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HIGHLY CONFIDENTIAL - WITNESS 7/9/21

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The Matter of Independent Investigation

Under New York State Executive Law

Section 63(8)

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VIDEOTAPE DEPOSITION VIA ZOOM OF:

WITNESS 7/9/21

FRIDAY, JULY 9, 2021

9:05 a.m.

-----x

VIRTUAL ZOOM INVESTIGATION before

NANCY CARIDES, RMR, CRR, Certified Court Reporter and

Notary Public for the State of New Jersey.

REPORTED BY:

NANCY, CARIDES, RMR, CRR, CSR

JOB NO. 4695616

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12 - and -

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

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7 BY: ANGELO J. GENOVA, ESQ.

8 - - -

9 A L S O P R E S E N T:

10 MARC FRIEDMAN, Certified Legal Video Specialist

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1 THE VIDEOGRAPHER: Good morning. We  
2 are going on the record at 9:05 a.m. on  
3 Friday, July 9th, 2021. Please silence your  
4 cellphones, computer tones, or any other  
5 electronic devices you have near you. Audio  
6 and video recording will continue to take  
7 place unless all parties agree to go off the  
8 record. This is Media Unit Number 1 of the  
9 video-recorded deposition of Witness 7/9/21.

10 My name is Marc Friedman. I am a  
11 Certified Video Legal Specialist. Your court  
12 reporter today is Nancy Carides, and we are  
13 both from the firm Veritext Legal Solutions.

14 This deposition is being held via  
15 remote videoconference. All counsel consent  
16 to this remote video arrangement and waive any  
17 objections to this manner of reporting. If  
18 there are any objections to the court reporter  
19 swearing the witness remotely and this remote  
20 video arrangement, please state them now.

21 Hearing no objection, will Counsel now  
22 state on the record their appearances and  
23 affiliations, beginning with the noticing  
24 attorney.

25 MS. MAINOO: Good morning. Abena

1 Mainoo, from the law firm of Cleary Gottlieb  
2 Steen & Hamilton, but acting as a Special  
3 Deputy to the First Deputy Attorney General  
4 for the New York State Attorney General's  
5 Office.

6 MR. GRANT: Hi, good morning. My name  
7 is Yannick Grant of the law firm Vladeck,  
8 Raskin & Clark, but I'm here today in my  
9 capacity as a Special Deputy to the First  
10 Department of the New York State Attorney  
11 General.

12 MS. MUSTEFA: My name is Hyatt Mustefa.  
13 I'm also from the law firm of Cleary Gottlieb  
14 Steen & Hamilton, and I am working in my  
15 capacity as a Special Deputy for the First  
16 Deputy Attorney General with the New York  
17 Attorney General, as well.

18 THE WITNESS: Good morning.

19 MR. GENOVA: Good morning. I'm  
20 off-screen. If you want me to go onscreen,  
21 tell me, but my name is Angelo Genova. I'm  
22 with the law firm of Genova Burns, Newark, New  
23 Jersey, and I represent Ms. Witness.

24 THE VIDEOGRAPHER: Would the court  
25 reporter please swear in our witness, and we

1 can proceed.

2 - - -

3 WITNESS 7/9/21, after having been first  
4 duly sworn, was examined and testified as  
5 follows:

6 - - -

7 BY MS. MAINOO:

8 Q. Good morning, Ms. Witness.

9 A. Good morning.

10 Q. Thank you for meeting with us today.

11 Before I start asking questions, I'm going to give you  
12 some background information and go over some ground  
13 rules. So, the New York Attorney General has  
14 appointed the law firms Cleary Gottlieb, and Vladeck  
15 Raskin & Clark, to conduct an Independent  
16 Investigation Under New York Executive Law Section  
17 63(8) into allegations of sexual harassment brought  
18 against Governor Andrew Cuomo, as well as the  
19 surrounding circumstances.

20 You are here today pursuant to a subpoena  
21 issued in connection with this investigation. I will  
22 note at the outset that today's proceeding is being  
23 video-recorded. You are under oath, which means that  
24 you must testify fully and truthfully, just as if you  
25 were in a court of law sitting before a judge and

1 jury. Your testimony is subject to penalty of  
2 perjury. Do you understand that?

3 A. Yes.

4 Q. If you would like to make a brief sworn  
5 statement, we ask that you do so at the end of our  
6 examination today. Do you understand?

7 A. Yes.

8 Q. Although this is a civil investigation,  
9 the New York Attorney General's Office also has  
10 criminal enforcement powers. You have the right to  
11 refuse to answer a question if answering the question  
12 would incriminate you, but any failure to answer can  
13 be used against you in a court of law in a civil, that  
14 is, non-criminal, proceeding.

15 Asserting your Fifth Amendment privilege does  
16 have evidentiary significance. If you choose to  
17 assert your Fifth Amendment Privilege, that fact can  
18 be presented to a judge or a jury in a civil  
19 proceeding, who would be free to draw a conclusion  
20 from your assertion of that privilege. Do you  
21 understand?

22 A. Yes.

23 Q. You're appearing today with your  
24 attorney present. You may consult with your attorney  
25 if you have any questions about the attorney/client

1 privilege. Do you understand that?

2 A. Yes. How does that work? Would I just  
3 hit mute, or do I ask your permission to consult?

4 Q. You would explain that you need to  
5 consult with your attorney about the privilege.

6 A. Okay.

7 Q. And he might object, as well, and tell  
8 you to consult with him.

9 We have a court reporter present with us  
10 virtually, and she needs to take down my questions and  
11 your answers to create a transcript. So that she can  
12 create a clean record, please provide a verbal  
13 response to each question. So, please do not shake or  
14 nod your head or give responses like um-hum. Do you  
15 understand that?

16 A. Yes.

17 Q. If you do not know the answer to a  
18 question, please say you do not know. Please allow me  
19 to finish my question before you begin to answer so we  
20 don't talk over each other. That's important, to let  
21 the court reporter create the transcript. You will  
22 not be permitted to review a transcript of this  
23 testimony. If at any time today you want to clarify  
24 an answer you've given, please just let me know. If  
25 you don't understand a question, please let me know,

1 and I'll try to ask the question in a different way.

2 I will be asking about names and dates and  
3 other specific information. Even if you don't  
4 remember a specific name or date, I would ask that you  
5 give me your best approximate answer while indicating  
6 that your answer may not be exact. If you need a  
7 break at any point, just let me know, but if there's a  
8 question pending that you haven't answered yet, please  
9 answer the question first, and then we'll take a  
10 break.

11 Ms. Witness, please confirm who's in the room  
12 with you.

13 A. Myself and Angelo Genova.

14 MS. MAINOO: Ms. Witness and Mr.  
15 Genova, please confirm that you're not using  
16 any technology to create a recording of this  
17 proceeding on your end, including  
18 screen-capturing tools.

19 THE WITNESS: We confirm.

20 MR. GENOVA: Yes. I confirm, yes.

21 MS. MAINOO: Please confirm that you're  
22 not letting anyone else listen in, including  
23 by using any devices.

24 THE WITNESS: I confirm.

25 MR. GENOVA: Yes, I confirm that, too.

1 MS. MAINOO: Please confirm that you  
2 are not and will not communicate in realtime  
3 or during breaks with anyone else about the  
4 substance of your testimony.

5 THE WITNESS: I confirm.

6 MR. GENOVA: I will confirm.

7 BY MS. MAINOO:

8 Q. Thank you. Executive Law Section  
9 63(8), the provision under which this investigation is  
10 being conducted, prohibits you, Ms. Witness, and your  
11 counsel from revealing anything about what we ask or  
12 what you say during your testimony to anyone. If  
13 anyone asks you to disclose any such information,  
14 please let us know, including any reason they are  
15 seeking such information, and we'll discuss with you  
16 whether any disclosure will be allowed.

17 Please note that you are protected from  
18 retaliation for participating in today's testimony.  
19 We ask that you let us know if you're concerned about  
20 any potential retaliation from anyone, including the  
21 Executive Chamber.

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

25 A. No.

1 Q. Have you had any alcohol today?

2 A. No.

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

5 A. No.

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

8 A. Sure. Witness 7/9/21, date of birth is

9 [REDACTED]. My current home address is [REDACTED]  
10 [REDACTED]. And my current work  
11 address, we just moved in, I know it's [REDACTED],  
12 [REDACTED]. I can get you the street  
13 number.

14 Q. That's okay. Ms. Witness, have you  
15 ever given testimony before?

16 A. I have never done this before, and even  
17 after twenty years in New Jersey politics. So, I was  
18 impressed to get through New Jersey. I'm bummed that  
19 I have to do it, but sorry, go ahead.

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

22 A. No. My lawyer and I spoke yesterday,  
23 and chatted through and discussed and refreshed my  
24 memory about what we submitted with the subpoena.

25 Q. And I'll just make clear that you

1 should not tell me about what you discussed with your  
2 lawyer.

3 A. Right.

4 Q. That's protected by the privilege.

5 MR. GENOVA: Thank you.

6 BY MS. MAINOO:

7 Q. How long did you meet with your lawyer?

8 A. It was Zoom, via video --

9 MR. GENOVA: Two hours.

10 THE WITNESS: Two hours.

11 BY MS. MAINOO:

12 Q. Did you meet with Mr. Genova, or anyone  
13 else?

14 A. Mr. Genova and Peter Berk, from his law  
15 firm.

16 Q. Besides meeting with your lawyers, did  
17 you speak with anyone else about the fact that you are  
18 speaking with our investigative team?

19 A. Absolutely not.

20 Q. Have you spoken with anyone about  
21 testimony he or she has given to the investigative  
22 team?

23 A. No.

24 Q. Let's turn to tab 1 in your binder, and  
25 we can also put it up on the screen.

1 MR. GENOVA: I haven't opened the  
2 materials that you provided.

3 MS. MAINOO: Thank you. Great. We can  
4 take a moment for you to open them.

5 MR. GENOVA: There are two Redwelds in  
6 here. Are they the same?

7 MS. MAINOO: Yes, they are.

8 MR. GENOVA: I assume the second one is  
9 for me?

10 MS. MAINOO: That's correct.

11 THE WITNESS: Tab 1, you said?

12 MS. MAINOO: Tab 1.

13 THE WITNESS: Okay. Angelo has his and  
14 I have mine.

15 BY MS. MAINOO:

16 Q. Is tab 1 the document subpoena you  
17 received from our office?

18 A. Yes.

19 Q. Did you read the subpoena?

20 A. I did.

21 Q. What did you do to collect documents in  
22 response to the subpoena?

23 A. The law firm I engaged hired a company  
24 to do it. They took my devices for many hours, then  
25 they returned the devices, and then they sent those

1 documents, texts and e-mails and whatever, to my  
2 attorneys.

3 Q. Let's turn to tab 2.

4 A. Okay.

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

7 A. Yes.

8 Q. Did you read the subpoena?

9 A. I did.

10 Q. And do you understand that your  
11 testimony today is being taken pursuant to the  
12 subpoena?

13 A. I do.

14 MS. MAINOO: And we'll mark tabs 1 and  
15 2 as exhibits.

16 (Exhibit 1, Document Subpoena, and  
17 Exhibit 2, Testimony Subpoena, were marked for  
18 identification.)

19 BY MS. MAINOO:

20 Q. Ms. Witness, please take us through  
21 your educational background, starting with college.

22 A. I attended Douglass College at Rutgers  
23 University, '92 to '96. I got a mini MBA at Rutgers,  
24 and that's it.

25 Q. What's your current employment status?

1           A.       I'm the managing partner of Kivvit.

2           Q.       And since when have you worked at  
3 Kivvit?

4           A.       2012, I worked at its predecessor  
5 company called M Public Affairs, and then we merged M  
6 Public Affairs and Kivvit in 2016.

7           Q.       Ms. Witness, what relationship, if any,  
8 do you have with Andrew Cuomo?

9           A.       He's a friend, and I'm an advisor to  
10 him, largely in a political capacity.

11          Q.       When did you first meet Mr. Cuomo?

12          A.       I met Andrew Cuomo in 2010, when he was  
13 the Attorney General. I was working for a building  
14 trade union, LIUNA, and I hadn't met him before, and I  
15 went with my employer to meet him.

16          Q.       What led to your meeting with him in  
17 2010?

18          A.       I think it was a check-in. My employer  
19 knew him very well. He was Attorney General running  
20 for governor, so I think it was like a touch-base kind  
21 of session. But I don't know, actually, why the  
22 meeting was on the schedule.

23          Q.       Have you ever worked with, worked for,  
24 or provided services, whether paid or unpaid, to  
25 Andrew Cuomo?

1 A. Yes.

2 Q. What work have you done for him?

3 A. In 2010, when he ran for governor, I  
4 guess his second time, I went on the campaign for, I  
5 would say, the last five weeks. I left my -- I went  
6 on leave from my job, I was in-kindred as they call it,  
7 to his gubernatorial campaign, and then in 2018 I ran  
8 his primary for governor against Cynthia Nixon for  
9 about, for the primary, I can't remember the date, but  
10 it was post Memorial Day, and then it went through  
11 September, so for a couple of months over the summer.  
12 And then otherwise, have been his friend, talked with  
13 him, you know, for years.

14 Q. Is there any other work that you've  
15 done with or services that you provided, whether paid  
16 or unpaid?

17 A. To Governor Cuomo?

18 Q. Correct.

19 A. Outside of those, no. The two times I  
20 directly really worked for him and his team was on the  
21 campaign side in 2010 and 2018.

22 Q. Have you ever done any volunteer or  
23 unpaid work for him?

24 A. You would have to clarify what that  
25 means. I mean, I guess this just seems like a gray

1 area. So, if you're in my world of public affairs, I  
2 used to be in politics, I have friends who are U.S.  
3 senators and governors, CEOs, is kind of the world I'm  
4 in, and so they call and seek counsel as friends all  
5 the time. I would put Andrew Cuomo in that bucket. I  
6 mean, he isn't somebody you talk to often. He's very  
7 insulated. But I definitely have talked to him  
8 through the years, without question, a couple times a  
9 year, for sure.

10 Q. What was your position on the 2010  
11 campaign?

12 A. Senior advisor.

13 Q. And how did you come to work as a  
14 senior advisor to the 2010 campaign?

15 A. When I met Governor Cuomo, then General  
16 Cuomo, after the meeting he called. The year before I  
17 had run Governor Corzine's election in New Jersey. He  
18 asked me questions about that election, what we  
19 learned from it, then he invited me to a Saturday  
20 morning meeting, and then eventually he asked me and  
21 my employer at the time if I could be in-kinded to the  
22 campaign to work on strategy.

23 Q. And what does it mean to be in-kinded  
24 to the campaign?

25 A. So, the way the election law works is

1 that the entity you work for has to go and check with  
2 the State to see what the limits are, and then if  
3 they're legally allowable, they can in-kind you to, as  
4 the donation, and my services are the donation from  
5 the entity. So, I don't remember the whole process,  
6 but the lawyers went through it to figure out what was  
7 legally appropriate. For five weeks, instead of me  
8 commuting to Monroe, New Jersey and doing my normal  
9 job, I commuted to the city and worked on the  
10 campaign.

11 Q. What were your responsibilities as  
12 senior advisor to the campaign?

13 A. That's a great question. Initially, I  
14 was doing a lot of labor outreach for him, and then it  
15 moved into much more the meat-and-bones. They were  
16 about to spend \$18 million in the last five weeks of  
17 the campaign. The campaign advisor the Governor had  
18 been using previously, a guy named [REDACTED], who  
19 was very close to the Cuomo family, who has since  
20 passed away, had written a multichannel platform media  
21 campaign to execute. They asked me to review it. I  
22 strongly disagreed with it. I didn't think the data  
23 was integrated in the execution of the resources. I  
24 went to Joe Percoco and the governor, Joe was the  
25 campaign manager then, and said I disagree with it,

1 here's what I would do, you guys do what you want, and  
2 then it became my project. So, that's sort of very  
3 emblematic of Cuomo's style, I think.

4 Q. What do you mean by that?

5 A. Well, he doesn't really suffer fools  
6 well, and if he doesn't thinking the rationale for how  
7 you're approaching a problem is right, he will dismiss  
8 you. I could just as easily have been dismissed if he  
9 didn't think it was smart and it was thoughtful and it  
10 was going to work, and you know, that is very much his  
11 style.

12 Q. Who did you report to as senior advisor  
13 to the 2010 campaign?

14 A. Joe Percoco.

15 Q. And did anyone report to you at the  
16 time?

17 A. No. I mean, not really, no. No direct  
18 reports.

19 Q. And where were you based  
20 geographically? You mentioned earlier that you would  
21 drive into the city.

22 A. I don't remember the address, but it  
23 was across -- it was back when the Attorney General's  
24 Office -- not where the Attorney General's Office is  
25 now. Back in the old Attorney General's Office, which

1 I think was on that main street in the financial  
2 district, I believe it was across the street.

3 Q. Before you worked on the campaign, have  
4 you ever met Joe Percoco?

5 A. No.

6 Q. How often did you interact with Mr.  
7 Percoco?

8 A. On the campaign?

9 Q. Correct.

10 A. Daily.

11 Q. And what about the Governor, how often  
12 did you interact with him?

13 A. I would say much more -- I always  
14 assume there's patterns to this, but much more in the  
15 early years people had a lot more interaction and  
16 exposure to him, but he wasn't in the office a lot, so  
17 it was mostly by phone. But it was pretty often  
18 toward the end, for sure.

19 Q. What do you mean when you say that in  
20 the early years people had more interaction and  
21 exposure to the Governor?

22 A. Oh, with most governors this is very  
23 common. You know, in their beginning years they're  
24 very accessible, they're on the phones a lot, they're  
25 getting a lot of opinions, they have a wide net of

1 voices they listen to, and as they become more and  
2 more established in their job, they get more  
3 insulated, more insulated. You know, they change  
4 their cellphone number, they get out of touch with  
5 people, they close down the number of advisors they  
6 rely upon. It's not unique to him. It's very common  
7 amongst governors, and third terms are always the  
8 worst. It's sort of a known fact in politics. And so  
9 that ends up being a time where, traditionally,  
10 governors are very insulated.

11 Q. And on the 2010 campaign, what types of  
12 interactions did you have with the Governor?

13 A. I would maybe be at some meetings, on  
14 Saturdays usually, where he would run white-boarding  
15 sessions. He'd have multicolored dry-erase markers,  
16 he would get up to the board, and he would map out a  
17 strategy, and then he would -- oh, with different  
18 colors for different objectives. He's probably the  
19 first person who really made me think about public  
20 affairs the way I do now, you know, what  
21 constituencies are impacted by this policy, how could  
22 we do it, can we get endorsements, is there a public  
23 narrative, who should roll it out. In the weeds, you  
24 know, as I'm sure you know, and everybody has read  
25 about, in the weeds, very demanding. And then he

1 would open it up to the team to say what do you think,  
2 and then there would be a very lively debate where  
3 folks would express a concern or a strength, and he  
4 would push back with you directly in front of the  
5 group. So, I sat through, maybe, several of those, I  
6 don't recall, it's a long time ago now, several of  
7 those. And then we would talk on the phone. We would  
8 be on conference calls going through the data, the  
9 polling, how we were going to change the paid media  
10 campaign, sort of very common and traditional things.  
11 We talked a lot about when he gets elected, how to be  
12 thinking about that differently. I served in State  
13 government. A lot of the folks around him had not,  
14 previously, folks that were on the campaign. He had  
15 outside advisors who, obviously, worked for his dad,  
16 but folks on the campaign. You know, so we did talk a  
17 lot about what are you going to do with transition,  
18 you already have your policies done, so you're going  
19 to do your personnel, but you're not laying out  
20 policy. You have to transition yourself. Sort of  
21 like things that I would say to someone if I wanted  
22 them to be thoughtful and be a success, if they were  
23 positioning themselves as the first son of a governor  
24 and needed his own legacy and brand, et cetera.  
25 (Pause.) I can't hear you.

1 Q. Other than the Governor and Mr.  
2 Percoco, were there any members of the campaign staff  
3 who you worked with closely?

4 A. Members of the campaign staff that I  
5 worked with closely, definitely. [REDACTED], I don't  
6 think he was on the staff, but he was sort of a figure  
7 in the Cuomo world for years. [REDACTED]. I'm  
8 trying to remember now. I certainly worked with the  
9 labor liaisons, the political liaisons. [REDACTED]  
10 came in for a little while. The press shop was [REDACTED]  
11 [REDACTED]. I can't even remember that team. I didn't  
12 work with the press shop very much. I mean, there was  
13 a bunch. I can try to think about it and get you  
14 names. Is that okay? I can't remember off the top of  
15 my head.

16 Q. That's okay. You don't need to follow  
17 up on that. And how did you come to work as a  
18 campaign manager for the 2018 campaign?

19 A. Okay. So, after Melissa got appointed  
20 secretary -- I didn't know Melissa DeRosa at all. I  
21 was kind of a generation ahead of her. When she got  
22 appointed secretary, I saw her maybe six months after,  
23 and I told her that as the first woman secretary, I  
24 really wanted to see her succeed, and she needed to  
25 let me know when she needed help. And so we started

1 to build a friendship then. They had hired somebody  
2 to run the campaign. They asked me to meet with that  
3 gentleman, as somebody who understood how Cuomo's,  
4 sort of, strategic political mind works for campaign  
5 purposes. That gentleman was never going to make it.  
6 I mean, I don't know how he got chosen, I don't know  
7 why, I think Larry chose him, but he was never going  
8 to make it. He wasn't strong enough. He wasn't data  
9 driven enough.

10 And so I think it was Melissa, at first, came  
11 to see me and said, you know, the sake of the  
12 Democratic Party is at hand, will you do it. And what  
13 she meant by that was that the candidate opposing the  
14 Governor was a democratic socialist, and I'm an  
15 established democrat, and I didn't like the party  
16 going so far left, and so she made it less about the  
17 Governor, to be honest, and more about the fact there  
18 was this left plank push by the Democrats, and that's  
19 what we had to protect against.

20 So, I pushed back for awhile. I couldn't  
21 really figure out how to do it at first. I [REDACTED] [REDACTED],  
22 and I have a company to run. And so I talked to my  
23 partner, went on leave from the company, and came over  
24 for a couple months. And that was my deal, a couple  
25 months. They all tried to get me to stay through the

1 general, but I went back home.

2 Q. Did it influence your decision to join  
3 the campaign that Melissa DeRosa framed the issue as  
4 one about the future of the Democratic Party as  
5 opposed to the Governor?

6 A. Definitely. There's a huge split in  
7 the Democratic Party, and I'm very passionate about  
8 getting outcomes from people, and not aspiring to  
9 policies that will never get passed and implemented,  
10 and therefore, people don't get the outcomes. So, I'm  
11 a very passionate advocate for Democrats.

12 Q. Would you have been less interested in  
13 the position if Melissa had framed it as about the  
14 Governor?

15 A. Well, if there wasn't a challenge, I  
16 would have never done it.

17 Q. And what's the reason you would not  
18 have done it if there wasn't a challenge?

19 A. I mean, if it was a walk in the park,  
20 you don't disrupt your life. Working for Governor  
21 Cuomo is not for the meek, you know. It's a 24/7  
22 operation. There's going to be phone calls at 5:00  
23 a.m. There's going to be rewritten ads. There's  
24 gonna be -- I knew what I was getting into, because I  
25 had seen it in 2010, and you know, you wouldn't -- I

1 don't know how to explain it. Well, I do. I bet the  
2 assignment you're on right now, I would expect you get  
3 up 5:00 a.m., you go to bed at 2:00 a.m., you get two  
4 hours with people you love on Sunday afternoons, and  
5 then you go right back at it until you produce this  
6 report. Right? So, I've managed government, Attorney  
7 General's Offices. I can only imagine the pressure.  
8 It's the same thing, just it's a Super Bowl, a  
9 campaign. It's very different than government. And  
10 so every day, every second you have matters. And so  
11 those are intense engagements, and [REDACTED],  
12 [REDACTED], two hours in and out  
13 every day, I mean, now I get to come and go in my real  
14 life as I please. This is a real commitment to make  
15 to somebody.

16 So, do I care about the Governor and his  
17 election, do I think he deserves re-election,  
18 absolutely. Do I think that he is a strong executive  
19 governor, I do. So, I cared about him, but what was  
20 really at stake was in the time of Donald Trump as  
21 president, if we get socialists in office, we're not  
22 going to have the authority of power to really protect  
23 ourselves when we need to, and I think Democrats are  
24 better than democratic socialists for political  
25 ideology and outcomes for real people, so that was

1 motivating to me. If he didn't have a challenge, I  
2 would have been like go scratch, no way.

3 Q. You mentioned that they tried to get  
4 you to stay for the general. Who tried to get you to  
5 stay?

6 A. The Governor and Melissa.

7 Q. How did they do that?

8 A. Phone calls, begging, you know, that  
9 kind of stuff. But they knew they didn't have a  
10 strong argument, because the real challenge in New  
11 York, traditionally, has been less about the general,  
12 more about the democratic primary. So, if you win the  
13 primary, it's common knowledge that you're going to  
14 win the election, unless you really screw something  
15 up. So, they really didn't have a strong argument to  
16 make.

17 Q. Did you report to anyone on the  
18 campaign?

19 A. On the '18 campaign?

20 Q. Yes.

21 A. Certainly, the Governor, [REDACTED] is  
22 the campaign chairman, and Melissa was, without  
23 question, very, very involved.

24 Q. And what was your position? What was  
25 your title?

1           A.       It's interesting. I came in with no  
2 title, and then I got the title campaign manager in  
3 the middle of it. I wasn't doing it for a title, so I  
4 was actually not focused on that. And the campaign  
5 was so disorganized by the time I got there that I had  
6 to sort of stabilize it.

7           Q.       Did anyone report to you, as campaign  
8 manager?

9           A.       Oh, yeah. The press team did. I mean,  
10 pretty much everybody. The data team, the political  
11 team, the video team, the constituency team. I worked  
12 very, very closely with the Attorney General's  
13 campaign, and with the Lieutenant Governor's campaign.  
14 I spent a lot of time on those races, how the Governor  
15 could help those candidates. So, yeah, there was a  
16 lot of direct reports, I would say.

17          Q.       Where were you based this time, in  
18 2018?

19          A.       I should know this, too. It was around  
20 the corner from the Governor's Office, so I want to  
21 say 3rd Avenue. I can get the address and send it to  
22 you.

23          Q.       You don't need to. That's fine.

24          A.       It's Channel 11 news, same building,  
25 WPIX.

1 Q. How often did you interact with the  
2 Governor on the 2018 campaign?

3 A. Often in the beginning weeks. They had  
4 a conference room that they used above the Attorney  
5 General -- excuse me, above the Governor's Office, and  
6 so we would meet, or it was somewhere in the building,  
7 it wasn't above. So, we would meet there, often, in  
8 the very beginning to sort of -- because we were  
9 reassessing the campaign, and I was changing the  
10 entire approach to the campaign and repositioning what  
11 we were reinvesting our resources in, to get a much  
12 more data-driven operation than what they had. So,  
13 that was often, I would say. Talking to him,  
14 certainly, very often, but rarely -- in person,  
15 really, became about events, because he never came to  
16 the campaign office, not once. I can't ever remember  
17 him coming inside the campaign office, ever. He  
18 didn't even come to his own victory party on primary  
19 night.

20 Q. And when you say you would meet often,  
21 about how many times a week would you meet with the  
22 Governor?

23 A. In the first couple of weeks, it was  
24 often. I would say it was almost daily in the first  
25 few weeks. Then it moved into, like, once every

1 couple of weeks, in-person. And it wouldn't just be  
2 me. It would be myself, it would be Jef Pollock, it  
3 would be [REDACTED], it would be Larry Schwartz. It  
4 would be his, sort of, crew, his normal operating  
5 crew, and then me for the purposes of the campaign.  
6 And then, I mean, it wasn't a lot. It was just  
7 several months, so it was over by then.

8 Q. Just now you described [REDACTED],  
9 Schwartz, Cohen and Pollock as the Governor's crew.  
10 What did you mean by that?

11 A. Well, Cohen wasn't in those meetings,  
12 but I would put Cohen in that group. There's a group  
13 of what is called Cuomo family members, and they are  
14 not blood relatives, but they're people that worked  
15 for his father and then worked for him. And they have  
16 always been around him, since the day I met him, and  
17 even some of them still today. So, they are the likes  
18 of Steve Cohen, [REDACTED], [REDACTED]  
19 [REDACTED], Larry Schwartz. I'm trying to think if I'm  
20 missing anybody. That was sort of like -- and [REDACTED]  
21 [REDACTED] was in that group. He was in those campaign  
22 meetings, for example, and he passed away at the end.  
23 I don't think I'm missing anybody. I mean, Jef  
24 Pollock and I are more the add-ons, and he and Jef  
25 have gone up and down. I mean, if he doesn't agree

1 with your strategy or your recommendations, you don't  
2 hear from him very often.

3 Q. Do you include yourself among the Cuomo  
4 family members?

5 A. I mean, they call me that, but no. So,  
6 most of those men got their start in politics with  
7 Mario Cuomo. That's the distinction. And then they  
8 have this family loyalty thing. And this is true in  
9 in politics, when the governor calls or the president  
10 calls, sort of the way our code works, as  
11 professionals, is you don't really say no. And so you  
12 want to always avoid the call from the Governor. So,  
13 for example, when I was talking about the primary, I  
14 said to Melissa, don't have him call me until we have  
15 a conversation or I'll kill you. Because you don't  
16 say no to the principal. That's just not how our  
17 world really works, you know?

18 So, all of those guys worked for Mario, that's  
19 where they got their start, and so it was almost like  
20 they grew up with Andrew, but then there's, you know,  
21 there was like a family Italian blood oath where they  
22 would be helpful. I didn't have that obligation to  
23 him. I never had it. I had a unique relationship  
24 with him in that I brought a modern campaign skill set  
25 that he didn't have. And so he knew it, and he

1 learned it, and then he loved it, and his thing to me  
2 was, you know, you've given me more than I think  
3 you've ever owed me, kind of thing, and that's just  
4 his, you know, I'm half Italian, I feel like it's his  
5 Italian mindset of how these relationships work.

6 Q. Other than you, are there any other  
7 women who are considered members of the Cuomo family?

8 A. His advisors? Not really until Melissa  
9 got there, that I know of. I'm sure he has some, but  
10 I don't know of any.

11 Q. So, would you include Melissa in that  
12 group of Cuomo family members?

13 A. Oh, yeah.

14 MR. GRANT: Earlier you said "they"  
15 call you that. Who exactly were you referring  
16 to?

17 THE WITNESS: Say that again.

18 MR. GRANT: Earlier when you were  
19 talking about the Cuomo family members, you  
20 said that "they" called me that. Who were you  
21 referring to as "they?"

22 THE WITNESS: That group. I mean, you  
23 know, Larry would say I'm family, I think, and  
24 I think [REDACTED] would, and all those kind of  
25 folks, but I'm not. I don't jump when I'm

1           called. I don't have that kind of  
2           relationship.

3                       MR. GRANT: Gotcha.

4       BY MS. MAINOO:

5           Q.       What's the reason you think you have  
6           that independence?

7           A.       I mean, I was very particular in my own  
8           mind to structure the relationship that way. I've  
9           worked for many governors. It was a time in my life  
10          when I was running my own business, and I wasn't going  
11          to be defined by someone else. I mean, I was  
12          purposeful about it. Every other politician I had  
13          worked for sort of viewed me as theirs, and I didn't  
14          have my own brand, and now I had a company, so I  
15          needed to be much, much more perceived as somebody who  
16          was independent. Paying attention, that's not to say  
17          I wasn't good to him and loyal to him, I certainly  
18          was, and I sacrificed a lot for him, but I don't, you  
19          know, I don't owe him anything.

20          Q.       In what ways have you been good to  
21          Andrew Cuomo and loyal to him?

22          A.       I sacrificed seeing [REDACTED] for  
23          weeks at a time two different years of my life. I  
24          take that pretty seriously.

25          Q.       In distinguishing yourself from other

1 members of the -- from other former family members,  
2 what do you think they owe him?

3 A. I don't know.

4 Q. When you say you don't owe him  
5 anything, how are you distinguishing yourself from  
6 anyone else?

7 A. I say no. If I don't want to be  
8 involved in something, I say no. If I don't have the  
9 time for it, I say no. If I personally just don't  
10 want to do it, I say no, which is what happened here.

11 Q. Please elaborate on that, when you say  
12 that's what happened here.

13 A. Well, you have all of the documents. I  
14 didn't engage. He wanted us to engage. He wanted our  
15 counsel. He wanted my counsel. He wanted some  
16 individuals' counsel. At one point he wanted to hire  
17 Kivvit, and I said no. I said I wasn't doing it. He  
18 wanted Josh to do it. I said I would let Josh do it.  
19 Josh didn't want to do it. Josh didn't have to do it.  
20 So, a lot of people are hesitant to say no to him.  
21 He's tough. He really gets engaged in the content,  
22 and he's charming and powerful all at the same time,  
23 but for me it's not complicated at all. I mean,  
24 Kivvit is a world-class business, and I wasn't doing  
25 it. I wasn't putting the firm in jeopardy.

1 Q. What concerns did you have about  
2 putting the firm in jeopardy by getting involved?

3 A. Risk analysis. Whatever your report  
4 concludes will determine whether he's charged, and  
5 from my perspective, it wasn't worth the risk. Our  
6 firm does a significant amount of work that is unique  
7 in pro bono, we've done discounted rates for Me Too  
8 Movement. You know, I am an aggressive feminist.  
9 From my perspective, your report will create the  
10 conclusions it does, and everybody can judge the  
11 situation. I was not going to be involved with it  
12 before that.

13 Q. When did you first have discussions  
14 with anyone about getting involved in connection with  
15 the allegations against the Governor?

16 A. Well, it wasn't originally about that.  
17 So, just so there's clarity, I went up to Albany to  
18 see Melissa, because I was worried about her [REDACTED]  
19 [REDACTED] after she had used the word "froze" in the New  
20 York Post that created the press scandal, if you will,  
21 around the nursing home issue, and when I was there,  
22 we chatted about whether or not we would help out the  
23 nursing home scandal. And you know, I felt like that  
24 was a really, from the outside, reading the papers  
25 every day, I felt like they were getting a raw deal.

1 So, I was interested in that one. When it moved to  
2 Ms. Boylan, I was not at all interested, and told them  
3 such.

4 Q. When did you go to Albany to see  
5 Melissa?

6 A. The only way I remember the date is  
7 because it was the day before Lindsey Boylan released  
8 her story in the media. Because I was up there, and  
9 then that story hit, and there was a conference call  
10 that morning about nursing homes. And I jumped on  
11 that call, I think it was the last call I ever did,  
12 and the Medium story hit while we were on that call.

13 Q. Who else was there?

14 A. I wasn't there in-person. I was on the  
15 phone. So, I don't know. I mean, Melissa and the  
16 Governor certainly were. I think maybe Linda, I don't  
17 know, Linda Lacewell, maybe. I don't know who was  
18 there.

19 Q. So, backing up, what led to your trip  
20 to Albany? You said you went there because you were  
21 worried about Melissa's [REDACTED]. Did you speak  
22 with her before you went up to Albany?

23 A. Yeah, I had been talking to Melissa  
24 about her [REDACTED] for weeks. Ever since -- I  
25 don't know what the timeframe was, but ever since she

1 used that word "froze" in The Post, the papers were  
2 going after her. She was depleted from the pandemic,  
3 and she's my friend, and she's the only woman who's  
4 ever sat in that chair, and I don't think you  
5 understand the pressures of that chair, and I was  
6 worried about her [REDACTED] I really was. I was  
7 worried that she [REDACTED]

8 Q. When did you first start speaking with  
9 her?

10 A. She -- I don't know. I'd have to look.  
11 I mean, I, also, just for reference, I was [REDACTED]  
12 [REDACTED], still, then, so I wasn't as readily  
13 available, and the pandemic sort of distanced me from  
14 normal. I mean, normal world that if they call, you  
15 call them back very quickly and see what's on their  
16 mind or whatever, and then go back to your normal  
17 life. So, I don't think I got back to her at first,  
18 and then I heard her voice, the voicemail, and I got  
19 back to her. But I don't remember when. It was in  
20 that timeframe.

21 Q. So, she called you?

22 A. I'm pretty sure.

23 Q. Do you remember if it was this year?

24 A. Yeah, because it had to be -- I feel  
25 like it had to be around Valentine's Day. If I knew

1 the date of The Post story, it would be right after  
2 that. It would be soon after that. Maybe that  
3 weekend following.

4 Q. Do you remember around when you got  
5 back to her?

6 A. No. I mean, we can pull it, obviously.  
7 I don't. I don't.

8 Q. When you spoke with her, did you  
9 discuss the workplace allegations at all?

10 A. When I spoke to her, there were none.

11 Q. Well, Lindsey Boylan had tweeted in  
12 December, 2020?

13 A. Oh, no.

14 Q. You did not discuss that?

15 A. Uh-uh.

16 Q. So, what led to you going up to Albany?  
17 Did she ask you to come to Albany?

18 A. We talked about getting together. We  
19 talked about, like, trying to figure out if we could  
20 have dinner or not, but with the pandemic, I have [REDACTED]  
21 [REDACTED], so I, at the time, and  
22 still, with the Delta variant, have very, very, very  
23 limited travel. And we had talked about, sort of,  
24 trying to get together, and then it got to the point  
25 where I thought she really needed [REDACTED], and

1 maybe [REDACTED], and maybe to be [REDACTED] for  
2 [REDACTED], and so I recommended [REDACTED], and  
3 then I said to her I can get up there, what day works  
4 for you. And then it was that day. It just happened  
5 to be that day.

6 Q. Did anyone go with you to Albany in  
7 February?

8 A. No.

9 Q. Lindsey Boylan's Medium post came out  
10 on February 24th. I'll put it up. So, it looks like  
11 you went up there February 23rd.

12 A. Right, the day before.

13 Q. How much time did you spend there?

14 A. A number of hours, but I also did some  
15 of my own work throughout the day outside on my phone,  
16 et cetera.

17 Q. And where did you go in Albany?

18 A. The Governor's Mansion.

19 Q. When did you leave the Mansion?

20 A. I did not stay for dinner, so I would  
21 guess it was probably early evening.

22 Q. Around when did you get there?

23 A. Later morning.

24 Q. Who did you meet with when you were at  
25 the Mansion?

1           A.       The Governor -- at one point, the  
2 Governor, Steve Cohen, Stephanie Benton, and Melissa.  
3 At another point, some people from the Governor's  
4 Office came over, some people from the departments,  
5 they were preparing for Howard Zucker's testimony in  
6 the legislature, but they were in a different room  
7 than I was in. And then later in the day, Rob Mujica  
8 came by. But that was sort of the group.

9           Q.       At any point, was there any discussion  
10 about the workplace-related allegations?

11          A.       There were none then.

12          Q.       How did you learn about the Medium  
13 post?

14          A.       While I was on the conference call on  
15 the nursing homes, the next morning.

16          Q.       What did you hear?

17          A.       Melissa read Lindsey Boylan's article  
18 on the conference call.

19          Q.       What was your reaction?

20          A.       Well, a couple different ways. My  
21 reaction to, sort of, generally like the Cuomo world  
22 was I don't want to participate in any of this. This  
23 is not like a space I want to be in, not with the  
24 values of the firm, not with who I am. As a person, I  
25 was just kind like checking-out, if you will.

1 Personally, I was like that stinks, but I do not have  
2 a high opinion of Lindsey Boylan, so I was influenced  
3 by that. And I would sort of say, lastly, you just  
4 knew it was going to create, sort of, an obsession  
5 firestorm for them, because they obsess about  
6 everything. And so when that happens, you know,  
7 there's a joke that I think [REDACTED] told me years ago of  
8 Cuomo, you want to get close enough to be warm, but  
9 not so close you get zapped. And the idea of that is  
10 if that machine is going to start, and they're going  
11 to look at every word and every story and every thing,  
12 it's not a good life. You just don't want to be a  
13 part of it.

14 So, I was thinking, on the phone, like, you  
15 know, I'm not going to be involved in this. The  
16 nursing home, to me, was a different deal. You know,  
17 Melissa said one word out of context, they probably  
18 disclosed the numbers, nobody had a playbook during  
19 the pandemic, that felt, to me, like something that  
20 was worthwhile to work on. This, I just didn't really  
21 want any part of.

22 Q. You said you didn't want to participate  
23 in any of this, and you used the phrase Cuomo world.

24 A. Say that last part again.

25 Q. You used the phrase Cuomo world when

1 you said you did not want to participate in any of  
2 that.

3 A. Yes. His world, his senior staff, his  
4 outside world. You know, when they get obsessed about  
5 something, it's like a 24/7. He's demanding. It's  
6 24/7. I mean, one of the reasons he's usually  
7 successful, and I think during the pandemic, was  
8 largely because he runs that Executive Branch with  
9 intensity, not like a normal 9-to-5 operation. But  
10 for people who have real lives, and [REDACTED], and a real  
11 job, you don't have time to be engaged in that kind of  
12 stuff.

13 Q. Do you remember who was on the call,  
14 conference call?

15 A. I mean, the people who were the most --  
16 the people who were the most involved, on the call,  
17 I'm trying to remember if I know exactly who was on  
18 the call. I don't remember, but I would like -- I  
19 mean, I think Liz Smith was on the call, I think Jef  
20 Pollock was on the call, Josh might have been on the  
21 call, Vlasto. Steve Cohen, I think, was in-person.  
22 I'm just trying to think. Stephanie Benton was in the  
23 room. There might have been more. That's all I can  
24 remember.

25 Q. Was the Governor on the call?

1           A.       Yes.  He was in-person in the Mansion.

2                   MR. GRANT:  And Melissa DeRosa?

3                   THE WITNESS:  Yes.  Sorry.  Melissa, I  
4           had mentioned she read the article, so  
5           obviously, she was on the call.  Melissa,  
6           Stephanie, the Governor.  I think Steve Cohen  
7           and Linda Lacewell, I think were in the  
8           Governor's Mansion, but I don't know that.  
9           They were prepping for Steve Cohen to go on  
10          the radio about a nursing home pushback  
11          strategy about Donald Trump using DOJ for  
12          political purposes.

13       BY MS. MAINOO:

14                Q.       You mentioned that there had been  
15          discussions about getting involved in relation to the  
16          nursing homes issue.  Was that discussion about Kivvit  
17          getting involved or you, individually?

18                A.       Yeah, no, there was a short period  
19          where it was about Kivvit getting involved.  They were  
20          thinking about running an actual, like, normal crisis  
21          response operation, the way any politician or  
22          corporation would.

23                Q.       And did that happen?

24                A.       No.

25                Q.       What's the reason?

1           A.       Yeah, I wasn't going to participate  
2       once the allegations started.

3           Q.       Once the allegations about workplace  
4       harassment started, you didn't want Kivvit to be  
5       involved in any work involving the Governor?

6           A.       Yeah, I mean, candidly, the victim that  
7       hurt me the most was Charlotte, because as I said, I  
8       don't have a high opinion of Lindsey at all, so when I  
9       saw that, in particular, I didn't get involved.

10          Q.       Did you have a discussion with anyone  
11       about your decision not to get involved?

12          A.       Yes, but they don't listen.

13          Q.       Who did you speak with about not  
14       getting involved?

15          A.       Well, I told the Governor directly. I  
16       told Melissa directly. The Governor tried to  
17       negotiate with me and pay Kivvit \$100,000 a month. He  
18       wanted Josh full-time. I said no. I told him we  
19       would volunteer. I didn't mean it. I certainly was  
20       not going to volunteer, but it allowed him to get  
21       distracted, and I gave him recommendations of other  
22       people who could be his PR guru, and this is during  
23       the allegations. The allegations, obviously, as a  
24       scandal trumped nursing homes, so now they were  
25       obviously all about the allegations. So, I gave him

1 recommendations on who he might want to hire, because  
2 it wasn't going to be us.

3 Q. When did you first tell the Governor  
4 that you didn't want Kivvit to get involved?

5 A. I'd have to go back and look. It's in  
6 -- we'd have to go back and look.

7 Q. Okay. We'll look in the documents.

8 A. I mean, I believe --

9 MR. GENOVA: Is there a document that  
10 could refresh her recollection that you want  
11 her to look at now?

12 THE WITNESS: I mean, I would imagine  
13 you have line of sight to it. Josh and I were  
14 having a discussion about it, by text or by  
15 e-mail, one of the two, because I was trying  
16 to protect Josh from getting sucked into it.  
17 So, you would have seen me say I spoke to the  
18 Governor, I told him you have [REDACTED]  
19 [REDACTED], I told him that he needs  
20 somebody 24/7, I told him it's not us. It  
21 might have been content like that.

22 BY MS. MAINOO:

23 Q. And there's some texts from mid March  
24 that we'll talk about later. In your mind, did you  
25 consider getting Kivvit involved on the nursing homes

1 issue?

2 A. For a short period of time, I did. And  
3 this was before the DOJ opened an investigation. This  
4 was before -- I had only known what I had read in the  
5 paper.

6 Q. And even after the workplace issues  
7 came out, did you consider just limiting this role?

8 A. No.

9 Q. And what's the reason you didn't  
10 consider that option?

11 A. They don't have the ability to do that.  
12 They don't have -- when they're in a -- you know,  
13 everything is a war for Andrew Cuomo. So, this is a  
14 public affairs, public relations war. I understand  
15 the substance is serious with which you're dealing  
16 with this, but in, sort of, that tactical mind of his,  
17 that's a 24/7 rapid response, fully-staffed social  
18 media monitoring operation on every scandal that's  
19 happening, which is a good number to monitor, and so  
20 there would be no -- how can I explain it? For  
21 lawyers, you get scope definition. For people in PR,  
22 you don't. Because when the reporter goes after you  
23 on one, they go after you on all. So, it doesn't  
24 work. Like, for you guys you can say, okay, I'm only  
25 going to be doing this, the JCAHO investigation, or

1 the Attorney General's investigation. For PR it's  
2 like when a reporter comes, they reinforce it all the  
3 time, so it's like a whole different gig. And I just  
4 wasn't comfortable.

5 Q. And what's the reason that you weren't  
6 comfortable?

7 A. I'm a feminist. I mean, I'm not going  
8 to prejudge these women.

9 MR. GRANT: Was your discussion of your  
10 involvement separate from Kivvit's  
11 involvement?

12 THE WITNESS: No. It wouldn't be me,  
13 because I'm not a press person. I'm a  
14 campaign data strategist person in our public  
15 affairs world. It would much more be Rich or  
16 Josh, and I'm sure you saw content where  
17 people were calling Rich and Josh and asking  
18 them to do it. They're trying to do Italian  
19 guilt into them doing it, and that kind of  
20 thing, go on leave, the whole 9 yards.  
21 Neither of them wanted to do it, nor should  
22 they have to do it. They both have [REDACTED].  
23 They gave their time to Andrew Cuomo. They  
24 don't have an obligation.

25 MR. GRANT: Gotcha.

1 BY MS. MAINOO:

2 Q. You just referenced Italian guilt.  
3 What do you mean by that?

4 MR. GENOVA: It's not so bad, because  
5 she has an Italian lawyer.

6 THE WITNESS: I have an Italian lawyer  
7 and Italian mother. Italian guilt. That's  
8 what Italians do. If they want you to do  
9 something, they'll try everything. They'll  
10 bribe you with food. Don't take the bribery  
11 word the wrong way. They'll charm you,  
12 they'll cajole you, they'll try to twist your  
13 arm. They'll do everything they can possibly  
14 do under the sun, including whoa is me, come  
15 on, help, please help, now is the time. If  
16 you're family, you help. Guilt.

17 MR. GRANT: You've said severally times  
18 that you don't have a high opinion of Lindsey  
19 Boylan. What do you mean?

20 THE WITNESS: Well, you've seen this  
21 content, as well. On the night of the primary  
22 election, a lot of the Cuomo people left as  
23 soon as the Governor was declared the winner.  
24 I did not, because I had spent so much time on  
25 Kathy Hochul's and Tish James' campaign and

1 convinced the Governor to put \$5 million in  
2 their races, because Zephyr Teachout and  
3 Jumaane Williams were surging. I viewed their  
4 races as important as Andrew Cuomo's in terms  
5 of establishing Democrats winning, and in  
6 terms of a reflection on Andrew Cuomo's  
7 commitment to these senior women on the  
8 ballot.

9 So, I stayed, did the whole data  
10 review. By the time I got to the campaign  
11 party -- you know, people are always going to  
12 drink at a campaign party. It's not a work --  
13 it's a work event, but it's not a Chamber  
14 event, right? It's not formal. So, people  
15 are going to have cocktails, but when I walked  
16 in, one of the first people I saw was Lindsey,  
17 and I had never really met her before, maybe  
18 in passing, and she was drinking champagne out  
19 of champagne bottle, [REDACTED].

20 [REDACTED]  
21 As a woman in politics for almost  
22 twenty-five years, I lack any empathy for  
23 women who put themselves in positions that  
24 will reflect poorly upon all women in  
25 politics. It's tough enough as it is. And I

1 thought her behavior was abhorrent. And she  
2 came up to me and hugged me and kissed me, and  
3 I don't know her, so that was also not  
4 appropriate. And she was like, you know, I  
5 hear you can push back on the Governor, and  
6 you can move an opinion, and you're amazing,  
7 and we should get together, and I want to run  
8 for office, [REDACTED] and it was  
9 disgraceful and embarrassing. And she did not  
10 give a shit about [REDACTED] that night, I  
11 can tell you that. And [REDACTED] you know, [REDACTED]  
12 [REDACTED], that's not news, you  
13 probably know that by now, but they weren't  
14 trying to [REDACTED]. And so I actually left  
15 there. I actually was like this is a shitty  
16 scene, and I'm going to leave, and it was  
17 really because of Lindsey Boylan.

18 So, I don't have a high opinion of her  
19 because of that, and that's just because of  
20 the years of being a woman in politics. I  
21 don't appreciate women behave that way in  
22 politics.

23 MR. GRANT: Is your opinion of Ms.  
24 Boylan formed around that one evening, or were  
25 there other interactions with Ms. Boylan that

1 give you that opinion?

2 THE WITNESS: No, it's really that  
3 evening, which probably isn't completely fair.  
4 But it's really that one evening. I must have  
5 bumped into her here or there, but I don't  
6 recollect any interactions with her.

7 MR. GRANT: Gotcha. And as I recall  
8 from earlier today, you said you didn't  
9 discuss Ms. Boylan with Melissa or anyone else  
10 in the Executive Chamber before the Medium  
11 post blew up?

12 THE WITNESS: I said I didn't in  
13 February, when I was talking to Melissa about  
14 the word "froze" in The Post, to be precise.

15 MR. GRANT: Gotcha.

16 THE WITNESS: I don't recollect if we  
17 talked about it in December, but I would  
18 highly doubt it, because [REDACTED] was in a  
19 very tough position, and I was [REDACTED]  
20 [REDACTED], and with [REDACTED], who were going through  
21 [REDACTED], so I  
22 highly doubt we had any conversations about it  
23 in December, but I don't recall.

24 MR. GRANT: Understood. And sorry for  
25 misinterpreting what you said earlier.

1 THE WITNESS: Oh, no, no, I just  
2 warranted to be precise, because I've heard  
3 that's what I'm supposed to do.

4 MR. GRANT: Indeed.

5 BY MS. MAINOO:

6 Q. Can you just describe, briefly, what  
7 Lindsey Boylan [REDACTED] at that  
8 campaign party?

9 A. So, it started out where when I walked  
10 in, [REDACTED] to my left at the bar, how would I put  
11 this, [REDACTED]  
12 [REDACTED], shall we say? Does that sound good? And  
13 [REDACTED] and then as  
14 the night went on, [REDACTED]  
15 [REDACTED]  
16 [REDACTED]

17 Q. So, they were [REDACTED] and  
18 --

19 A. Oh, yeah, [REDACTED]  
20 [REDACTED],  
21 [REDACTED], the whole --

22 Q. [REDACTED]

23 A. I'm trying to remember that right now.  
24 I want to say yes, but I don't have a picture of it in  
25 my head. But you know, I got out of there at some

1 point because I just thought it was pretty icky.

2 Q. Earlier you were talking about a  
3 discussion with the Governor during which he tried to  
4 negotiate and say Kivvit would be paid \$100,000 a  
5 month for helping out. Do you remember how that  
6 discussion happened? Was it a phone call?

7 A. It was a phone call. The reason why he  
8 came to that conclusion, on like that kind of number,  
9 which is unusual for him because he's cheap, is  
10 because he wanted -- he really wanted Josh full-time.  
11 Josh is an extraordinary practitioner. The Governor  
12 actually likes people, I think, who stand up to him.  
13 Josh stands up to him. And he was asking me what  
14 Josh's income was, and could he leave the firm, and  
15 you know, if Kivvit would do it, and I said I don't  
16 think it's possible. And he said well, what if I paid  
17 Kivvit a big number a month to cover Josh's salary and  
18 we hired Kivvit, and I said we're not hiring Kivvit.  
19 It's not an option. I can't speak to whether,  
20 ultimately, Josh would agree, I haven't spoken to him,  
21 but I don't won't him to go, and he's got [REDACTED],  
22 and he shouldn't have to go. And then we circled  
23 back, and I said to the Governor, Josh does not want  
24 to do it. And I had told Josh I would never put him  
25 in an awkward position, I would never force him to do

1 it or make him do it. Josh didn't want to do it.  
2 Kivvit was not going to do it.

3 Q. You said that you gave the Governor  
4 suggestions about who could advise them. Who did you  
5 suggest?

6 A. The most immediate person I suggested  
7 was Liz Smith, who is an extraordinary rapid response  
8 practitioner. He has high respect for Liz. She  
9 worked on the campaign. They stayed in touch.  
10 Whenever he had a press crisis, Liz was one of the  
11 people he would call, and she was very involved, as  
12 you know, in the rapid response text exchange. I  
13 don't know if she was involved, officially  
14 compensated, all that jazz, but she was clearly very,  
15 very engaged and involved. So, he had some success,  
16 obviously, with getting her to engage.

17 Q. Did you speak with Liz before you  
18 recommended her?

19 A. No. But she knew. I mean, she knew  
20 she was on that list. We talked during nursing homes,  
21 actually, so she was on that list from then. Because  
22 if we weren't going to do nursing homes, I think Liz  
23 might have considered it, because she's also fond of  
24 Melissa.

25 Q. Did you speak with Melissa about not

1 getting involved?

2 A. I didn't. I actually had to go to the  
3 Governor directly to say no. There was no  
4 intermediary on this one. There was no insulation on  
5 this one. If you were going to say no, you had to  
6 have the balls to do it yourself. And I think Melissa  
7 was in [REDACTED], so I think he was actually doing a  
8 lot of work himself at that point. So, I did have a  
9 conversation with Melissa. Just give me a second.  
10 I'm trying to think about what it was. Oh, I spoke --  
11 I think it might be the last time I spoke to Melissa.  
12 I said to her, you know, we're not getting involved in  
13 this any way, shape or form, and I think our firm is  
14 going to be subpoenaed, or some members of my firm  
15 might get subpoenaed, and I'm really pissed about it,  
16 so if you call me, make sure it's not about any of  
17 this shit, and it's just about you, personally.

18 Q. When was that conversation?

19 A. Awhile ago. We'd have to go back and  
20 look at phone records. It would pop out pretty quick,  
21 though, because she and I have not talked at all. We  
22 haven't talked much at all. She texted me for the  
23 first time just a few days ago.

24 Q. When you had that conversation with  
25 Melissa, had you already received the subpoenas?

1           A.       I believe Rich had, I think, Rich  
2 Bamberger, and I believe that's why I said it to her;  
3 I wanted her to know that there were boundaries. And  
4 to be honest, I didn't want to be deposed, so from my  
5 perspective, I didn't want her saying anything to me  
6 that then you would want to know. Right? It didn't  
7 really work out.

8           Q.       When did she text you?

9           A.       Can I look?

10          Q.       Of course.

11          A.       I'm sorry I'm not as precise with the  
12 dates. It's just they're not a focal point in my  
13 life.

14          Q.       No need to apologize.

15          A.       Friday July 2nd at 5:25.

16          Q.       What did she say?

17          A.       She sent a picture of John Samuelson,  
18 who is the President of TWU [REDACTED], with  
19 a tweet that says: Rumors abound that @New York  
20 Governor will appoint Larry Schwartz as chair/CEO of  
21 MTA if his Albany effort at bifurcation fails.  
22 @Transport Worker's Local Unions are not intimidated  
23 by threats of Schwartz' appointment. We've no fear.  
24 Bad bosses equals an organizer's dream. @TWU Local  
25 100. Her message is: Why has he gone so far off the

1 deep end? He's totally lost his mind.

2 Q. Did you respond?

3 A. No.

4 Q. How did you interpret Melissa's text?

5 A. You know, they keep tabs. That's,  
6 traditionally, been a very strong relationship for  
7 them. They see distance, and they want to know why,  
8 and they want to fix it, and figure out how to keep it  
9 on track. I mean, you can tell by the Governor's  
10 strategy and what you've read in the paper that,  
11 right, he's focused on the black and Latinx base, he's  
12 focused on pastors, he's focused on labor. He's  
13 focused on trying to keep his base intact through  
14 these scandals. So, they don't want the TWU guy going  
15 off the rails. But [REDACTED], so I mean, it is  
16 what it is.

17 MR. GRANT: Given the gap in time, did  
18 you think that Melissa texting that issue may  
19 have just been pretext for wanting to speak to  
20 you?

21 THE WITNESS: No. If she wants to  
22 speak to me, she would. I've been surprised  
23 that she hasn't called in these last few  
24 months, but the last time I had that  
25 conversation with her, I was pretty stern. I

1 was pretty frustrated that the firm was  
2 involved in this at all, after making the  
3 right decisions, and behaving ethically, and  
4 standing up to him. So, I was just frustrated  
5 that we had to go -- I'm not asking for your  
6 sympathy; I'm just saying the context, I was  
7 frustrated that we would be involved at all.  
8 So, I guess she heard that in my voice and  
9 hadn't reached out.

10 MR. GRANT: Understood. How did she  
11 react during that call?

12 THE WITNESS: Not the way she normally  
13 would have. I mean, she wasn't herself. From  
14 the outside, it looks to me like she might be  
15 doing a little better now, but she was pretty  
16 muted, pretty meek. But she was under a lot  
17 of personal pain then about being attacked on,  
18 largely, the nursing home issue.

19 MR. GRANT: Gotcha. And do you recall  
20 anything specifically that Ms. DeRosa said  
21 during the conversation?

22 THE WITNESS: No. We didn't talk about  
23 anything. I mean, I asked her if she got [REDACTED]  
24 [REDACTED] yet, and she had.

25 MR. GENOVA: Do you need a break or

1 anything?

2 THE WITNESS: I'm okay right now.

3 BY MS. MAINOO:

4 Q. How long was that call, Ms. Witness?

5 A. Not long. I mean, I would guess, I  
6 don't know, but not long. You only talk to people in  
7 government for a long time, usually, if it's nights or  
8 weekends. It's never what I'd call long. If they  
9 want to really think about something, they do it on a  
10 weekend.

11 Q. When Melissa DeRosa texted you a few  
12 days ago, did she say anything about your upcoming  
13 testimony?

14 A. No. I read to you what it was.

15 Q. Other than the call you had with  
16 Melissa in which you talked about your firm getting  
17 subpoenaed, did you ever speak -- did you speak with  
18 her about your firm not getting involved?

19 A. No. I'm sure the Governor told her I  
20 was a hard no, and they couldn't have Josh.

21 Q. And what exactly were you being asked  
22 to provide?

23 A. Rapid response, what we do for a  
24 living. You know, a CEO gets in a scandal, somebody  
25 has a brand or reputational risk, they've got

1 allegations coming at them, they've got to figure out  
2 how to stabilize their brand, whether it's a company  
3 or person. It's what we do all day long. So, they  
4 wanted us to run a 24/7 rapid response operation, a  
5 communications operation, if you will.

6 Q. Do you know who the proposed client  
7 was?

8 A. I don't. But you never would with him.  
9 I don't.

10 Q. What do you mean when you say you never  
11 would with him?

12 A. He wouldn't be the person who would  
13 figure that out.

14 MR. GRANT: Do you have a sense of what  
15 strategy they wanted to employ for this  
16 response effort?

17 THE WITNESS: No. I never engaged once  
18 the allegations started. I mean, you have two  
19 text messages where I engaged on politics,  
20 polling what Jef was going to say related to  
21 his viability as a candidate. Intentionally,  
22 you have no participation from me on  
23 everything else, because I was not  
24 participating.

25 BY MS. MAINOO:

1 Q. Other than the Governor and Melissa,  
2 did you speak with anyone else about providing rapid  
3 response or communications services?

4 A. I did not.

5 Q. Do you know if any Kivvit employees  
6 did?

7 A. Speak with the Governor and Melissa?

8 Q. Speak with the Governor and Melissa, or  
9 any other members of the Cuomo family.

10 A. The only two that, potentially, would  
11 be in that pool of eligibility would be Rich or Josh.  
12 Rich, definitely not, because he was so angry by the  
13 time we were in that space. He said he had zero  
14 interest in helping whatsoever. He was feeling very  
15 angry. Josh might have. You know, Josh and Melissa  
16 went to college together. They have a good  
17 relationship. And the Governor and Josh have a good  
18 relationship. So, Josh might have, but I think you  
19 can see in that chain Josh called him back, and then  
20 he wouldn't call Josh back, then he ended up calling  
21 me.

22 Q. I think earlier you mentioned that when  
23 Melissa was appointed secretary you reached out to her  
24 as the first woman secretary and said you wanted to  
25 see her succeed. Do you remember when you had that

1 discussion with her?

2 A. No. It was awhile into her tenure,  
3 because I remember her true political confidant was  
4 [REDACTED] from Metropolitan Solutions, who's a good  
5 guy. That was her mentor in politics. So, I knew I  
6 wouldn't be her mentor. She already had one. It  
7 ended up, I think, that her and [REDACTED] had a falling  
8 out, and that's probably what she needed help -- or it  
9 might have been -- I don't know how it happened. Or  
10 it might have been the Governor said, you know, what's  
11 Witness 07092021's opinion on that, and she was like,  
12 oh, I don't have a relationship with Witness 7/9/21,  
13 but those are rare, and far between on the government  
14 side. I don't remember what it was. I would guess  
15 maybe like a year after she got there.

16 Q. Do you know how far back she and [REDACTED]  
17 had a falling out?

18 A. I don't. Let me rectify that. She  
19 talked about the fact that they weren't as close as  
20 they used to be and she didn't trust him. I remember  
21 that, during the nursing home.

22 Q. Have you ever worked for or provided  
23 services or worked with Melissa, other than your work  
24 on the 2018 campaign?

25 A. No. I was above her in the 2010

1 campaign, but I never met her.

2 Q. Earlier you were talking about how  
3 third-term governors become insulated and have a  
4 narrower circle of advisors. Do you still consider  
5 yourself as part of the advisors around Governor  
6 Cuomo?

7 A. Not for government, no. Meaning, every  
8 four years I'm his best friend.

9 Q. For the campaigns?

10 A. Yeah. Not for government.

11 Q. When you were talking about your  
12 involvement with the Governor, you've mentioned the  
13 2010 and 2018 campaigns, and you said he also calls  
14 and seeks counsel. How often does he call and seek  
15 counsel from you?

16 A. It really depends. Not very often. I  
17 mean, you know, in the earlier years you would get a  
18 call saying he's going to be at X event, come by and  
19 see him, and then he'd pull you aside and chat with  
20 you. But I didn't speak to the Governor through the  
21 whole pandemic, and the first time I spoke to him was  
22 Valentine's Day weekend. I had not spoken to him in a  
23 long time. I had texted to him and told him he did a  
24 nice job on the pandemic, and [REDACTED] and I were  
25 living in [REDACTED] at the time, that's where we were

1 during the pandemic, and because of the [REDACTED] and  
2 the pandemic, I wasn't spending time in Albany,  
3 obviously, so I didn't talk to him for a very long  
4 time. I should say I didn't talk to him for a very  
5 long time. Melissa, here or there, but I was really  
6 off the grid quite a bit because of the [REDACTED].

7 Q. What did you discuss during Valentine's  
8 Day weekend?

9 A. We discussed Melissa, and the word  
10 "froze" in the New York Post, and that he was a little  
11 worried about Melissa. But he called me to ask me how  
12 [REDACTED] were doing, and how [REDACTED] was doing,  
13 and how I was doing, because [REDACTED]  
14 [REDACTED]. So, it was a personal call more than  
15 anything. Nothing related to any of these topics came  
16 up.

17 Q. When is the next time you spoke with  
18 him?

19 A. When I went to Albany to see Melissa,  
20 which was whatever date you said.

21 Q. Okay. And after that, when was the  
22 next time you spoke with him?

23 A. We can pull it. It was when he  
24 called -- when he started to call about wanting Kivvit  
25 or Josh.

1 Q. And after that, when was the next time  
2 you spoke?

3 A. Oh, I haven't spoken to him in, it's  
4 probably since the day I said no to him.

5 Q. Have you communicated with him in any  
6 way?

7 A. No.

8 Q. How did you meet Rich Bamberger?

9 A. Good question. I did not know Rich  
10 during the campaign. I met him, he was at an energy  
11 event at Columbia University in Harlem, if I have that  
12 right, and I was there with a client, and we met, and  
13 we were joking about the fact that we hadn't met  
14 before, and that's when we first met, and he was  
15 potentially looking to leave the Chamber.

16 Q. Do you remember when that was?

17 A. I don't, but I bet I still have it. I  
18 could probably find it. And then it took a very long  
19 time to get him onboard, because the Governor wouldn't  
20 let him leave, which is what he does with most people  
21 he thinks are talented.

22 Q. How did you know that the Governor  
23 wouldn't let him leave?

24 A. The Governor told me.

25 Q. What did he tell you?

1           A.       He told me until he replaced himself  
2 with somebody of the same caliber, he couldn't leave,  
3 which was totally fair, and common. I remember I used  
4 to joke around, it was like birthing a baby, it was a  
5 long time from the time I made the offer and he wanted  
6 to come until the time he was allowed to come.

7           Q.       Do you remember how much time passed  
8 between the time that --

9           A.       I think it might have been like nine  
10 months, because I had joked that it was like birthing  
11 a baby.

12                   MR. GRANT: When you say that's common,  
13 what do you mean?

14                   THE WITNESS: Well, for governors and  
15 senators, you get really topnotch talent as  
16 senior staff. It's really hard to get  
17 somebody with such a unique life experience  
18 that have gravitas, they're mature, who get  
19 the politics, with the policy, who understand  
20 how to do it ethically. You know, those are  
21 really talented people. I mean, I know people  
22 underestimate it because it's "public  
23 service," but when you get an extraordinary  
24 communications director, like, he's known  
25 Andrew Cuomo for putting it on the person who

1 is leaving to find their replacement, and the  
2 replacement has to meet his standards. And I  
3 don't think that's uncommon in politics.  
4 There have been a couple of jobs I've had in  
5 politics where I couldn't leave until I  
6 replaced myself.

7 MR. GRANT: What were those jobs?

8 THE WITNESS: Frank Lautenberg, State  
9 Director. I left to do Al Gore's campaign. I  
10 was his New Jersey Chief of Staff for his U.S.  
11 Senate for the government side. I went on  
12 leave for Al Gore, and he wouldn't let me go  
13 unless I replaced myself. Chief of Management  
14 of Operations, and the Chief of Staff job in  
15 New Jersey under Governor Corzine, I was  
16 leaving to run the campaign. I had been in  
17 government for three years, and I had to map  
18 out a whole plan for Jon Corzine, and split  
19 the job up into three jobs, find the people to  
20 do it, blah, blah, blah.

21 MR. GRANT: How did it make you feel  
22 that you had to delay moving to something else  
23 that you wanted in order to replace  
24 yourself -- because you have to replace  
25 yourself?

1 THE WITNESS: It's totally fair. I  
2 mean, these are not normal commitments.  
3 They're public service commitments, and the  
4 people who do them take them seriously. And  
5 those are remarkably important jobs, so I  
6 think it totally fair.

7 MR. GRANT: Do you think there's any  
8 differences in the way that Andrew Cuomo  
9 approaches keeping high caliber talent as  
10 opposed to other politicians?

11 THE WITNESS: I think he's much more  
12 intentional about it. You know, there was a  
13 famous rumor that he wouldn't let Steve Cohen  
14 leave until he got gay marriage legalized, and  
15 then he was allowed to leave the secretary's  
16 job. You know, Andrew Cuomo motivated people  
17 in all kinds of ways. It doesn't strike me as  
18 abnormal or unique amongst politicians, please  
19 do this before you go, please identify how  
20 we're going to map this without you, you can't  
21 leave yet, I'm running for election. You  
22 know, that's very common.

23 MR. GRANT: Gotcha. And is there -- do  
24 you know of any tactics or measures that Mr.  
25 Cuomo has employed to keep high caliber talent

1           there beyond simply asking the person to stay?

2                   THE WITNESS: No. I mean, he never  
3           called me and said withdraw from job. He  
4           never did anything like that. He just said  
5           he's got to find a replacement before he goes.

6                   MR. GRANT: Gotcha.

7                   THE WITNESS: And I said that's fair,  
8           and that took awhile.

9 BY MS. MAINOO:

10           Q. Did you consider withdrawing the offer?

11           A. No. I needed our intermediate  
12           practitioners. I'm not an intermediate practitioner.  
13           I needed somebody who knew the entire LCA, had depth  
14           with them, really good relationships with an ethical,  
15           honorable person, and Rich was really perfect for what  
16           I needed, so I was willing to wait.

17                   MR. GRANT: Are there job opportunities  
18           that could disappear based on the time it  
19           takes to replace oneself?

20                   MR. GENOVA: Anywhere, Yannick? Is  
21           that a straightforward question?

22                   MR. GRANT: Can you answer the  
23           question?

24                   THE WITNESS: Say the question again.

25                   MR. GRANT: Sure. I'll rephrase. But

1           you were willing to hold open this position  
2           for Mr. Bamberger, correct?

3                   THE WITNESS: Well, for any talented  
4           person, I'll wait. I run a professional  
5           services, like a law firm, a professional  
6           services business, and my people are  
7           everything. Everything. So, if there's  
8           talent, yeah, I'll wait.

9                   MR. GRANT: Understood. But if there's  
10          a particular project or task that you need  
11          done, and you need a particular person to fill  
12          a role for that, you could potentially not be  
13          able to fill that role while that person had  
14          to wait to, you know, replace himself at a  
15          prior job, correct?

16                   THE WITNESS: Complete hypothetical,  
17          though.

18                   MR. GRANT: True. But is it a  
19          hypothetical that you can answer?

20                   THE WITNESS: I mean, while Rich, I  
21          didn't get him for nine months, I still had to  
22          do the work, and we still did the work. I  
23          didn't lose any work because Rich got delayed,  
24          or anything like that. I mean, we kept it  
25          going. We just did it with other folks in the

1 office. I mean, I know you guys know this, if  
2 you see a talented lawyer who you want to join  
3 your team, you'll wait sometimes as long as it  
4 takes. And you know, I would do -- [REDACTED] and I  
5 do the same thing.

6 MR. GRANT: Gotcha.

7 BY MS. MAINOO:

8 Q. Do you know what authority the Governor  
9 had, though, to prevent Rich from leaving earlier?

10 A. No. I've never worked in the Chamber.  
11 I have no idea.

12 Q. And you mentioned that the Governor  
13 told you that Rich wouldn't be able to leave until he  
14 found his replacement. In what context did the  
15 Governor make that statement?

16 A. He was joking. He was teasing. I  
17 mean, he wasn't -- you know, he just said it to me, I  
18 feel like it might have been at an event, I don't  
19 remember where, and I was like no problem, I gotcha.  
20 I mean, my job is not to leave somebody else in a  
21 lurch unless I find talent, right, so and that's the  
22 case whether it's the Governor's Office, a  
23 corporation, a client, a competitor.

24 Q. Did you tell the Governor that you had  
25 made an offer to Rich?

1           A.       I don't know if I told the Governor  
2 first or if Rich did. That's a long time ago. I  
3 don't remember. But I remember he had to find his  
4 replacement.

5           Q.       And after Rich joined Kivvit, did you  
6 ever discuss any arrangements for him to do work,  
7 whether paid or unpaid, for Andrew Cuomo?

8           A.       We never discussed it, but in politics,  
9 and in public service, you know, you get strong bonds  
10 with the people you work with. If they call you as a  
11 friend, you respond, whether that's the Chief of Staff  
12 or the intragovernmental rep, and they don't know how  
13 to do something, and they're not sure. I mean, I  
14 would put it much more in the mentor/friendship advice  
15 counsel. I knew that there would be some of that  
16 going on, for sure. I mean, Rich knew a lot of press  
17 people. He put all of the press people in all  
18 departments. He cared about all of them. You know, I  
19 was very similar when I worked with government in New  
20 Jersey, so I knew that he still might be a sounding  
21 board for different kinds of people, for sure. But as  
22 long as he did it on his own time, and his work got  
23 done, and he did his job, I was fine with that.

24          Q.       Did there ever come a point where you  
25 discussed with Rich the conditions or terms under

1 which he could be used for, kind of, advice giving or  
2 serving as a sounding board for Governor Cuomo's  
3 Administration?

4 A. No, I was never in the weeds on any  
5 conversations Rich was or wasn't having. We had  
6 certainly talked from a global perspective about  
7 always being careful. [REDACTED] is our JCAHO  
8 counsel. He used to run JCAHO.

9 MR. GENOVA: Okay. I don't want you to  
10 talk about whatever you spoke to [REDACTED]  
11 about. Okay?

12 THE WITNESS: Okay. We were always  
13 careful.

14 BY MS. MAINOO:

15 Q. And then in connection with the  
16 workplace harassment allegations, did you have a  
17 discussion with Rich about what he should or shouldn't  
18 be doing in relation to Andrew Cuomo or the Executive  
19 Chamber?

20 A. No.

21 Q. Do you have an understanding of the  
22 extent of Rich Bamberger's involvement in the response  
23 to allegations against Governor Cuomo?

24 A. I don't.

25 Q. Have you discussed Rich's involvement

1 in response to the allegations?

2 A. No. Our internal review will happen  
3 when your report has concluded.

4 Q. But in connection with articles in  
5 March of this year --

6 A. Oh, yes. I'm sorry. Yes. Rich told  
7 me later in, I would say, late February, early March,  
8 sometime in there, that back in December when  
9 Lindsey's tweet went out, he contacted three reporters  
10 for the Governor's Office. That's what he told me.

11 Q. Did he say what contact he had with  
12 reporters?

13 A. He did not. He said that the first  
14 time he was calling them to send them to the  
15 Governor's Office to get something from the Governor's  
16 Office, the Governor's office had something for them.  
17 But my recollection what he said was he didn't know  
18 what they had. Now, in hindsight, we've all read that  
19 they were, in whatever date it was, March, passing  
20 around a Lindsey Boylan document about her workplace  
21 history. At the time, you know, when he and I talked  
22 about it when the press stuff started happening,  
23 that's when I started hearing about his involvement,  
24 and he told me he called those reporters without  
25 knowledge of that. Which wouldn't be unusual. I

1 mean, reporters are always trying to figure out what's  
2 going on in the Cuomo world, and trying to understand.  
3 And they go to many people to try to get access or  
4 information. So, I don't think that part is unusual,  
5 about saying to Rich can you make sure those three  
6 reporters get to us. That doesn't seem unusual to me.

7 Q. And if I understand, Rich told you that  
8 he contacted reporters to say that the Governor's  
9 Office had something, and Rich said he did not know  
10 what he was calling the reporters to say the  
11 Governor's Office had?

12 A. The first iteration. When the press  
13 report came out and we got on the phone, which I'm  
14 sure you have line of sight to, [REDACTED] and myself, Josh  
15 and Rich, he said that after talking as a party, I  
16 believe, that he found out it was going to be  
17 Lindsey's records. That was when I found out, which  
18 is much, much -- well, obviously, this was December,  
19 so it was months and months later.

20 Q. In the second iteration, did Rich say  
21 that at the time he called the reporters, he had no  
22 knowledge of what he was calling them about?

23 A. I believe so. But I wouldn't say a  
24 hundred percent. I mean, I have no recollection,  
25 specifically, of the words, but that's what I remember

1 from the conversation.

2 Q. What was your reaction to both the  
3 first explanation you got from Rich and the second  
4 one?

5 A. I don't think -- look, I can say as a  
6 professional, when somebody has a scandal, the last  
7 thing you do when you have a scandal is to try and  
8 discredit the people making the allegations,  
9 especially in this climate and with this subject  
10 matter. So, to me, the whole strategy is absurd. So,  
11 from my perspective, I believe Rich that he said he  
12 called the reporters, he didn't know what statement  
13 they were going to get from them, and then, you know,  
14 he made his decision about what to do thereafter,  
15 which I don't really know the details of. From my  
16 perspective, as soon as it started about this content,  
17 I was just not going to be involved, nor was Kivvit.

18 Q. You made a reference to an internal  
19 review. What internal review were you referring to?

20 A. We don't have one yet.

21 Q. Has there been any discussion about  
22 doing an internal review?

23 MR. GENOVA: Can I consult with my  
24 client?

25 MS. MAINOO: Sure.

1 MR. GENOVA: How would you like to do  
2 this? We can step out of the room.

3 MS. MAINOO: Let's go off the record.

4 MR. GENOVA: We're going to step out of  
5 the room. Is that okay?

6 MS. MAINOO: Of course. And let us  
7 know --

8 THE WITNESS: Can we also do a bathroom  
9 break, too?

10 MS. MAINOO: Yes. I was just going to  
11 ask about that. How much time do you want?

12 THE VIDEOGRAPHER: Let me just go off  
13 the record. Stand by. The time is 10:33 a.m.  
14 We are going off the record. This will end  
15 Media Unit Number 1.

16 (A recess was taken.)

17 THE VIDEOGRAPHER: The time is 10:48.  
18 We are back on the record. This will be the  
19 start of Media Unit Number 2. Counsel?

20 MS. MAINOO: Thank you.

21 BY MS. MAINOO:

22 Q. Ms. Witness, were there any  
23 discussions, not involving any lawyers, about Kivvit  
24 conducting a review relating to the sexual harassment  
25 allegations that have been made against the Governor

1 and the response to those allegations?

2 MR. GENOVA: If I can inject, so you  
3 understand the question, that would be if you  
4 were speaking to a colleague, but aware of the  
5 gist of that, I would be explaining to Abena  
6 that I would believe that's privileged. She's  
7 asking you conversations which did not involve  
8 lawyers present in that communication.

9 THE WITNESS: My partner and I had a  
10 conversation after the Ronan Farrow story  
11 about what would be prudent here to understand  
12 if all of our employees followed the employee  
13 handbook and then we spoke to counsel, our  
14 employment counsel.

15 BY MS. MAINOO:

16 Q. And which partner are you referring to?

17 A. I only have one. [REDACTED].

18 Q. Who initiated that discussion between  
19 you and [REDACTED]?

20 A. I don't remember. The story sort of  
21 came out of nowhere, and you know, our people read it,  
22 and we wanted to figure out an action plan. It could  
23 have been me. It definitely could have had been me.  
24 It could have been him, but I think it might have been  
25 me. I know he reached out to our employment counsel,

1 a Chicago-based firm.

2 Q. Did you have any discussions with Rich  
3 Bamberger or Josh Vlasto in relation to doing a  
4 review?

5 A. [REDACTED], my partner, informed both of  
6 them. Maybe [REDACTED] was involved too, our COO.  
7 I was not involved in letting them know that there may  
8 be an internal review.

9 Q. Before discussions about the Ronan  
10 Farrow article, had you spoken with Rich Bamberger  
11 about getting involved in responding to the workplace  
12 misconduct allegations against the Governor?

13 A. Well, there weren't any back then. It  
14 was the tweet by Lindsey in December. I think he had  
15 told me they were all in a flurry, but there was no  
16 substantive conversation about it.

17 Q. Sitting here, what did he tell you  
18 about the tweet by Lindsey in December?

19 A. I don't remember. I mean, when I say  
20 flurry, any time you're thinking about the issue,  
21 you're focused on, which makes a lot of sense, any  
22 time his name was in the press on anything, the period  
23 is in the wrong spot, the comma is in the wrong place,  
24 right, he'll want a team of people on it dealing with  
25 reporters and fixing it. So, when Rich made that

1 reference to me, it seemed like any other day with the  
2 Cuomo team, right? They're in a flurry, and they can  
3 go enjoy themselves.

4 Q. And in the statements that you made  
5 just now when you refer to "he," anytime there's a  
6 reference to him, you're talking about Governor Cuomo?

7 A. Yes. Although, the way you see it is  
8 by the staff, not by him.

9 Q. Right. Let's turn to Josh Vlasto. How  
10 did you meet Josh?

11 A. I definitely met Josh through Cuomo  
12 circles, initially. You know, the Governor has a  
13 birthday party every year where he has staff come,  
14 former and present, and outside types, his political  
15 people, his pollsters, former campaign managers,  
16 people like that. I would imagine some of them are  
17 donors and all that kind of thing. So, I think I met  
18 Josh at one of those sessions. I was very, very  
19 enamored by him. I thought he was really amazing.  
20 I'm a big fan of both Rich and Josh's, as individuals  
21 and as practitioners. I tried to, you know, see if he  
22 wanted to come to the firm years ago. He didn't. He  
23 wanted to go work with the crazy billionaire. He got  
24 a lot of really great experience managing press for  
25 their portfolio companies. And when that was -- when

1 Perelman's financial world was changing during the  
2 pandemic, early on, I want to say, in the pandemic, he  
3 and I talked about him finally joining Kivvit.

4 Q. Do you remember in what year you met  
5 Josh at a party?

6 A. I don't.

7 Q. What discussions did you have with Josh  
8 about joining Kivvit?

9 A. The normal ones, that we needed a  
10 practitioner who was extraordinary at intermediate,  
11 but also capable of learning the strategic data-driven  
12 campaign function, that we needed somebody who had  
13 expertise in financial services, because it's a sector  
14 we're growing. I didn't know what a SPAC was until  
15 three months ago, maybe most people didn't, and Josh  
16 has really been building that kind of a book. You  
17 know, he's got great financial reach, he's got great  
18 corporate reach, and that's the places where we needed  
19 to grow.

20 Q. What led immediately to Josh joining  
21 Kivvit last year?

22 A. Say that question again. What led  
23 immediately to it? What do you mean?

24 Q. Correct. How did you start talking to  
25 Josh last year about joining Kivvit?

1           A.       Rich Bamberger said I think Josh is  
2 ready to talk, and then Josh and I talked directly.  
3 And then I realized that Perelman's operation was  
4 shifting dramatically, and they were selling off a lot  
5 of assets, so now was our chance to get him. Because  
6 if he went somewhere -- anywhere he was going to go --  
7 he's very, very good at giving constructive counsel,  
8 and he's very good at dealing with principals, and  
9 he's very calm under pressure, and he's clearheaded  
10 and honorable, in my view. And so I was always a fan  
11 of his. I thought he had extraordinary strategic  
12 capabilities, so the chance to get him, my partner and  
13 I jumped at.

14           Q.       Did you have any conversations with  
15 Josh about the terms and conditions under which he  
16 would do any work for the Governor or the Executive  
17 Chamber after he joined Kivvit?

18           A.       Well, we don't do any work for the  
19 Governor's Executive Chamber, so if he wanted to,  
20 like, be his friend, to counsel and listen as a  
21 personal friend on his own time, ensuring it wouldn't  
22 mess with the work at the office, I'm sure we  
23 discussed that before. You know, we went so far as at  
24 one point before all of these issues to discuss if the  
25 Governor was going to ask Josh or I to run the

1 campaign, and how we felt about that, and the  
2 conclusion we made was that the firm was too busy,  
3 growing too fast, and none of us could take a leave  
4 and do that. The other issue was we didn't want to be  
5 paid by the Governor, because when you're paid by the  
6 Governor, you turn into a 24/7. You can't pick and  
7 choose when you engage, right? Then you're a vendor,  
8 working directly for him, and that was something we  
9 never wanted to do.

10 Q. Did you talk to Josh about the extent  
11 of his involvement in responding to the allegations  
12 against the Governor?

13 A. I didn't have in-depth conversations  
14 with him about it, no, but as you can tell from the  
15 line of sight that you have, I would ask him what was  
16 happening and if they were doing stupid things.

17 Q. And what do you mean when you say you  
18 would ask if they were doing stupid things?

19 A. If they were not being thoughtful about  
20 how they were reacting to this. I mean, you have,  
21 probably -- you know, there's no secret that I said to  
22 Melissa and the Governor that I thought he should  
23 apologize on both nursing homes and this matter, and I  
24 don't think he ever did it well.

25 Q. When did you tell the Governor that you

1 thought he should apologize?

2 A. I don't recall. When I was up there,  
3 definitely, on nursing homes. On this, I don't think  
4 I ever told him that. Oh, no, I did. It was a phone  
5 call. I'd have to go back and look. I told him that  
6 I thought that he should apologize and go to  
7 counseling.

8 Q. How did he react to that?

9 A. He said he didn't disagree, but that  
10 his advisors, the team, thought that he should  
11 announce something like that later. Not the apology,  
12 but counseling.

13 Q. Did he say anything about the apology?

14 A. No, actually.

15 Q. What's the reason you suggested that he  
16 should apologize and go to counseling?

17 A. I think attrition from a politician is  
18 really a remarkable skill that takes you a long way.  
19 And if there are blinders and generational differences  
20 in how folks should be treated today than how they  
21 were decades ago, and folks have missed that  
22 generational gap, which many politicians have, they  
23 should own that, and they should apologize, and they  
24 should do something to make themselves better, if that  
25 were the circumstances.

1           Q.       Did you have a view as to whether an  
2 apology or counseling were warranted under the  
3 circumstances involving the sexual harassment  
4 allegations?

5           A.       No, I don't know enough, nor did I  
6 then, and I said that to both of them. I mean, you're  
7 talking about these are women I've never met, with the  
8 exception of Lindsey that one moment at that event  
9 years ago. Or to my knowledge, I've never met. I  
10 shouldn't say that. When I ran the campaign, maybe I  
11 met them at an event or something, but to my  
12 knowledge, I never met them before.

13          Q.       When did you tell Melissa that you  
14 thought the Governor should apologize and go to  
15 counseling?

16          A.       I'd have to go back and look and get  
17 that to you.

18          Q.       Well, we have some chats that we can  
19 talk about.

20          A.       Okay.

21          Q.       Did you talk to Josh about whether he  
22 had any involvement in releasing or discussing the  
23 release of Lindsey Boylan's personnel records?

24          A.       I did not. He told me after that he  
25 wasn't necessarily sure it was the worst thing in the

1 world, but we had no conversations about it at the  
2 time, and we didn't get into great detail then either.  
3 But he also told me that he disagreed with a lot of --  
4 some of the things they were thinking about doing, and  
5 he was very clear about that, but I don't know the  
6 nature of what he disagreed were.

7 Q. When did you have those discussions  
8 with him?

9 A. Through the course of the whole thing.  
10 I mean, you've seen the e-mails back and forth, or  
11 texts, whatever they were.

12 Q. Has Kivvit ever done any work for the  
13 Governor or the Executive Chamber?

14 A. No. We started to do sentiment  
15 analysis on nursing homes, and we stopped when I  
16 switched to Lindsey Boylan, because when I wasn't  
17 going to engage in the scope, we stopped. I was  
18 prepping to assess -- let me be more precise. We were  
19 trying to assess the nursing home story, whether it  
20 was completely polarized partisan or whether it was  
21 hurting his persuadable base, and the independent  
22 population and his democrat base. So, we were trying  
23 into which platforms were promoting it, how big those  
24 platforms were, that kind of thing, which is what we'd  
25 do at the front of any engagement. And then when I

1 hit freeze on everything, after Lindsey came out in  
2 the Medium story, we stopped even engaging and  
3 thinking about anything related to them, because we  
4 knew we weren't going to take the contract.

5 Q. When you did this initial work trying  
6 to assess the nursing home story, that's when you  
7 reviewed a contract?

8 A. We've never had a contract. We were  
9 starting -- I was starting to assemble, on my side,  
10 what a proposal might look like on the nursing homes.  
11 That's what we do on our side for every client  
12 engagement, is get an assessment of the climate, what  
13 they need to mitigate, what risks they have, what  
14 opportunities they have, what messages are really  
15 resonating with people, where the focus is on the  
16 nursing home scandal, is it on Melissa, is it on him,  
17 is it on disclosure. You know, we were trying to  
18 start -- that's how we work the beginning part, sort  
19 of like our researching phase, it's qualitative and  
20 quantitative. So, we started to think about that. We  
21 didn't get crazy. We just started to think about it.  
22 And then the day I got back from Albany, the Lindsey  
23 Boylan story was up, and all of the sentiment was  
24 around that, and we stopped everything, and I told  
25 them we wouldn't work with them.

1 Q. Did you discuss, initially, the terms  
2 of any engagement between the Executive Chamber or the  
3 Governor and Kivvit?

4 A. No. We never got that far on the  
5 nursing homes, and then the Lindsey Boylan stuff hit.  
6 Because for nursing homes, we had a conversation about  
7 whether Liz would be better than Kivvit would be, Liz  
8 Smith. That day I was up there, like, it was an  
9 ongoing conversation if it should be Liz or Kivvit.  
10 The only time they ever discussed any kind of terms  
11 was, as I had imagined, when the Governor referenced  
12 the \$100,000 a month, either for Josh, personally, or  
13 for Kivvit to get Josh to do it, either on behalf of  
14 Kivvit, or personally, to which we said no to both.

15 Q. Who was part of that discussion about  
16 whether Kivvit or Liz Smith should be engaged on those  
17 issues?

18 A. In the room was Melissa DeRosa,  
19 Stephanie Benton, Steve Cohen, myself, and the  
20 Governor.

21 Q. What considerations did you discuss?

22 A. You know, who would be best suited for  
23 it. They had lost the narrative, and what I mean by  
24 that, and I'm saying this about any facts, what I mean  
25 by the facts, I mean governmental facts, if, in fact,

1 their narrative on the nursing homes is true, that the  
2 Governor gave a speech at the Democratic Convention,  
3 the other democratic governors did too, Jared Kushner  
4 called Melissa to say no 2nd Avenue Subway, no Gateway  
5 Tunnel, if that's true, I say that because I have no  
6 knowledge of it being true or not, they should have  
7 said then that they were being extorted. Then the  
8 first DOJ inquiry happens, right, then they were  
9 accused of delaying. Again, I'm getting my  
10 perspective from, basically, The New York Times, not  
11 from intelligence, and when Melissa said "froze" in  
12 The Post, the allegation then was she froze  
13 politically. You know, their return narrative that  
14 day was, well, the Trump Administration had been using  
15 law enforcement for some time for his own partisan  
16 agenda, and five democratic State governors all got an  
17 inquiry. When New York got an inquiry, clearly, it's  
18 partisan. So, they needed somebody who could figure  
19 out how to rebuild the narrative, when the narrative  
20 was already a big din, narrative big din being you  
21 were on TV every day trying to be transparent, why  
22 weren't you transparent about this, and you let people  
23 die. So, I think they had themselves in a real  
24 message quandary, and so they needed somebody who  
25 could really figure that out. Liz has a lot of depth

1 with national reporters, political reporters, in a way  
2 that Kivvit is much more, sort of, a traditional  
3 public affairs firm. So, it was just really a  
4 question about who would be best, does Liz have the  
5 time, she was finishing book, do we want to even do  
6 this. My point to him was I'm not even sure that this  
7 is the kind of work I want to be doing, right, but I  
8 care -- you know, I have sympathy for somebody going  
9 through a global pandemic without a playbook. I've  
10 lived through some of those instances when I worked in  
11 the government. They're hard.

12 Q. All right. Let's turn to Lindsey  
13 Boylan's December, 2020 tweets, which I know you said  
14 you didn't focus on them. I just want to see if we  
15 can jog your memory with anything. So, we'll go to  
16 tab 6.

17 MS. MAINOO: We'll mark that as an  
18 exhibit.

19 (Exhibit 3, Lindsey Boylan tweets, was  
20 marked for identification.)

21 BY MS. MAINOO:

22 Q. Did you ever see these tweets, Ms.  
23 Witness?

24 A. Oh, I definitely saw some combination  
25 of them, sure. I mean, I didn't focus on -- again, I

1 run a big company, I've got a lot of clients, and I've  
2 got [REDACTED], and [REDACTED]  
3 [REDACTED] so I didn't focus on them, but I knew that  
4 she was, you know, tweeting. So, I'm sure I glanced  
5 at them. I don't think I was surprised by anything  
6 she said. Not because I think it's true, but just  
7 because, again, I've been honest about this, I don't  
8 have a high opinion of her, of how she behaves. So,  
9 I'm sorry, I don't want you to think that I'm in any  
10 way belittling her experience, but the other women, I  
11 felt differently about it when I heard their  
12 accusations. That's the only thing I can say in being  
13 honest.

14 Q. Let's turn to tab 9. These are  
15 additional tweets from Lindsey Boylan. Did you see  
16 these tweets?

17 A. Hold on one second. I feel like I saw  
18 some of them, yeah, for sure. You know, I didn't have  
19 this experience, so I mean, experience that I never  
20 worked in the government. I was only with him for  
21 short duration one time and then eight years later,  
22 but I didn't have this experience. Was he intense?  
23 Yeah. Was their pace intense? Absolutely. Was he  
24 demanding when you walked in a room about what  
25 strategy you were proposing and knowing your stuff? A

1 hundred percent. Did he kiss me on both cheeks? Of  
2 course, he did. I'm half Italian. It didn't surprise  
3 me at all. I didn't feel uncomfortable. I guess for  
4 me, it's his particular -- you gotta be tough to work  
5 in the Cuomo Administration, there's no doubt about  
6 it. So, this didn't land for me, is my reaction to  
7 this, if that's what you're wanting to know.

8 MR. GENOVA: We're still looking at 9,  
9 right?

10 THE WITNESS: Yeah. I'm not saying she  
11 didn't experience this. It's just I didn't  
12 really have a reaction to this. I don't have  
13 a reaction reading it now.

14 BY MS. MAINOO:

15 Q. Before the summer of 2020, had you ever  
16 heard any allegations of sexual harassment against  
17 Andrew Cuomo?

18 A. No.

19 Q. Were you aware of any concerns that  
20 anyone had raised about interactions with Andrew  
21 Cuomo?

22 A. Can you be more precise?

23 Q. Were you aware of any concerns that any  
24 women had raised about interactions with Andrew Cuomo?

25 A. Not relating to sexual harassment, no.

1           Q.       Were you aware of any other concerns  
2 that women had raised about their interactions with  
3 Andrew Cuomo?

4           A.       I never worked in the Chamber, so I  
5 don't have any firsthand knowledge. People thought it  
6 was demanding, there's no doubt about that.

7           MR. GRANT: On the campaign?

8           THE WITNESS: Some of the people from  
9 the gubernatorial campaign definitely said the  
10 environment in the government was very  
11 demanding for sure, but no one ever said to  
12 me, you know, he touched me, he made me feel  
13 uncomfortable. Nothing was ever sexual in  
14 nature. It was demanding in terms of when  
15 they wanted products, or phone calls made, or  
16 events put together, timelines, that kind of  
17 thing.

18          MR. GRANT: Did anyone ever complain --  
19 sorry.

20          THE WITNESS: Again, all secondhand.

21          MR. GRANT: Did anyone ever complain  
22 about treatment in relation to their gender,  
23 even if it wasn't based on sex, or sexual?

24          MR. GENOVA: Are you drawing a  
25 distinction between gender and sexual

1 behavior? Is that what that question does?

2 MR. GRANT: Yes, meaning, you know,  
3 gender misconduct or gender-based harassment,  
4 even if it's not necessarily sexual.

5 THE WITNESS: I mean, the irony is, you  
6 know, on the '18 campaign, everybody who was  
7 senior staff in the Governor's Office was a  
8 woman, so no. I never heard anyone say to me  
9 I was treated differently because I was a  
10 woman.

11 MR. GRANT: Gotcha.

12 BY MS. MAINOO:

13 Q. Did you communicate with current or  
14 former members of the Executive Chamber in December  
15 about Lindsey Boylan's allegations?

16 A. Not to my recollection. But I don't  
17 want to close down the idea that if somebody asked me  
18 about Lindsey I wouldn't have said my opinion. Not in  
19 a public form, I don't think I ever did. I mean, I  
20 really was off the grid. It was [REDACTED]

21 [REDACTED]

22 Q. Did you have any discussions before  
23 your discussion -- let me start again. Did you have  
24 any discussions, other than your discussions with Rich  
25 and Josh, about Ronan Farrow's article about

1 disclosing information about Lindsey Boylan to the  
2 press?

3 A. No. And we really didn't discuss it  
4 that much then either. The conversations we had about  
5 what was going to be in the story was the firm -- my  
6 concern was to protect the firm, so was the firm going  
7 to be named in the story. What were they were going  
8 to say the behaviors were of folks on their own time,  
9 that kind of thing.

10 Q. Are you aware of a draft letter  
11 responding to Lindsey Boylan's allegations?

12 A. Only because of your subpoena. So,  
13 what I mean by that is when Peter and Angelo showed me  
14 the document that I had been on an e-mail chain with a  
15 letter on it post, I believe, the Medium story, not  
16 December, that there was a letter on it, and like  
17 questions, and all that jazz, but I didn't read it  
18 when it came, the time it came. Meaning, I would open  
19 anything they would send me, and if it was about this  
20 stuff, I'd just ignore it. I just didn't engage.

21 Q. Do you know anything else about the  
22 draft letter regarding Lindsey Boylan's allegations?

23 A. I didn't get on the calls. I didn't  
24 participate.

25 Q. Do you know if any of your colleagues

1 had any involvement in the draft letter?

2 A. I do not.

3 Q. Do you know if any of your colleagues  
4 were involved in December, 2020 in responding to  
5 Lindsey Boylan's allegations?

6 A. The only thing I know is what I learned  
7 more recently, probably around the Ronan Farrow story,  
8 so whatever that date was, was that Rich had reached  
9 out to his reporters and said the Governor's Office  
10 has a statement.

11 Q. Are you aware of a draft statement  
12 expressing support for the Governor?

13 A. Now, this is interesting. Jenn Bayer,  
14 the Governor's former finance director, reached out to  
15 me to see if I would sign a letter supporting the  
16 Governor, which I did not engage in, it's a pattern of  
17 my behavior, intentional pattern, which I did not  
18 engage in, nor would I have engaged in, just out of  
19 respect for this process and the women who came  
20 forward. I just didn't want to participate. There  
21 were also reporters, I don't speak to reporters, but  
22 reporters that tried to get in touch with me from The  
23 Post, largely, to say what does Witness 7/9/21 think,  
24 his former campaign manager, and I wasn't going to go  
25 on the record in either way.

1 Q. What did Jenn Bayer say to you?

2 A. It was a text. It wasn't a phone call.  
3 It just said some of us are coming together writing a  
4 letter saying we worked with the Governor, and we've  
5 had the experience, and it said something like the  
6 wording will be well done, or something like that, but  
7 I didn't engage. And she didn't call.

8 Q. And when you say you didn't engage,  
9 what does that mean?

10 A. Normally, if they have something going  
11 on, or you know, they need something, and there's  
12 something I can help with, I'll help. I didn't  
13 respond. I didn't engage. I mean, you know this. I  
14 didn't engage with text messages on the rapid response  
15 chain on this stuff. I didn't engage in the  
16 conference calls. I didn't engage. I wasn't going to  
17 be a part of it.

18 Q. So, you did not join the conference  
19 calls?

20 A. No. The only call I was on was the  
21 call with -- the day after -- the day of the meeting,  
22 because that was supposedly supposed to be a nursing  
23 home call to prep Steve Cohen for starting to build  
24 this external narrative about the Trump  
25 Administration.

1 Q. Did anyone ask you why you were not  
2 engaging?

3 A. No, they don't really do that with me.  
4 No. I mean, he did, when I said no. I mean, he said,  
5 the firm won't do it? And I said no, this is not the  
6 kind of work that we want to be doing. We actually do  
7 the other side. We were afraid about the firm. We  
8 spend a lot of time in progressive spaces. This is  
9 not consistent. At this juncture, I mean, it depends  
10 on what your report says, right, ultimately. It's  
11 hard for me. I wasn't there. I didn't see it. I  
12 don't spend time in Albany. I'm not an Albany  
13 creature, like the creatures of Albany. There are  
14 creatures in Albany. I'm not a creature of Albany. I  
15 live [REDACTED] I don't live this the way  
16 other people do.

17 Q. Do you remember a tweet that Lindsey  
18 posted in February, 2021, before her Medium post,  
19 about Josh Vlasto?

20 A. I remember -- where is that one?

21 MR. GENOVA: Do you want her to take a  
22 look at it?

23 MS. MAINOO: We can. It's tab 31.

24 THE WITNESS: 31. So, I can say I kind  
25 of remember something to Josh. Let me see. I

1 trust Vlasto, he is one of the first contacts  
2 I made. We are now worlds apart. He's  
3 defending an abuser. I refuse to let the  
4 abuse continue. And Josh Vlasto again. I do  
5 remember it now, yes.

6 BY MS. MAINOO:

7 Q. When did you see it?

8 A. I think when Josh sent it to me, I  
9 probably looked at it pretty quickly. So, this says  
10 February 22nd at 3:50 in the afternoon. I'm sure I  
11 looked at it that afternoon.

12 Q. Do you remember if before that point  
13 you had discussed any of Lindsey Boylan's allegations  
14 against the Governor?

15 A. You have the e-mail chain where Josh  
16 and I go back and forth, and I tell my story about my  
17 experience on primary night when I met her, and he  
18 says [REDACTED] go to [REDACTED] with [REDACTED], don't  
19 engage, which I was never going to engage, but so  
20 that, I mean, that's really, largely, the extent of  
21 it. Remember, again, I don't have a favorable  
22 impression of Lindsey, so I felt very different about  
23 her allegation than the others. Whether that's right  
24 or wrong, I don't know, but that's just the truth.  
25 And Lindsey going after Josh would push me closer to

1 Josh. I mean, I wouldn't be surprised -- well,  
2 whatever. I wouldn't be surprised, if Lindsey could  
3 [REDACTED], she would. So, back then,  
4 that's my impression with women who [REDACTED] in the  
5 workplace. I'm against it. So, you know, I think it  
6 sets a bad precedent for everybody. So, I'm not a  
7 fan.

8 Q. I think you were just referring to an  
9 exchange that's in tab 32.

10 A. Listen, I'm not proud of this e-mail,  
11 let me just say. I'm not proud of it, but it's what  
12 happened.

13 Q. And why do you say you're not proud of  
14 it?

15 A. I'm not in the business of shaming  
16 women. I just happened to have met this one, and was  
17 so offended by her behavior that night that thereafter  
18 her validation -- her validity as a voice disappeared.

19 Q. And you refer to Melissa trying to  
20 reach you that weekend. Is that what you talked about  
21 earlier when you said Melissa had called you, and you  
22 called her later?

23 A. I don't know. I couldn't be precise  
24 about that.

25 Q. Okay.

1           A.       Well, I say right there, well, sorry he  
2 should say it like a human, a kinder, gentler Andrew,  
3 but that will never happen. Yeah, I mean, I think  
4 everybody knew that I thought he should apologize for  
5 both issues, actual attrition, not what he did.

6           Q.       And in this exchange you're referring  
7 to both nursing homes and sexual harassment?

8           A.       I don't even know the timing of this.  
9 What was the date of Lindsey's Medium post?

10          Q.       February 24.

11          A.       Oh, so no, this was --

12          Q.       But she had tweeted in December of  
13 2020.

14          A.       That was like a non, sort of, issue in  
15 my work. She made no specific allegations. She made  
16 generic comments and said she was never going to  
17 comment again. So, I understand why you all are  
18 focused on December. To me, the crisis for them  
19 happened at that February 24th, or whatever it was,  
20 that she released it. So, this is about nursing  
21 homes. Rich and Josh and I were just in, like, a  
22 goofy fight about nursing homes. You know, they  
23 thought he was doing fine, and it's going to be fine,  
24 and they're doing a good job in governance, okay, and  
25 I thought the nursing home stuff is tough for people,

1 it's emotional, it's personal, it's their parents,  
2 their aunts and uncles, and they needed to be much  
3 more precise and intentional about how they responded.  
4 So, ultimately, it doesn't matter, because we didn't  
5 work on it, but --

6 Q. Have you spoken with Rich or Josh about  
7 working on the nursing homes issue?

8 A. I believe I might have, but it wouldn't  
9 be inconsistent for me not to talk to them until I had  
10 made a decision for the purposes of the firm whether  
11 it was the right scope for us to engage in or not.  
12 But I believe I had. I mean, we were worried about  
13 Melissa, Josh and I, for sure.

14 Q. When did you and Josh first start  
15 talking about Melissa?

16 A. We've always talked about Melissa.  
17 It's always been something we've had in common. She's  
18 always never prioritized her personal life. She works  
19 an extraordinary amount of hours, both during the day  
20 and at night, on weekends. So, we've always talked  
21 about her. Even when Josh and I worked together, we  
22 always had, sort of, Melissa in common.

23 Q. Did there come a point in connection  
24 with the nursing homes when you and Josh talked about  
25 how Melissa was doing?

1           A.           Oh, we both talked about how worried we  
2 were, yeah. Even when I couldn't talk to her I'd say  
3 that, because I had put that rule on myself after your  
4 subpoenas, but I would say to Josh, have you talked to  
5 her, and he was like no, just to see how she was doing  
6 personally.

7                       MR. GRANT:   How could Governor Cuomo  
8 have been a kinder, gentler Andrew in relation  
9 to the nursing home issue?

10                      THE WITNESS:   So, my perspective, after  
11 reading The New York Times and The Post, was  
12 every day he reported who died, who died in  
13 the nursing home, who died in the hospital.  
14 What he didn't report is who went from, as I  
15 understand it from the press, who went from a  
16 nursing home to a hospital and died. And I  
17 just thought, you know, he showed some real  
18 empathy and depth during the pandemic on TV  
19 every day, and I just thought if he could pull  
20 from there, instead of viewing it as a  
21 political attack, but pull from -- and he has  
22 this for his father, et cetera, I think, we've  
23 all seen it on TV during all these sessions,  
24 right, if he could just pull from there, and  
25 just the people that were in pain, and say,

1 look, we didn't handle things perfectly, but I  
2 wish we had a playbook, and I wish we had done  
3 this better, and it breaks my heart how many  
4 people perished, and we are never going to let  
5 this happen again. If he could just deliver  
6 something like that, you know, politicians who  
7 can do that well survive difficult situations.  
8 Politicians who don't, don't.

9 MR. GRANT: Gotcha.

10 BY MS. MAINOO:

11 Q. And what did you mean when you said:  
12 Maybe the only option, if there are not friends  
13 willing to do so, and I'm not sure there are?

14 A. Well, so now I was thinking about how,  
15 you know, his big issue is the primary -- let me just  
16 say prior to this investigation, I would say his big  
17 issue, obviously, was going to be this nursing home  
18 scandal for the primary, and the question was could he  
19 engage in a campaign to move public sentiment. But if  
20 he's not willing to do the apology, none of that  
21 mattered, in my view. This is where Rich and Josh and  
22 I disagreed. But this is the three of us gossiping  
23 like a coffee clutch, right? This is not like -- this  
24 is like you guys being at the water cooler, and you  
25 know, watching some big investigation in California, I

1 assume, and joking about it, or whatever lawyers might  
2 do in this context.

3 Q. Did you actually consider tweeting at  
4 Lindsey about seeing her [REDACTED]?

5 A. Never. [REDACTED]  
6 I wouldn't do it to her. I give my strategic counsel  
7 to clients the exact opposite. I was just having an  
8 emotional reaction to the allegation, like I've seen  
9 the behavior, and I, you know, if she wants to come  
10 after people that I believe are honorable and good  
11 people, I was having a negative reaction to that. But  
12 no, I would never engage in any of that, as you know.

13 Q. So, Lindsey was accusing, in her  
14 tweets, she accused Josh of defending an abuser. Did  
15 you have an understanding of that allegation?

16 A. I didn't take it seriously. I didn't  
17 need to understand it.

18 Q. Did you ask Josh about it?

19 A. No.

20 Q. And she also said, she talked about  
21 Josh, Melissa and Rich covering for and empowering an  
22 abuser, and she said they were central to the  
23 violence. Did you talk to Josh about that?

24 A. No.

25 Q. Did he say anything about it?

1           A.       I think at one point he called her a  
2 loon, but no. Again, we didn't take -- I didn't take  
3 Lindsey Boylan seriously. I wouldn't take her attacks  
4 seriously. When she ran in the primary for congress,  
5 she was frustrated that the campaign wouldn't, like,  
6 endorse her or whatever. I didn't ever speak to her  
7 about that, but the incumbent congresswomen is a close  
8 friend to the Administration, an extraordinarily  
9 competent congresswoman, everyone is entitled to their  
10 opinion, and she didn't think people were entitled to  
11 an opinion if it was different than hers, is the sense  
12 I got secondhand.

13           Q.       At any point did you take Lindsey  
14 Boylan's allegations more seriously?

15           A.       No. To this day, I have not.

16           Q.       You suggested that your -- I know you  
17 said that you thought differently about Charlotte  
18 Bennett's allegations, but based on what you said  
19 about Kivvit's potential involvement, even in  
20 connection with the nursing homes issue, it sounded to  
21 me like Lindsey Boylan's Medium post also made an  
22 impact on you. Is that fair to say?

23           A.       It's just content I wouldn't engage in.  
24 I am a feminist. [REDACTED]

25 [REDACTED] I wouldn't be on that side on these kinds of

1 issues. We're just not, as a firm. So, from my  
2 perspective, we were never going to do it. You know,  
3 nursing homes was a possibility. I mean, we only had  
4 that one conversation that one day. I wasn't deep in  
5 the weeds. I didn't have a contract or scope, or any  
6 of that jazz. I just had started looking at it,  
7 largely, because I saw Melissa imploding. But on  
8 this, even if it's Lindsey Boylan, I'm not going to  
9 defend men in these circumstances until everybody  
10 knows the facts. At the same time, when all the facts  
11 are known, and there's clear review and report that's  
12 been done, people need to honor that, as well, even if  
13 they like the outcome or don't like the outcome.

14 Q. I think you suggested earlier that you  
15 did not focus on Lindsey Boylan's December allegations  
16 in the same way you looked at her February allegation;  
17 is that correct?

18 A. When I said they went into a flurry,  
19 that's what Rich had said. I didn't pay attention to  
20 December, because I wasn't paying any attention, and  
21 she said she wasn't going to talk about it, so to me,  
22 it was like, why even do that, a tweet like that,  
23 lightly? Why say something and then not talk about  
24 it? To be candid, my reaction was, well, she wants  
25 attention, and she's running for office, and this is a

1 great way to do it. The Medium was a much more  
2 thorough review of her feelings and her experience. I  
3 can't argue with her feelings and her experience.  
4 I've had the Governor hug and kiss me on both cheeks a  
5 million times. I wasn't offended. I mean, he does it  
6 to everybody. [REDACTED]

7 [REDACTED].

8 Q. Other than hearing Melissa DeRosa read  
9 Lindsey Boylan's Medium post, did you familiarize  
10 yourself with the post?

11 A. I didn't, until weeks later. When the  
12 other allegations started coming, I went back and  
13 re-read her post.

14 Q. What's the reason you went back and  
15 re-read Lindsey's post?

16 A. More just to be aware. And like I  
17 said, my work was very busy. [REDACTED]  
18 [REDACTED]. And  
19 I really wasn't paying enough attention. I pulled it  
20 out so quickly that I wasn't paying lot of attention.  
21 You know, people will always ask, you know, when  
22 anybody you're close to, Murphy, Corzine, whomever is  
23 in a situation what you think is happening, top line,  
24 people still ask, and my answer is I don't know. My  
25 answer is the Attorney General's report will be

1 critical in defining whether there's charges or not,  
2 and that's critical in finding whether they're viable  
3 or not, because that, I think, is the truth. So, I  
4 mean, I'm in public affairs, so I always want to stay  
5 up-to-date on everything, and I felt like I had never  
6 really read it. So, I went back and read it when I  
7 saw the other women come forward.

8 Q. And what was your reaction to that post  
9 when you went back and re-read it?

10 A. It didn't sound to me like the  
11 experience of the other women. I'll put it that way.

12 Q. In what way?

13 A. I don't know. His greeting, like I  
14 said, he did it with everybody. This is what I mean  
15 about generational differences in the world. Right?  
16 And as an employer, I behave differently in the world  
17 than I did ten years ago, about what you joke about,  
18 what you engage in, what's appropriate. I wasn't  
19 moved in a different direction. At the same time, you  
20 know, I'm not surprised he kissed her on both cheeks.  
21 It doesn't surprise me.

22 MR. GRANT: Did any of the allegations  
23 in the Medium post surprise you?

24 MR. GENOVA: Personal information, or  
25 reaction to the allegation?

1 MR. GRANT: Meaning as somebody who's  
2 worked with Andrew Cuomo, did any of these  
3 things surprise you?

4 THE WITNESS: I mean, I can't speak to  
5 the government, right? I've never worked in  
6 the Chamber. I haven't been in the office  
7 often. I haven't been to the Mansion a  
8 million times, like everybody else. I don't  
9 have exposure to him in his governmental  
10 settings. But in the campaign setting did he  
11 kiss and hug everybody hello? I mean, yeah,  
12 every event. I mean, it was a campaign. I  
13 don't think they're apples to apples, but --

14 MR. GRANT: Did you ever travel with  
15 the Governor?

16 THE WITNESS: No. I'm trying to think  
17 about that. No. I didn't go in the  
18 motorcade. I didn't -- no, I didn't go in the  
19 helicopter.

20 MR. GRANT: Did Governor Cuomo ever  
21 joke with you when you were together?

22 THE WITNESS: Joke, how?

23 MR. GRANT: Any sort of joking.

24 THE WITNESS: Any sort of joking?

25 Sure.

1 MR. GRANT: Did he ever joke in a way  
2 that had any sexual innuendo?

3 THE WITNESS: No. Well, I should say I  
4 never felt uncomfortable. I don't recall him  
5 making sexual jokes, but I never felt  
6 uncomfortable.

7 MR. GRANT: Given that he's never made  
8 any sexual jokes that you can recall, did you  
9 not find it surprising that Lindsey Boylan  
10 said he said to her, "Let's play strip poker?"

11 THE WITNESS: Do I find it surprising?  
12 Yeah, I would find that surprising, if he said  
13 that.

14 MR. GRANT: Okay.

15 THE WITNESS: Because he's not stupid.

16   
17 Who knows what that conversation was. I just  
18 don't think he's stupid enough to do that,  
19 right, in my own personal view. I worked for  
20 other single governors who had a lot of  
21 consensual relationships that were  
22 problematic. I just don't think he's that  
23 stupid.

24 MR. GRANT: Gotcha.

25 THE WITNESS: I mean, everybody knows

1           that line.

2                       MR. GRANT:   When you say that Lindsey  
3           may have been flirting with him, what do you  
4           think of the appropriate thing for the  
5           Governor to do in that sort of situation?

6                       MR. GENOVA:   Okay.   Slow down.

7                       THE WITNESS:   That's a complete  
8           hypothetical.   But for any employer, I  
9           wouldn't say specifically to him, but if  
10          somebody is behaving inappropriately to you,  
11          it's probably smart to put a boundary in, make  
12          sure you have a witness in your meetings, and  
13          not to go in alone.

14   BY MS. MAINOO:

15                      Q.           Earlier you referred to Lindsey  
16          alleging that the Governor kissed her on the cheeks.  
17          The Medium post alleged that the Governor kissed her  
18          on the lips, right?

19                      A.           Oh, I didn't realize that.   I apologize  
20          for not being precise.   That would be odd.

21                      Q.           Have you ever seen the Governor kiss  
22          anyone on the lips?

23                      A.           No, thank God.

24                      Q.           And just to make sure we're on the same  
25          page, it's on the second to last page.

1 MR. GENOVA: What tab?

2 MS. MAINOO: Tab 33, in the middle of  
3 that page.

4 THE WITNESS: Yeah, that would be odd.  
5 I would find it odd for any senator or  
6 governor to kiss any person who worked for  
7 them on the lips.

8 BY MS. MAINOO:

9 Q. During the conference call on February  
10 24th, other than Melissa DeRosa reading Lindsey  
11 Boylan's Medium post out loud, was there any  
12 discussion about Lindsey's allegations on that call?

13 A. Yes.

14 Q. What discussion was there?

15 A. The Governor said something to the  
16 effect that it was bullshit. The reference to  
17 Stephanie sending an e-mail, the Governor said to  
18 Stephanie, I assume who was in the room, but said out  
19 loud, who the fuck would send an e-mail like that, or  
20 why would anyone send an e-mail like that. And I said  
21 this call is not about what I thought it was going to  
22 be about, maybe you need to regroup with your own  
23 group, because I didn't want to hear it.

24 Q. What happened after you said that?

25 A. We got off. They were going to go

1 figure out what they were going to do. They were also  
2 trying to figure out Zucker's testimony, which I feel  
3 like might have been the next day, and when Steve  
4 Cohen was going to go on the radio, which was supposed  
5 to be on nursing homes, and then you saw the exchange,  
6 I know you probably took so many notes, you can't  
7 remember all of them, but I'm sure to prepare for  
8 today, when Josh and I went back and forth with  
9 Steve's radio interview, it was no longer just about  
10 nursing homes. Right now it was about Lindsey, and  
11 the climate in the workplace, and all that jazz.

12 Q. Was there any discussion during the  
13 February 24th conference call about investigating  
14 Lindsey's allegations?

15 A. No.

16 Q. And other than saying it was bullshit,  
17 did the Governor say anything else about -- well, did  
18 the Governor say anything about the truthfulness of  
19 Lindsey's allegations?

20 A. No. The only thing he said was to make  
21 the point to the group that they weren't truthful. I  
22 mean, that's why he was saying they were bullshit.  
23 But that was all I heard, that was it, and then from  
24 there on I didn't engage. You know, they were  
25 absorbing it. I mean, to somebody on the outside of

1 that call, they were absorbing it. So, if they were  
2 going to engage, what are their options going forward  
3 to manage rapidly-evolving press scandal, sex scandal,  
4 right, that wouldn't come right then. That would come  
5 later in terms of anybody thinking through what they  
6 were going to do.

7 Q. Let's go to tab 34. So, this is the  
8 night after Lindsey's Medium post, the night after the  
9 conference call that you mentioned earlier, and it's a  
10 series of text messages. Do you know how you came to  
11 be added to this chain?

12 A. I mean, they always wanted me to help,  
13 and I wasn't gonna. They try to suck you back in.  
14 You know, look at this, the first mistake they're  
15 making is they're treating it as if it's any other  
16 scandal, not that it's a scandal about these kinds of  
17 allegations. They're doing like what they do -- this  
18 is their normal MO, right? Also, I should just point  
19 out to you, I hope you got the note, this was not on  
20 my Kivvit e-mail or my Kivvit server. This was on my  
21 personal cellphone. I don't know why that company  
22 pulled it that way. Who do you have that is  
23 supportive? Former people who are on the chain. Who  
24 would say these things are not true? That would not  
25 be my inclination, unless they have direct knowledge.

1 The other statements don't do anything. I feel like  
2 this went on for, like, a thousand text messages.  
3 Super annoying.

4 Q. When you say this is their normal MO,  
5 what do you mean?

6 A. Well, I mean, any issue that comes up  
7 that is critical of the Governor, they immediately do  
8 what they're trained to do, what's the issue, is it  
9 true, is it not true, is there a gray area, there are  
10 variations, let's assess the risk, let's mitigate it,  
11 let's get out the people who support us, who will  
12 stand by us, let's look at the narrative and evolve  
13 the narrative to the narrative that suits us. I mean,  
14 that's completely normal politics, elected officials,  
15 corporations, anybody, when they're in a rapid  
16 response moment. So, the difference is they didn't  
17 pause and say, you know, this is whatever year it was,  
18 2021 -- is it 2021 or 2022? Sorry, the pandemic.  
19 Excuse me. 2021, you know, and when women make  
20 allegations, the world is a different place. You have  
21 to handle yourself differently, right? This is just  
22 normal rapid response.

23 Q. And they also had Josh on this chain.  
24 Did you speak with Josh at this point about --

25 A. I don't think so. I mean, I might have

1 told -- I mean, the way this would work is Josh, Rich  
2 and I would engage on work stuff, right? We would  
3 engage on client stuff, and at the end of the call  
4 they'd be like oh, did you hear they're thinking about  
5 doing this or they're going to do that, and I was like  
6 whatever, and they would say whatever. But it  
7 wasn't -- it's not as often as I think you think it  
8 was. I don't mean that disrespectfully. I just mean  
9 to say we had a company running clients, and so we  
10 didn't get on the phone and have Andrew Cuomo on it.  
11 Like, we didn't. He had a whole group, right, that  
12 had to go do that every day that worked at the  
13 Chamber, and you know, I know that Josh participated  
14 in calls, but it was not my focus at all, and I don't  
15 think it was Josh's primary focus either, obviously.

16 MR. GRANT: In describing the process,  
17 you said that part of it would be figuring out  
18 whether or not the allegation was true or not,  
19 right?

20 THE WITNESS: Well, I said in any  
21 circumstance of a story, right, is the  
22 misinformation of the allegation accurate or  
23 true.

24 MR. GRANT: Gotcha. Here, do you if  
25 there were any, and again, I'm just asking

1 based on what you know, do you know if there  
2 were any efforts to assess the veracity of  
3 what was getting out there, beyond taking the  
4 Governor's explanation that it's bullshit?

5 THE WITNESS: I do not know. After  
6 that call, I was never involved again. I  
7 never got on a call. I didn't participate in  
8 the text messages. I turned him down to hire  
9 Kivvit. I did everything I could to protect  
10 my firm and to create some distance. So, I  
11 have no idea of that.

12 MR. GRANT: And beyond your direct  
13 participation, there was nothing in any of the  
14 messages that were conveyed to you that you  
15 weren't responding to that would give you any  
16 indication that they were assessing the  
17 accuracy or the veracity?

18 MR. GENOVA: Are you asking her to  
19 interpret what people meant by their  
20 communications?

21 MR. GRANT: Yes, because I imagine she  
22 can read and understand what people are  
23 sending.

24 THE WITNESS: So, you're saying, like,  
25 on that text chain if I saw somebody say

1 something, could I tell by that if they were  
2 doing, like, oppo on Lindsey, or something  
3 like that?

4 MR. GRANT: Not necessarily oppo, but  
5 mainly, for instance, was there a text message  
6 that said we should have somebody do an  
7 investigation and not just trust what the  
8 Governor says?

9 THE WITNESS: Oh. No, I have no idea.

10 MR. GRANT: Gotcha.

11 BY MS. MAINOO:

12 Q. You mentioned your thought process  
13 after Lindsey's detailed allegations came out, and  
14 your decision not to engage. Did you ever consider  
15 counseling Josh or Rich about not engaging with the  
16 Governor or the Executive Chamber relating to the  
17 sexual harassment allegations?

18 A. You know from those e-mails that when I  
19 was speaking to the Governor I wanted to be precise  
20 about characterizing Rich and Josh's role or not,  
21 because they have a much longer, deeper relationship.  
22 You know, I didn't work in the Chamber. I didn't live  
23 in Albany. And you know, Josh's view at the time was  
24 he was there to help, you know, friends as needed.  
25 Rich was like hell no. Rich felt burnt and abused and

1 played, and he didn't -- and he still is angry and not  
2 himself. And I can't say it's because of this,  
3 because we don't talk about it, but that's my guess.  
4 I feel like he feels like his entire reputation is at  
5 risk because he did something without understanding  
6 what they did. And I think -- and I -- you know, it's  
7 hard. It's really hard. Josh, on the other hand, no,  
8 we didn't talk about it, and I guess, looking in  
9 hindsight about that, I don't know how I feel about  
10 that, but I would just say I trust Josh to give really  
11 good strategic advice. So, if they were going to do  
12 crazy stuff, I feel like Josh would say that's really  
13 stupid. Like, he's one of the good guys who can do  
14 that with them, there's not many, who can say hey,  
15 that's a really dumb idea, and that's going to make  
16 you look terrible, and why would you do that, and then  
17 they're going to ask this question. Josh is a really  
18 good practitioner, because he knows that kind of  
19 stuff. So, that would be my instinct about it, but I  
20 did not have any conversations with him about it. It  
21 was his time. They were his personal friends. He  
22 knew them well before he knew me.

23 Q. Did anyone ask you to reach out to  
24 reporters about the sexual harassment allegations?

25 A. I never would. I'm not a media person.

1 The only reporter interactions you saw, I think,  
2 right, Joe Mahoney reached out to Kivvit, and he did  
3 his, sort of, punch at us right after the Ronan Farrow  
4 story. But I didn't speak to him. [REDACTED] did. And  
5 when The Post called, I asked Josh and Rich how to  
6 handle it, and they said just leave it alone, and I  
7 did. I don't engage reporters.

8 Q. There was also reference to Carl  
9 Campanile contacting you.

10 A. That's The Post, isn't it? That's what  
11 I mean when I say The Post. He thought it would be  
12 interesting for the Governor's former campaign manager  
13 to have an opinion on the record. I thought I  
14 shouldn't have an opinion until your report. And I'm  
15 not going to tell you I trust The Post, so there's  
16 that. So, if anybody would have returned the call, it  
17 would have been Josh or Rich, not me, but we didn't  
18 even want to engage in it, so we didn't.

19 Q. Let's go to tab 35. This is a  
20 continuation of the earlier e-mail, or text chain, and  
21 Josh weighs in. He says Robbie Kaplan isn't going to  
22 play right now, and makes a couple of other comments.  
23 Do you remember any discussions about Robbie Kaplan's  
24 involvement in connection with the sexual harassment  
25 allegations?

1           A.       Who is Robbie Kaplan?

2           Q.       Well, let me start with do you know who  
3 Robbie Kaplan is?

4           A.       Sorry.

5           MR. GRANT: Do you know Roberta Kaplan?

6           THE WITNESS: Sorry. Are these legal  
7 mentors? Like, am I really screwing up here?  
8 I mean, is this about whether the Governor  
9 should have his own independent review with a  
10 lawyer?

11           MR. GENOVA: Witness 7/9/21, she said  
12 the reference is at tab 35, of Robbie Kaplan.

13           THE WITNESS: No, I see it. I'm just  
14 asking who she is.

15 BY MS. MAINOO:

16           Q.       So, I'll ask the question. Were you --  
17 are you aware of any discussions about the Governor  
18 appointing an independent investigator to look into  
19 the sexual harassment allegations?

20           A.       I do remember Josh, now that you say  
21 that, I remember him raising it, and my opinion was  
22 that he should ask Tish to do it. Excuse me for  
23 calling her Tish. He should ask the Attorney General  
24 to do it.

25           Q.       What did Josh raise?

1           A.       He didn't. He just said they're all  
2 over the map, they don't know what they're doing, it's  
3 a waste of my time.

4           Q.       I mean what did Josh tell you about the  
5 discussions about an independent investigator?

6           A.       He didn't. He said they're all over  
7 the map, you know, they're looking at names, they  
8 don't know what they're going to do, it's such a waste  
9 of time. He was fatigued, and I don't think they were  
10 listening, so I think he was less and less involved.  
11 But that's all hearsay. I don't know that for a fact.  
12 He would know more about that than I would. So, he  
13 didn't go into any details with me. I don't know who  
14 they were considering. I just thought this is stupid.  
15 You, of course, want the Attorney General to do the  
16 review, or it will never seem -- I just thought about  
17 it from an outsider's perspective, if I'm a regular  
18 person, I don't believe the report unless it comes  
19 from the Attorney General. If you appoint somebody,  
20 who is going to believe that report? Politicians  
21 always make this mistake when they're in a bad place;  
22 they try to control everything, and you can't control  
23 everything, and then it's not a validated outcome.

24           Q.       Did you give anyone this advice?

25           A.       I believe I told Melissa at some point

1 that I thought she should have the Attorney General do  
2 the review, or else it would be unbelievable. I  
3 believe I did. I don't remember when. I know you're  
4 going to ask me. I don't. Sorry.

5 Q. Let's go to tab 36. Sorry, this is a  
6 little out of order. It's from the morning of  
7 February 24th. Can you walk us through this  
8 discussion?

9 A. Will I walk you through it?

10 Q. The exchange between you and Josh.

11 A. We are back down the rabbit hole. Gov  
12 having fits on radio. Start asking him questions.  
13 Why did you say the time? You were being exploited?  
14 Oh. I assume from Josh, this never ends. It's  
15 bullshit. From Josh, Lindsey asked me if you had a  
16 person's name for the job in the Chamber. I just  
17 found out [REDACTED] [REDACTED]. Gov and Melissa  
18 wanted -- yeah, I didn't get on these calls. The  
19 front end -- what day is it, Wednesday? I don't know  
20 what he's referring to, because I didn't think Steve  
21 Cohen did it that day. Oh, maybe he did. Maybe he  
22 did do it that day, before Zucker testified. That  
23 might be right. So, that's Steve Cohen on the radio  
24 trying to defend the Governor, is my guess. I wasn't  
25 listening. Again, this was not a priority in my life.

1 And he said the Governor is having fits on the show.  
2 Start asking him questions. I said that to Josh. I  
3 assume that was about them trying to get at this  
4 narrative with the Trump DOJ. Maybe I tuned in. I  
5 don't remember this. But it must have been Steve  
6 Cohen on the radio, unless it was the Governor,  
7 himself. I don't know. This really is bullshit. Was  
8 the content of this about Lindsey, or was it about  
9 nursing homes in this?

10 Q. It looks like a mix.

11 A. Lindsey asked if he would push her name  
12 for the job. That doesn't surprise me. Lindsey was  
13 ambitious. Lindsey would get to know anybody to move  
14 up. They asked us to get on the call. I didn't. I  
15 don't know if Josh did or not. Are you on the call  
16 with them? He's saying he'll join after. I think he  
17 said he had client engagement. So, I don't have  
18 anything to walk you through.

19 Q. Okay. Do you remember what time the  
20 conference call that you joined was on February 24th?

21 A. I don't, but I would guess it had to be  
22 between 8:00 and 10:00, because I feel like Steve was  
23 supposed to go on the radio, and Howard was supposed  
24 to testify -- Mr. Zucker was supposed to -- when I say  
25 Howard, I mean Mr. Zucker. Mr. Zucker was supposed to

1 testify, like, they moved it back, and that became a  
2 scandal the day before. So, I gotta believe it was  
3 sometime between, like, 8:00 and 10:00, maybe 9:00.  
4 He doesn't do super early conference calls. Maybe  
5 it's different in the Chamber. He didn't on the  
6 campaign.

7 Q. So, do you think this exchange between  
8 you and Josh happened after the conference call that  
9 you had been on?

10 A. Yeah, this, I assume, is in reference  
11 to Steve Cohen going on the radio. I know that there  
12 was that submission. I just don't know, this one is  
13 where he says Steve is covering Lindsey, he's handling  
14 the investigation, that set of e-mails. Is that  
15 further along? I'm sorry, I don't know anything about  
16 what they were doing. I didn't engage.

17 Q. Josh said at 11:37 a.m., this is at the  
18 page numbered 482, Gov and Melissa want us on Boylan.

19 A. Yes.

20 Q. Do you remember talking to -- well,  
21 sitting here today, do you understand what that means?

22 A. Sitting here today, do I understand  
23 what that means?

24 Q. Yes.

25 A. They read the Medium post, and they're

1 trying to figure out what they want to do.

2 Q. But when you said Gov and Melissa want  
3 us on Boylan, how do you interpret those messages?

4 A. The Governor wanted Josh and I to get  
5 on a phone call, which we both didn't get on. I don't  
6 know what Josh did thereafter. I never got on. The  
7 Governor's assumption, I think, because I had been  
8 there the day before, was that we would help, that  
9 Kivvit would help. I mean, I don't think he was  
10 thinking about it that way just then, but he  
11 definitely was thinking we would help, and I don't  
12 think he understood that we weren't going to until I  
13 told him no in that lovely conversation. Should I go  
14 to the next tab?

15 Q. Yes, go to the next tab, which is 38.  
16 And the next day, or early in the morning the next  
17 day. And actually, the timing might be off. The  
18 actual time might be what's listed in the subject,  
19 which is February 24th, that night at 7:00 p.m., Josh  
20 writes back with some more thoughts.

21 A. So, Josh must have wrote are you  
22 watching, is my guess. That's not in here.

23 Q. Sorry, I'm on the next -- the one after  
24 that. This is 38.

25 A. Gotcha. 2-25, so this is the day after

1 at midnight. Thought, if there's someone to find and  
2 bring both together. I know there's a lot of news,  
3 but I -- yes, what's your question?

4 Q. So, the question is, so here again, the  
5 group is texting, you're not saying anything, and I  
6 just wanted to confirm whether you had any side  
7 discussions with Josh about his involvement and this  
8 response.

9 A. Uh-uh, no.

10 Q. And then the next tab is 39, and I  
11 think the actual time might be in the subject. So,  
12 the previous one was at 7:00 p.m. This one looks like  
13 it's at 2:00 p.m., and Josh talks about speaking with  
14 The Washington Post, right? He talks about speaking  
15 with Josh, I think that's Josh Dawsey at The  
16 Washington Post, and you're on this text, as well.  
17 Did you speak with Josh or Rich about their  
18 communications with reporters about the sexual  
19 harassment allegations?

20 A. Well, Rich wasn't communicating with  
21 anybody about this stuff.

22 Q. Okay.

23 A. He's fully, sort of, turned on the  
24 Cuomo world by then.

25 Q. As far as you know.

1           A.           That's fair.  Totally fair.  I mean, he  
2 talks to reporters all the time for work, but I don't  
3 think he engaged in any of this, because he was a  
4 bitter, angry, former Cuomo person, if you will.

5           I remember there was a time where they were  
6 worried about, and maybe this comes later, Democrats  
7 asking for impeachment, and I remember that Josh was  
8 trying to figure out how to help to have Democrats not  
9 ask for impeachment until your report was done.  I  
10 don't know if this was about that or not.  I didn't  
11 engage.

12           Q.           Okay.  How did you know about that?

13           A.           About the U.S. Senators?

14           Q.           About Josh's involvement in speaking  
15 with the senators.

16           A.           Because that, he mentioned to me at  
17 some point.  I mean, I don't know what day or time,  
18 but we were talking about how his biggest priority at  
19 this point was to support the Attorney General's  
20 review and to stabilize.  Again, this is like a coffee  
21 clutch, me and Josh talking about it.  This is not  
22 engaging with them.  And you know, it was our thought  
23 that if big statewide prominent folks went, that that  
24 was a real problem.  He turned out that he doesn't  
25 give a shit about it, so it didn't turn out to be a

1 problem, but you know, from my perspective  
2 politically, and it's a campaign and a re-election,  
3 if, in fact, there were no charges, like, this would  
4 be a problem if people asked for him to be impeached.  
5 Right? I'm not assuming what your report says. I'm  
6 just saying assuming your report, you know, comes out  
7 and it's not charges, and he's running, well, you  
8 still have all this baggage from this. If your report  
9 says there's charges, that's a whole different ball of  
10 wax.

11 Q. Okay.

12 A. (Pause.) Oh, so this is what I was  
13 telling you about.

14 MR. GENOVA: You're looking at what  
15 page?

16 THE WITNESS: I'm looking at 40.

17 MR. GENOVA: 40?

18 THE WITNESS: 40.

19 MR. GENOVA: Abena, is that what you  
20 want her to look at?

21 MS. MAINOO: Yes.

22 THE WITNESS: So, this is we had  
23 started to look at the nursing homes. We were  
24 doing a sentiment analysis of what was getting  
25 traction, what wasn't. The Medium story hits.

1           Our recourse will say nursing home, because  
2           we're starting to think about what we're going  
3           to do in nursing homes, and then all the  
4           coverage is about Lindsey. And that's when we  
5           stopped doing it, after it turns into a  
6           Lindsey story. And I then e-mailed Melissa  
7           and ██████████, who worked for the Governor,  
8           and told them which tools to use to do  
9           sentiment analysis and monitoring, that we  
10          were no longer engaging in this at all. So,  
11          we stopped -- as soon as it switched from  
12          nursing homes to Lindsey, within forty-eight  
13          hours we just stopped and said to them you  
14          guys have to do this, because now I'm not  
15          working with you, not even on nursing homes.

16 BY MS. MAINOO:

17           Q.        You had said this --

18           A.        And that was undecided, but even it  
19          that was going to go, we weren't working together.

20           Q.        And you said that to Melissa for the  
21          first time in that e-mail?

22           A.        No, I said to Melissa we're stopping  
23          doing this report, and I'll talk to you about it when  
24          I talk to you next. And then I sent ██████████ who runs  
25          their, sort of like, media operation, an e-mail that

1 she never responded to, actually, I don't think,  
2 saying here are the following ways you should think  
3 about doing this, we're not going to be involved in  
4 this. I can't remember the exact words. We're not  
5 doing this. I don't think I said -- you know, [REDACTED]  
6 would be able to figure out. But yeah, when it  
7 switched from nursing homes to female sexual  
8 harassment allegations, we stopped.

9 Q. You said you told Melissa that we're  
10 not doing these reports. How did you tell her that?

11 A. By e-mail.

12 Q. Do you remember when that was?

13 A. No, but -- no. But we could find it.

14 Q. Did you speak with her after you sent  
15 that e-mail?

16 A. Yeah, that was when I told her that we,  
17 you know, we weren't gonna be really engaged and  
18 involved. But I spoke to the Governor on the "no."  
19 It wasn't Melissa on the "no" on sexual assault crisis  
20 response, if you will. It was the Governor. I don't  
21 know why she didn't call me about it, but it was him,  
22 not her. She would have been easier to say no to.

23 Q. What's the reason for that?

24 A. It just is. You know, the principal is  
25 the principal, and you know, you can talk to the

1 second person in command differently than you talk to  
2 the principal.

3 Q. In this e-mail in tab 40, Melissa said  
4 can we get updated. Did you respond to that e-mail?  
5 Was that your e-mail saying we're not going to do  
6 these reports?

7 A. It might have been. I can look for you  
8 and we can send that to you.

9 Q. Let's go to tab 41. So, Liz Smith sent  
10 some tweets from Charlotte Bennett and Kaitlin [REDACTED]  
11 At this time did you know who Charlotte Bennett was?

12 A. I wasn't paying attention to these.

13 Q. At this time did you know who Kaitlin  
14 [REDACTED] was?

15 A. I don't think I knew -- if it wasn't --  
16 if the timing of this is before Charlotte Bennett came  
17 forward with her allegations, then I probably did not  
18 know. I never heard the name before.

19 Q. And what about Kaitlin [REDACTED]

20 A. I never heard the name before.

21 Q. Let's turn to tab 42. This is a text  
22 message that Melissa sends to a group, including you  
23 and Josh, and she attaches something. Do you remember  
24 this text message?

25 A. Melissa sends a text message that she

1 attaches something? There's nothing here on my  
2 binder. It's just a blank page, and then it says  
3 document in native format.

4 Q. Right.

5 A. So, I don't remember this. Right now I  
6 don't remember it. Maybe if you can show me the  
7 image, maybe.

8 Q. So, what that attachment was is an  
9 audio recording. We can play it for you. The first  
10 question is do you remember Melissa sending an audio  
11 recording?

12 A. No. But again, I know you're  
13 frustrated with me -- I mean, I don't mean to make you  
14 frustrated with me. I wasn't paying attention to  
15 this. I wasn't engaged in it. So, when I say I don't  
16 remember, it's not because I'm being rude or  
17 difficult. I swear to you, I respect the work you're  
18 doing. They were crazy. You know, when they get in  
19 those moments, they're nut-jobs. I have other things  
20 to worry about. And you know, they don't listen to  
21 people either, so there's no point in doing it.  
22 Right? So, certainly, play it for me, and maybe I'll  
23 remember it after you play it for me.

24 Q. Okay. We'll pull that up.

25 MR. GENOVA: What was that, Abena,

1           you're going to play it?

2                   MS. MAINOO:   Yes.

3                           (Audio recording being play at this  
4           time.)

5   BY MS. MAINOO:

6           Q.       Ms. Witness, have you heard that  
7   recording before?

8           A.       I definitely listened to a little bit  
9   of it, but I stopped listening to it, I think, when I  
10  figured out what it was.

11          Q.       What did you figure out that it was?

12          A.       Lindsey asking, I assume it's [REDACTED] I  
13  forget his first name. He worked for the Governor for  
14  a lot of years. He was involved in Queens, and I  
15  think he's the one that went to the Port Authority. I  
16  think it's Lindsey asking [REDACTED] to validate her view  
17  of the workplace.

18          Q.       And what do you know about this  
19  recording?

20          A.       Nothing.

21          Q.       Were you part of any discussions about  
22  the conversation that you just heard, or the  
23  recording?

24          A.       No.

25          Q.       And how did you figure out what it was?

1           A.       Well, as soon as she says Port  
2 Authority, and by the nature of the questions she's  
3 asking to validate her view of the workplace, I mean,  
4 it's almost like both sides are doing the same thing.  
5 They're trying to get validators for their perspective  
6 of what the workplace climate was. So she's calling  
7 Cuomo people who have left the Administration to say  
8 would you validate, even off the record. Smart on her  
9 part. Even off the record is smart, because it gives  
10 viability to reporters. Smart strategy on her part.

11       ██████ though, I mean, he worked there forever.

12           Q.       And how did you know that it was  
13 Lindsey on the call?

14           A.       By her voice.

15           Q.       What was the reason you stopped  
16 listening to it after you figured out what it was?

17           A.       I don't want to be involved. You know  
18 what? I keep saying this to you. This is not a space  
19 where Kivvit engages. This is not the work we do.  
20 It's not the work I do. We do the other side,  
21 traditionally. And it's all, you know, sort of like  
22 cloak-and-dagger stuff, what are they doing, what are  
23 we doing. You know, it's like a PR debate instead of  
24 a substantive debate, if you understand what I mean.

25           Q.       And do you understand the reason you

1 received the recording?

2 A. They kept putting me on everything,  
3 even when I wouldn't engage, when I wouldn't call  
4 back, when I wasn't on conference calls. They're like  
5 a leech, when they want you to be involved in  
6 something.

7 Q. And who are you referring to as "they"  
8 here?

9 A. Melissa, Billy Mulrow, any of them.  
10 Larry, the Governor, any of them. But eventually,  
11 they move on, and they find their team of people who  
12 will work with them, and they go, you know. I mean, I  
13 know that he tried a lot of firms. Josh had told me  
14 that. He tried Liz. He tried [REDACTED]. After us,  
15 he made the rounds, and I guess he was getting a lot  
16 of no's, so I guess he -- I don't know what he  
17 ultimately figured out. I don't know who actually  
18 does that work for him.

19 I asked Melissa to take me off the chain at  
20 one point. This was, like, later on. And she said  
21 she would, and it never happened. And I asked Angelo,  
22 my counsel, to call their counsel, because there's  
23 like a -- you saw how many. And like, I don't engage  
24 in them, so all they're doing is clogging up my  
25 system, and I don't really want to be on any of these

1 communications.

2 Q. When did you ask Melissa to take you  
3 off?

4 A. I'd have to look at, like, a phone  
5 document of when we spoke, but I think it was the same  
6 time I pushed back and said we can't talk about  
7 anything anymore, and just so you know, I've asked my  
8 counsel to get you off, and she said she would speak  
9 to Linda Lacewell.

10 Q. Do you understand why she said she  
11 would speak to Linda Lacewell?

12 A. No. I mean, she's a lawyer. What do  
13 you mean by the question? Let me be more precise, so  
14 I understand what your question is.

15 Q. It sounds like you asked Melissa DeRosa  
16 to stop involving you in communications about the  
17 response to the sexual harassment allegations, and you  
18 said that you had spoken with your counsel, and she  
19 brought up Linda Lacewell. So, I'm wondering how  
20 Linda Lacewell came to be involved in that.

21 A. Oh, well I assume, I don't know,  
22 because I didn't have everybody's number on that text  
23 chain, so I didn't always know who was on the text  
24 chain, but I remember Melissa adding lawyers and  
25 saying this is like a privileged rapid response text

1 chain, whatever she said, as if that would matter, as  
2 if this wouldn't be happening. So, I assume she  
3 talked to Linda, because Linda is always the person  
4 they tend to go to, her and the other lady, ethics  
5 stuff, and the only reason I know that is because of  
6 the campaign, because our lawyers would talk to them,  
7 Linda and Judy.

8 MS. MAINOO: Let's go off the record,  
9 unless, Yannick, you have anything right now?

10 MR. GRANT: Not right now.

11 MR. GENOVA: Stand by. The time is  
12 12:11 p.m. Eastern Standard Time. We are  
13 going off the record, and this will end Media  
14 Unit Number 2.

15 (A recess was taken.)

16 THE VIDEOGRAPHER: The time is 12:29.  
17 We are back on the record. This will be the  
18 start of Media Unit Number 3.

19 BY MS. MAINOO:

20 Q. Earlier you referenced sexual  
21 harassment allegations against Governor Cuomo. How  
22 did you become aware of them?

23 A. I read about them, and I watched the  
24 interview.

25 Q. And how did you read about them?

1           A.       How did I read about them? It could  
2 have been through clips. You know, we get clips every  
3 day on anything that's going on in our geography, so  
4 markets where we have offices. So, it could have been  
5 in the clips. I know that Josh and Rich were hearing  
6 rumors from reporters that more was coming, more  
7 allegations were coming. So, I certainly think we  
8 were keeping our eye out for what allegations might be  
9 coming. Again, not because -- because it's the  
10 largest scandal everyone is talking about in the  
11 state. Right? It's not because we were engaged in  
12 some specific way as a firm.

13           Q.       Do you recall whether you read The New  
14 York Times article about Charlotte Bennett's  
15 allegation?

16           A.       I believe I did. I think I read all of  
17 Jesse's pieces through that process, McKinley.

18           Q.       Let's go to tab 54.

19           A.       Well, there it is.

20           Q.       Do you remember getting this text  
21 message from Josh?

22           A.       I mean, I don't remember this specific  
23 one. I get a million texts a day on client stuff.  
24 But I know I read these stories when came through.

25           Q.       And did you get these stories as part

1 of updates you get about clients?

2 A. Well, I mean, we're a firm that  
3 operates in the geopolitical space, right, and your  
4 section, your reputation, your stakeholders' view you  
5 between business, government, politics, branding  
6 issues. So, whether it was Andrew Cuomo or anybody  
7 else on any topic we would read it, in fairness to us.

8 Q. What was your reaction to Charlotte  
9 Bennett's allegations?

10 A. I mean, I don't know Charlotte. I  
11 haven't worked in the Chamber. I thought the  
12 allegations were disturbing.

13 Q. What did you find disturbing about the  
14 allegations?

15 A. Sort of the older man/younger woman  
16 dynamic, the inherent power structure of that, if you  
17 look at it just from a pure lens of sexual harassment,  
18 not necessarily the players in the story, but you  
19 know, those aren't level playing fields.

20 Q. Did you speak with any current or  
21 former members of the Executive Chamber about  
22 Charlotte Bennett's allegations?

23 A. No.

24 Q. Did you talk to Josh or Rich about  
25 Charlotte Bennett's allegations?

1           A.       I think we definitely talked about how  
2 we all thought that she was very compelling.

3 Credible, I guess, as compared to my personal view of  
4 Lindsey versus this. Like, this felt credible to me.

5           Q.       And what about Charlotte's allegations  
6 felt credible to you?

7           A.       Just the power structure. I've been a  
8 woman in politics in male-dominated sectors for a very  
9 long time. It's a very common thing to have power  
10 structures that give you limited options to create  
11 boundaries. So, I think from a hypothetical level, I  
12 can understand where she's coming from. That's not  
13 specific to Andrew Cuomo. It's specific to anybody  
14 who is in that circumstance. So, I found her  
15 credible, and I thought they were really disturbing.  
16 I mean, at her age, for that kind of a conversation  
17 that she alleges happened, if it happened, those are  
18 disturbing.

19           Q.       Did you talk to Melissa DeRosa about  
20 Charlotte Bennett's allegations?

21           A.       I don't believe I did.

22           Q.       Did you talk to the Governor about  
23 Charlotte Bennett's allegations?

24           A.       We've never discussed any specific  
25 allegations. I only heard the one thing he said on

1 that conference call that day.

2 Q. And just to close that out, have you  
3 heard the Governor make any allegation -- have you  
4 heard the Governor say anything, in general, about any  
5 allegations?

6 A. You have to remember I've had no  
7 exposure to him since the Medium story, so I've heard  
8 nothing. And when I say exposure, I mean I'm not on  
9 the calls when he's doing strategy, or things like  
10 that. That's where you would hear how his mind is  
11 working. I only had the conversation with him about  
12 "no."

13 Q. You said you only had the conversation  
14 with him about what?

15 A. About saying no to the firm and Josh.  
16 I don't want you to say that I'm being duplicitous. I  
17 did speak to him about that, but I never was involved  
18 in any of the other stuff.

19 MR. GRANT: Have you ever observed  
20 anything in Governor Cuomo's conduct that  
21 would indicate he would engage in this sort of  
22 behavior?

23 MR. GENOVA: Slower. Slow.

24 MR. GRANT: I'll slow down.

25 MR. GENOVA: Have you ever heard that

1 comment that would -- I mean, you've asked me  
2 not to object to form last evening, and I'm  
3 kind of biting my tongue, and I hope you know  
4 that if I had the latitude, there probably  
5 would be a number of those, but we're not here  
6 for that purpose.

7 MR. GRANT: Well, sure, but there would  
8 also be no speaking objections, so I'll  
9 rephrase the question. Thank you. Have you  
10 observed anything in Governor Cuomo's behavior  
11 that would indicate he would engage in the  
12 sort of conduct that Charlotte Bennett  
13 alleges?

14 THE WITNESS: No.

15 MR. GRANT: Thank you.

16 MR. GENOVA: Thank you, Yannick.

17 BY MS. MAINOO:

18 Q. Let's flip back to tab 50. It's a text  
19 message from Josh to a group that includes you, and it  
20 includes a statement from a Schumer spokesperson. Did  
21 you ever speak with Josh about any discussions with  
22 Senator Schumer or his representatives about the  
23 sexual harassment allegations against Governor Cuomo?

24 A. Yeah, I mentioned this earlier, where  
25 the concern was the statewide elected officials, the

1 leading officials, like Hakeem Jeffries, or I assume  
2 the mayor would, obviously, you know, make comments  
3 about impeachment, and Josh was definitely thinking  
4 through how politically they could keep their  
5 relationship intact until your report came out.

6 Q. And do you know if anyone asked Josh to  
7 reach out to any of those officials?

8 A. I don't, but you know, Josh worked for  
9 Senator Schumer, so it wouldn't surprise me that  
10 somebody would ask him to make a phone call to see  
11 where he was on it. Most of the time with stuff like  
12 that, I think, even with me with labor or something,  
13 not on this topic, but in general, like the text  
14 Melissa sent me about Samuelson and TWU, what she  
15 would want is for me to call [REDACTED] find out why he's  
16 mad and say well, think about appointing Larry,  
17 understand the context, and then they would call. So,  
18 they had, like, a filter process. They never wanted  
19 to be surprised. They wanted to know what was  
20 happening before they walked in. So, it wouldn't  
21 surprise me at all if they asked Josh, or someone else  
22 who was close to Chuck, to Senator Gillibrand, to  
23 Hakeem, to call and say where is their head before I  
24 have Melissa call, or someone like that call. That's  
25 pretty common.

1 Q. So, when Melissa sent this text message  
2 on July 2nd, did you understand that she did want you  
3 to reach out to your client?

4 A. In the normal world, sure. It's  
5 normal. I mean, I feel like it's super normal  
6 politics, yeah. But I could have responded to it  
7 without reaching out to my client. [REDACTED].

8 [REDACTED] [REDACTED]  
9 [REDACTED] I apologize for the cursing. [REDACTED]

10 [REDACTED] And if the Governor was going to appoint  
11 Larry, then they should have done their politics and  
12 talked to the largest workers union of the MCA in  
13 advance before they let that leak. So, she knows the  
14 answer. So, I didn't engage both because of this  
15 process, also because it's annoying to me they would  
16 ask us to do anything right now in light of, like, the  
17 brutal, I find this to be brutal, nothing personal,  
18 the brutal process that this has put people that I  
19 care about through, like Rich and Josh, and the firm,  
20 that did nothing wrong. So, I have my own level of  
21 frustration and resentment with them right now. So, I  
22 didn't respond. But if I would have responded, I  
23 would have wrote back I don't even have to call [REDACTED]  
24 [REDACTED]. This is not news.  
25 Like, if you want to convince him that Larry's okay,

1 you need to call him.

2 Q. Have you ever spoken with anyone in the  
3 Executive Chamber about getting compensated for your  
4 legal expenses in connection with this investigation?

5 A. No. I don't want them to. I want to  
6 pay my own bills. I want to keep my independence. I  
7 don't want to be dependent upon him. That's why I  
8 never took money from him. That's why I was so  
9 hesitant, in general, to ever work for him. And I  
10 want to protect Kivvit at all costs. Kivvit has done  
11 nothing wrong. Kivvit wasn't engaged. And the  
12 individuals that were engaged, I find them to be  
13 honorable, great people, and I hope they've done  
14 nothing wrong. So, no, my goal is to protect my firm.  
15 So, I would never ask them to pay for this. They  
16 shouldn't, either. We didn't work for them.

17 Q. Are you familiar with allegations  
18 coming out of women's interactions with Governor Cuomo  
19 at Gareth Rhodes' wedding?

20 A. I'm not. I mean, I read what everybody  
21 read, but I'm not, and I'm not personally close to  
22 Gareth.

23 Q. Did you ever speak with Josh or Rich  
24 about those allegations?

25 A. They said that they felt bad for

1 Gareth.

2 Q. Let's go to tab 102.

3 A. Now you're cookin'. I shouldn't say  
4 that, because you can always go back, right? That  
5 doesn't mean we can skip the whole book? Sorry, I  
6 have to learn how this works. What date is this,  
7 March 2nd?

8 Q. 2nd.

9 A. Yeah, I know what this is about. Josh  
10 was saying, when he said I wonder why they're putting  
11 -- or Rich was saying, Rich's dad, I think, I wonder  
12 why they are putting themselves so far out there. He  
13 was talking about Liz and Josh, like, why would they  
14 ever be this deep, and why would they be doing this,  
15 and, um -- (Pause.)

16 Q. You said Rich was talking about Liz and  
17 Josh?

18 A. Yes -- Liz and Jef. I apologize.

19 Q. Jef Pollock?

20 A. Yes. Rich was basically saying, like,  
21 why are they doing this, like why are they helping  
22 them right now, nobody knows the facts, nobody  
23 understands what went on, why would they put their  
24 reputations at risk, why would they do that, because  
25 we had taken such a different posture. So, that's

1 what Rich was saying. Josh was saying they wanted me  
2 to be a part of that, and I said no.

3 Q. So, other than these texts, did you  
4 have any conversations with Rich or Josh about this  
5 request for Josh to go up to the Mansion?

6 A. About this request, no. We definitely  
7 talked, the three of us, different times about the  
8 fact that I was going to say no to the Governor, and  
9 that that was going to be very hard, and that was the  
10 right thing to do for the firm, and we didn't want to  
11 participate. That, we did talk about, for sure, from  
12 time to time. Before I would speak to the Governor, I  
13 would check in with them and let them know where I was  
14 headed, because he was capable, obviously, of calling  
15 them himself to encourage them to work with him.

16 Q. And when Josh refers to he, when he  
17 says "she" called me, does that refer to Melissa?

18 A. Yes. I mean, he or she. There's only  
19 two people in the State that make decisions in the  
20 Executive Chamber, from what it seems, so it's usually  
21 he or she.

22 Q. And that's Governor Cuomo or Melissa  
23 DeRosa?

24 A. Um-hum.

25 Q. Is that a yes?

1           A.       Yes.  Sorry, yes.

2           Q.       Let's go to tab 103.  And the  
3 discussion between or among you, Josh, and Rich  
4 continues.  You ask if the Governor is going to  
5 announce that he's going to counseling.

6           A.       Yeah, I say what is he going to  
7 announce, because I don't know.  Then I ask, anybody  
8 take me up on my idea that he probably should go to  
9 counseling?  Clearly, Josh doesn't know, Chuck to  
10 Chris Cuomo, he didn't know.  Asked Josh at The  
11 Washington Post, he said no.  I remember this.  Gayle  
12 King is doing an interview tomorrow for tomorrow  
13 night's primary a.m.  I say Josh, be careful on that  
14 text chain.  Phones are better than texts.  I thought  
15 that text chain was insane.

16          Q.       So, what do you remember about this  
17 discussion?

18          A.       What I just told you, pretty  
19 straightforward, we were trying to figure out what he  
20 was doing every day and how he was going to react to  
21 it.  In certain instances, Josh would know.  Most of  
22 the time, he didn't.  We were sort of out of this loop  
23 by then.  My point to Josh in the text chain was, I  
24 mean, I didn't even know all the people that were on  
25 that text chain.  If you have strategic counseling you

1 need to give, that you want to give, personally, you  
2 need to do that on your own time, and it shouldn't be  
3 in a public setting like that, as far as I was  
4 concerned, a public setting like that. So --

5 Q. What's the reason you said that?

6 A. I thought that text chain was insane.  
7 I think that was the text chain where Liz sent, like,  
8 a video of dancing with the dog in the middle of the  
9 night, after that visit to the Mansion. I mean, I  
10 don't know what you know about Liz. She's an  
11 extraordinary practitioner, but she has some [REDACTED]  
12 [REDACTED],  
13 [REDACTED] and you can see it in that text  
14 chain, the comments people make. Like, this is not a  
15 cavalier topic. People shouldn't be joking around  
16 about what cocktail they're drinking on a Friday  
17 night. These are serious allegations. And my point  
18 to Josh was this text chain was nuts.

19 Q. I think we may follow up with you to  
20 make sure that we have the part of the chain that you  
21 were just referring to, and we'll do that separately.  
22 And you said phones are better than texts. Is there a  
23 reason you said that?

24 A. Yeah, because if you pick up the phone  
25 and speak to Melissa, you're talking to one person.

1 And when you disagree with somebody's strategy, which  
2 is traditionally Josh's role, is to every once in  
3 awhile when they're in a place that's not a great  
4 place, say to them look, you can't see clearly, so  
5 you're acting in a stupid fashion. Here's what you  
6 should do. That's something you do, the way this  
7 works, is when you're being constructively critical,  
8 which I assume he was in most cases, but things like  
9 that, where you're trying to ground them, because  
10 they're in it, and when you're in something, sometimes  
11 you can't pick your head up and see it, and you're  
12 treating it just like any other thing, I just think  
13 that should be done on the phone to the most senior  
14 person, not amongst some -- excuse me, not amongst  
15 some large group of people that you don't even know  
16 who it is, or at least I didn't know who they are. I  
17 mean, that's not how -- I mean, if you're critical of  
18 the Governor or his strategy, you do that directly  
19 with Melissa or the Governor. 99.9 percent of the  
20 time you do it with Melissa.

21 Q. And at that point, had you already  
22 spoken with anyone to advise that the Governor should  
23 go to counseling?

24 A. I'd have to go back and look, but I  
25 feel like I must have. I feel like I must have,

1 because of me saying it to those guys, right, trying  
2 to say to those guys what is he announcing today, is  
3 he saying he's going to counseling. So, that means I  
4 probably had said it to Melissa.

5 Q. Did you join any group calls after the  
6 February 24th conference call?

7 A. I don't think I ever did, but I don't  
8 want to give you an absolute in case I'm making a  
9 mistake. He tried to do a call that was smaller at  
10 one point, relevant to polling, and I feel like --

11 Q. Who did, the Governor?

12 A. I don't know. I think he was Jef  
13 Pollock at the time, but I think he invited the  
14 Governor, and I don't know if I got on that or not.  
15 So, I don't want to give you, like, an absolute, but I  
16 don't think I joined in one single call in reference  
17 to the scandal and the allegations. I really can't  
18 recall. Right after the nursing home switch to,  
19 really, Boylan and the other victims, I just didn't  
20 engage. (Pause.) What number do you want me on now?

21 Q. I'm skipping some of them. Let's go to  
22 64. There's a reference to a small group, or Liz  
23 Smith asks if a small group can do a call to prep the  
24 Governor for his press call. Do you know if you  
25 joined that call?

1           A.       I did not.

2           Q.       Did you ever speak with Liz Smith about  
3 the sexual harassment allegations against the  
4 Governor?

5           A.       I don't think I did. I spoke to Liz  
6 during nursing homes, after Melissa made The Post  
7 comment before I went up there, because I wanted to  
8 know if she was talking to Melissa and helping  
9 Melissa, because Melissa was isolated and was afraid  
10 of trusting people, and as I said to you, I felt she  
11 [REDACTED] [REDACTED].  
12 I'm not a [REDACTED] So, I spoke to her then, and I  
13 might have spoken to her, like, once after that, just  
14 about is she going to help, and I feel like she said,  
15 you know, I'm always going to help Melissa, but I  
16 don't know, I'm busy, I'm hectic, I might be getting  
17 this TV show, blah, blah, blah.

18          Q.       Did you ever speak with Jef Pollock  
19 about the sexual harassment allegations?

20          A.       I feel like we spoke a brief amount  
21 about the polling that was conducted. They didn't ask  
22 me to submit my views on the polling beforehand. If  
23 they had, I would have structured a different  
24 question, and they didn't do that, and that's because,  
25 you know, that's an MO of the Governor, some

1 micronized process to get the outcomes he wants for  
2 that poll, so then he can use that poll with  
3 politicians to say don't say I should be impeached.  
4 Right? And so I'm more of a truth-to-power kind of  
5 person with him, so they wouldn't include me in that,  
6 probably on purpose, because they know I'd want to  
7 restructure it. So, actually, I shouldn't speak for  
8 someone else. I have no idea. I wasn't included in  
9 it, but I believe that Jef organized the call, and I  
10 don't think I did the call. I think I just read the  
11 top lines.

12 Q. Let's go to tab 105 to the last page of  
13 that tab. You can read the others, if you want, for  
14 reference, but I'm just going to ask you about the  
15 page numbered 449, where again, you say he needs to  
16 say he'll go to counseling, and this time you say  
17 everyone keeps laughing at me. I'm interested in  
18 knowing who you meant by everyone there.

19 A. Oh, even Josh and Rich. People thought  
20 it wasn't a smart idea. That's okay, it's not  
21 uncommon for people to think I'm an outside-the-box  
22 person.

23 Q. Who all did you mention that idea to?

24 A. Only, really, Rich and Josh and Melissa  
25 and the Governor. And by the way, I think when people

1 are laughing at me, I think part of that is the  
2 Governor is at an age in his life where is he really  
3 going to change, right? That's the point about the  
4 laughing, right? Like, he would never do it. Now, he  
5 didn't have the courage to say that to me on the  
6 phone. He said that's fine, I would do that, you  
7 know, the team thinks I shouldn't do that until later,  
8 make that announcement later, so they obviously talked  
9 about it. So, that's it.

10 Q. Do you remember getting an e-mail that  
11 Charlotte Bennett had originally sent to Melissa  
12 DeRosa, and another e-mail that Charlotte had sent to  
13 Stephanie Benton?

14 A. I do not remember getting that, no.  
15 What did it say?

16 Q. It's at tab 67. I'm just curious  
17 whether you talked to anyone about it.

18 A. No, I never talked to folks about -- I  
19 mean, I told Josh and Rich I thought she was, I told  
20 you that, credible and compelling. 67: She  
21 demonstrated to me in the world what it meant to be a  
22 woman in New York. Thank you for your hard work. Oh,  
23 I remember, probably, reading this at some point. It  
24 doesn't matter, though.

25 Q. What do you mean by that?

1           A.       It doesn't prove their point. It  
2 doesn't prove it.

3           Q.       Did you tell anyone that?

4           A.       No. When there's a point where they  
5 can't hear, it's not worth talking. I didn't engage  
6 in any of this. They were never going to listen.  
7 They started off by running it as the same rapid  
8 response operation they always ran, period. I'm not  
9 involved in it. I'm not going to get involved in it.  
10 The firm is not going to get involved in it.

11          Q.       Are you aware of allegations by Karen  
12 Hinton relating to the Governor?

13          A.       I am.

14          Q.       How did you learn about them?

15          A.       I believe from Bamberger.

16          Q.       When was that?

17          A.       He worked with her husband on a client.  
18 Before they came out, I remember Rich saying that  
19 there was going to be some kind of an allegation,  
20 potentially from Karen Hinton, I don't know if he  
21 heard this from Howard, or he heard it -- Howard is  
22 Karen's husband, or from the press, she was going to  
23 come out with an allegation from back in the HUD days.

24          Q.       What was your reaction to Karen  
25 Hinton's allegation?

1           A.       I have no position. We almost hired --  
2 we almost thought about hiring Karen years ago. I met  
3 with her once or twice. She's very impressive. Then  
4 she went to work for DiBlasio, so she wasn't looking  
5 for a job. Then she had [REDACTED], and that was  
6 [REDACTED] for Howard, as I remember. So, I  
7 had no reaction. I mean, it wasn't like Lindsey, if  
8 that's what you're asking me. It's not a pattern of  
9 my behavior with Lindsey. It's just because of that  
10 time I met her. So, I didn't have a reaction. She's  
11 entitled to say what she experienced, and he's  
12 entitled to rebut it if he chooses to.

13           Q.       Did you hear about Ana Liss'  
14 allegations?

15           A.       Which one was -- which allegations were  
16 those?

17           Q.       These were the allegations in the Wall  
18 Street Journal about a former aide to the Governor.

19           A.       Is this about the phone?

20           MR. GENOVA: Is there a document?

21           THE WITNESS: I'm sorry, I don't  
22 remember each and every allegation.

23 BY MS. MAINOO:

24           Q.       And that's fine. I think we can move  
25 on, actually. When you say is this about the phone,

1 what are you referring to?

2 A. The story I read where he kept inviting  
3 someone over to fix his phone.

4 Q. And this is the woman that alleges she  
5 was groped in the Mansion?

6 A. Yes.

7 Q. Let's talk about her next. How did you  
8 hear about her allegations?

9 A. Through the press.

10 Q. That was the first time you heard about  
11 it, that you can remember?

12 A. Yes.

13 Q. What was your reaction to those  
14 allegations?

15 A. The only thing I can speak to is it's  
16 completely credible that if he got an iPhone, someone  
17 would have to educate him on how to use it, because he  
18 is a Neanderthal with data and tech and tools. I  
19 mean, dictation, as a good example, right, taking  
20 dictation in 2021 is absurd. So, that part of it was  
21 compelling to me. The rest, I had no idea.

22 Q. Did you talk to anyone about those  
23 allegations?

24 A. I did, but not on purpose. My JCAHO  
25 lawyer and I were on the phone, [REDACTED].

1 MR. GENOVA: Were you talking to your  
2 lawyer?

3 THE WITNESS: It wasn't like a -- it  
4 wasn't a privileged conversation about Kivvit.  
5 He was just saying --

6 MR. GENOVA: But it was a communication  
7 with your lawyer?

8 THE WITNESS: Yes, communication with  
9 our ethics lawyer.

10 MR. GENOVA: Don't talk about that  
11 communication.

12 BY MS. MAINOO:

13 Q. Were you seeking legal advice from him?

14 A. No, I wasn't. It, like, came up at the  
15 end of a call, and he just had an observation to make.

16 MS. MAINOO: Okay. Angelo, based on  
17 what Ms. Witness has said, I don't think the  
18 privilege would apply, but I'll give you a  
19 chance to object.

20 MR. GENOVA: Well, I don't know whether  
21 you can bifurcate or distinguish the contents  
22 of the conversation. I think it's  
23 attorney/client, it's communication with a  
24 lawyer, and she's having a conversation with  
25 that lawyer. The lawyer is engaged for a

1           purpose, and something comes up within that  
2           conversation that happens in that context, I  
3           still believe it's an attorney/client  
4           communication, and I want to preserve the  
5           privilege.

6                   MS. MAINOO: Are you going to instruct  
7           Ms. Witness not to answer?

8                   MR. GENOVA: Well, she's already  
9           answered. I'd like to have it stricken from  
10          the record, and I direct her not to answer any  
11          further questions that relate to conversations  
12          she had with that counsel.

13                   MS. MAINOO: So, the next question I  
14          have, and you can object, the next question I  
15          have is what that individual said, the comment  
16          that he made. And if you instruct Ms. Witness  
17          not to answer, you know, we may need to bring  
18          her back, because we will challenge this  
19          privilege asserted.

20                   MR. GENOVA: Will you let me consult  
21          with her a minute?

22                   MS. MAINOO: Yes.

23                   THE VIDEOGRAPHER: Counsel, do you want  
24          to go off the record?

25                   MS. MAINOO: Yes, please. Thank you.

1 THE VIDEOGRAPHER: Just confirming.  
2 The time is 12:58. We are going off the  
3 record. Stand by.

4 (Pause.)

5 MR. GENOVA: I'm going to let her  
6 answer the pending question on the basis that  
7 your questions are limited solely to the  
8 conversations she may have had with her  
9 counsel unrelated to the purpose for which she  
10 was seeking legal advice from her counsel.

11 MS. MAINOO: Okay. Thank you.

12 MR. GENOVA: Do you want to repeat that  
13 question?

14 THE VIDEOGRAPHER: Do you want me to go  
15 back on the record first, Counsel?

16 MS. MAINOO: Yes, please.

17 THE VIDEOGRAPHER: The time is 1:00  
18 p.m. We are back on the record. We're back  
19 on the record, Counsel.

20 MR. GENOVA: Is our exchange on the  
21 record?

22 MS. MAINOO: It was not, Angelo, so  
23 please repeat it.

24 THE VIDEOGRAPHER: We're back on the  
25 record, Counsel, at 1:00 p.m.

1 MR. GENEVA: I'll repeat it, then.  
2 Abena, I will allow Ms. Witness to answer, at  
3 least, the pending question, to the extent  
4 that it's limited, and you'll agree it's  
5 limited, only to exchanges between her and her  
6 then counsel unrelated to the purposes for  
7 which that counsel was engaged to provide  
8 legal advice.

9 MS. MAINOO: Thank you. And can we  
10 have the question read back?

11 (Court reporter read back as follows:  
12 Question: So, the next question I have, and  
13 you can object, the next question I have is  
14 what that individual said, the comment that he  
15 made.)

16 THE WITNESS: So, he said in Albany it  
17 was widely known that [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 sexual harassment allegations.

21 BY MS. MAINOO:

22 Q. Did you -- go ahead.

23 A. I was just saying this is not a space  
24 that I live. I don't like gossip or hearsay, so I  
25 didn't engage it. I did not repeat it. I didn't call

1 Melissa with it. I didn't do any of that.

2 Q. And who said that? Who made that  
3 statement?

4 A. [REDACTED] He's our JCAHO  
5 attorney. He used to run JCAHO. He's not a friend of  
6 the Governor's, though, I would say. He was not  
7 appointed by the Governor, and he was perceived as  
8 over on the other side, meaning if there was  
9 motivation, he doesn't have motivation to be nice to  
10 the Governor. Let me put it that way.

11 Q. Have you heard that rumor from anyone  
12 -- well, have you heard that allegation from anyone  
13 else?

14 A. No. No. I really don't engage in  
15 conversations about the victims.

16 Q. Let's go to tab 73. This is a text  
17 exchange between you, Josh, and Rich. You ask, who is  
18 the new allegation from? And he referenced a briefer,  
19 and said but it's not good, physical, et cetera. Do  
20 you remember the background to this text exchange?

21 A. It means that one of them, Rich or  
22 Josh, told me they heard from the press that there's  
23 another allegation coming, and I was asked to come. I  
24 assume this is Charlotte, or does the time not line up  
25 for Charlotte? Is this a different person?

1           Q.       I think this is the woman in the  
2       Mansion whom you referenced earlier.

3           A.       Gotcha.

4           Q.       And maybe other communications. We'll  
5       make that clearer. So, let's go to tab 72, and this  
6       is an exchange between you and Melissa. You say: I  
7       sent this to you before, but I will reiterate again.  
8       I think he needs to say he is going to counseling for  
9       his tendency to be aggressive and to reassign how he  
10      interacts with people. What did you mean when you  
11      referenced his tendency to be aggressive?

12          A.       He's really demanding. So, I don't  
13      mean this in a sexual way, but he is aggressive. He's  
14      going to question you aggressively. He's going to  
15      push on the data. He's going to take out a binder. I  
16      mean, I only have campaign experience, right, so it's  
17      so narrow, but in those three months and six weeks,  
18      you know, if I would come and say I want to  
19      restructure the campaign in the following way based on  
20      this data and these trends, you know, he would get  
21      that memo the night before. By the time we were in a  
22      room or on a conference call, he had questions. And a  
23      lot of really smart people aren't accustomed to that.  
24      So, my point to her was everybody knows Andrew Cuomo's  
25      aggressive. Everybody knows he's a taskmaster.

1 Everybody knows he's intense. Own it. Own it if you  
2 fail it. Own it that it's a different world, and own  
3 it if you need to get better and do better, and go to  
4 counseling. Because part of it was when you heard him  
5 talk about workforce environment, workplace  
6 environment on TV, you got the sense that he was  
7 talking about, like, the structure of the building,  
8 right, and that somebody would come in and assess the  
9 Chamber, kind of thing, when he talks on TV. You're  
10 the Governor. You've got to own it. It's your  
11 government. Right? So go, bring in professionals,  
12 get counseling, do better. You know, work as a modern  
13 practitioner in 2021, where there are boundaries to  
14 your communications. You have to treat people with a  
15 little more empathy. He's a hard-charging Queens  
16 Italian New Yorker. It didn't bother me. To be  
17 honest, I really enjoyed how brilliant he is as a  
18 tactician and as a strategist. So, for me, it was  
19 like chess. For other people, it's probably a little  
20 daunting.

21 Q. And here, were you talking about only  
22 the workplace environment issues, or were you also  
23 addressing discussing the sexual harassment  
24 allegations?

25 A. Well, I think that for their purposes

1 it would be smart to include the treatment of women  
2 and DEI. I mean, I think it would be smart to make it  
3 a holistic sort of modernization, if you will, of  
4 Andrew Cuomo and his Administration, but as I've said  
5 repeatedly, no one ever paid attention to this point  
6 that I made.

7 MR. GENOVA: Witness 7/9/21, I think  
8 the question was to what were you referring in  
9 the --

10 THE WITNESS: I just said, how  
11 demanding he is, you know, what kind of  
12 climate it is, how aggressive he can be. I  
13 don't think he even thinks about things like  
14 power structure, because you know, he's been  
15 the son of a Governor, he was a cabinet  
16 member, he was an Attorney General, he's a  
17 Governor. You know, he's lived in a power  
18 structure for so long, I don't even think he  
19 understands the external reaction to power. I  
20 genuinely don't. It's just where he's been  
21 his whole life.

22 MR. GRANT: Why do you think it would  
23 have been a good strategy to address the issue  
24 holistically?

25 THE WITNESS: Because I think the

1 behavior is one of somebody who is intensely  
2 committed to his work, and it manifests itself  
3 in an intense way. Right? The timelines are  
4 intense. When you need to get products back  
5 to him, it's intense. Maybe I'm wrong,  
6 because a campaign is much more finite and  
7 it's not as bad as the Chamber, I don't know,  
8 but he's an intense guy, so I feel like he  
9 could have addressed, sort of, this part of  
10 his personality. We all know it's not  
11 uncommon right now for CEOs and electeds and  
12 others to realize that there's a generational  
13 deficit between the workplace of today and the  
14 workplace of yesterday. And I feel like every  
15 company in America, and the firm, after the  
16 murder of George Floyd, is going through some  
17 kind of a transformation to recognize these  
18 sorts of issues. Women's rights is also a  
19 part of that. LGBTQ rights is also a part of  
20 that. You know, people have to understand  
21 that -- I think the public would understand  
22 that, if somebody could own it publicly and be  
23 contrite about it, and be honest, and say, you  
24 know, some of the things he said, but with  
25 that, you know, I'm going to go to counseling,

1 I'm also going to do a review of my office and  
2 put things in place to create more objectivity  
3 and less subjectivity, you know, more rules,  
4 et cetera. I mean, I don't know how they  
5 would do it, but I just thought it would have  
6 been a much more substantive proactive way to  
7 handle this than a rapid response PR campaign.  
8 But lucky for me, nobody listened to me the  
9 one time I texted it, and I didn't get on the  
10 calls to say it, because I didn't think they  
11 would listen, and I didn't really want to  
12 waste my time, and I, candidly, wanted to wait  
13 to see what your report said.

14 BY MS. MAINOO:

15 Q. Did you ever speak with the friend, or  
16 the woman you know from college, [REDACTED], who  
17 you reference in the text about this?

18 A. I did speak on the phone with [REDACTED]  
19 We were supposed to do a Zoom. It didn't work out,  
20 largely, because of my personal schedule with [REDACTED],  
21 but I was going to talk to [REDACTED] in general, about  
22 doing some work for Kivvit at the time, because we're  
23 doing a big DEI process. But I thought it might be  
24 helpful for [REDACTED] to speak to a professional --  
25 excuse me, not [REDACTED] -- for Melissa to speak to --

1 [REDACTED] was our other friend in college -- for Melissa  
2 to speak to a professional in the space about how this  
3 kind of thing would work, both executive coaching, as  
4 well as with workplace environment. So, I think she  
5 totally ignored it.

6 Q. Your text message referenced a pattern  
7 of behavior. What were you referring to?

8 A. What everybody's read about in the  
9 press. He's an intense guy. He's a focused guy. I  
10 mean, I used to leave my house to campaign at, like,  
11 4:30 in the morning, 5:00 in the morning from [REDACTED]  
12 [REDACTED], so I could be, sort of, in place and ready for  
13 when one of the two of them woke up and had questions  
14 before their workday started. You know, they're  
15 intense. His pattern of behavior is well-known.  
16 Right? He plays for keeps. His politics are strong,  
17 demanding. People think it's a one-way street. I  
18 mean, it's everything you've ever read. When I wrote  
19 about him during the pandemic, my first sentence was,  
20 you know, he doesn't suffer fools. He will move you  
21 aside and pick a new advisor in a minute if he thinks  
22 you're not smart.

23 Q. What led to your writing that?

24 A. I chose to do that. I thought the  
25 pandemic was an example of him at his best, actually.

1 I think one of the things Andrew Cuomo does well was  
2 made people believe the government can function again.  
3 And he doesn't accept the status quo, and when  
4 something is messed up, he will figure it out. I  
5 thought, during the pandemic, the way he took people  
6 from other departments and deployed them, you know,  
7 like DEC park rangers were in New Rochelle going  
8 door-to-door on the vaccination when there was an  
9 outbreak. I just thought he was doing a magnificent  
10 job, and I thought for all the people who have their  
11 issues with him, whether like his personality, or  
12 think he's too bravado, or whatever they think, at a  
13 moment like this you're kind of glad someone like that  
14 is in charge. Having said that, obviously, I was not  
15 aware of any of these other potential issues.

16 Q. In your text message, you also  
17 reference "the bully" and "inappropriate behavior."  
18 What did you mean by that?

19 A. Oh, I just think, you know, like the  
20 Ron Kim reports I read in the press are emblematic of  
21 something happens, he gets on the phone and Melissa  
22 gets on the phone and tells somebody how to behave.  
23 They push back. They do it. They don't do it. They  
24 make a deal, they don't make a deal, whatever they do.  
25 But he's a Queens, New Yorker. You know, he has

1 forty, fifty years of history with some of these  
2 people. So, he's got this, like, roster of a  
3 relationship, and he'll use that to make sure that the  
4 politics are in line. And I know that for you that  
5 may seem like a line or a boundary. I would say  
6 working in New York and New Jersey politics, there's a  
7 very common rough nature to politics.

8 Q. Did you ever observe behavior by  
9 Governor Cuomo that you would consider bullying?

10 A. No. But you have to remember, I never  
11 got exposed to him in the Chamber, and that I only saw  
12 him in campaign settings, and in those settings they  
13 were small rooms with either Cuomo family members or  
14 Jef Pollock and me. I wasn't really exposed to him  
15 like that. And he wouldn't bully me, because I would  
16 tell him to go "F" himself if he tried. And Jef would  
17 too. That room is a room of people who would do that.

18 Q. Would you include Jef among the Cuomo  
19 family members you referenced earlier?

20 A. I don't think he trusted Jef like that.  
21 I don't. But I think he seeks Jef's counsel on the  
22 data from the polling and the cross-section,  
23 especially since [REDACTED] passed away. I think  
24 if [REDACTED] were still alive, he'd be going to [REDACTED] right  
25 now, not Jef. But I think he'd use Jef as an outside

1 advisor for political purposes, you know, similar to  
2 me, during campaign time, that kind of thing. Melissa  
3 was much more supportive of Jef than the Governor. In  
4 fact, in 2010, we didn't use Jef.

5 Q. Let's turn to these articles focusing  
6 more on the role that Kivvit, or Kivvit employees, may  
7 have played in responding to the sexual harassment  
8 allegations. So, the first tab I want to look at is  
9 tab 108. I think you referenced this earlier. Here,  
10 Rich says to you: Someone's going after us. Just  
11 killed The Post with Josh for now. And then you ask  
12 about any other issues, and he asks for a call.  
13 What's the background of this?

14 A. Tuesday, March 16th, I believe, I'm not  
15 exactly sure, but I believe this is when the post  
16 wanted to say that Rich was involved in retaliating  
17 against Lindsey Boylan, and my knowledge of that was  
18 that he was not involved, and that he did ask a few  
19 reporters to call, that they were going to give a  
20 statement from the Governor's Office. And so, you  
21 know, the press shop was doing their own work. Rich,  
22 whether he was played or not by them, I think that  
23 part of it is sort of irrelevant, it wasn't the lion's  
24 share of what the Chamber was doing that day, right,  
25 it was de minimus or not really a big part of it. And

1 so my issue was, you know, any time you can not have  
2 us in that story, that would be very helpful, since A,  
3 the firm did not play a role; B, I didn't seek Josh  
4 for that particular instance, Rich did, but not in the  
5 way that it was described to me. That's not  
6 consistent with what I read. Let's put it that way.  
7 So, I was asking him to constantly monitor, constantly  
8 make sure that we weren't affiliated with this.

9 Q. When you say that was inconsistent with  
10 what you read, it was inconsistent with what you read  
11 where?

12 A. When Ronan Farrow and Mahoney did the  
13 story in the Niagara Gazette. And then you saw me on  
14 e-mail request a call, and I said this is inconsistent  
15 with what I understood to be the case, meaning at some  
16 point later on Rich was made aware of what their  
17 statement was going to be.

18 Q. Did you understand that Rich had been  
19 open about what role he played in relation to the  
20 release of Lindsey Boylan's personal records?

21 MR. GENOVA: Open with Ms. Witness?

22 BY MS. MAINOO:

23 Q. Correct, open with you.

24 A. Well, I still don't know what role he  
25 played or didn't play. What I was told by him, as I

1 said earlier, was that he was asked to reach out to a  
2 few reporters and tell them to call the Governor's  
3 Office because they had a statement. Not the records.  
4 A statement. Later, he found out what they were  
5 releasing. That's what I understand it to be. If  
6 that's what it was, you know, that's not as  
7 problematic. If there was an awareness at the outset  
8 that you knew what those records were, I would be,  
9 personally, very disappointed.

10 Q. And do you know --

11 A. Because it's not something to engage  
12 in. This is not appropriate.

13 Q. And do you know which reporters Rich  
14 said he reached out to?

15 A. I do remember. I think it was an AP  
16 reporter, but I don't remember the other two. I  
17 apologize.

18 Q. No need to apologize.

19 A. I'm not a ditz. I just had a lot of  
20 other things that were more important, for the record.

21 Q. Let's look at tab 84. I think it's the  
22 document you were just referencing.

23 A. There it is. Confirm with Ronan that  
24 Rich is just -- (Pause.)

25 Q. So, the page number 48 references a

1 letter story.

2 MR. GENOVA: At the bottom corner.

3 THE WITNESS: Oh, I see.

4 BY MS. MAINOO:

5 Q. Did you discuss this letter story with  
6 Rich or Josh?

7 A. No, but I remember this. I mean, when  
8 you say discuss, Rich was adamant that he didn't write  
9 the letter, that he didn't shop the letter, that he  
10 didn't take the letter and circulate it. He was  
11 adamant, I remember that, on the call, about where the  
12 boundaries were, once he understood what was  
13 happening.

14 Q. And just to rewind, can you tell us  
15 about the call?

16 A. We had a ton. Every single time there  
17 was an inquiry where they got wind of a story, I would  
18 call either one of them, or both of them, and say  
19 what's the story, where is it heading, what are they  
20 alleging that you've done, Rich, what are they  
21 alleging you might have done, it was never Josh, but  
22 Rich, is Kivvit out of the story since we weren't  
23 involved, blah, blah, blah. It was the same  
24 conversation every time. This, though, was the first  
25 time I had seen Rich be that aggressive in language

1 and nomenclature around it, and I just remember him  
2 being just aggressive around this, which is really him  
3 being aggressive around protecting his reputation,  
4 because I think he thought he was played. So, you see  
5 my reaction.

6 Q. Are you referring to your comments on  
7 Rich's draft statement?

8 A. Yeah, I just think, you know -- and by  
9 the way, we didn't do these statements, right, and  
10 part of the reason we didn't do the statements was  
11 because of your process, and we decided to not do  
12 anything. We just thought it was smarter to cooperate  
13 with what you were doing rather than say something  
14 flippant. But my personal opinion was in this climate  
15 you have to do more than just say you weren't  
16 involved. You have to say you're against that kind of  
17 behavior. And that was just my reaction to it.

18 Q. And it sounds like you were giving Rich  
19 prep questions for possible reactions that he could  
20 get to this statement; is that right?

21 A. Yeah. I just thought, like, if this  
22 was going to go down this road, the press might have  
23 other questions for him, and like any client, any  
24 client would need to be prepared for the rapid  
25 response Q & A of a reporter, and so let's think about

1 what those questions would be.

2 Q. You reference a Liz Benjamin. What  
3 were you referring to?

4 A. This has been publicly disclosed. I'm  
5 sure you already have it. Back when Rich was working  
6 for the Governor, she was providing negative coverage  
7 on the Governor, and they did a background document,  
8 which the press called a dossier, which I can assure  
9 you was not the kind of dossier you've read in your  
10 lives, or built, or I have in campaigns. It was a  
11 TikTok of all the stories she wrote, and what was the  
12 sense of it, positive, negative, or neutral, sort of  
13 like a history in context of why she seemed to be at  
14 odds with the Administration. Very common in their  
15 press shop to, like, see where the reporters are, and  
16 if they have a bad relationship, figure out if they  
17 can fix it or not, or if you can send an emissary to  
18 fix it. So, my point to Rich was that was written  
19 that way in the press. Are they going to say you do  
20 this kind of thing? Like, I care about Rich, and I  
21 wanted him to be thinking about this, because this is  
22 really his own name to defend. This has nothing to do  
23 with Kivvit. So, I wanted him to be thinking about  
24 what kind of questions could come up. And sometimes  
25 when you're in it, you can't see clearly.

1 Q. What was your reaction to Kivvit being  
2 referenced in the Ronan Farrow story?

3 A. I was really pissed.

4 Q. Why were you really pissed?

5 A. It's not easy to say no to the  
6 Governor. It's just not. And when you're the person  
7 who has to do it, and then you're taking a hit for it  
8 externally on the opposite end, and you can't explain  
9 what's going on to your staff because there's an  
10 appropriate process. You know, it puts you in a box.  
11 So, I'm in a box. My job is to defend my firm. We  
12 made all the right decisions. We did everything we  
13 we're supposed to. I can't speak to what any  
14 individual may or may not have done, but having Kivvit  
15 involved in this, it really is unfair to me. If  
16 there's an individual that did something on their own  
17 time they shouldn't have done that needs to be called  
18 out, that's a whole different ball game. But you  
19 know, I've worked really hard to grow this firm. I've  
20 worked really hard to make it independent of politics.  
21 I don't do political campaigns with the firm. We  
22 don't do lobbying, in the way traditional lobbying is.  
23 We comply with lobby laws, because people say can you  
24 publicly do that. We thought there was an ethical  
25 quandary in a firm that had lobbying, campaigns, and

1 public affairs, so we didn't do it. So, we have spent  
2 such a long time getting counsel, being in the weeds  
3 on ethics, paying a lot of attention, saying no when  
4 things cross the line, and in one moment I felt like  
5 it was unfairly tarnished, to be honest. And that's  
6 why I've had so much respect for how you guys have run  
7 this operation. There haven't been leaks. I mean, I  
8 have an extraordinary respect for how you're  
9 conducting this review and investigation, because  
10 you've done it as extraordinary consummate  
11 professionals, and I appreciate that because you can  
12 ruin people, you can ruin companies, you can ruin  
13 lives by just referencing them, and some of that is  
14 really just not fair. So, that part I'm pretty  
15 passionate about, and I was passionate about it with  
16 Josh and Rich, and my point to them was, you know, you  
17 do rapid response for Goldman Sachs, great. Make sure  
18 you're doing it for Kivvit right now, because I don't  
19 want to get its name in any of this, because it  
20 doesn't deserve to be, unless the story was we said  
21 no; that would be true. So, that was frustrating to  
22 me, and I was angry about it. Very. And Ronan hadn't  
23 told Josh that. He had only said it would be read by  
24 many. So, that was a surprise for us, or at least to  
25 me, let me say, more precisely.

1 Q. And what was Josh's role in connection  
2 with Ronan's story?

3 A. Josh reached out to Ronan Farrow to  
4 understand how he was going to talk about Rich's role  
5 in December, and to make sure that he had it in an  
6 accurate way, and so he was really the emissary,  
7 because we didn't -- I shouldn't say we. They didn't  
8 think. I think Josh and Rich decided Rich calling  
9 would seem self-serving, so it would be smarter to  
10 have somebody else call and sort of get a sense of  
11 what was happening and sort of talk it through. And  
12 his goal, he failed that, which was to certainly keep  
13 Kivvit out of the story, first and foremost, but also  
14 Rich, if possible, since his role, in our view, was  
15 rather de minimus. So, he failed in both. And then  
16 Mahoney followed up with the Niagara Gazette.

17 Q. Did Melissa DeRosa or anyone ever talk  
18 to you about Josh's involvement in relation to the  
19 personal records?

20 A. In relation to what?

21 Q. Releasing Lindsey's personal records.  
22 Did she ever say anything about Josh's involvement?

23 MR. GENOVA: Did who, Josh?

24 THE WITNESS: She said Melissa.

25 BY MS. MAINOO:

1 Q. Did Melissa talk to you about Josh  
2 being involved in that?

3 A. The Governor talked about Josh running  
4 the whole operation, but no, nothing about hit-jobs on  
5 the victims. Nothing about the victims, ever. We  
6 never talked about the victims.

7 Q. And what are you referring to as  
8 hit-jobs on the victims?

9 A. What you're referring to. You're  
10 alleging that people retaliated against victims.  
11 That's what I was referring to.

12 Q. Did you consider that the information  
13 released about complaints against Lindsey Boylan  
14 amounted to hit-jobs against victims?

15 A. I don't know, I never read it. If  
16 you're asking whether I think workplace records matter  
17 whether they should be released or not, I have no  
18 idea. I mean, I think asking me on Lindsey is a  
19 tougher one, because I think she had a pattern of  
20 behavior that, at least, I saw a glimpse of, that I  
21 had heard about, that was consistent with what people  
22 said, and it wasn't pretty. But I think it's really  
23 hard for victims to come forward, so I just think it's  
24 a horrendous mistake for anybody in any position of  
25 authority to at all try to belittle the victim. I

1 think it's a huge mistake. I would have said so if I  
2 were ever asked, but I was never asked.

3 Q. Let's go to tab 88. It looks like Josh  
4 is updating you about the Ronan Farrow story, and you  
5 say at the end: His instincts are bad right now. We  
6 need to protect him from himself and for the firm. If  
7 you want me to explain, give me a call.

8 A. Rich. That was about Rich. He was so  
9 personally upset. So, I don't know if you know Rich's  
10 story, but his mom was a very prominent judge. He  
11 comes from this very progressive legal family. He  
12 said to me in recent weeks he can't wait until this is  
13 all behind him, and he wants to give us five more  
14 years and then go back and work at, like, public  
15 service for DOJ. He's feeling very tarnished, and  
16 insecure, and hurt by being played, and he's  
17 frustrated, and so he wants to defend himself. Right?  
18 He wants to jump out with a statement. But it's the  
19 four-year process. So, my comments to Josh are we've  
20 got to not let him hurt himself. Right? Just by  
21 randomly releasing statements, that's not a smart  
22 thing to do. You guys are going to engage in a very  
23 serious comprehensive thorough and thoughtful process.  
24 He needs to talk to you all about his role, not  
25 publicly communicate or fight. And not fight,

1 especially from the entities that are coming at you  
2 and just doing gotcha. Joe Mahoney got fired by Rich  
3 Bamberger's shot, you know, at the Niagara Gazette.  
4 He hates him. Despises him. He has a pen. It's the  
5 Niagara Gazette, by the way. Right? Remember, no  
6 legitimate New York downstate paper wrote this, right,  
7 because there wasn't enough corroboration to allege  
8 what Ronan did, from my perspective, at least. So, my  
9 point to Josh was we need to protect Rich and tell him  
10 to participate in the Attorney -- I didn't know that I  
11 was going to get subpoenaed, or Josh was, or the firm  
12 was, but my point was, you know, he needs to talk to a  
13 lawyer, he needs to comply with whatever is coming.  
14 He does not need to fight this in the press. There's  
15 no good that can come of it. But I understood how he  
16 felt. I've been through ethics scandals where  
17 somebody accuses you of something you didn't do, and  
18 it's a painful process.

19 Q. As far as Kivvit was involved, can you  
20 just explain further what your concern was about the  
21 potential repercussions for Kivvit?

22 A. Yeah. For me, it's largely internal.  
23 So, we have an extraordinary team. We're a  
24 professional services firm, like a law firm.  
25 Everything is about talent. Young people in our

1 office read that story, and believed what was written,  
2 and started to have concerns about their colleague.  
3 Younger staff have a larger voice today than they used  
4 to about these kinds of issues, and they should, and I  
5 was really concerned with some of the young people in  
6 the office would potentially leave if they thought the  
7 firm was involved, and so I wanted to be able to say  
8 to them I said no to the Governor, we're not doing it,  
9 but we didn't do any of that, because we didn't want  
10 to put them in a position where you would subpoena  
11 them. So, we didn't communicate. And it's very hard,  
12 but I think it was the right thing to do, but it's  
13 very frustrating to me, and when it's over, I want to  
14 make sure that people understand that the firm did  
15 absolutely nothing wrong. In fact, the firm looked  
16 the most powerful man in New York in the eye and said  
17 no. Right? But I can't tell them that story now. My  
18 concern was really internal. Nobody called me and  
19 said -- no clients threatened us. I mean, one person  
20 -- I was looking into this board thing, and one person  
21 said there's a lot of crazy stuff going on, and I was  
22 fine with that. But there was no ramification. It  
23 wasn't like anybody believed that we had done anything  
24 unethical in terms of clients. No one thought that.  
25 Or stakeholders. Nobody thought that. I mean, I

1 think they know us well enough to know that we're not  
2 bottom-feeders. There are a lot of firms in New York  
3 that are bottom-feeders. We're not a bottom-feeder  
4 firm. I was worried about my people. I was worried  
5 about our team.

6 Q. What's the board that you ended up not  
7 getting on?

8 A. I can't disclose that.

9 Q. What discussion did you have with that  
10 board relating to the allegations against Governor  
11 Cuomo?

12 A. Oh, nothing, specifically. It was just  
13 that there's a lot of heat, and we're trying to figure  
14 it out. It wasn't a now issue. It was probably two  
15 years from now. I have one mentioned in my contract  
16 that I can join, paperwork, I didn't get to do it.  
17 It's a moot point, because I'm on a different board  
18 now. But I wasn't even sure I wanted to do it, but  
19 they just said there's a lot of heat around the Cuomo  
20 stuff, and I was like yeah. I used it as an excuse to  
21 get out of it. I was more consumed by Josh and Rich  
22 understanding the ramifications of Kivvit being in the  
23 newspaper.

24 Q. And did they tell you that the -- did  
25 the board tell you the basis for associating you with

1 the Cuomo stuff?

2 A. No. I mean, I ran his campaign in  
3 2018. I don't think it's difficult.

4 Q. Let's just look at that, an e-mail that  
5 you sent about that. This is tab 91. And you say:  
6 It's not the first time I've been in cross-hairs, so  
7 I'm clear about how it works, but just got turned down  
8 for a board seat last night because of it. What did  
9 you mean when you said you just got turned down for a  
10 board seat because of it?

11 A. I exaggerated this with Josh and Rich  
12 because I wanted them to focus on keeping Kivvit out  
13 of it, to be honest. It was not really that far  
14 along.

15 Q. So, what were you told by the board?

16 A. It wasn't that far along. It was very  
17 casual. I exaggerated this to Rich and Josh because I  
18 needed them to be as motivated to keep Kivvit out of  
19 the paper as they were to keep their own names out of  
20 the paper. That's the honest answer.

21 Q. What conversations did you have with  
22 [REDACTED] about the Cuomo sexual harassment  
23 allegations?

24 A. [REDACTED] came into it very late, right  
25 before the Ronan Farrow story was hitting. I believe

1 he was on vacation, so it probably ruined it for him.  
2 I just said to him they're alleging X, that Rich was  
3 involved in this retaliation against Lindsey Boylan  
4 back in December. I told him that my understanding  
5 was that he did not know when he called the reporters  
6 that that's what they were releasing in their  
7 statement. I told him -- he knew that I had been in  
8 conversations with the Governor about nursing homes.  
9 He knew I was debating it, that I wasn't sure about  
10 it, that I wanted to do it or not, and he knew as soon  
11 as, sort of, the other stuff came out, I had said to  
12 him I'm going to tell him no. And I did tell him that  
13 the Governor was trying to recruit Josh from me, that  
14 he was very concerned about that, because Josh had  
15 become instrumental to us overnight, and he was really  
16 doing a great job, and I said I'm not going to let him  
17 do it. I said if Josh isn't going to fold, I'm not  
18 folding.

19 Q. Do you know of any discussions that  
20 Rich or Josh had with staff members about his  
21 involvement in responding to the sexual harassment  
22 allegations?

23 A. I don't know any details of  
24 conversations.

25 Q. I'm looking at tab 109. This is a text

1 exchange between you and Rich. You're talking about  
2 updating Kivvit, and Rich references a conversation he  
3 had with all staff.

4 A. Yes. I don't know the details, but he  
5 called people individually.

6 Q. And did you call anyone at Kivvit?

7 A. No. I did mention to the team, I  
8 believe I mentioned to the team, that we were not  
9 going to work for the Governor on the issue. New York  
10 staff called. I don't remember the name.

11 Q. You said in one of the text messages to  
12 Rich that you had wanted to keep away from him  
13 entirely. That was short-sighted. What's the  
14 background to that?

15 A. Where are you looking, in that tab?

16 Q. Yes, still in that tab, on the page  
17 numbered 919.

18 MR. GENOVA: That's my bad.

19 THE WITNESS: Yes, [REDACTED] I didn't  
20 involve [REDACTED] until that story was going to  
21 print. As my partner, I should have involved  
22 him earlier. No doubt about it. It's just  
23 the right thing to do, that's all.

24 BY MS. MAINOO:

25 Q. Was there any reason you were trying

1 not to involve [REDACTED] earlier?

2 A. Yeah, I thought we could handle it. I  
3 thought Ronan would be more honorable and do what the  
4 other reporters did, which was go look at the full  
5 case of what happened here, and Rich, and the role  
6 that the people at the Chamber apparently take,  
7 according to all the other articles, so I thought that  
8 he would be more honorable about defending Rich and  
9 Kivvit. So, I didn't think I would need to call [REDACTED]  
10 because I didn't think the story would be relevant to  
11 us. But that was a mistake. I wouldn't repeat that  
12 again.

13 Q. Let's turn to the discussion about  
14 hiring Kivvit.

15 A. What number are you on now?

16 Q. I'm on tab 93. It's a mix of chats  
17 between you and the Governor, and you and --

18 A. I only have one document after.

19 Q. Yes. So, let's start with 93. This is  
20 between you and the Governor; is that right?

21 A. Yes.

22 Q. And I think earlier you had explained  
23 that before you spoke -- before you communicated with  
24 the Governor about saying no, just say no, the last  
25 time you had communicated was during the February 24th

1 conference call. Am I right about the timeline?

2 A. I believe so. We talked Valentine's  
3 Day. Before that, we hadn't talked for months. I saw  
4 him that day, and then he was trying to reach me  
5 because he wanted to engage us, and then we had that  
6 conversation. It might have been over two calls or  
7 three calls, but yes, that was the nature of the  
8 scope.

9 Q. Do you remember the background of this  
10 text? Had you spoken with the Governor before this  
11 text?

12 A. Yes. We had talked on the phone, and I  
13 had already told him Kivvit wouldn't do it. He  
14 ignored that information. He tried to get Kivvit to  
15 do it again, but then said could Josh go on leave from  
16 Kivvit, could I tell Josh that he wouldn't be in any  
17 trouble or cross-hairs with me if he wanted to go on  
18 leave and do this. And my thing to him was he's  
19 really valuable to us. That's a very difficult  
20 request. So, then I called Josh, because as I said,  
21 these guys have known the father, and they've worked  
22 with the Governor, and they have this whole long-term  
23 thing, so I wanted to confirm with Josh that he did  
24 not want to do it, that he didn't feel any pressure,  
25 that he didn't want to do it. He didn't want to do

1 it, adamantly did not want to do it. So, that's why I  
2 sent this, so he knew that the door was closed on  
3 Josh.

4 Q. What's the father thing that you just  
5 referenced?

6 A. I'm talking about, like, the Cuomo  
7 family people, like they feel an obligation to serve  
8 him, when I don't think they should, so I wanted to  
9 call Josh first and say are you feeling like you have  
10 to do this because of loyalty to him, or whatever,  
11 before I go say no to you and to Kivvit again. And  
12 you saw that e-mail exchange between Josh and me where  
13 he was like I don't want to do it. And he didn't want  
14 to do it. And we talked about it on the phone, too.  
15 He couldn't do it.

16 Q. Did you have any concerns about saying  
17 no to the Governor?

18 A. Not in the sense of large-scale  
19 retribution, but it's hard to say no to him. Do you  
20 worry that you're tarnishing a decades-long  
21 relationship? Sure. Do you worry that he's going to  
22 survive the whole thing and be frustrated at those  
23 that helped him and didn't help him? Sure. Do I have  
24 any proof or evidence of that, do I have any examples  
25 to show? No. It's just the kind of stuff you worry

1 about when you're in my chair. You just want to keep  
2 the firm away from, make the right choices, not do  
3 things that are wrong, or outside of the  
4 socially-congruent values of the firm, which this  
5 would have been. And so that's why I said we were  
6 there to volunteer, even though I didn't really mean  
7 it. And that's why I was putting names forward of  
8 other firms. We do a lot of different kinds of work,  
9 and I just didn't want there to be an aftermath to  
10 this.

11 Q. Let's go to tab 94, where the Governor  
12 says: If your firm won't do it, will you volunteer to  
13 help? Do you know a good firm to recommend? What did  
14 you understand by the Governor's response?

15 A. You know, if you're going to say no to  
16 him, you have to have the balls to do it. You've got  
17 to look him dead in the eye. You've got to not quiver  
18 in your voice. If you give him any opening where he  
19 can figure out a way to charm you, or move you, or  
20 cajole you, or persuade you, he will do it. So, he  
21 was reconfirming, yet again, that the firm won't do  
22 it, which is his way of saying, so I'm asking for your  
23 help and you're saying no, and me confirming that's  
24 correct.

25 Q. What did you understand by his

1 reference to volunteering to help?

2 A. As I said to you, I knew he would say  
3 it, but it would never happen, and here's why it  
4 wouldn't happen. He's 24/7, and he is intense. If  
5 you're in and out, he's not going to pay attention to  
6 you. They work too fast. They work at a pace too  
7 quickly. You would miss things between being off on a  
8 call for three hours, and coming back into it five  
9 hours later. So, the way to get away from him as  
10 you're saying no to him is to give him something else  
11 to go to, right, which my suggestion was Liz Smith,  
12 and I thought I gave him another firm, too. In these  
13 texts it was just Liz Smith, but I thought I gave him  
14 another firm. I think I might have said [REDACTED]

15 Q. Did the Governor previously ask you to  
16 volunteer for anything?

17 A. I think he was more looking for Josh to  
18 volunteer. The example he gave me on the phone of  
19 volunteering was that he was hiring a lawyer to  
20 represent the Chamber, and that that woman needed to  
21 be media-prepped to understand who all the media  
22 players were, and what styles they had, and the whole  
23 nine yards. And I said that's a lot of time; you need  
24 a firm. That's going to be complicated. So, that's  
25 kind of the way it would work, normally, I mean, if we

1 had kept talking. I didn't engage with him on  
2 purpose, but he would have tried to pick out pieces,  
3 like projects, you know, and I was letting him know  
4 that that wasn't going to happen. So, volunteer, he  
5 puts in a global sense, then when it starts to get  
6 into projects, you just knock them down, no, no, no,  
7 one by one, and we were hoping that Liz was going to  
8 do it, because Liz is adventurous, let's say, and  
9 she's got a lot of notoriety, and she sort of does  
10 rapid response really well. So, I thought she might  
11 do it, but she apparently said no.

12 Q. When you've spoken with the Governor,  
13 you discussed the possibility of volunteering to help  
14 with the response to the sexual harassment  
15 allegations?

16 A. No, that example I gave you was the  
17 only time we ever had a discussion about it. That was  
18 the example he provided, would Josh do something like  
19 that, and I said no.

20 Q. When was that discussion in relation to  
21 these text messages?

22 A. It was all in and around the same time.  
23 It was before we said no.

24 Q. Let's go to tab 107. These are text  
25 messages, also, on the same date as Josh and Rich.

1           A.       Yeah, Melissa said the press was going  
2 after her, and she wanted to know if I would talk to  
3 them about what kind of a practitioner she is. So, I  
4 said yes, and I checked in with Josh, because I  
5 normally don't speak to reporters. I mean, I never  
6 spoke to Zack. He never called. I never called him.  
7 He wanted a quote from people who were going to go on  
8 the record and say good things about Melissa. This is  
9 where she was also trying to defend her own  
10 reputation, right?

11           Q.       Um-hum. And then it seems like this is  
12 around the same time the story is bubbling up about  
13 Rich's involvement, and the Lindsey Boylan personal  
14 records, right, still looking at tab 107, but page  
15 number 494?

16           A.       Yeah, I don't think there's -- I mean,  
17 I have nothing to add to what we already discussed.

18           Q.       Did these developing stories about  
19 Rich's potential involvement in responding to the  
20 sexual harassment allegations inform your response to  
21 the Governor's request that Kivvit or Josh help  
22 respond to the allegations?

23           A.       Well, first of all, I wouldn't say  
24 these were stories about Rich's involvement. They  
25 were stories about the broader program and Rich's de

1 minimus role. Second to that -- can you say that  
2 question again so I make sure I understand?

3 Q. Yes. So, around the same time that the  
4 Governor is asking if Kivvit or Josh can help with a  
5 PR strategy for the sexual harassment allegations,  
6 stories are bubbling up that reference Rich's  
7 potential involvement in responding to the sexual  
8 harassment allegations. Did the facts of those  
9 stories, did that influence your decision to say no to  
10 the Governor?

11 A. No, I knew I was saying no to the  
12 Governor the morning I read the Medium article. Not  
13 because I believed Lindsey, but because we don't do  
14 that kind of work. We don't go on the opposite side  
15 of victims. We consistently have turned down crisis  
16 work. I mean, we have all kinds of clients where we  
17 said, like, we're not going to engage here. We've  
18 done pro bono work on the other side. I'm a feminist.  
19 I went to a women's college. [REDACTED] I mean,  
20 this is why it's so troubling for me to have Kivvit  
21 anywhere associated with any of this particular focus  
22 of your subpoena and of the press coverage. It is  
23 really -- I find it really problematic, because we did  
24 everything right. We thought about it. We spoke  
25 truth-to-power. We said no. And I think that that's

1 frustrating to me.

2 Q. Just to round this out, tab 110 is the  
3 continuation of your discussion with Josh about saying  
4 no to the Governor.

5 A. Oh, this was about -- hold on, if I  
6 have this right. She called back. Mulrow just  
7 called. So, now people are -- the family members,  
8 Mulrow, others, are now lobbying Josh to disagree with  
9 my position and to leave the firm and go do this, and  
10 Josh is getting very, very frustrated. Now, we all  
11 love Bill Mulrow. I don't know if you've talked to  
12 him. We call him the Ambassador. He's like the  
13 nicest guy in the world. But still, I think we were  
14 all pretty offended that we had made a decision, and  
15 people were calling to try to lobby us to change our  
16 position. I didn't feel any retribution or threats  
17 from it, but I just thought it was really bad form. I  
18 mean, Josh has [REDACTED]. These are pretty  
19 selfish people.

20 Q. This is earlier in the day before you  
21 had the texts with the Governor, correct? This is the  
22 morning of March 16th?

23 A. I mean, look at this. This stuff in  
24 here is crazy.

25 Q. What are you referring to?

1           A.       I'm referring to Steve. I mean, who in  
2 their right mind. Yes, this is the chain that Josh  
3 and I had before I turned down the second -- you know,  
4 his evolved proposal, so not the firm, but just Josh,  
5 blah, blah, blah.

6           Q.       Have you heard from Josh or anyone else  
7 anything about the Governor or the Executive Chamber  
8 doing oppo research on either the victims or the  
9 investigators?

10          A.       No. I mean, there's nobody who would  
11 ever mention that to me, because they would know that  
12 I would tell them they were insane. And I assume Josh  
13 would tell them that, too, for exactly this purpose.  
14 I mean, you just read this, right? It's insane. It's  
15 the definition of insanity, right there.

16          Q.       How did you understand Josh's statement  
17 that Steve told me this morning they are asking him to  
18 spread oppo on Joon Kim?

19          A.       My gut instinct was he's smart enough  
20 to say no way, I would think. Maybe I just wasn't  
21 about New Jersey politics for too long. You don't  
22 mess with prosecutors, and it's not ethically  
23 appropriate, and I don't think they would ever do it.  
24 This had to be some -- that would be insane. I can't  
25 imagine they're that stupid. He was an Attorney

1 General. He gets it. He knows the prosecutorial  
2 powers. He knows when people go in, they can go  
3 anywhere they want. He understands this. Well, I  
4 don't know. Steve told me this morning they're going  
5 to ask him to spread oppo on Joon Kim. I assume that  
6 was -- I don't think they'd want me getting down with  
7 that crowd. I mean, obviously, we would never get  
8 involved in that, but I would bet he was also saying  
9 to Josh, like, these people have lost their minds.  
10 But this is all hearsay. I have no idea.

11 Q. What do you understand oppo here to  
12 mean?

13 A. Yeah, like spreading information, what,  
14 Joon Kim is not a talented prosecutor, or he's  
15 incompetent, or something of that nature? I mean, I  
16 assume that's what they're meaning. I don't think  
17 they're saying oppo lightly.

18 MR. GENOVA: Only if you know.

19 THE WITNESS: I have no idea. I have  
20 no idea. Sorry.

21 BY MS. MAINOO:

22 Q. But oppo meaning negative information?

23 A. Yeah.

24 Q. And the text message that you sent,  
25 still in this tab, on the page numbered 4176, you talk

1 about Josh having served his time, and I think you  
2 used a similar phrase earlier. What do you mean by  
3 that?

4 A. You know, the way the Governor looks at  
5 public service with his father or with him is that it  
6 sort of makes your career, you know, you get this  
7 remarkable opportunity, and it's like you've been  
8 given a gift. That's true. It is a remarkable  
9 opportunity to serve the people of New York, and it is  
10 extraordinary, I assume, to work for Mario Cuomo when  
11 he was Governor, and it's probably pretty  
12 extraordinary to work for Andrew Cuomo when he is  
13 Governor. Having said that, it's not like because you  
14 got to work your ass off 24/7, seven days a week, like  
15 a maniac, for however long you worked for him in the  
16 Chamber or anywhere else, that you have to come back  
17 and do it again. Like, he served his time. He did  
18 his tour of duty. He did it beautifully well. So did  
19 Rich. So did I, in my finite moments on the campaign.  
20 Nobody owes anybody anything here, right? So, my  
21 point to Josh was you've done your time, you've got  
22 [REDACTED], stand by your gut. Don't  
23 be influenced by these people calling you and  
24 saying -- you know, and the sisters and the press and  
25 others saying he really needs you, he this, he that.

1 No. You served your time in public service. You  
2 don't have an obligation to do it again.

3 Q. Did you ever talk to Chris or Governor  
4 Cuomo's sisters about the sexual harassment  
5 investigations?

6 A. I'm not close with the family.

7 MR. GENOVA: The answer is no.

8 BY MS. MAINOO:

9 Q. Is Josh close to the family?

10 A. I don't think they're close to the  
11 family, but I think they know them, because they were  
12 at the government. I know that Josh spoke to Chris a  
13 couple times here or there. But our firm does talk to  
14 Chris because we take clients on TV, and that kind of  
15 thing, CNBC and whatever.

16 Q. Has Melissa DeRosa said anything about  
17 any of the allegations of workplace misconduct against  
18 the Governor?

19 A. You mean the sexual harassment  
20 allegations?

21 Q. The sexual harassment allegations.

22 A. We've never discussed the individual  
23 complainants or allegations, and obviously, as you  
24 know, I told her on the phone that one time after we  
25 knew that Rich was going to get served that we

1       couldn't talk about any of this anymore. I shouldn't  
2       say any of this. Any of it at all. And so I said to  
3       her the only conversations you and I can have would be  
4       personal in nature, and we didn't even really do that.  
5       I mean, I was going to call and check on her a few  
6       times, but I didn't do it. I didn't feel like I  
7       wanted to.

8               Q.       Let's go to tab 101. It's similar to  
9       things we talked about, so please indulge me. I just  
10      want to make sure we're being complete here.

11               MR. GENOVA:   What number was that?

12               MS. MAINOO:   101.

13               THE WITNESS:   What's your question?

14      BY MS. MAINOO:

15               Q.       Let's look at the second page. This is  
16      numbered 356. And it looks like texts between you and  
17      Josh and Rich.

18               A.       Um-hum, Josh. Rich is not on it. It's  
19      just me and Josh.

20               Q.       On the first page, Rich had actually  
21      texted, or e-mailed this.

22               A.       Oh, I'm sorry. The second page said  
23      two people.

24               Q.       Yes. I think this is from Rich's  
25      perspective, so the two people are you and Josh.

1           A.       I see.

2           Q.       And this may be one of the text  
3 messages we saw earlier, where you talked about the  
4 Governor needing counseling to become a better man and  
5 better Governor to stop with aggressive and  
6 inappropriate behavior. One of the reasons I keep  
7 coming back to this is I know that you've known the  
8 Governor since at least 2010. You didn't work in the  
9 Executive Chamber, but you did work with him on his  
10 campaign. Did you observe any conduct that is either  
11 similar to or consistent with the conduct that has  
12 been alleged against the Governor now?

13          A.       No. You've got to remember that he  
14 didn't ever come to the campaign. I mean, I think in  
15 the Executive Chamber you're around his presence, so  
16 you might see something of that nature. In the  
17 campaign, you know, five weeks in the first one, and  
18 three months or so in the second one, and he never set  
19 foot in the second one, ever, that I can remember, so  
20 I didn't have the kind of exposure or line of sight  
21 into him. So, no. And when I say this, you've heard  
22 me say it a million times, I really think this is what  
23 he should have done, which is to take the women's  
24 voices seriously, even if he disagreed with their  
25 characterization of their experience, and to admit

1 what the State of New York already knows and has been  
2 written about forever, which is that he's a very  
3 demanding guy, and that can really rub people the  
4 wrong way, so maybe he should change his behavior.  
5 So, I'm very consistent about this. This is nothing  
6 new to me. I just thought they weren't taking it  
7 seriously enough, and that's why I knew we'd never got  
8 involved with it.

9 Q. And turning to the page numbered 361 --

10 A. What did you say?

11 Q. The page numbered 361, same tab.

12 MR. GENOVA: Same tab, the bottom  
13 right.

14 BY MS. MAINOO:

15 Q. And you reference a similar text to  
16 Melissa.

17 A. She ignored it.

18 Q. This time you reference having  
19 ministers pray on the Governor. What are you  
20 referring to?

21 A. Ministers pray on the Governor. Pretty  
22 direct. Have him announce he's going to counseling,  
23 go to a prayer service, get prayed on, ask for help.  
24 You know, do it right.

25 Q. And were you suggesting this as a PR

1 strategy?

2 A. No, I mean, my only lens of this is not  
3 the governmental stuff; it's the campaign stuff. So,  
4 should your report come out and you do not recommend  
5 charges, right, but you say that there's a pattern of  
6 demanding behavior, right, but you don't recommend  
7 charges, well, then, he's viable to run again. So, if  
8 he wants to maintain his viability until this report  
9 comes out, he needs to pay attention to his politics.  
10 Right? This is part of that politics. But don't  
11 worry about it, because it never went anywhere.

12 MS. MAINOO: Before we turn to the next  
13 topic, Yannick, do you have questions.

14 MR. GRANT: Just one. So, to follow up  
15 on the question that was just asked, so having  
16 the Governor associate with ministers, it was  
17 your understanding that that would be good  
18 messaging for purposes of the campaign, should  
19 he be able to or want to run after the report  
20 is released?

21 THE WITNESS: Well, yes, but also,  
22 prayer is a really good -- would be a really  
23 good thing for him to be doing. I know that  
24 may seem farfetched to you, but you know, I  
25 don't know, I feel like he's got some

1           capability in there of human, like when he  
2           talks about his dad. Like, during the  
3           pandemic, when we saw he was emotional, like  
4           dig down deep. Do something meaningful here.  
5           But you know, he is who he is.

6                       MR. GRANT: Gotcha.

7                       THE WITNESS: This is not an uncommon  
8           reaction that politicians engage in when they  
9           think about something they've done wrong, when  
10          they're alleged to have done something wrong,  
11          you know, when you can own it and try to pivot  
12          through it, but you have to do serious things  
13          to do that. So, I think a lot will be more  
14          about what comes out of your report than  
15          anything.

16          BY MS. MAINOO:

17                    Q.           Have you discussed any of the other  
18          sexual harassment allegations against the Governor  
19          other than the ones we've talked about?

20                    A.           I'm sorry, that I feel like I don't  
21          have -- we don't -- I didn't engage. Kivvit didn't  
22          engage. I didn't get into conversations about the  
23          women. The only kind of conversation I ever got into  
24          was the two text messages on our response chain about  
25          what Jef Pollock said based upon a polling. What I

1 said internally to Josh and Rich in our coffee  
2 clutches, and the very, very few times I said to  
3 Melissa, like, you've got to think about this  
4 differently and have him go to counseling, and got  
5 ignored.

6 Q. In your interactions with Andrew Cuomo,  
7 has he ever yelled at you?

8 A. I'm sure. I'm sure he's raised his  
9 voice from time to time. I raised it right back to  
10 him.

11 Q. Has he ever insulted you?

12 A. I mean, you might say this piece of  
13 work sucks, a piece of crap, who did this. I mean,  
14 I've had a million bosses do that, so that doesn't  
15 stand out to me. And during campaign, it's a  
16 particularly intense time. So, yeah, he's  
17 hard-charging and demanding. I've never seen him do  
18 it to others, though. I was on a conference call,  
19 usually, with him and Melissa. It wasn't like there  
20 was a whole bunch of people on the call, you know,  
21 that kind of stuff. As I said, he was really  
22 insulated. In the first term, I thought he was much  
23 more available than he ever was again. So, I didn't  
24 really get exposure to him outside of the couple  
25 months on the campaign.

1 Q. Has he ever threatened you, or have you  
2 heard of him threatening anyone?

3 A. He never threatened me, and I've never  
4 heard of him threaten anyone. You mean like what he  
5 said to Ron Kim? No, I've never been present for  
6 anything like that.

7 Q. Has he ever thrown anything at you?

8 A. No.

9 Q. Have you ever seen him throw anything  
10 at anyone, or heard of that?

11 A. No.

12 Q. Has he ever kissed you?

13 A. Not on my lips, but on both of my  
14 cheeks, yeah, for sure, every time I've ever seen him,  
15 since I didn't even know him.

16 Q. Did you ever feel uncomfortable in your  
17 interactions with him?

18 A. No. If I feel uncomfortable with  
19 somebody, I tell them.

20 Q. Has he ever commented on your  
21 appearance?

22 A. Sure.

23 Q. What has he said?

24 A. The last time I saw him at the Mansion  
25 he said wow, your blazer matches your boots, or

1 something like that. And I said, and? And he said  
2 well, it looks sharp. And I said well, I didn't ask  
3 for your opinion. So, yeah, I mean, he definitely  
4 compliments people on their outfits. He always  
5 compliments nice shoes. He'll compliment a woman's  
6 dress. He's old school. He will say and talk about  
7 people's appearances, for sure. I haven't heard it in  
8 a derogatory way. I've read the articles that say  
9 that. I've never heard him call anybody fat or any of  
10 that.

11 Q. Have you ever heard him comment on  
12 someone's physical appearance in addition to their  
13 clothes?

14 A. Physical appearance?

15 Q. For example, how beautiful someone is.

16 A. I feel like I must have heard him say  
17 someone looked beautiful, but I can't recall any of  
18 that. I don't recall him doing that, no.

19 Q. Have you ever seen or heard of anyone  
20 being upset by how Andrew Cuomo treated her or him?

21 A. You know, that would be all hearsay for  
22 me for the Chamber, because I wasn't there. You know,  
23 did people, forgive the language, bitch and moan,  
24 yeah, people bitched and moaned, but I feel they did  
25 in the administrations I worked in, too, and they

1 weren't nearly as intense. So, I don't have any  
2 reference point. It's not firsthand knowledge for me.  
3 I wouldn't feel comfortable giving you any kind of  
4 opinion. I don't have any knowledge.

5 MR. GRANT: How have Josh and Rich  
6 described their experience in the Executive  
7 Chamber?

8 THE WITNESS: Very intense, very  
9 demanding. Best education they ever got as it  
10 relates to press and public affairs. You  
11 know, that he's just relentless, and sometimes  
12 you can't, like, get him off of something, you  
13 know. I'm trying to think. That he had a  
14 tough time being disciplined on a long-term  
15 plan, you know, he would jump to the issue of  
16 the day. That, you know -- say that question  
17 again, because I believe what I was going to  
18 say next wasn't necessary, but go ahead.

19 MR. GRANT: Sure.

20 THE WITNESS: How did they feel when  
21 they worked there?

22 MR. GRANT: How did they describe their  
23 experience?

24 THE WITNESS: So, it was really all in  
25 that vein. I think Josh, you know, being a

1 Chief of Staff, had more exposure. Rich was  
2 more just in the press shop. But that was it,  
3 that it was brutal, intense, no rest for the  
4 weary, 24/7.

5 MR. GRANT: Do you recall if either of  
6 them ever said anything about the way that the  
7 Governor treats women who work in the  
8 Executive Chamber?

9 THE WITNESS: I've never heard them say  
10 specifically women. I mean, equal  
11 opportunity, demanding, taskmaster. I've  
12 never heard them say it was gender-specific.  
13 Everybody bitched and moaned about how intense  
14 the pace was in Andrew Cuomo's office. Right?  
15 Because he would give you five hours and want  
16 to do an event, and he thought it was the  
17 greatest idea ever, and he'd tell people let's  
18 go do an event. I mean, I got glimpses of it  
19 on the campaign, but it's nowhere near what  
20 it's like in the Chamber every day. Yeah,  
21 they bitched and moaned, but they also said it  
22 was a formative experience in their life and  
23 made them a better practitioner.

24 MR. GRANT: You mentioned the  
25 Governor's habit of having people take

1 dictation for him earlier, right? Yes or no?

2 Sorry.

3 THE WITNESS: I did mention that. From  
4 what I read in the press, by the way.

5 MR. GRANT: Oh, from what you read in  
6 the press, not from observation. Then don't  
7 worry about the next question.

8 BY MS. MAINOO:

9 Q. You started to say something about  
10 Rich's and/or Josh's experience in the Chamber that  
11 you said was not response to the question. What were  
12 you going to say?

13 A. I don't even remember now. It's left  
14 my mind when I paused. I think I was going to talk  
15 about -- I don't remember.

16 Q. Did you ever see Andrew Cuomo flirt  
17 with anyone?

18 A. I don't know. I feel like that's such  
19 a subjective question. There was a woman at one of  
20 his fundraisers at Billy Joel's house who was all over  
21 him, and he embraced her back. I mean, I don't know.  
22 I don't think so, in the way that you're suggesting.  
23 He bantered with people. He would make jokes. He  
24 would think he's funny. People would go back and  
25 forth. I think because he's in a position of power,

1 he thinks he's funnier than he is, because people, out  
2 of respect, laugh when somebody powerful makes a joke.  
3 It doesn't mean you think it's funny. So, I don't  
4 think so. But again, it's not like the hours other  
5 people have spent with him. In my experience, in the  
6 latter portion of his career, he doesn't really spend  
7 time with people. Just the insular team in Albany.

8 Q. Did you ever hear about the Governor  
9 flirting with anyone?

10 MR. GENOVA: Are you asking her about  
11 rumors?

12 BY MS. MAINOO:

13 Q. Anything that you've heard.

14 A. So, you're asking me if I've heard? I  
15 want to be precise here so I can be responsive.  
16 You're asking me if I've heard that the Governor has  
17 ever flirted with anyone?

18 Q. Correct.

19 A. I heard he flirted with Ronda Rousey,  
20 but she's not employed in the Chamber. She is an MMA  
21 celebrity wrestler. People said when she went into  
22 lobbying with MMA, he fell in love.

23 Q. Anyone else?

24 A. For flirting, no.

25 Q. Is there something else you had in mind

1 other than flirting when you just responded, "For  
2 flirting, no?"

3 A. No, I just want to be precise.

4 Q. Have you seen the Governor kiss anyone  
5 on the lips?

6 MR. GENOVA: I think you asked her  
7 that, but go ahead.

8 THE WITNESS: I think she asked if he  
9 ever kissed me on the lips. I don't think so.  
10 I mean, traditionally, he does both cheeks. I  
11 mean, his girls, I think he's kissed his  
12 daughters at campaign events on the lips, I  
13 think. Maybe. I don't think so. I don't  
14 know. Nothing stands out in my mind.

15 BY MS. MAINOO:

16 Q. Have you ever seen anyone sit on his  
17 lap?

18 A. No. Jesus.

19 Q. Have you heard the Governor use  
20 nicknames to refer to people?

21 A. I mean, I feel like yes, but you know,  
22 I can't give you any -- I'm trying to think about an  
23 example. Yes. He called [REDACTED] milk toast.  
24 I mean, that's the only one I can remember. [REDACTED]  
25 managed the Governor's general election in 2018.

1 Outside guy, he works for Pollock. So, I'm sure he  
2 gave people nicknames. Joe Percoco used to do it all  
3 the time.

4 Q. Earlier I heard you say the Governor  
5 was an equal opportunity taskmaster, but did you  
6 observe any differences in how he treated women as  
7 opposed to men on his staff?

8 A. I was never with staff.

9 Q. Based on your interactions and  
10 observations, did you observe any differences in the  
11 way he treated men and women?

12 A. No. He has high expectations of any  
13 single person in his presence working for him, period.  
14 If you are not ready, do not go into that room.

15 Q. Do you know if Andrew Cuomo ever had a  
16 sexual or romantic or intimate relationship with any  
17 staff members?

18 A. Do I know? No.

19 Q. Have you heard anything about the  
20 Governor having a sexual or romantic relationship with  
21 any staff members?

22 A. This is where I thought you were going  
23 earlier. There have been rumors.

24 Q. And what rumors have there been?

25 MR. GENOVA: Rumors. You want to

1 really go there, or is that -- aren't you  
2 investigating --

3 MR. GRANT: Yeah, because rumors can  
4 lead us to other people who may provide us  
5 with information. And as I said earlier, even  
6 in the depositions, it's objection to form,  
7 not a speaking objection. So, if Ms. Witness  
8 can answer the question, we would like her to  
9 answer the question.

10 MR. GENOVA: Go ahead.

11 THE WITNESS: There are rumors that he  
12 had a consensual affair with either/and  
13 Senior Staffer #1 , Senior Staffer #2 .

14 BY MS. MAINOO:

15 Q. Did you speak with anybody about those  
16 rumors?

17 A. Senior Staffer #1 and I have spoken about it  
18 twice.

19 Q. When did you and Senior Staffer #1 speak about  
20 it?

21 A. During the campaign, which is when I  
22 heard the rumors, and I asked her if it was true, and  
23 I explained to her that it would be really  
24 problematic, and I didn't want to be in a position of

25

1 [REDACTED]. She said that they were not true. When the  
2 [REDACTED] -- do you know what I'm  
3 referring to?

4 Q. Yes.

5 A. [REDACTED] She had sent me a text  
6 saying, like, it's urgent, please call, like basically  
7 saying I know you normally ignore me, but please call  
8 this time. When I called, it was about that, and I  
9 said what are [REDACTED]? She said [REDACTED]  
10 [REDACTED]. I said, well, were  
11 you having an affair with the Governor? And she said  
12 I was not, but we were spending a lot of time  
13 together. I was [REDACTED], I think [REDACTED]  
14 [REDACTED], [REDACTED]  
15 [REDACTED],  
16 [REDACTED]  
17 [REDACTED].

18 Q. Did she say anything else about the  
19 nature of her attachment to the Governor?

20 A. No. I mean, I think she's a really  
21 loyal person. I think she feels like she was a big  
22 part of building it, so if it's being torn down, or  
23 attacked, or misinformed, or judged, I think she want  
24 to play a role of protecting it. I think she just  
25 hasn't had the ability emotionally and mentally to do

1 that. At least back then. I have no idea how she's  
2 doing now.

3 Q. What did you understand when she said

4 [REDACTED]

5 A. I don't know if those were exact terms,  
6 but that's what it implied. My sense was they were  
7 both talking about divorce, his divorce, [REDACTED]  
8 how brutal these public service positions can be on a  
9 marriage, and that they were confiding in each other  
10 in a way that was not necessarily professional as much  
11 as it was as friends.

12 Q. Did she say anything about having an  
13 intimate relationship with the governor?

14 A. She told me she did not have a physical  
15 affair with the Governor.

16 Q. But setting aside anything physical,  
17 did she say anything about having some kind of  
18 intimate relationship with the Governor?

19 A. No.

20 Q. Was there anyone else on the call?

21 A. When she called me?

22 Q. Correct.

23 A. Not to my knowledge. She was in a  
24 panic [REDACTED], for sure.

25 Q. Sorry, could you repeat what you just

1 said?

2 A. I said she was in a panic [REDACTED]  
3 [REDACTED] I think she thought it would tarnish her  
4 reputation in a way that would be -- and it's the  
5 [REDACTED], right, so they go far.

6 Q. Do you remember when you had that call  
7 with Senior Staffer #1

8 A. We could go back and probably  
9 cross-reference when [REDACTED],  
10 and I'm sure she texted me the day before, two days  
11 before, whenever she got notice.

12 Q. Did you have any other discussions with  
13 Senior Staffer #1 about the rumors of her alleged relationship  
14 with the Governor?

15 A. No, but she would always ask about it,  
16 if I had ever heard anything about her or anybody  
17 else.

18 Q. What would you say to her?

19 A. The truth. If people were saying it, I  
20 would say it to her. If they weren't, I would say no.

21 Q. What did you observe in Senior Staffer #1  
22 [REDACTED]'s interactions with the Governor?

23 A. I never saw it. I was curious. I  
24 looked for it. I didn't see it. I didn't see her  
25 refer to him as Andrew instead of Governor Cuomo. I

1 didn't see intimate slips. I didn't see them sit  
2 close together. Trust me, I've been through this with  
3 other governors, so it wouldn't be my first rodeo of a  
4 governor having a relationship, consensually, but  
5 relationship with a staff member. I didn't see it.

6 Q. When is the last time you saw the  
7 Governor and **Senior Staffer #1** together?

8 A. That time, the day before the Lindsey  
9 Boylan Medium story. So, whatever you said, the 22nd  
10 or 23rd, whatever that was.

11 Q. The 23rd of February. And before that,  
12 when was the last time you had seen them?

13 A. Oh, boy. A long time before that.  
14 Together? Somehow, probably in 2018, I would guess,  
15 maybe sometime in '19, but years. I don't think I saw  
16 them together at all in 2020 because of the pandemic,  
17 and I was moving around. And I'm trying to think, in  
18 '19, maybe at an event or something, but nothing like  
19 the campaign, where we were all alone together a lot,  
20 at least in the beginning.

21 Q. Did you ever speak with the Governor  
22 about the rumors of an alleged relationship between  
23 himself and **Senior Staffer #1** ?

24 A. No.

25 Q. Was there a reason you didn't discuss

1 that with the Governor?

2 A. Yes, because I don't like gossip,  
3 hearsay, innuendo, and rumors. I don't like hearing  
4 it about the woman who made the allegation in Albany,  
5 and that [REDACTED]. People make  
6 assumptions, and I don't like rumors. So, I went to  
7 [REDACTED Senior Staffer #1] directly in 2018 during the campaign, I said  
8 there's a rumor, I need to know now if it's true or  
9 not, because I'm not putting my ass out there, right,  
10 to get ricocheted later. So, I mean, by the time I  
11 worked with them, I didn't see any examples of it.

12 MR. GRANT: Do you recall who conveyed  
13 the information about the rumors to you?

14 THE WITNESS: Jesse McKinley. I had  
15 just gotten on the campaign, and he wanted to  
16 have drinks off the record. He was completely  
17 intoxicated, saying things he shouldn't say,  
18 and he said that as one of the items.

19 MR. GRANT: Did McKinley give you any  
20 indication of how he came to know this  
21 information?

22 THE WITNESS: No, and that's what I  
23 mean. When I asked him about it, pushed back,  
24 it was kind of embarrassing. It was just all  
25 innuendo. In my mind I thought, oh, they must

1           have logs, how many times she slept at the  
2           Governor's Mansion. None of that. And to be  
3           honest, it offends me. Right? So, if the  
4           assumption is a senior woman in politics is  
5           always screwing her boss, I find that to be  
6           sexist. But you know, so when he asked me, I  
7           asked her about it.

8                         MR. GRANT: Gotcha.

9           BY MS. MAINOO:

10                        Q.        Did you ever speak with Josh or Rich  
11           about those rumors?

12                        A.        Well, it wouldn't have been Josh. He  
13           didn't work at the firm back then. And I was on  
14           leave. But I think Rich and I definitely talked about  
15           it. Because I was never close to the press corps, and  
16           I don't do the press corps, so I think I asked Rich  
17           did you hear this from the press corps, and he said  
18           yeah, the LPA members, they bubble up about it, then  
19           they dropped out, then they'd bubble up about it, then  
20           they dropped out. And then the reporters would say  
21           things that are totally inappropriate, right, like  
22           look at how she's a very attractive woman, she's this,  
23           you know, stuff that's really not appropriate.

24                        Q.        ██  
25           ██, but in the meantime, I'll ask about

1 Senior Staffer #2 . Did you ever speak with Senior Staffer #2  
2 about rumors?

3 A. No. I asked Senior Staffer #1

4 Q. And what did Senior Staffer #1 say?

5 A. I don't think she ever really  
6 responded. Senior Staffer #1 was only consumed by rumors about  
7 her.

8 MR. GRANT: And were the source of the  
9 rumors about Senior Staffer #2 the same source as the  
10 rumors about Senior Staffer #1

11 THE WITNESS: Yeah, but I don't think  
12 Jesse said Senior Staffer #2 by name. I think he said  
13 the woman who's [REDACTED]  
14 [REDACTED], or some kind of reference to Senior Staffer #2  
15 I don't think he said the name. It was a long  
16 time ago, but I don't think he said the name.

17 MR. GRANT: Gotcha.

18 THE WITNESS: But as soon as he said  
19 it, I knew who he was talking about, because  
20 SS #2 is the gatekeeper.

21 BY MS. MAINOO:

22 Q. Did you ever speak with Senior Staffer #2 about  
23 it?

24 A. No. You asked me that. No.

25 Q. Is this the article that you're

1 referring to?

2 A. Yes, but I would tell you that  
3 responding to any questions related to this platform  
4 would be against all ethical values that I have, just  
5 so you know. It's not a legitimate newspaper.

6 Q. I think, originally, you said you  
7 suggested looking at it to jog your memory about what  
8 you spoke about with Senior Staffer #1

9 A. No, I was letting you know that she had  
10 texted me about [REDACTED], because that was what  
11 bothered her, because it was the only place that ever,  
12 sort of, went at this attempt to make this allegation  
13 in the press. No one else has ever written it,  
14 although I guess in Albany they do. Do you have a  
15 question?

16 Q. Yes. I'm trying to get to the date so  
17 that we can try to remember when you spoke with  
18 Senior Staffer #1 when she contacted you. So, I don't think  
19 the article shows it, but I'm told it's [REDACTED]

20 [REDACTED]  
21 A. [REDACTED] at 12:40 she wrote:  
22 Actual emergency. So, that meant I knew it was about  
23 her. I'm looking at my phone right now. I said:  
24 Hey, I can call later tonight. I can't call now. And  
25 then I called her that night, and that's when she told

1 me [REDACTED]  
2 [REDACTED] we got close during that  
3 time I was [REDACTED] Also, I'm  
4 [REDACTED]. It's her [REDACTED] And what should she  
5 say on the record, blah, blah, blah.

6 MS. MAINOO: Let's take a 5-minute  
7 break so we can see if we have any other  
8 questions, and wrap up.

9 THE VIDEOGRAPHER: Stand by. The time  
10 is 2:25. We are going off the record. This  
11 will also end Media Unit Number 3.

12 (A recess was taken.)

13 THE VIDEOGRAPHER: The time is 2:29.  
14 We are back on the record. This will be the  
15 start of Media Unit Number 4. Counsel?

16 MS. MAINOO: Thank you.

17 BY MS. MAINOO:

18 Q. Ms. Witness, other than Melissa DeRosa,  
19 have you mentioned to anyone that either Kivvit, Rich,  
20 Josh, or you have received subpoenas in connection  
21 with our investigation?

22 A. I think I told [REDACTED]  
23 [REDACTED] because I needed his flexibility in some  
24 of the reviews, and I was coming before work, because  
25 I can't take time from work to do this kind of, like,

1 when you wanted the documents and stuff.

2 Q. Did you speak with anyone about which  
3 law firms Kivvet should hire in connection with the  
4 investigation?

5 A. To be honest, I wish we had done that  
6 totally differently. No. We, at first, engaged [REDACTED]  
7 [REDACTED] and thought she could represent Rich and  
8 the firm, if the firm was going to be --

9 MR. GENOVA: Hold on. What was your  
10 question again?

11 THE WITNESS: Did I talk to anybody  
12 about the law firms. Is that your question?

13 BY MS. MAINOO:

14 Q. Correct, anyone other than lawyers  
15 about which law firm Kivvit should hire.

16 A. Yeah, I mean Rich, Josh, and I talked  
17 about it. [REDACTED] and I talked about it. We've never  
18 been through anything like this before. In a perfect  
19 world, we would have had a system and negotiated fees  
20 in advance, et cetera. No. So, well, we did talk  
21 about what firms. We didn't tell Rich or Josh who to  
22 hire. I hired Angelo. [REDACTED] didn't tell me who to  
23 hire, you know, the firm.

24 Q. And what did you, Rich, Josh, and Eric  
25 discuss about hiring [REDACTED] ?

1           A.       At the time, I just wanted counsel.  
2     Right? Now there's these reporters. I wanted to  
3     protect the firm. So, I've known [REDACTED] a long time, I  
4     have great respect for her, and I thought she could  
5     give us really good counsel. As I said, I've never  
6     been deposed before. I don't like it. I don't want  
7     to ever be so close to the line where people feel like  
8     they have to talk to me, to be honest. I hope this is  
9     the only time in my life I ever have to do this. So,  
10    I wanted counsel. I just thought it was really  
11    important. And then it turned out to be very  
12    important, obviously.

13           Q.       How did you know [REDACTED]

14           A.       She worked for Governor Cuomo first  
15    term. She was counsel. And we worked together since  
16    she's been in the private sector.

17           Q.       Are you aware of any other potential or  
18    actual allegations of sexual harassment against  
19    Governor Cuomo that have not been made public?

20           A.       I'm not.

21           Q.       Is there anything you would like to  
22    add, or any answers you wish to clarify before we  
23    finish?

24           A.       No. I mean, I would just -- the one  
25    thing I would say is the professionalism you all have

1 conducted this interview with I'm hoping perpetuates  
2 into the report. I'm hoping that my firm doesn't get  
3 impugned. It's not easy to speak truth-to-power, and  
4 we did, and I did, and I'm hoping that we're not  
5 included in the report, candidly.

6 Q. Is there anything else you can think of  
7 that's relevant to our investigation?

8 MR. GENOVA: Repeat that.

9 THE WITNESS: Anything relevant to the  
10 investigation. No.

11 BY MS. MAINOO:

12 Q. If you would like to make a brief sworn  
13 statement, you may do so now.

14 A. No, thank you. We've had a lot of  
15 quality time together. I feel good about it.

16 MS. MAINOO: We are now going to end  
17 this examination. Thank you again for your  
18 time.

19 MR. GENOVA: Could we have a moment,  
20 Abena? I have some questions. Could we have  
21 a moment so I can ask those?

22 MS. MAINOO: On the record, Angelo?

23 MR. GENOVA: It's not necessary that  
24 they're on the record.

25 MS. MAINOO: Okay. So, I'll finish

1           what I'm saying on the record, and then we'll  
2           go off the record, and we can --

3                   MR. GENOVA: Can you give me one minute  
4           with the witness before we close the record?

5                   MS. MAINOO: Let's take a break.

6                   THE VIDEOGRAPHER: Stand by to go off  
7           the record. The time is 2:33. We are going  
8           off the record.

9                   (A recess was taken.)

10                   THE VIDEOGRAPHER: The time is 2:23.  
11          We are back on the record.

12                   MS. MAINOO: Ms. Witness, I'll remind  
13          you that you have continuing obligations under  
14          our subpoenas. If we need you to come back to  
15          answer additional questions, we'll contact  
16          your attorney. If you have additional  
17          documents that are responsive to our subpoena,  
18          you have a continuing obligation to produce  
19          them to us. Thank you, again, very much for  
20          speaking with us today and for your time.  
21          We're going to conclude this examination.

22                   THE WITNESS: Thank you. Thank you for  
23          the work you're doing.

24                   THE VIDEOGRAPHER: Stand by. This  
25          concludes today's deposition of Witness

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7/9/21. The number of media units used is  
four. They will be retained by Veritext Legal  
Solutions. We are going off the record at  
2:35 p.m. Eastern Standard Time. Everybody  
stay safe.

(Videotaped deposition concluded at  
2:35 p.m.)

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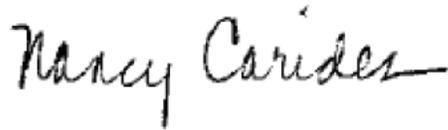
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C E R T I F I C A T I O N

I, Nancy Carides, RMR, CRR, a Notary Public and Certified Court Reporter of the State of New Jersey, License No. 30XI00236500, do hereby certify that prior to the commencement of the examination, WITNESS 7/9/21, was duly sworn by me to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I m not financially interested in the action.



Notary Public of the State of New Jersey

My commission expires March 17, 2024

Certification Date: 7-15-21