And do you know, other than that e-mail, to your knowledge, did Lindsey Boylan try to reach out to the Governor in any other way?

A. I don't know.

Q. You're not aware of any phone calls or texts or anything to the Governor or anything like that?

A. I'm not aware if she tried to reach him directly at that point.

Q. So you never received a call -- you never picked up or had someone pick up a call saying it's Lindsey Boylan?

A. I don't recall that.

Q. So then after that, what discussions, if any, did you have with people in the Executive Chamber about Lindsey Boylan?

A. After that, you mean immediately after?

Q. At any time after. When is the

1

2 [REDACTED] [REDACTED] [REDACTED]
3 next time you remember anything related
4 to Lindsey Boylan after she left, after
5 that e-mail?

6 A. After she left, I generally
7 remember conversations about her Twitter
8 activity. There was a period of time
9 after she left where she continued to be
10 very supportive and complimentary of the
11 Governor and the office. And from there,
12 she then started tweeting about what I
13 recall generally being a toxic work
14 environment.

15 Specifically, I remember seeing
16 a tweet that said something to the effect
17 that it was impossible to be a parent and
18 work in the chamber. I specifically
19 remember Jim Malatras tweeting back at
20 her or maybe he sent a standalone tweet
21 sort of refuting that. He's a [REDACTED] [REDACTED]
22 [REDACTED] [REDACTED] [REDACTED] saying that it wasn't
23 the case, paraphrase.

24 And then I remember the toxic
25 work environment tweets, or the specific
tweet I remember sort of evolving into

1 [REDACTED] [REDACTED] [REDACTED]
2 what I recall as hinting at sexual
3 harassment and then maybe more directly
4 claiming sexual harassment in the tweets.
5 Although I don't remember specific tweets
6 on that one.

7 Q. So before she starts talking
8 about toxic environment and being
9 difficult being a mother of children in
10 the Executive Chamber, how do you come to
11 know about whatever Twitter activity
12 she's involved in, who brings it to your
13 attention?

14 A. Well, I am on Twitter, so I had
15 seen the tweets. You know, I recall a
16 general discussion in the office when her
17 very positive tweets started to change.
18 But I think I became aware of it because
19 I saw her tweet.

20 Q. And on Twitter, did you follow
21 Lindsey Boylan?

22 A. I did follow Lindsey, yes. She
23 has blocked me since.

24 Q. And when you got these and saw
25 these tweets and discussed them with

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[REDACTED] [REDACTED] [REDACTED]
others in the executive chamber, did you convey the substance of the tweets or the substance of the conversations to the Governor?

A. I don't remember personally speaking to him about it.

Q. Okay. And so if you look at tab 25, this is February of 2019. These sort of, there is a group text chain and Jim Malatras says, "Guess who said this, my Governor is a white man, my Mayor is a white man, my council speaker is a white man, and I think it's a reference to something that Lindsey Boylan tweeted."

And then you respond three or four, four pages later, "All you have to do is send an e-mail or sign a petition." What did you mean by that?

A. I don't know what I meant by that. It doesn't sound like me.

Q. And then if you go to the next tab, 26, this one is just an attachment that has sort of a redacted e-mail chain from Melissa DeRosa to you and others.

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Can you read that and see what that was about, if you remember what that's about?

A. Are you saying that the e-mail is from Melissa? 11:27 a.m.?

Q. So which tab are you on right now?

A. 26.

Q. Yeah. So my 26 is from Melissa at 6:17 p.m.

A. I have a different 26, I think.

MR. MORVILLO: Our time stamp is 4/20/19, 6:17:34.

A. It looks like we have tab 26 and then picks up at tab 31.

Q. That's interesting.

MR. KIM: Why don't we post -- Charlotte, why don't we just put up 26 then.

MS. CHUN: Do you mind sharing the Bates of what you have? I think I also have them as tab 26.

MR. KIM: JDNY-AG 4577.

MS. CHUN: I believe we are on the same -- oh, you know what it is,

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you're looking at the same exhibit the
both of you. Ms. Benton is looking
at --

MR. KIM: You're right.

Q. So you're looking at the
attachment. Sorry, I was looking at
the -- so we're on the same page.
a.m., we don't know who that is, it came,
I think the attachment itself had this
black mark on it, if you look at the
first page of this document, in very
small font it says Melissa DeRosa is
sending it to a bunch of you.

A. Okay.

Q. Do you see that?

A. Yes. But just to be clear, are
we talking about where it says, "I was
disappointed to read"?

Q. Yeah.

A. Okay.

Q. If you want to read that e-mail
and see if you know what that's a
reference to.

A. I don't know what it's about

1 [REDACTED] [REDACTED] [REDACTED]
2 other than I am aware she, I believe, ran
3 a primary race against Congressman
4 Nadler.

5 Q. So you knew that, but you don't
6 know what this specific e-mail was about
7 and why Melissa DeRosa was sending it to
8 you all?

9 A. I don't know.

10 Q. Okay. If you look at tab 31
11 now. And this one has, this is another,
12 either e-mail or text chain where they
13 attach a screenshot of Lindsey Boylan's
14 tweet where she talks about, I was the
15 only mother of young children in senior
16 staff?

17 A. Yes.

18 Q. That's what you were referring
19 to about some of her tweets about being a
20 mother?

21 A. Yes, that's where we, the piece
22 of the conversation I remember Jim
23 Malatras replying to.

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

25 A. [REDACTED] [REDACTED] was in the chamber

1 [REDACTED] [REDACTED] [REDACTED]
2 for a period of time. I think he worked
3 on policy. He may have been in the
4 chamber when Jim Malatras was director of
5 state operations, and I believe he's now
6 with Malatras at SUNY.

7 Q. Okay. Got it. And if you can
8 go to the next tab, tab 32, it's a
9 continuation or more texts among people,
10 including you. There is a picture of Mel
11 Gibson, Braveheart. Jim Malatras says
12 "She's so [REDACTED]. Changed what her tweet
13 said. I am going to retweet my tweet
14 without comment to drive her nuts."

15 You respond, maybe four or five
16 pages in, "Come at me. She asked for
17 it." What did you mean by that, "She
18 asked for it"?

19 A. Can I give you what I would
20 classify as my interpretation of it?

21 Q. Yes, please.

22 A. I think that's commentary on
23 the tweet about the work environment for
24 parents. And I think that that's what
25 all of this is in response to. And that

1 [REDACTED] [REDACTED] [REDACTED]
2 the people who, in fact, were parents of
3 young children were offended that she was
4 characterizing the work environment this
5 way.

6 So I think "Come at me" is to
7 Jim who had tweeted his response to her,
8 you know, like, quote, Jim is saying
9 this. "She asked for it" is just she
10 made a claim about a work environment for
11 parents of young children that clearly we
12 did not agree with.

13 Q. And then if you go to tab 34.
14 Melissa DeRosa sends a link to a New York
15 Daily News article about her run, her
16 primary challenge of Jerry Nadler. And
17 you say about four or five pages in,
18 4707, "When do we release the nuclear
19 file? I am ready to testify." What were
20 you referring to -- nuclear crazy file?

21 A. I assume whatever the file is
22 that Alphonso had referenced to me.

23 Q. I see. The file relating to
24 the people at ESD that had complained
25 about her?

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[REDACTED]

A. I don't know what all is contained within the file. I don't know at this point. But at the time, I knew it was the file.

Q. So at this point in time, you knew there were some documents relating to what Alphonso David looked into?

A. Yes.

Q. That's what you're referring to?

A. I believe so.

Q. And were there discussions about that file among any of these people or among anyone and about potentially releasing them. This is in July of 2019.

A. I can't recall exactly what the discussions were in July of 2019. I don't remember there being. I think this is sort of dramatic, you know, submission of a conversation about people being upset with her characterization of the office.

Q. So just to put it in the context of time, it's December, December

1 [REDACTED] [REDACTED] [REDACTED]
2 of 2020 when she releases sort of the
3 series of tweets about including sexual
4 harassment, et cetera. This is at least
5 the year and almost a half before. So in
6 that period or at any point before
7 December of last year, do you remember
8 discussions about releasing that file?

9 A. I do not.

10 Q. Not other than seeing this text
11 exchange?

12 A. Yeah. It seems like I was the
13 only one who made such a suggestion was
14 kind of an absurdity.

15 Q. Although Jim Malatras liked it.
16 You don't seem to be the only one.

17 If you go to tab 55 --

18 MR. MORVILLO: I am going to
19 give you the five-minute warning now.

20 MR. KIM: Okay.

21 A. Okay.

22 Q. And Melissa DeRosa says, "Which
23 one" -- this is now November of '20,
24 "Which one is responsible for sending us
25 this [REDACTED] [REDACTED], " and links

1 [REDACTED] [REDACTED] [REDACTED]

2 another tweet from Lindsey Boylan.

3 Do you know what she's asking
4 or do you remember this question?

5 A. I don't remember this.

6 Q. It was not like Lindsey Boylan
7 was sent to the Executive Chamber by
8 anyone, she was at ESD.

9 A. She came from ESD. I don't
10 know if she was somewhere prior to that.
11 I don't know --

12 Q. You don't know if someone sent
13 Lindsey Boylan to ESD?

14 A. I don't know that.

15 Q. If you go a few pages down,
16 there is, Melissa DeRosa says, "If [REDACTED]
17 turns out to be equally as [REDACTED], I
18 will actually hunt you down." And do you
19 know who the [REDACTED] is a reference to?

20 A. I think that [REDACTED] was in the
21 press office for a period or maybe worked
22 on speechwriting, which is also a press
23 office function, so I think that's what
24 Melissa is talking about. I don't
25 remember her last name.

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[REDACTED] [REDACTED] [REDACTED]
Q. So you don't remember [REDACTED]
last name, but you remember like she was
in the press office?

A. That's my recollection.

Q. And were there issues with her?

A. Not that I recall. My
recollection is that she came for a
period of time. Ended up wanting to
leave, I believe to work on a campaign.
I don't remember any issues.

Q. So you don't know why they're
asking if [REDACTED] turns out to be as
[REDACTED] ?

A. I don't.

Q. Okay.

MR. KIM: Why don't we break
there. Greg, give you a couple of
minutes to get to court. Should we
just say 2:30, just in case?

MR. MORVILLO: That's a good
idea. But I can, you know, I can duck
back in if it goes faster than that.
I am happy to start earlier. I don't
want you to have to take a full half

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an hour unless you want.

MR. KIM: Why don't you shoot an e-mail unless you get done earlier. I might pop into one other thing, but if I see your e-mail, I will come back.

MR. MORVILLO: Thank you, I appreciate it.

THE VIDEOGRAPHER: Off the record at 1:55, this marks the end of media unit number 4. Thank you.

(Off the record.)

THE VIDEOGRAPHER: We are back on the record at 2:33. This marks the beginning of media unit number 5. Thank you.

BY MR. KIM:

Q. When do you remember first learning about Lindsey Boylan's tweets that more explicitly alleged sexual harassment?

A. I don't remember whether I had learned about them or whether I had seen them.

Q. Because you were still

1 [REDACTED] [REDACTED] [REDACTED]

2 following her at this time?

3 A. I don't believe I had been
4 blocked yet. I don't know exactly when
5 that happened.

6 Q. Okay. So if you look at tab
7 142. And these are some tweets from
8 December 5th, tweets "Most toxic team
9 environment? Working for @NYGovCuomo,"
10 do you see that?

11 A. I do.

12 Q. And then if you go to the next
13 page, December 8th, actually two more
14 pages after that, December 13, Lindsey
15 Boylan writes, "Yes, @NYGovCuomo sexually
16 harassed me for years. Many saw it and
17 watched." Do you see that?

18 MR. MORVILLO: I don't, where is
19 that?

20 MR. KIM: It's the third page of
21 this exhibit, December 13, 2020.

22 A. I do see it. I do.

23 Q. You see it, okay. So at this
24 time, so you're seeing these tweets sort
25 of live in the sense that if you're on

1

2 [REDACTED] [REDACTED] [REDACTED]
Twitter, you're following these?

3

A. Yes, I vaguely remember this
4 thread, I guess what you call it.

5

Q. And what did you do when you
6 saw this thread?

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A. I don't know that I did
8 anything.

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Q. Did you speak to people about
it?

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A. I don't remember specifically.

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Q. How about the Governor?

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A. I don't remember talking to the
14 Governor about it.

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Q. And are you generally with the
Governor on most weekdays, sort of all
day, either whether it's in New York City
or Albany, sort of right outside his
office?

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A. Generally. Well, not right
outside his office in Albany. Right
outside his office in New York City. In
Albany, there is a conference room that
separates us.

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Q. But you're near him constantly

1 [REDACTED] [REDACTED] [REDACTED]

2 interacting with him?

3 A. Generally, yes.

4 Q. And so you don't have a
5 specific recollection, but if you saw
6 something like this, is this the type of
7 thing that you would go tell him?

8 A. It's not generally the type of
9 thing I would tell him. It would be more
10 likely to come from a press person or,
11 you know, and likely Melissa.

12 Q. Do you remember whether a press
13 person or Melissa went to the Governor to
14 tell him about these tweets?

15 A. I don't know if they did.

16 Q. Is the Governor someone who,
17 fair to say someone who doesn't like
18 surprises?

19 A. I suppose it depends on the
20 type of surprise. But, no, he usually is
21 a pretty careful planner, if that's what
22 you mean.

23 Q. Or would want to know things,
24 about things that might affect him or
25 about him?

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2 A. Yes, certainly.

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Q. From the people around him?

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A. Yes.

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Q. So is this the type of thing

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that you would expect, the fact that

7

Lindsey Boylan, former Executive Chamber

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staffer, is saying that she was sexually

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harassed, assume that's the type of

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thing, you know, staffers would want to

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inform him about?

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A. Yes, I expect so.

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Q. And then when this is -- at any

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point while these tweets are going on,

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and you see if you go back to

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December 5th, she doesn't quite say

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sexual harassment, but 5th is toxic team

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environment. There is also tweets about

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"I tried to quit three times before it

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stopped." Now I'm on the first page of

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this.

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A. Yes.

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Q. "Environment is beyond toxic.

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I am still unwrapping it years later in

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therapy." When these tweets are coming

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[REDACTED] [REDACTED] [REDACTED]
out, are there any discussions about how
to respond?

A. I don't recall conversations I
was involved in about how to respond at
that time.

Q. How about text exchanges or
e-mail exchanges about how to respond?

A. I don't remember. Possibly.

Q. Any discussions, and when I say
discussions, I mean just shorthand either
actual talking or text or, you know, any
communications. At that time -- let me
stop there. Any communications about how
to respond?

A. I don't recall specific
communications.

Q. How about any communications
about whether to release the files,
Alphonso David files?

MR. MORVILLO: Joon, you're
talking about up to -- you're talking
about up to the sexual harassment part
or just about the toxic work
environment?

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MR. KIM: At any point.

Q. At any point -- we saw the text, which was some time ago, where there was a reference to nuclear crazy file or crazy. And I don't think you testified, you don't remember any other conversations about that file. So I am now sort of coming to this period of time, which is December of last year, do you remember any discussions, either in person, phone, text, otherwise, about releasing those files?

A. I don't remember specific conversation about releasing files.

Q. Were you aware at some point of others doing it? Like whether discussions or not, did you become aware that others, in fact, did send out copies of those files?

A. No. I still don't know that people sent out copies of files. I know that there was a news report that included what I believe are relevant portions of her files.

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[REDACTED] [REDACTED] [REDACTED]

Q. But you were never made aware of who sent it, how it was disseminated, or anything like that?

A. I was not.

Q. You weren't there physically when people were or someone was sort of getting the file, writing out some names, redacting. That's not something that you observed or heard about?

A. I did not observe that.

Q. Any discussions that you were a part of about whether or not it's appropriate to send out that file?

A. Not that I recall.

Q. Any discussions you were a part of about whether that file may be confidential?

A. Not that I recall.

Q. Any discussions about whether that file or the substance of it is attorney/client privileged because it was Alphonso David's file?

A. Not that I remember participating in or hearing.

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Q. How about whether sending out those files might be considered retaliation for raising a sexual harassment allegation?

A. Again, not that I remember participating in or hearing.

Q. So at the time you're not involved in, don't see or aware that the file is going out to anyone?

A. Correct.

Q. At some point later you learned from news articles that some part of it may have been, is that a fair --

A. That's my vague recollection from the article.

Q. Okay. But no -- you learned about it from the article, not from any discussions or other sources of information within the Executive Chamber?

A. Yes. I don't know what the discussions were, and again, I would say to you, I still don't know how --

Q. You still don't know what was sent out?

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A. What was sent. What was received.

Q. So you still don't know other than what you read in the newspapers?

A. On this conversation about the personnel file, yes.

Q. Were there any discussions about, after Lindsey Boylan's tweets about including sexual harassment, any discussions that you were a part of about drafting a letter or an op ed that some former Executive Chamber employees could issue?

A. Yes.

Q. What do you remember about that?

A. I don't know how the conversation began. But at some point the Governor gave me a handwritten draft of what could be an op ed, which I typed for him. I recall giving back to him. I recall sending to Melissa. I recall sending to attorneys. I believe Linda Lacewell. I believe Judy Mogul.

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As far as conversations around the letter, my recollection is that there were conversations about people who could potentially sign a letter, should a letter be sent. Sent to whom, I don't know.

Q. So you remember the Governor giving you a handwritten document for you to type up?

A. I do.

Q. And any discussions with him before that about what it is, what it was intended to do?

A. Not that I recall.

Q. Okay. And where were you when he gave you that document to type?

A. In my office in Albany, in the Capitol.

Q. So he was in the Capitol too, and you were?

A. Yes, that's my recollection.

Q. So he handed it to you and you typed it up, gave it back to him. He marked it up, gave it back to you?

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A. I don't even recall if he marked it up a second time. He may have. My recollection is that he asked me to send it to Melissa.

Q. Okay. And you sent it to Melissa and you remember sending it to Linda Lacewell as well?

A. I believe so, Linda and/or Judy is my recollection.

Q. Okay. If you can look at tab 58. And this looks like, the bottom part is an e-mail from your e-mail account, your Gmail to Linda Lacewell. And it's just the text of what appears to be a letter of that type?

A. Yes.

Q. Does this look to be, at least a draft of that letter?

A. It does.

Q. And why were you sending this from your personal e-mail?

A. I'm not sure.

Q. Is this something that you would commonly do, if the Governor said

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send it to someone, you would just paste
it into an e-mail and send it to that
person?

A. Yes, that can be a way that I
send something.

Q. And the subject is Last. Were
there earlier versions to your knowledge?

A. There may have been. I don't
recall the back and forth on it, if there
were more. There may have been.

Q. And do you know where the
Governor got the information to put in in
the substance of the letter?

A. I do not know.

Q. Because there are things about,
there is obviously a lot in the letter,
but things about six women made official
complaints against Ms. Boylan. Official
complaints saying Ms. Boylan was rude.
Treats them like children, et cetera.
And then there are other things in this
letter. Do you have any knowledge of
where he got the information?

A. I don't know.

1

2 Q. And as you were typing it up,
3 was there anything in there that you
4 recognized as something that you had
5 personal knowledge about?

6 A. Well, I had knowledge of -- I
7 had knowledge of Alphonso's involvement.
8 And I knew that Cathy Calhoun had been
9 involved in some way. I don't know what
10 the Dani Lever piece is. I may know what
11 the Dani Lever piece is.

12 Q. And what's that?

13 A. I don't know if the timing
14 makes sense on this. But I know at some
15 point Lindsey sent Dani Lever a text
16 message that I think said something about
17 coming for her or something to that
18 effect, or my memory is long or something
19 like that. I know that because Dani told
20 me. But I don't know if that's what this
21 references. I don't know about six
22 women.

23 I had heard that Lindsey had
24 said on, I believe more than one
25 occasion, that she was going to quit.

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And I recall that maybe that had gone
back for a period of time. I don't know
how long.

Q. You heard that Lindsey Boylan
had said on a number of occasions that
she might quit?

A. Yeah. And my recollection
tells me that at some point, she sent
like a Chamber-wide e-mail saying that
she was leaving, and I believe she then
either retracted the e-mail or just
didn't actually leave. My timing on that
is not clear.

Q. But it's obviously sometime
before the time she actually left,
sometime before that?

A. Yeah.

Q. She had threatened to leave or
said she would leave but didn't?

A. Yeah. I'm sorry, I just have
something that has popped here on the
screen.

MR. MORVILLO: Sorry.

A. I'm sorry, Mr. Kim, there was a

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distraction and I would ask you to
repeat.

Q. Yeah. I was just saying, so
you recall at least one occasion when she
said she was going to quit, but then
didn't quit?

A. I do recall that.

Q. Okay. How many times, do you
think, she did that?

A. I think I recall one time. I
don't know that I recall another time.

Q. Okay. So that's at least one
time before she actually did leave?

A. I believe so, yes.

Q. Okay. And if you can actually
keep reading this letter, see if there is
other parts that you had personal
knowledge about, any personal knowledge
about.

(Witness reviews document.)

A. As far as I know, in this
second to last paragraph on the second
page, as far as I know, she had never
mentioned anything negative about the

1

2 Governor's interaction.

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Q. Actually before you get there, do you see in the middle of the second page, Ms. Boylan claims the Governor made comments about her looks. That's not something that you remember, the Governor making comments about her looks?

9

A. I don't remember that.

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Q. Okay. How about the second sentence, "Ironic that Ms. Boylan referred to the Governor as handsome." Is that something that you had heard her say?

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A. It's not something that I had heard her say. This is familiar to me because Melissa had told me that she thought she had glimpsed on the Governor's BlackBerry a message from Lindsey that described him as handsome or addressed him as handsome.

22

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Q. So Melissa had told you that she saw on the Governor's BlackBerry a pin, presumably, from Lindsey Boylan that either called him handsome or referred to

1

2 him as handsome?

3

A. Yes.

4

Q. Any other instances where
5 you -- where Lindsey Boylan may have
6 referred to him as handsome?

7

A. Not that I am aware of. I
8 believe this line that says "Told staff
9 that she loved the Governor" is in
10 reference to the e-mail that she sent to
11 me.

12

Q. I see. And this e-mail, is
13 this around the time that you were
14 looking for it, as the Governor was
15 drafting this letter?

16

A. It may have been around the
17 time of this letter. It may have been
18 earlier when the tweets started. I don't
19 remember.

20

Q. I see, okay. And the letter
21 goes on to describe Ms. Boylan's behavior
22 as unprofessional and inappropriate. Was
23 it your view that Ms. Boylan referring to
24 the Governor as handsome was
25 inappropriate?

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A. I don't -- I didn't see the pin. I am not aware of the context of the conversation. It's hard for me to say that it was appropriate or not.

Q. Have you heard the Governor refer to people and staffers as beautiful?

A. I don't recall him saying beautiful.

Q. How about bella in Italian?

A. Yes.

Q. Who has he used that word to describe?

A. I don't know specifically. A number of people.

Q. Did you find that to be inappropriate?

A. I did not. For him it's more of a greeting or a goodbye.

Q. Other than the use of the word "bella," have you heard him describe anyone as beautiful or handsome or lovely?

A. I have heard him use the word

1 [REDACTED] [REDACTED] [REDACTED]
2 "lovely." He uses "lovely" actually with
3 me to describe my personality. It's not
4 a physical use. I don't recall him
5 saying beautiful, although to your point
6 bella, which is not what I was thinking,
7 because that seems to me simply to be a
8 greeting. He will often say to people,
9 male and female, you look nice.

10 Q. Has he commented on your
11 physical appearance?

12 A. He has told me I look nice.

13 Q. On what occasions?

14 A. No occasion in particular that
15 I can recall.

16 Q. This letter goes on to say that
17 "Ms. Boylan has sat on co-workers' laps
18 and kissed them in public in the presence
19 of other co-workers." Is that something
20 that you had seen Ms. Boylan do?

21 A. It's not something I had seen.

22 Q. Have you heard of that?

23 A. Yes, I had heard rumors about
24 that.

25 Q. What had you heard?

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[REDACTED] [REDACTED] [REDACTED]
A. I had heard -- I had heard that
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

that she then reached out to the other
co-worker the next day and had
apologized.

Q. Who was that co-worker?

A. The co-worker that she
apologized to?

Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED].

A. I don't recall [REDACTED] [REDACTED]. I
believe the co-worker that I had heard
she apologized to was [REDACTED] [REDACTED]. But I
have no firsthand knowledge of this.

Q. How did you hear that?

A. I don't remember.

Q. Had you ever seen anyone
sitting on the Governor's lap?

A. I don't recall anyone, seeing
anyone sitting on the Governor's lap.

Q. Had you heard of anyone sitting
on the Governor's lap?

A. I likewise heard a rumor about

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[REDACTED] [REDACTED] [REDACTED]
that.

Q. What did you hear?

A. That Senior Staffer #3 [REDACTED] had sat on his lap at a Super Bowl gathering.

Q. Were you there at the Super Bowl gathering?

A. I was not there.

Q. But you heard afterwards?

A. Yes.

Q. Who did you hear that from?

A. It's possible more than one person, but I believe Melissa told me she had heard it in the relaying of a rumor, because I don't believe Melissa was there either.

Q. And did you talk to Senior Staffer #3 [REDACTED] about it?

A. I don't recall talking to her about it.

Q. Is that the type of thing if you had heard it, that you would deliberately not talk to her about, or is that the type of thing that since in your role as, that you have, that's something

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[REDACTED] [REDACTED] [REDACTED]
that you would want to know, whether
Senior Staffer #3 [REDACTED] had been sitting on his
lap?

A. I think -- no, I wouldn't say
that I deliberately did not talk to her,
but I don't recall talking to her about
it. It just seemed to me to be sort of a
silly rumor. So I don't, didn't strike
me at the time as something to, you know,
sort of track down.

Q. Did you talk to the Governor
about it?

A. I did not.

Q. Okay.

A. Not that I recall.

Q. Are you aware of the Governor
ever kissing Senior Staffer #3 [REDACTED], we'll start
on the cheek?

A. Sure, yes.

Q. Have you seen that?

A. I am sure I have.

Q. How about on the lips and the
mouth?

A. No, not that I recall.

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2 Q. You haven't, you haven't heard
3 that?

4

5 A. No, I haven't even heard that
6 one.

7

8 Q. Okay. Have you ever sat on the
9 Governor's lap?

10

11 A. There was a time when I sat on
12 the Governor's lap.

13

14 Q. When was that?

15

16 A. It was on -- there was what we
17 called a cabinet retreat on a boat on the
18 Hudson River that included all of the
19 agency heads and other members of the
20 administration and ended with a reception
21 and a cruise around the harbor in the
22 City.

23

24 Q. And what happened? How is it
25 that you sat on his lap?

26

27 A. The senior staff, after the
28 cabinet members got off the boat, stayed
29 on and did a little bit of a tour around
30 the harbor. You know, we had a good
31 time. We had some cocktails. We played
32 music. We danced. And in sort of a

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 [REDACTED] [REDACTED] [REDACTED]
silly moment I sat on his lap for a
moment.

3

4

Q. How long did you sit on his
lap?

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6

A. I don't think more than a few
seconds.

7

8

Q. And is this something that you
did or did he pull you onto his lap?

9

10

A. No, he did not pull me, he did
not pull me.

11

12

Q. Any other instances that you
sat on the Governor's lap?

13

14

A. No, not that I recall.

15

16

Q. Has the Governor ever kissed
you?

17

A. He has.

18

Q. On the cheek?

19

A. Yes. On the cheek. On the
forehead.

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Q. How about on the lips?

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A. No.

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Q. So he's kissed you -- in what
context would he kiss you on the
forehead?

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A. The specific context or like the emotion of the moment?

Q. In any context that he kissed you.

A. The kiss on the forehead I think is sort of like a parental kiss, like a comforting like family-oriented kiss.

Q. And in what context, do you remember what you were talking -- do you remember what you were talking about or why he would kiss you on the forehead?

A. No, I don't remember that we were specifically talking about anything. I don't remember a specific incident. But I know that it's happened.

Q. How did you feel about that?

A. Well, without remembering a specific incident, I can say to you pretty confidently that I felt either comforted or sort of the parental affection in which he does that kind of thing, as far as I am concerned.

Q. So as far as you're concerned,

1 [REDACTED] [REDACTED] [REDACTED]

2 you were not made uncomfortable by the
3 kiss on the forehead?

4 A. No.

5 Q. Or any of the kisses on the
6 cheek?

7 A. No.

8 Q. But he has never kissed you on
9 the lips or mouth?

10 A. No.

11 Q. Has he given you hugs?

12 A. He has.

13 Q. In what context and what
14 occasions?

15 A. He last hugged me last
16 Wednesday when I told him that I -- when

17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] I

23 very clearly remember him saying, honey,

24 it's going to be fine and giving me a

25 hug. Those are obvious specific things

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[REDACTED] [REDACTED] [REDACTED]

that stick out in my head, because they were emotional moments.

Other than a greeting hello or goodbye, those are the types of situations where he's expressive like that with me.

Q. Other than those hugs and the kisses on the cheek and the forehead, has the Governor ever touched you in any other way or any other place?

A. I am sure he has.

Q. In what way? Has he held your hand?

A. I don't specifically remember hand holding.

Q. What other touching?

A. Like, for example, we have, we have shot the basketballs together before. You know, played a little basketball. So there may have been touching there. But I mean, I can't recall like another particular touching incident.

Q. Did he ever touch your butt?

1

2 A. No.

3

4

Q. Did he ever sort of slap your
butt --

5

A. No.

6

7

Q. -- while you were playing
basketball?

8

A. No. No.

9

10

Q. Have you had any intimate or
romantic relationship with the Governor?

11

A. No.

12

Q. Other than -- go ahead.

13

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A. I was -- I would describe sort
of the family relationship I have with
him, I suppose as intimate. It's close,
but not intimate like sexual.

17

18

Q. You have not had a sexual
relationship with the Governor?

19

A. No.

20

21

Q. And when you say family
intimate, what do you mean?

22

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A. I mean that we have become very
close over many, many years. We've, you
know, by the nature of the job, which is
intense and long hours and together a

1 [REDACTED] [REDACTED] [REDACTED]

2 are rumors about that.

3 Q. Yeah, how have you become aware
4 that there were rumors about that?

5 A. I don't know. I mean, I don't
6 know how rumors start or work. But I
7 don't know.

8 Q. But did anyone ever actually
9 ask you?

10 A. I don't remember anyone asking
11 my directly.

12 Q. Have you heard rumors about
13 Senior Staffer #1 [REDACTED] and the Governor?

14 A. Yeah, the same kind of rumors.

15 Q. Okay. And have you seen any
16 interactions between the Governor and
17 Senior Staffer #1 [REDACTED] that might suggest
18 anything more than a professional
19 relationship?

20 A. I have not.

21 Q. Have you spoken --

22 A. If I could back up.

23 Q. Yeah.

24 A. I don't want to speak for

25 Senior Staffer #1 I don't want to speak for the

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[REDACTED] [REDACTED] [REDACTED]
Governor. But my guess would be that
Senior Staffer #1 would describe her relationship
with him and his family similarly to the
way I described it to you from my
perspective on my behalf.

Q. Have you ever asked Senior Staffer #1
[REDACTED] whether she's had a sexual
relationship with the Governor?

A. I don't believe I have.

Q. Have you ever seen the Governor
putting his head on Senior Staffer #1's [REDACTED] lap?

A. Not that I recall.

Q. Okay. On the couch in the
office, you don't remember ever being
there with the Governor with his head on
Senior Staffer #1's [REDACTED] lap?

A. I don't remember that.

Q. How about anything like that?

A. I have seen him laying on the
couch, which he often does, working. I
have seen him lay with his head on [REDACTED]
[REDACTED] lap. I have a recollection of
him laying on a couch with his head on
Senior Staffer #4's lap. Other than that, I

1 [REDACTED] [REDACTED] [REDACTED]

2 don't recall another person.

3 Q. What was the occasion you saw
4 him laying down with his head on Senior
5 Staffers #4's lap?

6 A. The occasion meaning when?

7 Q. Yeah, when?

8 A. I don't remember exactly.

9 Q. What do you remember about
10 that?

11 A. I remember he was laying on the
12 couch again, which he often does, and
13 Senior Staffer #4 was sitting on the couch as well.
14 He was working. She was probably having
15 a conversation with him as communications
16 director and he was sort of resting his
17 head on her lap, on her leg, her lap.

18 Q. So she's on a couch in his
19 office?

20 A. I don't recall specifically
21 which office. I don't think his office.
22 I don't know that he even has a couch
23 like that in his office.

24 Q. So whose office would it be?

25 A. It could be Senior Staffer #1's office.

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[REDACTED] [REDACTED] [REDACTED]
MR. MORVILLO: Do you remember
whose office it was or are you
speculating?

THE WITNESS: I'm speculating.

A. I don't remember specifically.

Q. Whose office has a couch?

A. Mine does. Senior Staffer #1 does. I
don't know who further down the hall has
a couch as this point.

Q. On that occasion, how long was
the Governor's head in Senior Staffer #4's lap?

A. I don't know.

Q. So he was working from that
position, basically?

A. That's the best of my
recollection. I don't know how long I
had popped in or out of the office, is
what I suspect I had done.

Q. Have you ever seen the Governor
kiss Senior Staffer #4?

A. Sure, I have.

Q. On the cheek?

A. Yes.

Q. How about on the lips?

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██████████ ██████████ ██████████

2

A. No.

3

Q. Have you ever seen him kiss anyone on the lips?

5

A. Other than Sandra, who was his longtime partner, and ██████████ ██████████ ██████████ ██████████ ██████████, I don't believe I have.

8

Q. Anyone else you've seen him --

9

A. Maybe his brother too.

10

Q. Anyone else you've seen him sort of put his head on their lap?

12

A. Not that I can recall.

13

Q. How about massaging shoulders or giving massages?

15

A. I don't recall massaging.

16

Q. Has he ever massaged your shoulder?

18

A. Not that I remember.

19

Q. Have you ever seen him massage Senior ██████████ Staffer #1's ██████████ shoulder?

21

A. Not that I can remember.

22

Q. Or her doing that to him?

23

A. Not that I remember.

24

Q. Do you remember anyone walking

25

into the office when the Governor had his

1 ██████████ ██████████ ██████████
2 head in someone's lap on the couch?

3 A. You means as I just described
4 myself doing?

5 Q. Yes. You walked in when you --
6 by the way, did you think that was odd in
7 any way?

8 A. No, it seemed familiar to me.
9 And, you know, ██████████ Senior Staffer #4 is a very sort of
10 cuddly person. It didn't strike me as
11 particularly odd.

12 Q. But he's never done that to
13 you, lie down in your lap?

14 A. I don't recall that.

15 Q. But it sounds like if he did,
16 you wouldn't find that particularly odd
17 or uncomfortable?

18 A. Well, not having remembered it
19 happening, I am assuming how I would feel
20 about it. And I don't think I would be
21 uncomfortable with it.

22 Q. So going back to the question
23 of, do you remember anyone walking into
24 an office where you already are, where
25 the Governor had his head on someone's

1 [REDACTED] [REDACTED] [REDACTED]

2 lap, a staffer's lap?

3 A. I don't remember that.

4 Q. Any other instances you
5 remember of the Governor and any staffer
6 sort of acting in or coming into contact,
7 physically, with someone in that way or
8 any other way?

9 A. I don't remember in that way,
10 specifically. I could tell you a million
11 people who he has hugged and kissed on
12 the cheek.

13 Q. Hugging and kissing on the
14 cheek happens often with a lot of people?

15 A. Yes.

16 Q. Staffers, otherwise public?

17 A. Exactly.

18 Q. Kissing on the lips, you have
19 not seen other than Sandra Lee?

20 A. I don't believe so. And Sandra
21 Lee and the rest of the [REDACTED].

22 Q. And the actual [REDACTED].

23 A. I actually think [REDACTED]
24 move is to grab his cheeks and pull him
25 in for a pretty good kiss.

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██████████ ██████████ ██████████
Q. You've seen ██████████ ██████████ do that?

A. Yes.

Q. But you actually haven't seen him do that on the lips with anyone other than ██████████ and Sandra Lee?

A. Yes, that's what I can recall.

Q. Okay. And head on the lap, Senior Staffer #4, and you don't remember any others?

A. No, aside from ██████████ ██████████.

Q. Have you ever seen him touch anyone on the butt?

A. Not that I recall.

Q. All right. Sorry, so we went on a little bit of a tangent, but it does cut down the overall, it was later in my outline.

MR. KIM: So, Greg, don't worry, we're not prolonging.

Q. So we were in the letter. So anything else -- we paused at the handsome paragraph, and if you want to just read the rest, see if there is anything else in there that you had any

1 [REDACTED] [REDACTED] [REDACTED]

2 personal knowledge of.

3 A. So we're about up to where I
4 had skipped ahead before. She never
5 mentioned anything negative about the
6 Governor's interaction. That's my
7 understanding. I don't know, the rest of
8 that paragraph, I'm not helpful on. I
9 don't know anything about that.

10 Q. Okay.

11 A. It looks like the next is the
12 extension of her campaign, I don't know
13 about that. This is the e-mail that I
14 mentioned, or I'm sorry, the text message
15 that I mentioned that Dani had mentioned
16 to me, "Life is long and so is my
17 memory."

18 Q. That's something Dani had
19 mentioned to you?

20 A. She had.

21 Q. Yeah. Had you seen it?

22 A. I don't remember her showing me
23 the text of it. I recall her, perhaps,
24 reading it to me. It had freaked her out
25 at the time is my recollection.

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[REDACTED] [REDACTED] [REDACTED]

Q. Okay.

A. I don't know if freaked her out is a proper legal term for this proceeding, but you get my --

Q. I know. It does not need to be legal terms. Non-legal terms are better.

A. And, you know, I think the rest is just a general wrap-up.

Q. Okay.

A. Yes. And I did know about the tweets, "So proud of my boss and all of team Cuomo." I think I knew about those tweets as she was tweeting.

Q. Just to follow up on the earlier line of questions, do you remember [REDACTED] [REDACTED] ever walking into an office when the Governor was on the couch with Senior [REDACTED] Staffer #1 or anyone?

A. I don't remember that.

Q. Okay. Did you ever hear or talk to anyone about learning that [REDACTED] [REDACTED] was saying or had seen, saying she had seen something?

A. My understanding is that had

1 [REDACTED] [REDACTED] [REDACTED]
2 gotten back to Senior Staffer #1 that [REDACTED] [REDACTED]
3 had said a variety of things about things
4 that she believed she had seen. So I
5 don't, I don't recall specifically
6 whether it was that he had his head in
7 her lap. I thought, I thought she had
8 said at some point -- I thought that
9 Senior Staffer #1 had told me she heard, Senior Staffer #1
10 heard, that [REDACTED] perhaps saw them
11 kissing. But not something that I ever
12 saw or had any knowledge of.

13 Q. And you heard this from
14 Senior Staffer #1 ?

15 A. Yes, it had gotten back to
16 Senior Staffer #1 I'm not quite sure how.

17 Q. Okay. And so other than this
18 letter that we just read, typing it and
19 sharing it with Melissa DeRosa, looks
20 like Linda Lacewell and others, did you
21 do anything with it?

22 A. I'm not sure I understand the
23 question.

24 Q. Were you involved in any way in
25 reaching out to people to see if they

1 ██████████ ██████████ ██████████

2 would sign onto this letter?

3 A. I had called a couple of people
4 is my recollection. I think I reached
5 out to -- I know I reached out to
6 ██████████ ██████████, who at the time was a
7 former -- at the time and still, former
8 staff member. And I believe I talked to
9 Annabel Walsh and Dani Lever about it.

10 Q. What did you say when you
11 reached out to them?

12 A. That there was a possibility of
13 sending out a letter supportive of the
14 Governor. And would you be willing to
15 sign it. I did not -- as I recall, I
16 didn't even read the letter to any of the
17 three of them. And I remember saying
18 generally a supportive letter.

19 Q. And what did they say?

20 A. I recall ██████████, without
21 hesitation, saying yes. Dani and
22 Annabel -- well, let's take one at a
23 time.

24 Annabel, I recall wanting to be
25 helpful. I think she was one who had

1 [REDACTED] [REDACTED] [REDACTED]
2 said she didn't think the letter was a
3 good idea. Wanted to be helpful.
4 Supported the Governor. And would have
5 to inquire with her company. She was
6 also at that time a former staff member,
7 would have to get signoff from her
8 company to sign the letter.

9 I don't recall whether Dani
10 expressed any reservations about the
11 letter. I recall her as well wanting to
12 be supportive. But also was then with a
13 private company and said she would have
14 to get her legal department to sign off
15 on it.

16 Q. Anyone else you reached out to?

17 A. I don't recall anyone else
18 specifically.

19 Q. If you can turn to tab 61. And
20 this Annabel Walsh sent it to you,
21 forwards to you an e-mail exchange she's
22 had with Melissa DeRosa, which includes a
23 draft of the letter. Do you see that?

24 A. I do. I do.

25 Q. And she says in her letter, "1)

1

2 don't do this (but I get it). Let the
3 story die. Why give her this insanely
4 amazing platform." And then it says, "Do
5 the Tom Brokaw letter, if you have to do
6 anything."

7 Do you remember those comments
8 from her?

9 A. Generally. Now more
10 specifically. But I think this describes
11 what I just recalled to you, essentially.
12 Which is that she didn't, you know, she
13 didn't think it was a great idea at the
14 time.

15 Q. And it looks like -- sorry, go
16 ahead.

17 A. No, I'm sorry. I did not
18 recall when I was talking to you just a
19 moment ago about the Tom Brokaw piece.
20 But now I recall that she had suggested
21 that.

22 Q. And what did you understand her
23 to mean by the Tom Brokaw piece?

24 A. Well, just in reading it, I can
25 tell you what I think she meant.

1

[REDACTED]

2

Q. Okay.

3

4

A. Was that the Tom Brokaw piece was a much more generally supportive at

5

large message. And I think what she's

6

saying here is not to get into the

7

particulars of what Lindsey was saying.

8

Q. So it looks like Annabel Walsh,

9

at least, got a version or a copy of the

10

longer letter, right, from this e-mail

11

chain?

12

A. Yes, it appears so.

13

Q. But do you remember sharing a

14

version of the letter to Dani Lever?

15

A. I don't remember sharing with

16

Dani Lever. And if I could point this

17

out, it looks like Melissa sent it to

18

her.

19

Q. Yeah. But you separately

20

remember talking to Annabel Walsh?

21

A. I remember talking to Annabel,

22

yes.

23

Q. And do you see in her comments

24

to the letter, if you look at page 70, at

25

the bottom, the lower half of the page,

1

██████████ ██████████ ██████████
the middle of the paragraph, it says, "We
are not here to castigate." And then she
writes a comment, "This entire thing is
castigating her." Do you see that?

2

A. I'm sorry, I actually don't.

3

Q. It's a paragraph that starts
"Unfortunately."

4

A. Oh.

5

Q. And then she writes in various
comments, and one of them in the
highlighting in the middle, the fourth
line says, I think "We are not here to
castigate" is in the original letter, and
then she writes, "This entire thing is
castigating her." Do you see that?

6

A. I do.

7

Q. Do you remember her expressing
that view, that the whole letter was sort
of castigating Lindsey Boylan?

8

A. I don't remember talking to her
about the specifics that are in this
letter. And I don't remember reading her
comments in this letter either.

9

Q. How about anyone else, do you

1 [REDACTED] [REDACTED] [REDACTED]
2 remember anyone else that you spoke to
3 who expressed concern that the letter was
4 negative and castigating her?

5 A. Not specifically, you know,
6 those particular comments. I know
7 Melissa didn't think the letter was a
8 good idea, because she said to me, I
9 don't think this is a good idea. And
10 while understanding that Annabel sent
11 this to me, I don't remember ever reading
12 her specific input here.

13 Q. Melissa sounds like, DeRosa,
14 said she didn't think it was a good idea?

15 A. No, she said to me in passing,
16 I think on her way to deliver that
17 message to the Governor, not long after I
18 had sent her the letter.

19 Q. I see. Who thought it was a
20 good idea -- did anyone think it was a
21 good idea?

22 A. I don't remember.

23 Q. Did the Governor?

24 A. I don't know what his thought
25 process was on the letter.

1

2 ██████████ ██████████ ██████████
3 Q. Well, I guess he drafted the
4 original draft?

5 A. He drafted, he drafted the
6 letter. I don't know if that was a
7 therapeutic exercise to get his thoughts
8 on paper, which was often the case. But
9 I don't know what his thought process was
10 or evolution between drafting the letter
11 and deciding that the letter wouldn't be
12 sent.

13 Q. At some point was there a plan
14 put in place to try to reach out to as
15 many as 50 people to get support for a
16 letter? Do you remember that?

17 A. I don't think that was ever the
18 intention for this letter. I think it
19 was potentially like two or three people,
20 is my recollection.

21 Q. Okay. Can you turn to tab 64.

22 MR. MORVILLO: Joon, when it's
23 convenient for a short break, let us
24 know.

25 MR. KIM: Okay. Maybe like --

 MR. MORVILLO: Take your time.

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MR. KIM: -- ten minutes.

MR. MORVILLO: Take your time.

Q. Are you at 64?

A. I am.

Q. So this is a text exchange that includes Alphonso David, Steve Cohen, and at some point you as well. And you are on as well throughout. Look at the second page, you write "Who can help make these calls? Really hard for me while with him."

Linda Lacwell says "Fonz about to call me. ██████████ is 'pending' work also."

Do you remember this, an effort to get people to reach out to others?

A. Yeah, vaguely. I don't remember a formal plan. But I vaguely remember that people called, and my recollection is that the goal was to get two or three people to sign on.

Q. When you say, "Who could help make these calls? Really hard for me when with him," who is the "him"

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[REDACTED]

throughout this here?

A. I believe that's the Governor.

Q. So you're with him during the day, so hard for you to be making calls, basically?

A. Exactly.

Q. Okay. Did he know that you and others were reaching out to gather support for others to sign onto this letter?

A. I am sure he did. I don't remember talking to him about it.

Q. If you look at the next page at the bottom, Linda Lacewell says, "e-mailed you the top 50. Let us know who you take."

Do you know what that is a reference to?

A. I don't. Do we think that this is the same letter? Could this be in reference to something else?

Q. It's about the same time frame, that's why I was sort of asking you -- why don't you look at the next tab, there

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██████████ ██████████ ██████████
is another e-mail exchange. 65. This is
a long e-mail chain.

A. Yes.

Q. And if you go to the first one
in the chain, it's from you to Linda
Lacewell, Alphonso David, December 18.

A. Oh, yes, yes.

Q. Long list of people. And then
you divide it up person calling.

A. And directly below the long
list of people, it looks to me like this
is the 50 that you're seeing.

Q. Yeah.

A. Reference to the 50 people. At
the bottom of that is a message in quotes
that looks, that I recall potentially,
it's a very short, tight statement, that
doesn't reference Lindsey. But I think
that was a separate conversation about
getting a broader, diverse universe to
sign on to.

Q. So at some point -- the earlier
letter, the longer letter that the
Governor typed, it was for a smaller

1 [REDACTED] [REDACTED] [REDACTED]
2 group of former executives. There are a
3 few that are named in the letter. At
4 some point, there is a -- and there is
5 some outreach around that letter. And
6 then there is talk of a shorter version
7 statement of support. And that's the
8 list of names that people are going to
9 reach out to you for that?

10 A. I recall those two different
11 potential scenarios being discussed. I
12 don't -- I know the longer letter didn't
13 go. I don't believe ultimately the
14 shorter piece was sent either.

15 Q. Okay. So if you look on page,
16 at the bottom, it says 56?

17 A. Yup.

18 Q. And you write to Linda, copying
19 Melissa DeRosa, "So this is progress.
20 How do we get him 50 plus names? Would
21 be great to keep his mind on this path
22 and would be real shot in the arm if we
23 could get him names in the a.m."

24 Do you see that?

25 A. I think this -- I do.

1

2 Q. What do you remember about this
3 e-mail?

4 A. I think the "keep him on this
5 path," meaning this message versus the
6 letter.

7 Q. And this message being more
8 just a short positive versus the letter
9 having negative things about Lindsey
10 Boylan?

11 A. Or even being specifically
12 about Lindsey in any way is my take.

13 Q. Okay. And when you say "Would
14 be great to keep his mind on this path,"
15 was it to keep him away from the path of
16 the longer letter?

17 A. No. I think what it says,
18 which is this path. I don't know that
19 there is a clear one versus the other.

20 Q. Although it suggests that it
21 would be great to keep his mind on this
22 path. So there is an implication there
23 that otherwise, there is another path for
24 him?

25 A. I don't mean to sound however

1

 ██████████ ██████████ ██████████
2 this may sound, but there is always
3 another path.

4

 Q. Right. But there was actually
5 specifically a path being discussed and
6 considered around that time, which was
7 the longer letter?

8

 A. Yes, that's true. And my
9 recollection is that we very quickly
10 veered off of that path.

11

 Q. And then the last e-mail in
12 this chain, at the front is, "I'm going
13 to do a real list so we can track who is
14 calling whom and their agreement to
15 sign." Do you remember doing that,
16 creating a list?

17

 A. I do.

18

 Q. And who did you reach out to
19 about this effort? It sounds like for
20 the other effort, you recall talking to
21 Dani Lever, ██████████ ██████████ and
22 Annabel Walsh?

23

 A. I don't specifically remember.
24 Obviously this is a longer list.

25

 Q. And we can -- we'll go through

1 [REDACTED] [REDACTED] [REDACTED]
2 some names and I'll ask you whether you
3 reached out to them or not. We can do
4 that after a break, if now is a good time
5 for a short break.

6 A. Great, thank you.

7 THE VIDEOGRAPHER: Off the
8 record at 3:39. This marks the end of
9 media unit number 5. Thank you.

10 (Off the record.)

11 THE VIDEOGRAPHER: We are on the
12 record at 3:52. This marks the
13 beginning of media unit number 6.

14 BY MR. KIM:

15 Q. Ms. Benton, if you want to turn
16 to tab 70. You see this is an e-mail
17 from you to Annabel Walsh and [REDACTED]
18 [REDACTED] with some names, and it looks
19 like assigning people of who to reach out
20 to. Does that sound right?

21 A. Yes.

22 Q. And by the way, do you know why
23 you're sending this e-mail from your
24 Gmail as opposed to from your office
25 e-mail?

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[REDACTED] [REDACTED] [REDACTED]
A. I don't, except it was [REDACTED], it was [REDACTED] and Annabel, who are both not Chamber employees, is what I am imagining was the case.

Q. Because they are not Chamber employees, you thought it might have been better sent from your personal?

A. Yeah, that's my guess on this one.

Q. And so is this -- fair to say that this looks like sort of you're assigning different people to call others, correct, to get the letter, to get signed onto the letter?

A. No, my recollection of this is that it's a separate -- it doesn't have anything to do with the letter. My recollection of this, and I don't believe it's me assigning, I think it's just sort of tracking, there came a point when we became aware because someone had reached out to us, and when I say "us," I don't remember who, except I think Rich has a party has heard from someone who called

1 [REDACTED] [REDACTED] [REDACTED]
2 and said either Lindsey or a lawyer
3 representing Lindsey had called and asked
4 about their experience in the office and
5 whether they would be willing to
6 participate in what it was that Lindsey
7 was doing. Not clear on the details of
8 what she was doing at that time.

9 Q. And then what is this?

10 A. I think that this was calling
11 folks to make them aware that we had
12 knowledge that Lindsey was reaching out
13 to people and what was, I think
14 essentially an attempt to gather support
15 for claims of whatever the claims were.

16 Q. And how did you develop the
17 list of the people to reach out to?

18 A. I don't remember. I don't
19 think there was a formula to it. I think
20 it was just former staff people.

21 Q. Former staff people that you
22 thought or people thought may be reached
23 out to by Lindsey?

24 A. Yes, that's correct.

25 Q. And what did you and the others

1

2 [REDACTED] [REDACTED] [REDACTED]
3 tell people when you reached them, what
4 was the direction of what to say to them?

5 A. I don't know that there was
6 specific direction. I think just
7 generally the purpose was to let people
8 know that Lindsey was reaching out
9 because we knew that she had. And so
10 people would say -- I don't remember
11 anyone saying to me that Lindsey had
12 reached out to them. I don't know if any
13 of these people had said that.

14 Q. And then for Staffer #5 [REDACTED], it has
15 your name next to it?

16 A. Yes.

17 Q. Did you reach out to him, Staffer #5
18 [REDACTED]?

19 A. I don't specifically remember.

20 Q. You don't remember?

21 A. I don't specifically remember
22 talking to Staffer #5 about why Lindsey had
23 reached out to him.

24 Q. Who do you remember reaching
25 out to about that?

A. I don't remember. I know I

1 [REDACTED] [REDACTED] [REDACTED]
2 spoke to [REDACTED] again about that. I
3 don't specifically remember who I talked
4 to on this particular piece.

5 Q. Do you remember asking Staffer #5
6 [REDACTED] to record a call with Lindsey
7 Boylan?

8 A. I remember having a
9 conversation with Staffer #5 and asking whether
10 he was acquainted with Lindsey. Whether
11 he was friendly with her and would be
12 willing to give her a call if it made
13 sense and to see, you know, where she was
14 coming from. What she was thinking. I
15 don't recall telling him to record. My
16 recollection is him asking me if he
17 should or could record.

18 Q. And what did you say?

19 A. I don't remember specifically.

20 Q. Do you remember consulting with
21 anyone about whether or not Staffer #5
22 [REDACTED] should record?

23 A. I don't specifically remember.
24 But it's entirely likely that I did. I
25 don't remember.

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[REDACTED] [REDACTED] [REDACTED]
Q. Do you remember him asking whether [REDACTED] [REDACTED] could be there as a witness?

A. I do, I do remember that. They are roommates.

Q. What do you remember about that?

A. About him asking if [REDACTED] could?

Q. Yes.

A. I didn't say that she couldn't. I mean, there was no reason that -- there is no reason that she wouldn't. I mean the purpose of the conversation was just to, in sort of a friendly way, see if [REDACTED] Staffer #5 could discern an understanding of where all of these things were coming from given the change in messaging from her.

Q. What do you mean by change in messaging?

A. I mean the previous pretty overwhelming positive, we'll stick with tweets, because it's what we know,

1 [REDACTED] [REDACTED] [REDACTED]
2 evolving into toxic work and sexual
3 harassment. Nobody could really
4 understand why at the time.

5 Q. Did Staffer #5 ever send you the
6 audiotape he made?

7 A. I don't remember if he did or
8 not.

9 Q. You don't remember if he did or
10 not?

11 A. No.

12 Q. So I guess then you wouldn't
13 remember if you then gave it to someone
14 if you don't remember getting it?

15 A. I don't remember that. I
16 generally remember hearing a recording,
17 but I don't remember possessing it.

18 Q. So you remember hearing the
19 call between Staffer #5 and Lindsey?

20 A. I vaguely remember. I vaguely
21 remember hearing it.

22 Q. And what do you recall about
23 that call?

24 A. My recollection, and I
25 apologize for not being specific, my

1 [REDACTED] [REDACTED] [REDACTED]

2 recollection is she didn't have much to
3 say and wasn't very interested in talking
4 to him.

5 Q. Do you remember then deleting
6 that recording?

7 A. I don't remember deleting it.
8 But I don't specifically remember
9 obtaining it. I don't know if he sent it
10 to me.

11 Q. You don't remember if he sent
12 it to you?

13 A. I don't remember.

14 Q. So when you say you remember
15 hearing it, you remember hearing it
16 around that time, not recently?

17 A. Correct.

18 Q. Do you remember asking him
19 whether who sat in that cubicle outside
20 of the office and asking him about sort
21 of some of the people?

22 A. I'm sorry, maybe I missed the
23 first part.

24 Q. Asking [REDACTED] Staffer #5 [REDACTED] about
25 other names of people who sat in the

1 [REDACTED] [REDACTED] [REDACTED]

2 cubicle in New York City?

3 A. Not specifically. I may have.

4 Q. Because that's something he
5 would know, because he was in New York
6 City, right?

7 A. He was in New York City. And
8 he staffed that cubicle for an extended
9 period of time.

10 Q. Do you know anyone else who
11 taped conversations following the
12 allegations of sexual harassment?

13 A. I do.

14 Q. What do you remember?

15 A. Staffer #6 [REDACTED], who was, I don't
16 know if you need background, Staffer #6 was in
17 the press office. Shared an office with
18 Kaitlin [REDACTED]. Has since left. She had
19 a conversation with Kaitlin [REDACTED] that
20 was recorded.

21 Q. And how did that come about,
22 did someone ask for her to record it?

23 A. I am not aware -- I was not
24 privy to those conversations. It's my
25 understanding -- I don't know whether she

1

2 she had recorded it and whether it was
3 legal?

4 A. I'm not aware that she asked
5 those questions. It's my understanding
6 that before the call occurred, she had a
7 conversation with Melissa and Alphonso.
8 So if that was a question she had, I feel
9 like it would have been addressed before
10 the call.

11 Q. You were not a party to those
12 discussions either before or after the
13 call?

14 A. I don't know what the
15 conversation entailed.

16 Q. Did you also reach out to
17 Andrew Ball?

18 A. I did.

19 Q. Okay. And what did you ask
20 him?

21 A. My recollection on that is I
22 asked him to call a couple of people who
23 had formerly worked on the Governor's
24 campaign. So not former Chamber staff.
25 And this goes back to the previous points

1 [REDACTED] [REDACTED] [REDACTED]
2 before the phone calls and the recording,
3 to let them know that Lindsey or someone
4 on her behalf was reaching out to people
5 to give them the heads-up.

6 Q. And who are those two people
7 that you asked them to reach out to?

8 A. I can't remember their names
9 off the top of my head. Oh, [REDACTED]
10 [REDACTED] is one.

11 Q. [REDACTED] [REDACTED] ?

12 A. [REDACTED] [REDACTED], yes, thank
13 you.

14 Q. And did Andrew Ball want to
15 reach out to them?

16 A. I don't remember him being
17 opposed to it.

18 Q. He didn't push back at all to
19 your recollection?

20 A. Not that I recall. One of the
21 women, I don't recall which one, he had
22 called me and said she hasn't heard
23 anything, but we had a wonderful time
24 catching up. I hadn't spoken to her in a
25 while.

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██████████ ██████████ ██████████
Q. Who else did you reach out to?

A. I don't remember anyone else specifically. It doesn't mean I didn't, but I don't remember.

Q. Did you reach out to ██████████ ██████████ or ask him to call anyone? You see ██████████ name is in here, right? ██████████ ██████████ and ██████████ ██████████ ?

A. Yes, I think I asked ██████████ to call those people. And this one, ██████████ ██████████ I spoke to. ██████████ is, ██████████ was a former employee and a good friend of mine who is engaged to ██████████ ██████████ another former employee. I remember speaking to ██████████ and saying, hey, has ██████████ heard anything. He said no. That's my recollection of the extent of that.

██████████ and ██████████ I don't recall. I did speak with ██████████ and gave her the heads-up. And I vaguely recall her saying that she would call these people. They were all people that I was not really familiar with. I think

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██████████ ██████████ ██████████
they served in a briefing capacity at
some point with ██████████

Q. Do you remember reaching out to
anyone who said yes, I have been
contacted by Lindsey Boylan?

A. I don't remember that, no.

Q. Do you remember reaching out to
anyone who you asked to reach out to
others who expressed discomfort or didn't
want to do it?

A. No, I don't remember that.

Q. Do you know who ██████████ ██████████
is?

A. I do know who ██████████ ██████████ is.

Q. Who is that?

A. She also was a former briefer.
I think she did a short stint in that
cubicle as sort of a supplemental pitch
hitter in the New York City office.

Q. Why was she only there a short
period of time?

A. I don't remember. She was a
briefer. She helped out there a couple
of times, a few times. And I think

1 [REDACTED] [REDACTED] [REDACTED]
2 ultimately she left to work on a campaign
3 or for some sort of grass roots
4 situation. I don't recall. But that was
5 never really her role. She just helped
6 out a few times, as I recall.

7 Q. Did you have any particularly
8 positive or negative interactions with
9 her?

10 A. I don't remember either really.

11 Q. And in this outreach, where you
12 had wanted to check in whether Lindsey
13 had reached out to them, were there
14 people that you decided you didn't want
15 to reach out to for one reason or another
16 or were you just trying to gather as many
17 people as possible?

18 A. I don't remember specifically
19 not wanting to reach out to anyone.

20 Q. Were there any people that
21 there was a discussion of where you
22 thought, you know what, they left on bad
23 terms, like we either should check in or
24 we shouldn't check in, or was there any
25 discussion about whether someone who left

1 ██████████ ██████████ ██████████
2 on good terms or bad terms affected
3 whether or not to reach out to them?

4 A. I don't remember that.

5 Q. Now, moving to February of this
6 year, you're aware that Lindsey Boylan
7 then issued a medium article that had
8 more detail with specific allegations,
9 right?

10 A. I am, yes.

11 Q. Okay. And how did you first
12 become aware of that article, the medium
13 article?

14 A. I don't remember who said it,
15 but it was literally when it posted.
16 Someone walked in and said, Lindsey just
17 posted a medium article about being
18 sexually harassed. I don't remember who
19 delivered that message, but it was in
20 that much realtime.

21 Q. And where were you when this
22 message was delivered?

23 A. I was at the Governor's
24 mansion.

25 Q. And who else was there?

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A. I believe Melissa was there. I think Steve Cohen was there. And I want to say another person, but I'm not positive. But I'm thinking of the same instance.

Q. Who was the other person that you're thinking of?

A. Maggie Moran, but I don't know if I'm conflating that moment with another.

Q. Okay. Was the Governor there?

A. Yes.

Q. So what do you remember when someone said she just posted something?

A. I remember personally being shocked.

Q. Shocked by the specific allegations?

A. Yes.

Q. Did someone read it out in everyone's presence?

A. I read some of it out loud, yes, I did.

Q. And what were you shocked

1

2 about?

3 A. The claim that he had kissed
4 her and she thought I saw it.

5 The claim that he said he
6 wanted to play strip poker on a plane
7 full of numerous people.

8 The claim that apparently she
9 was summoned to the office and I showed
10 her in and shut the door behind her.

11 I mean those specific claims
12 are the ones that I remember right this
13 moment that were just shocking to me.

14 Q. Okay. And did the Governor say
15 anything about the allegations in the
16 medium piece?

17 A. I don't remember what he said
18 specifically. I remember him also being
19 surprised and a little outraged.

20 Q. And did he -- what was he
21 surprised about?

22 A. I think it's fair to say the
23 same things that I just said to you that
24 I was surprised about. You know, in my
25 view, those three specific claims just

1

2 don't really make sense. So there was
3 shock in reading them.

4

Q. And you said there was outrage.
5 How did the Governor display his outrage?

6

A. Outrage is probably strong.
7 But, you know, shock and I think upset at
8 being accused of things that didn't
9 happen.

10

Q. So did he specifically say that
11 he did not kiss Lindsey Boylan?

12

A. Yes, he had said that.

13

Q. Did he specifically say he
14 never said anything about strip poker on
15 a plane?

16

A. Yes, he did.

17

Q. Did he say he never gave a tour
18 or never was in the office with Lindsey
19 Boylan?

20

A. No, he did not say that he
21 never was in the office with her.

22

Q. Or how about the -- because I
23 think the incident that you're talking
24 about, that she was called up, went into
25 the office and he gave her kind of a

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[REDACTED] [REDACTED] [REDACTED]
tour, right? That's the allegation, do
you remember?

A. Yes, that's the one where she
references the humidor from President
Clinton.

Q. Correct.

A. Yes.

Q. Is there a humidor from
President Clinton --

A. Absolutely.

Q. -- in that office?

A. There are more than one.

Q. So there is more than one sort
of humidor or cigar box from President
Clinton?

A. Yes.

Q. So that part is not false.
It's there and he didn't deny that he
ever maybe referenced that to her?

A. Correct. And just
contextually, when people come into the
office, new staff people that haven't
been there or anyone from the outside or
legislators, et cetera, he's very proud

1 [REDACTED] [REDACTED] [REDACTED]
2 of his memorabilia from President Clinton
3 and he shows it to them. The cigar box
4 was the first thing he showed my parents
5 when they visited the office.

6 Q. So that's not shocking that she
7 said he showed her the cigar box?

8 A. No. The part about that
9 particular claim that is shocking to me
10 is that I would never have led someone
11 into the office and shut the door behind
12 them. That door is always open, unless
13 there is a meeting with legislators, a
14 leaders meeting, a meeting that requires
15 a conversation and no interruption from
16 the outside.

17 Q. So if you're there outside in
18 Albany, you will never close that door
19 when it's one on one or ever?

20 A. Right. When it's one on one
21 there is no reason to. Especially if,
22 you know, that person is sitting in his
23 office. That conference room door is
24 closed, really meetings with a group of
25 legislators or the leaders meetings,

1

2 ██████████ ██████████ ██████████
3 which happen around budget negotiations
4 and the end of session, are really the
5 specific instances that I can think of
6 where that door is closed.

7 Q. And other than that, you don't
8 remember that door being closed?

9 A. Correct.

10 Q. There are other allegations in
11 the medium piece though, it sounds like
12 they are not false or incorrect, maybe
13 that she interpreted it in a way that
14 would be different than you. But the
15 allegation that she received a rose or
16 flower on Valentine's, that's correct,
17 right?

18 A. Yes, I believe that's correct.

19 Q. The speaking of the cigar box.
20 That's not unusual. It sounds like he
21 says that to many visitors.

22 A. He does. He does.

23 Q. The statement that he said she
24 looks like Lisa Shields, also true?

25 A. Again, I don't specifically
 remember it, but I am not saying it's not

1 ██████████ ██████████ ██████████
2 true. And obviously the text message is
3 there.

4 Q. Right. Okay. And so really
5 the kiss and the strip poker comment and
6 the closing of the door, is that fair?

7 A. I don't remember if those are
8 the entirety of the claims or not.

9 Q. But those are the ones that
10 come to mind in terms of the shock?

11 A. Yes. She also claims that when
12 he kissed her in the New York City
13 office, I believe that she was afraid I
14 had seen it happen, which unless he had
15 gotten up from his desk and walked around
16 to the other side of his desk, which is
17 where visitors sit facing him, it
18 couldn't have happened. And there would
19 have been no way that I would have seen
20 it if that had happened.

21 I would have seen him get up
22 and walk around the desk, number one,
23 which I didn't see. And her claim that
24 she was afraid I saw it would have been
25 impossible, unless she had gotten up and

1

 ██████████ ██████████ ██████████
2 walked around to his side of the desk,
3 which is what is in my frame of view.

4

Q. I see. So from your desk,
5 there is parts of the office you can see,
6 parts of the office you can't?

7

A. Correct.

8

Q. And so the way you at least
9 read she described it, where she says she
10 would have been kissed, would not have
11 been in your line of view, and so she
12 didn't -- she wouldn't have -- it
13 wouldn't be a reasonable concern to think
14 that you saw it?

15

A. Yes. I agree with what you
16 just said.

17

Q. But then you also said, you are
18 in the line of view where he sits. So if
19 he moved, if you were looking up, you
20 would have seen him move?

21

A. Well, the way our desks are
22 positioned, we essentially look at each
23 other all day. So I certainly know when
24 he gets up from his desk.

25

Q. Are you looking all the time,

1 [REDACTED] [REDACTED] [REDACTED]

2 like the entire time?

3 A. Back and forth. But I, you
4 know, can hear him. Can sort of
5 peripheral vision see him move from his
6 chair.

7 Q. Do you have a computer at your
8 desk?

9 A. I do.

10 Q. And where does that face?

11 A. He can see my computer screen
12 over my back.

13 Q. I see. So if you are on the
14 computer, your back would be to his
15 office?

16 A. Yes.

17 Q. So if you were on the computer,
18 you wouldn't be able to see into the
19 office?

20 A. That's right. I wouldn't be
21 staring at him. But it's very close
22 proximity, so I can hear, you know, see
23 out of the corner of my eye. I know that
24 he's moving around.

25 Q. Okay. Do you remember there

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being outreach from reporters to you
about specific allegations that involve
you?

A. I do.

Q. Okay. And what do you remember
about that?

A. The Ronan Farrow piece I
believe was a question about the Governor
making fun of my haircut and making me
cry. Do you want me to tick through each
of them?

Q. Why don't we pause there and
talk about what you remember about that
allegation about the Governor making fun
of your haircut and making you cry.

A. I don't recall that.

Q. And did you -- is that
something you talked to the press office
about responding to?

A. I did.

Q. What did you tell them?

A. My recollection is -- there
were several of these, and I think my
response to all of them was essentially

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2 the same, but I might be conflating. My
3 conversation with the press office was if
4 they wanted me to say from my voice that
5 that didn't happen, I would be happy to
6 do it.

7 The best of my recollection,
8 that particular inquiry was one where I
9 wanted to say in the statement, if I had
10 a complaint, I would, something to the
11 effect of speak for myself.

12 Q. Had he ever commented on your
13 hair?

14 A. I don't remember him commenting
15 on my hair.

16 Q. So you don't remember him
17 making fun of your haircut?

18 A. I don't.

19 Q. And had you ever cried in the
20 presence of Lindsey Boylan?

21 A. I don't remember crying with
22 Lindsey.

23 Q. Do you remember Ronan Farrow's
24 piece also talked about a conversation
25 you had with Lindsey Boylan about whether

1

2 she had ever been in the pool in the
3 mansion?

4

A. I do remember it being in the
5 piece, yes.

6

Q. Yeah. And what do you remember
7 about that? Had you ever had a
8 conversation, to your recollection, about
9 the pool with Lindsey Boylan?

10

A. I don't remember asking Lindsey
11 if she had ever been in the pool.

12

Q. You don't have a recollection
13 of doing it?

14

A. I'm sorry?

15

Q. You don't have a recollection
16 of ever asking her that?

17

A. Of Lindsey asking?

18

Q. No, you asking whether she had
19 ever been in the pool.

20

A. No, I don't have a recollection
21 of asking whether she had been in the
22 pool.

23

Q. I guess I'm trying to
24 distinguish a little bit, and maybe it's
25 hard to, between not remembering asking

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██████████ ██████████ ██████████
that, or saying that, and saying I
definitely didn't. It's not that I don't
remember, I definitely didn't. And maybe
that's just a distinction that's hard to
draw.

7

A. I just don't remember saying
it.

9

Q. Okay. Can you look at tab 76.
And this is from Jimmy Vielkind from the
Wall Street Journal.

12

A. Yes.

13

Q. He e-mailed you about a couple
of things. One is about the kiss and
then her walking by your desk, and then
the second is the Lisa Shields?

17

A. Yes.

18

Q. And something like this, did
you ever respond to Jimmy Vielkind or do
you sort of report to the press office
and deal through them?

22

A. Yes, refer it to the press
office.

24

Q. Have you ever had any direct
communications with Jimmy Vielkind?

25

1

2 A. I think I said hello to him in
3 the hallway on occasion.

4 Q. How about any responses to any
5 of the allegations relating to sexual
6 harassment?

7 A. I don't believe so.

8 Q. How about any reporters?

9 A. Aside from the statement from
10 Ronan Farrow, I recall e-mailing a
11 response to Jessie McKinley of the New
12 York Times, which I think the press
13 office had put that one together and I
14 e-mailed it. I don't even remember what
15 his question was.

16 Additionally, a producer, I
17 believe, from one of the network news
18 television shows, maybe a morning show,
19 had called my cell phone number. A
20 number I didn't recognize. And I
21 answered. And when she identified
22 herself, I asked her to consult with the
23 press office. And I recall her saying
24 no, I want to talk to you off the record.
25 We believe you're the sixth complainant

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██████████ ██████████ ██████████
2 or we heard that you're the sixth
3 complainant.

4

Q. And what did you say?

5

A. To the best of my recollection,
6 I said talk to the press office. And I
7 think after that, she may have sent me a
8 text message essentially saying the same
9 thing. We want to talk to you off the
10 record. We think you're the sixth
11 complainant. I forwarded that on to the
12 press office.

13

Q. Who was it that reached out to
14 you to say that?

15

A. I don't recall a name.

16

17

Q. Can you take a look at tab 78,
18 which is an e-mail exchange or text
19 exchange between you and Melissa DeRosa.
20 And Melissa actually links the Charlotte
21 Bennett tweet or retweet. It says, "For
22 those wondering what it's like," or you
23 sent that. And then Melissa DeRosa
24 appears to take a quote from somewhere
25 and says, "This is as watered down as it

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will go. I can't stop it." Do you know
what she's referring to here?

A. I don't remember what that is.
There doesn't seem to be anything here
that provides any insight.

Q. Do you remember at the top
forwarding this screenshot of the
Charlotte Bennett tweet?

A. I don't specifically remember.

Q. All right. If you can turn to,
and then you see if you keep going, it
looks like Melissa DeRosa is sending
various pictures of the Governor hugging
and holding people?

A. Mm-hmm.

Q. Do you remember what this was
about and why she was sending this to
you?

A. Yeah. I think that a general
reaction within the office was that, you
know, the hugging and the kissing on the
cheek and the holding, you know, people,
hands on cheeks was something that he
just very naturally did with virtually

1

2 everyone he met.

3

Q. So this was a gathering of
4 other pictures where he was doing that?

5

A. Yeah. And I believe this was
6 after one of the women -- it was the
7 photo taken of him at a wedding where he
8 is holding someone's face in his hands.

9

Q. Gareth Rhodes' wedding?

10

A. Correct.

11

Q. Could you take a look at tab
12 80, 8-0.

13

A. Yes.

14

Q. And this one looks like Melissa
15 DeRosa is sending you from her Gmail to
16 your Gmail questions, did you forcibly
17 kiss Ms. Boylan, did you touch her leg,
18 on her torso, et cetera, et cetera. Do
19 you remember what this is about?

20

A. I believe these are potential
21 questions that were anticipated he might
22 receive in Q&A after a briefing that he
23 was doing.

24

Q. So what did you do with a list
25 like this? Why is she sending this to

1

2 ██████████ ██████████ ██████████
3 you into your Gmail?

4

5 A. I don't know why it's to my
6 Gmail, unless I was at the mansion at the
7 time. She would have sent it to me to
8 print for him.

9

10 Q. And give to him?

11

12 A. Yes.

13

14 Q. I see. And you said if you
15 were at the mansion, that might explain
16 why Gmail. Why is that?

17

18 A. The purpose of that is the
19 office that is in the mansion is on the
20 OGS system. So when I go there and I
21 have to print something for him there, I
22 will send it to my Gmail, because I can
23 log into my Gmail, I can't log into the
24 OGS system.

25

26 Q. I see. So if you're at the
27 mansion, for your printout, then you
28 would just send it to your Gmail?

29

30 A. Right.

31

32 Q. Can you look at tab 83. And
33 this is you forward, you send Melissa
34 DeRosa and Judy Mogul a draft, and there

35

1 [REDACTED] [REDACTED] [REDACTED]
2 is a long list of, it looks to be a
3 speech or statement, but it's written in
4 the first person from the Governor. What
5 is something like this? Is this
6 something -- well, let me ask you, what
7 do you think this is?

8 A. It's a draft of -- I believe
9 it's a draft of a statement he was
10 thinking about making in some forum. I
11 don't know if it was at a press
12 conference. I don't know if it was, you
13 know, like a standalone statement on the
14 issue. I don't know in what venue he
15 would have delivered this.

16 Q. Something like this, where you
17 just send it to people and it's clearly
18 in his voice, is this something that you
19 either have dictated or he's written it
20 out by hand and you typed up or something
21 like that and that you're sending to
22 people at his direction?

23 A. It could be either of those
24 things, but, yes.

25 Q. Okay. And then if you go to

1

2 ██████████ ██████████ ██████████
3 133, just trying to understand what some
4 of these documents are and how it is like
5 they are created. This one is an e-mail,
6 similarly, it's a statement, actually
7 looks very similar to the one we just
8 looked at, then you write, you send it
9 from your Gmail to your ExecNY.gov
10 e-mail. What's the reason for doing
11 that?

12 A. I don't know. I can assume,
13 but I don't know.

14 Q. What's your assumption?

15 A. My assumption is that he is
16 working at the mansion. And I am using
17 my Gmail for the reasons described to you
18 before. And that I then forwarded it to
19 my Chamber e-mail to share it with
20 Chamber staff.

21 Q. 134 is similar. So sounds like
22 you don't have a specific recollection,
23 but one possible explanation is you're in
24 the mansion. You don't have access to
25 your ExecNY.gov e-mail so you're working
 on your personal e-mail that you then

1 ██████████ ██████████ ██████████
2 want to forward it to your Exec e-mail so
3 you can then forward it. How would you
4 do it, because your BlackBerry won't
5 work?

6 A. My BlackBerry will work. Just
7 to be clear, it's not that I don't have
8 access to the Chamber e-mail, but I can't
9 print.

10 Q. I see.

11 A. So obviously here, it looks
12 like these are multiple drafts of the
13 same thing, which would suggest that I am
14 printing them for him so he can revise
15 them.

16 Q. It's from the mansion that you
17 can't print. You can access them -- you
18 can only access your BlackBerry?

19 A. I can access my e-mail on my
20 BlackBerry.

21 Q. But not from a computer?

22 A. Correct.

23 Q. I just wanted to show you a
24 couple of other documents that I believe
25 was pulled from your hard drive. So if

1 [REDACTED] [REDACTED] [REDACTED]

2 you can look at 149 and 150.

3 MR. MORVILLO: We don't have
4 that. Is that in the --

5 MR. KIM: Yeah, you should open
6 up the other one.

7 MR. MORVILLO: Hold on. Did you
8 say 149 and 150?

9 MR. KIM: Yeah.

10 Q. We put on the cover page of
11 this document, sort of the document
12 title. So 149, the document says LB.150
13 or 2.2521.LB. And you can also look at
14 151, 2.2821 group. So I just wanted to
15 get a sense of what are these documents.
16 Do you recognize them and what do you
17 think they are?

18 A. I do. I think 149 is an
19 outline that may have come before the
20 longer document we just looked at. Or it
21 may be an outline for another version of
22 that document that he continued to work
23 on.

24 Q. And something like this, the
25 outline 149, how does something like this

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Q. "No inap contact. Strip poker never happened. Never said strip poker." Any discussions you recall having with him about those statements?

A. I don't recall having discussions about it.

Q. If you look at 150, "No inappropriate contact." The first line says, "Facts, never kissed her inappropriately." Can you, like any discussions with him about whether he ever kissed her appropriately or why some of these statements are changing slightly?

A. Not that I recall having with him.

Q. Okay. And "Door opened - Stephanie." Presumably a reference to the fact that you sit there and the door is open?

A. Yes, I believe so.

Q. Other than seeing it here and presumably typing it from notes or dictation, any specific discussions on

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2 ██████████ ██████████ ██████████
that subject?

3

A. I don't recall having a
4 discussion with him about it. I just, in
5 my mind, it's just understood. I think
6 anyone you would ask would tell you that
7 the door is open.

8

Q. Okay. Why don't you put that
9 to the side now. And I'll switch topics
10 to Charlotte Bennett.

11

A. Okay.

12

Q. So when did you first meet
13 Charlotte Bennett?

14

A. Well, unfortunately much like
15 Lindsey, I don't remember when she
16 started.

17

Q. Okay. And do you remember what
18 her role was when she started?

19

A. Yes. She started as part of
20 the briefing team.

21

Q. Okay. And were you involved at
22 all in the hiring of Charlotte Bennett?

23

A. No, I don't believe so.

24

Q. What does it mean to be part of
25 the briefing team?

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[REDACTED] [REDACTED] [REDACTED]
A. The briefing team is responsible for compiling all of the materials that go into a literal book that the Governor receives, ideally, mid to late afternoon, the day before the next day's events so he has the material he needs to prepare.

Q. And how many briefers are there at any given time?

A. I think currently there are two. I think there have been as many as three.

Q. Okay. And who are the two now?

A. [REDACTED] [REDACTED] and [REDACTED] -- escapes me. I can look it up for you. But I don't know if you want me to do that.

Q. That's okay. And at some point did Charlotte Bennett's role change or increase, did she also take on additional responsibilities?

A. Charlotte, at some point, was one of the folks that we could pull in to help staffing. She was based, at least

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[REDACTED] [REDACTED] [REDACTED]
initially, before COVID, she was based in
New York City. So she sat in that
cubicle outside my office for a period of
time.

Q. In New York City?

A. Correct.

Q. And was she one of the people
who eventually though, when you weren't
there, would sit in your seat?

A. I mean not as a general rule.
She may have once or twice.

Q. And how did it, how did it
happen that she went from being a briefer
to sitting in that cubicle?

A. I don't remember exactly how it
happened, other than, you know, like
anyone else who helps, we just pulled her
in.

Q. Were you the one who thought it
was a good idea to pull her in?

A. I don't remember.

Q. Do you remember being against
it or you don't remember one way or the
other?

1

2 A. I don't remember being against
3 it.

4 Q. Okay. But you don't remember
5 being the one who said we should get
6 Charlotte to do this?

7 A. No, I don't remember that.

8 Q. And so in those circumstances,
9 if it's not you, who would it be?

10 A. I don't know. But if I could
11 just clarify the description. I don't
12 know that it would ever be we need to get
13 Charlotte to do this. It would be more
14 like can Charlotte help. You know, in
15 the same way that Brittany is able to
16 help because she was -- John Maggiore was
17 no longer in the office. It's all sort
18 of based on necessity and ability.

19 Q. It's sort of ad hoc at the time
20 of need, can someone help?

21 A. I think that's right.

22 Q. And if it seems like they can
23 handle it and do a good job, you use them
24 more?

25 A. You understand that you have

1

2 ██████████ ██████████ ██████████
3 them as a resource.

4

5 Q. At some point Charlotte Bennett
6 became someone who could do that, be used
7 as a resource?

8

9 A. Yes.

10

11 Q. Do you remember any discussions
12 about -- actually let me take that back.
13 Do you also remember Charlotte Bennett at
14 some point traveling with the Governor
15 and staffing him when he traveled?

16

17 A. I don't remember that.

18

19 Q. And are there people who
20 staffed the Governor when he traveled?
21 How would you all decide who would do
22 that?

23

24 A. The people who travel are
25 typically people who play a substantive
26 role in the events he's traveling to and
27 the press person. So people who can
28 brief him on the details and substance of
29 the event and the press person who can
30 brief him on press issues.

31

32 From time to time, I will
33 travel with him, but as I said before,

34

1 [REDACTED] [REDACTED] [REDACTED]
2 that's, you know, based on whether I need
3 to stay in the office and what exactly
4 his day looks like and if there are
5 things that he needs assistance in doing
6 in person from the road.

7 Q. So you don't remember Charlotte
8 specifically being someone that people
9 decided can and should travel with the
10 Governor?

11 A. I don't remember that. I can't
12 say that she never traveled, but I don't
13 remember that.

14 Q. Okay. Can you take a look at
15 tab 35. This is a text exchange in
16 September of 2019 between you and Annabel
17 Walsh. And she writes, "I am at passport
18 agency that won't let me speak on phone.
19 What's happening? Do you think fine with
20 Charlotte for tomorrow or have you gotten
21 any bad feedback lately? You have used
22 her. Some coming up. Am I insane?"

23 You write, "What do you mean?
24 Should I just put [REDACTED] on there, we
25 have a big week."

1

2 ██████████ ██████████ ██████████
3 Do you remember what this is in
4 reference to, what you're talking about?

4 A. I don't remember.

5 Q. Okay. If you want to go to tab

6 36. This time I believe it's you, Jill

7 and Annabel Walsh. Maybe this is just

8 Jill and Annabel Walsh.

9 MR. MORVILLO: Yeah, I don't see

10 Stephanie on here.

11 Q. Take a look at 38. It says

12 "Hi. Who can go with MCU tomorrow?"

13 What's MCU?

14 A. Mobile command unit. It's a

15 euphemism.

16 Q. For what?

17 A. For a laptop and mobile printer

18 that allows him to work while traveling.

19 Q. So you're asking him who can go

20 with MCU, meaning who can go with a

21 laptop and a printer?

22 A. Yes.

23 Q. And then sort of three texts

24 in, "I mean I assume me because we can't

25 work Charlotte too hard and ██████████ is

1

2 [REDACTED] [REDACTED] [REDACTED]
3 working on 57 PowerPoints." Do you
4 remember there being discussions about
5 Charlotte not being worked too hard?

5

6 A. I don't specifically remember
7 that.

7

8 Q. What was your interactions,
9 generally, with Charlotte Bennett? How
10 often did you see her and interact with
11 her?

11

12 A. I don't recall how often, how
13 much time we were spending in New York
14 City during that period. When is this?
15 2019. But I also believe this is a
16 period of time where I would travel to
17 New York City at times, but my travel
18 was, as we discussed, alleviated a bit
19 because Annabel would cover as well,
20 which you could tell, because she is sort
21 of leading these conversations.

21

22 Q. Did you see Charlotte Bennett
23 interacting with the Governor?

23

24 A. I did.

24

25 Q. How often?

25

A. Well, again, regularly. I

1

2 don't know that I can say that at this
3 point in time he was in New York City
4 five days a week or that I was, or that I
5 was splitting my time there with Annabel.
6 But regularly.

7 Q. And did you see any evidence of
8 the Governor and her acting in like a
9 flirtatious way with each other?

10 A. I don't know that I would
11 describe, describe it as acting
12 flirtatious with each other. I thought
13 that she was interested in trying to get
14 in and speak to him a little bit more
15 than was necessary.

16 Q. And what did you mean by that?

17 A. It means that one of the things
18 that I am particularly in tune with is
19 him staying on schedule, him keeping, you
20 know, getting through the agenda for the
21 day. And so I historically have not had
22 a lot of patience with little chitchat
23 unless the moment is right and he is
24 interested in the chitchat.

25 Q. I see. And so did you observe

1

██████████ ██████████ ██████████
Charlotte Bennett to be someone who
seemed to engage in that chitchat that
would delay him at times?

5

A. Yes.

6

Q. And did the Governor seem to
reciprocate and engage in the chitchat?

8

A. He does. He responds to people
in a way that I think is reflective of
how they deal with him.

10

11

Q. And did you ever say anything
to Charlotte Bennett about that?

12

13

A. There was, I recall, I think
during COVID, in Albany, a day when he,
to the best of my memory, had gotten into
the office remarkably early, at like
or something. He had asked for materials
to be dropped off that he needed for that
day. And Charlotte happened to be in the
office and brought the materials directly
to him.

16

17

18

19

20

21

22

I was not there yet. I was
there when she came out of the office.

23

24

And I asked her if she had asked him a
question, which I recall was an

25

1 [REDACTED] [REDACTED] [REDACTED]
2 outstanding question about something he
3 was doing that day, and she said no. And
4 I said when you go in there, you have to
5 capitalize on the opportunity to do
6 things that we need to get done. So
7 that's an example.

8 So I didn't say don't chitchat
9 with him, but I tried to make it clear
10 that you have to use his time
11 effectively.

12 Q. And what was the subject on
13 that occasion that she should have or
14 needed to get --

15 A. I don't remember. I remember
16 generally that there was an outstanding
17 question that I had asked her about
18 whether she had addressed and she said
19 no.

20 Q. And when you sent that, did she
21 seem upset?

22 A. I did not notice that she was
23 upset.

24 Q. Have you ever -- do you ever
25 recall seeing Charlotte Bennett upset,

1

2 period, in the office?

3

A. I don't recall her being upset.

4

Q. Have you ever seen her crying
5 or on the verge of tears?

6

A. Not that I remember.

7

Q. Did you ever hear the Governor
8 ask Charlotte Bennett to sing Danny Boy?

9

A. Not that I remember.

10

Q. Or memorize the lyrics to Danny
11 Boy?

12

A. No, I don't recall that.

13

Q. Is that something that you have
14 seen the Governor do?

15

A. I don't recall him asking
16 someone to memorize the lyrics to Danny
17 Boy. I can tell you that he absolutely
18 sang Danny Boy or a version of it called
19 Danny Girl to Dani Lever and she would
20 often sing back to him the same song.

21

Q. Other than Dani Lever, anyone
22 else who heard him either sing Danny Boy
23 or ask them to sing it or memorize the
24 lyrics?

25

A. He may have sang it to other

1

people. I don't recall him ever asking anyone to memorize the lyrics or asking anyone to sing it to him.

5

Q. How about memorize lyrics to any song?

6

7

A. Not that I remember.

8

Q. Do you remember Charlotte Bennett ever doing pushups in the Governor's Office?

9

10

A. I don't remember seeing her do pushups. I do recall her telling him, walking into his office and telling him how many pushups she had or could do.

11

12

13

14

Q. You could hear that from your desk?

15

16

A. Yes.

17

18

Q. But you don't remember her actually doing pushups?

19

20

A. I don't remember seeing her do pushups.

21

22

Q. Have you ever heard the Governor comment on Charlotte Bennett's appearance?

23

24

A. Not that I recall.

25

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[REDACTED] [REDACTED] [REDACTED]

Q. How about on her clothing?

A. Not that I remember.

Q. How about on her hair?

A. Not that I remember.

Q. Do you remember the Governor ever referring to her, calling her Daisy Dukes because of the jean shorts she was wearing?

A. I don't remember that.

MR. KIM: I see we're at 5, so --

THE REPORTER: Do you want to go off the record?

MR. KIM: Let's go off the record.

THE VIDEOGRAPHER: We are off the record at 5:01, this marks the end of media unit number 6. Thank you.

(Off the record.)

THE VIDEOGRAPHER: We are back on the record at 5:08. This is media unit number 6, and this concludes today's testimony given by Stephanie Benton as stipulated by all parties.

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[REDACTED] [REDACTED] [REDACTED]
The total number of media units used
was seven and will be retained by
Veritext Legal Solutions New York. We
are off the record at 5:08. Thank
you.

(Time noted: 5:08 p.m.)