

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

HIGHLY CONFIDENTIAL

VIDEO RECORDED TESTIMONY OF ANDREW BALL

New York, New York

Tuesday, July 13, 2021

Reported Stenographically By:  
PATRICIA A. BIDONDE  
Registered Professional Reporter  
Realtime Certified Reporter  
JOB #: 366955

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July 13, 2021  
9:34 a.m.

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

A P P E A R A N C E S

CLEARY, GOTTLIEB, STEEN & HAMILTON LLP

Special Deputy to the First Deputy Attorney

General to the State of New York

One Liberty Plaza

New York, New York 10006

BY: RAHUL MUKHI, ESQ.

212-225-2912

rmukhi@cgsh.com

BY: LORENA MICHELEN, ESQ.

212-225-2482

lmichelen@cgsh.com

STEPTOE & JOHNSON LLP

Attorneys for witness Andrew Ball

1114 Avenue of the Americas

New York, New York, 10036

BY: JAMES L. BROCHIN, ESQ.

212-378-7503

jbrochin@steptoe.com

BY: DAVID B. HIRSCH, ESQ.

212-506-3928

dhirsch@steptoe.com

ALSO PRESENT: CHRISTIAN BIDONDE, Videographer

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P R O C E E D I N G S  
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THE VIDEOGRAPHER: Please note that microphones are sensitive and may pick whispering and private conversations.

This is the video testimony of Andrew Ball in the matter of the Independent Investigation on the New York State Executive Law Section 63(8).

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

My name is Christian Bidonde. I am the videographer from the US Legal Support. The certified stenographer is Patricia Bidonde on behalf of US Legal Support.

I'm not related to any party in this action. Nor am I financially interested in the outcome.

Counsel will state their appearances for the record after which

1 the court reporter will swear in the  
2 witness.

3 MR. MUKHI: Rahul Mukhi and  
4 Lorena Michelen from Cleary, Gottlieb,  
5 Steen & Hamilton.

6 MR. BROCHIN: James Brochin and  
7 David Hirsch from Steptoe and Johnson  
8 for the witness Andrew Ball.

9 A N D R E W B A L L, called as a witness,  
10 having been duly sworn by a Notary  
11 Public, was examined and testified as  
12 follows:

13 EXAMINATION BY

14 MR. MUKHI:

15 Q. Good morning, Mr. Ball.

16 A. Good morning.

17 Q. So as you know, the New York  
18 Attorney General has appointed the law firm of  
19 Cleary, Gottlieb as well as Vladeck, Raskin &  
20 Clark to conduct an independent investigation  
21 under New York Executive Law Section 63(8), as  
22 you just heard referenced by the videographer,  
23 into allegations of sexual harassment brought  
24 against Governor Andrew Cuomo and the  
25 surrounding circumstances.

1 My name is Rahul Mukhi, as you  
2 just heard, and we've met before. I've been  
3 appointed a Special Deputy to the First Deputy  
4 Attorney General in connection with that  
5 investigation, and I'm here with my colleague,  
6 Ms. Michelen.

7 So as you know, we're on the  
8 record today, and we have a court reporter as  
9 well as a video being made of your interview  
10 today.

11 So you understand that you just  
12 took an oath to tell the truth, the same oath  
13 that you would take in a court of law?

14 A. Yes.

15 Q. Okay. I'd advise you that you'll  
16 obviously have an opportunity to answer my  
17 questions fully and make any clarifications to  
18 your answers along the way. If you would like  
19 to in addition make any brief sworn statement,  
20 we ask that you do that at the end of the  
21 examination today. Okay?

22 A. Sure.

23 Q. All right. And so although this  
24 is a civil investigation, the New York  
25 Attorney General's office also has criminal

1 enforcement powers. You have the right to  
2 decline to answer a question if answering the  
3 question you believe would incriminate you.

4 And, you know, feel free to  
5 consult with Mr. Brochin now or any time if  
6 you have any questions.

7 In the criminal context, as you  
8 may know, a declination to answer a question  
9 on your Fifth Amendment right cannot be used  
10 against you, absent certain exceptions.

11 However, in the civil context, a refusal to  
12 answer can be used against you.

13 So making the distinction there  
14 between a criminal proceeding and a civil  
15 proceeding. Do you understand?

16 A. Yes.

17 Q. Okay. So as I just mentioned,  
18 you're here with your counsel  
19 and -- Mr. Brochin and Mr. Hirsch. If at any  
20 point you want to take a break to confer with  
21 them, just let me know.

22 The one thing I would ask, unless  
23 it relates to a privileged matter and whether  
24 you should assert any sort of privilege in  
25 response to my question, I'd ask that you

1 answer any pending questions before we go off  
2 the record for you to consult. Okay?

3 And we have a court reporter  
4 today, and so I would just ask a few things.  
5 Just answer all my questions verbally. Wait  
6 for me to finish my question, even if you know  
7 what -- or you think you know what my question  
8 is going to be so the court reporter can get  
9 it down.

10 And, you know, if you don't know  
11 the answer to my question, say "I don't know"  
12 on the record as opposed to, you know, a shrug  
13 or any sort of nonverbal answer that we might  
14 give in ordinary conversation.

15 Again, as I mentioned, if at any  
16 time today you want to clarify any of your  
17 answers from earlier in the day, just let me  
18 know, and we can do that. And if you do not  
19 understand one of my questions, please let me  
20 know, and I will try to ask it in a different  
21 way. Okay?

22 A. Yes.

23 Q. Okay. And then I'm going to ask  
24 a number of questions that may call for  
25 specific names or dates. I would ask if you

1 don't remember a specific, just give us an  
2 approximate, if you recall one, as opposed to  
3 just saying you don't know.

4 And you can, of course, clarify  
5 if you don't remember specifically or -- and  
6 just have a general recollection.

7 And then just a couple more  
8 preliminaries. Under Executive Law  
9 Section 63(8), this is a confidential  
10 investigation. I ask -- including today's  
11 proceeding -- I'd ask if anyone asks you to  
12 disclose information you may learn or glean  
13 today, that you please let us know through  
14 your counsel. And we can discuss whether any  
15 such disclosure is permitted under the  
16 applicable law.

17 So finally, are you taking any  
18 medication or anything else that might make it  
19 difficult for you to understand my questions  
20 today?

21 A. No.

22 Q. Okay. Any reason you would not  
23 be able to answer my questions truthfully and  
24 fully today?

25 A. No.

1 Q. Okay. If you could just state  
2 your name and date of birth for the record.

3 A. Andrew Ball, [REDACTED]

4 Q. Okay. Other than conversations  
5 with your own attorneys, did you do anything  
6 to prepare to testify today?

7 A. No.

8 Q. Okay. And myself and others from  
9 Cleary Gottlieb have spoken to you on two  
10 occasions in the past. Do you recall that?

11 A. Yes.

12 Q. Okay. And so based on those  
13 prior discussions, I understand that you began  
14 working for the Andrew Cuomo governor campaign  
15 in approximately June 2010. Is that right?

16 A. Yes.

17 Q. Okay. Do you mind just  
18 summarizing for the record your employment  
19 positions and history from June 2010 to the  
20 present?

21 A. Sure. June 2010 I was a  
22 volunteer on the Andrew Cuomo for governor  
23 campaign. Once that campaign was successful,  
24 in November I was put on the state payroll for  
25 the transition.

1                   And then in January of 2011, I  
2 became the special assistant for legislative  
3 and intergovernmental affairs. I did that job  
4 for approximately two years.

5                   After that, I was the  
6 confidential assistant to the governor. I did  
7 that job for approximately two years. After  
8 that, I was the director of scheduling for the  
9 executive chamber.

10                  And after that, I was the -- that  
11 was from 2016 to 2017, approximately. From  
12 2017 to 2008 -- from 2016 -- sorry, the dates  
13 are -- but I was the assistant secretary for  
14 intergovernmental affairs.

15                  And then I was the deputy  
16 secretary to the governor. In 2017 I became  
17 that.

18                  Q.     Okay. And just to clarify for  
19 the record, I think I got it, so director of  
20 scheduling from 2016 to 2017. Is that right?  
21 Approximately?

22                  A.     It might have been 2015, 2016,  
23 and '16 to '17 and '17 to '18, yeah.

24                  Q.     Okay. So approximately '16 to  
25 '17 assistant secretary to the governor for

1 intergovernmental affairs? Is that --

2 A. I think that's right, yes.

3 Q. Okay. And in approximately 2017,  
4 you became deputy secretary to the governor?

5 A. Yes.

6 Q. Okay. And how long did you hold  
7 that role, deputy secretary to the governor?

8 A. Until I left the executive  
9 chamber in January of 2020.

10 Q. And what have you done for work  
11 since you left the executive chamber in  
12 January 2020?

13 A. I am currently -- work at the SAS  
14 Institute. I am the director of public  
15 affairs and policy.

16 Q. And what is SAS Institute?

17 A. It's a software technology  
18 company.

19 Q. Okay. And it's a private  
20 company?

21 A. Yes.

22 Q. Now, turning to another topic. I  
23 want to focus on the years that you were  
24 working at the executive chamber. So 2011  
25 through 2020.

1           At the time you were employed at  
2 the chamber, did you become aware of any  
3 instances in which anyone complained of  
4 harassment within the executive chamber?

5           A.     No.

6           Q.     So just to follow up on that, did  
7 you receive any complaints or  
8 reports -- personally, did you receive, of  
9 potential sexual harassment by any executive  
10 chamber employees or other state employees?

11          A.     No.

12          Q.     Okay. And were you aware of any  
13 complaints being raised to anyone else within  
14 the executive chamber of potential sexual  
15 harassment?

16          A.     No.

17          Q.     Okay. Did you know someone named  
18 Lindsey Boylan from when you worked in the  
19 executive chamber?

20          A.     Yes.

21          Q.     Okay. To the best of your  
22 recollection, when did you first meet  
23 Ms. Boylan?

24          A.     Sometime in -- I'm not sure the  
25 dates exactly, but I know she was working at

1 Empire State Development. I believe she was  
2 the chief of staff for Empire State  
3 Development.

4 Q. And did there come a time when  
5 she moved over to the staff of the executive  
6 chamber?

7 A. Yes.

8 Q. All right. And prior to her  
9 coming to the executive chamber, how often did  
10 you interact with Ms. Boylan?

11 A. I don't have a great  
12 recollection. You know, economic development  
13 was a big issue. So whenever there were  
14 economic development events or meetings or  
15 things going on in the office, but I don't  
16 really know.

17 Q. Okay. And how would you describe  
18 your relationship with Ms. Boylan before she  
19 moved over to the executive chamber?

20 A. Collegial.

21 Q. Okay. And are you aware how  
22 Ms. Boylan came to be hired by the executive  
23 chamber?

24 A. Not -- no. Not clear how.

25 Q. Okay. Did you recall speaking to

1 the governor about Ms. Boylan before she came  
2 on to the executive chamber staff?

3 A. It's possible. But I don't  
4 recall a conversation about it.

5 Q. Okay. Once Ms. Boylan -- well,  
6 let me -- you can strike that. And  
7 just -- I'll back up.

8 Did you from time to time observe  
9 Ms. Boylan's interactions with the governor,  
10 either prior to her coming to the executive  
11 chamber staff or afterwards?

12 A. Yeah. I saw them interact in  
13 meetings. Yes, I saw them interact.

14 Q. Okay. And from those  
15 observations, how would you describe the  
16 relationship, from your observations, between  
17 Ms. Boylan and the governor?

18 A. That they had a very collegial  
19 and positive relationship. They worked well  
20 together.

21 Q. Okay. Did you ever observe any  
22 physical contact between Ms. Boylan and  
23 Mr. Cuomo, to the best of your recollection?

24 A. No, I don't recall. Maybe a hug  
25 or -- but I don't recall anything specific.

1 Q. Okay. Anything that you observed  
2 that you would characterize between the  
3 governor and Ms. Boylan as flirting, from your  
4 observation?

5 A. I don't recall specifically so  
6 it's hard to -- I don't remember that, no.

7 Q. Okay. How about -- did you ever  
8 observe from your recollection the governor  
9 and Ms. Boylan engaging in banter or joking or  
10 anything like that?

11 A. Yeah, yeah. I mean -- yes.

12 Q. Okay. What do you recall about  
13 that?

14 A. Banter was, you know -- happened.  
15 You know, we made -- tried to make the best  
16 out of every situation. So it occurred. I  
17 don't, you know -- I don't recall specifics.

18 Q. Anything that you recall  
19 observing in the banter between the governor  
20 and Ms. Boylan that at the time you thought  
21 was inappropriate in any way?

22 A. No.

23 Q. Did you ever observe any yelling  
24 between the governor and Ms. Boylan, from your  
25 observations?

1           A.     It's -- I don't recall.  It's  
2 possible but I don't -- I don't recall it  
3 happening -- seeing it.

4           Q.     No -- okay.  Okay.  So big  
5 picture, did you ever observe any interactions  
6 between Ms. Boylan and the governor that fit  
7 within any of the categories I just described  
8 or otherwise you thought was inappropriate  
9 from your personal observation?

10          A.     No, nothing that I recall.

11          Q.     Okay.  Did you ever speak to  
12 Ms. Boylan about any interactions she had with  
13 the governor?

14          A.     I'm sure I did.  But I don't  
15 recall any specific conversations that we had.

16          Q.     Okay.  Any conversations you  
17 recall where Ms. Boylan was upset and  
18 expressed that to you about an interaction she  
19 had with the governor?

20          A.     It's possible.  I don't have a  
21 specific recollection of it.

22          Q.     Okay.  And how about similarly,  
23 just any conversations you recall at any time  
24 with Ms. Boylan, between you and Ms. Boylan,  
25 regarding Ms. Boylan's relationship with the

1 governor?

2 A. No, not that I recall.

3 Q. Okay.

4 Now, do you recall approximately  
5 when Ms. Boylan came over from ESD to the  
6 executive chamber?

7 A. I don't have the specific -- no,  
8 I don't recall.

9 Q. So there's a binder in front of  
10 you, a spiral binder with tabs. If you could  
11 turn to Tab 6, which is JD-NYAG0004882. And  
12 it's a -- looks like two --

13 A. From -- yeah. From/to timestamp?

14 Q. Yeah. At the top it's from  
15 Andrew Ball.

16 A. Yeah.

17 Q. And there's a [REDACTED] number. Is  
18 that your phone number?

19 A. Yes.

20 Q. Okay. And you see that other  
21 people on what appears to be a text chain are  
22 on this, Ms. DesRosiers, Ms. DeRosa, and  
23 Mr. Benton.

24 Do you see that?

25 A. Yes.

1 Q. And it's from October 2017. Do  
2 you see that?

3 A. Yes.

4 Q. Okay. And you write, "can we  
5 just" -- I think it should be steal --  
6 "Lindsey" -- I think it should be  
7 Boylan -- "and have her do the book."

8 And then on the next page it says  
9 "/coordinate policy."

10 Do you see that?

11 A. Yes.

12 Q. Do you recall what this text  
13 chain was about from October 2017?

14 A. I don't have a specific  
15 recollection from it, no.

16 Q. Okay. Do you recall having any  
17 involvement in bringing Ms. Boylan to the  
18 executive chamber from ESD?

19 A. I had no formal involvement. It  
20 looks, you know -- I always, in my course of  
21 working in the executive chamber, were looking  
22 for agents -- folks who worked in the agencies  
23 who were performing, who were well -- who got  
24 along with the governor, who worked well, who  
25 I thought would mesh well with the team.

1                   And I advocated for bringing them  
2 to the chamber. You know, so that was  
3 something I would have done.

4           Q.       Okay. But no specific  
5 recollection of doing that with respect to  
6 Ms. Boylan and --

7           A.       Correct.

8           Q.       Okay. And understanding you  
9 don't have a recollection of that event or  
10 whether that event occurred, do you have an  
11 understanding, looking at this text message,  
12 what you meant by "do the book," "have her do  
13 the book"?

14          A.       I don't remember specifically  
15 what I meant when I wrote it. But if I say  
16 "have her do the book," I would mean -- is  
17 that -- I would assume I meant that the book  
18 is the governor's briefing book, and that, you  
19 know, be responsible for assembling a  
20 coordinating policy, briefing the governor.

21          Q.       Okay. And -- so was that -- was  
22 that a phrase that was used when you were in  
23 the chamber, "do the book," which would, you  
24 know, signify being the briefer for the  
25 governor?

1           A.     The book was known as the  
2 briefing book, yes.

3           Q.     Okay. And do you recall, when  
4 Ms. Boylan came over to the chamber, what her  
5 duties and responsibilities were?

6           A.     I don't recall specifically. I  
7 believe she was the deputy secretary for  
8 economic development, or she may have been  
9 assistant secretary first. I don't recall but  
10 something in economic development.

11          Q.     Okay. And do you know generally  
12 what those duties and responsibilities are for  
13 either the deputy secretary or  
14 assistant -- deputy for economic development?

15          A.     The positions change but yes, you  
16 know, approximately.

17          Q.     Okay. What are those?

18          A.     Responsible for coordinating the  
19 governor's policy on economic development,  
20 overseeing a specific set of agencies and  
21 their day-to-day operations and everything  
22 that came with that.

23          Q.     And did -- at any time, did  
24 Ms. Boylan do briefings for the governor, or  
25 did she assume the briefer role for the

1 governor that you recall?

2 A. I don't recall her specifically  
3 having the role of -- or being in that role of  
4 responsible for the book fully, no.

5 Q. Okay. Now, do you recall going  
6 on any trips outside of New York with the  
7 governor where Ms. Boylan was also someone who  
8 went on the trip?

9 A. I'm just -- I don't know if she  
10 was on maybe one of the trips to Puerto Rico  
11 potentially, but I don't have the specific  
12 recollection.

13 BY MR. BROCHIN: Can you -- I'm  
14 sorry. Never mind. Go ahead.

15 Q. So if you go to Tab 7. So this  
16 is a text chain between you and Ms. DesRosiers  
17 from May 2018. Do you see that?

18 A. Yes.

19 Q. Okay. And you get a text message  
20 first from Ms. DesRosiers, saying "She clearly  
21 just wants to go on the trip."

22 Right? Do you see that?

23 A. Yes.

24 Q. And then on the next page you  
25 respond -- or you ask "Lindsey?"

1                   And then Ms. DesRosiers says

2       "Yup."

3                   Do you see that?

4           A.       Yes.

5           Q.       Okay.  And then if you go to  
6       Tab 13 actually, you see this is another text  
7       chain involving yourself, Ms. DesRosiers, and  
8       several others, including Ms. Boylan.

9                   Do you see that?

10          A.       Yes.

11          Q.       Okay.  And it says:

12                   "Gov will travel to three sites  
13           today, traveling with the gov is ██████,  
14           ██████████, MDR, Robert, plus me, Dani,  
15           and Lindsay with Melissa."

16                   Do you see that?

17          A.       Yes.

18          Q.       Okay.  And if you jump ahead to  
19       Tab 20, if you flip through, do you recognize  
20       this as a schedule or itinerary for -- well,  
21       it says "draft itinerary" for a trip that the  
22       governor was taking with others to Puerto  
23       Rico?

24          A.       Yes.

25          Q.       Okay.  And if you look at the

1 second-to-last page, it's the one that has the  
2 Bates stamp or the number at the bottom that  
3 ends -401.

4 A. Okay.

5 Q. Do you see there's at the very  
6 bottom a staff section?

7 A. Yes.

8 Q. Okay. And do you see Number 4 is  
9 Lindsey?

10 A. Yes.

11 Q. And Number 7 is Ball. That's  
12 you?

13 A. Yes.

14 Q. Okay.

15 A. I believe, yes.

16 Q. Okay. So does looking through  
17 that refresh your recollection that you took a  
18 trip with the governor to Puerto Rico, and  
19 Ms. Boylan was on the trip as well, among  
20 others?

21 A. I recall generally the trip. And  
22 obviously it looks like from this she was on  
23 the trip.

24 Q. Do you have a recollection of  
25 Ms. Boylan being on the trip?

1 A. Vaguely.

2 Q. Okay. What do you recall about  
3 the trip, the purpose of the trip, and what  
4 happened?

5 A. The -- I recall this trip being  
6 incredibly difficult to execute. I'm not  
7 sure -- this was after, I believe, Hurricane  
8 Maria. And I'm not sure if this was our first  
9 time -- I'm not sure when exactly this was  
10 and -- because we took a couple of trips. The  
11 governor went to Puerto Rico several times  
12 after that.

13 But I recall that -- 7/23 -- so  
14 this was a two-day, yeah, one-night trip. And  
15 we went to different sites around the island.  
16 There were different groups of teams of  
17 delegation members, and -- yeah.

18 Q. Okay. Do you recall observing  
19 any interactions between the governor and  
20 Ms. Boylan during this trip?

21 A. No, not that I recall.

22 Q. Okay. All right. Turning away  
23 from the trip, did you ever hear the governor  
24 suggesting that Ms. Boylan resembled his  
25 former girlfriend?

1 A. No.

2 Q. Did you ever hear anyone else say  
3 that or suggest that Ms. Boylan resembled the  
4 governor's ex-girlfriend?

5 A. No, not that I recall.

6 Q. I'm going to turn to another  
7 topic related to Ms. Boylan.

8 Do you recall at any point  
9 arranging a private tour of the Capitol for  
10 the governor to give Ms. Boylan?

11 A. No, I do not.

12 Q. Okay. Do you recall calling  
13 Ms. Boylan at a December 2016 holiday party?  
14 I'll stop there.

15 Do you recall placing the phone  
16 call to her while she was at the staff holiday  
17 party in December 2016?

18 A. No, I don't recall that.

19 Q. Okay. Do you recall -- let me  
20 ask, just to follow up, you don't have a  
21 recollection of calling Ms. Boylan at a  
22 holiday party to have her meet up with the  
23 governor separately to get a tour of the  
24 Capitol?

25 A. Correct. I do not have a

1 recollection of that.

2 Q. Okay. Any reason to think that  
3 that didn't happen?

4 A. It's -- it's hard to, you know, I  
5 don't know -- I don't know.

6 Q. Okay. Do you have any  
7 recollection of the governor giving Ms. Boylan  
8 a rose or roses on Valentine's Day?

9 A. I don't have a specific  
10 recollection of the governor giving anyone  
11 individually flowers on Valentine's Day.

12 The governor -- well, there  
13 were -- at certain points in the  
14 administration, I guess, I don't recall  
15 specifically if it was every year, but there  
16 were, like, flowers delivered to all the women  
17 in the office on that day, on Valentine's Day,  
18 occasionally.

19 Q. Okay.

20 A. But I don't -- I think it was  
21 done on his behalf, and I'm not sure, you  
22 know, the specifics about how it was executed.

23 Q. Okay. And what do you recall  
24 about it, besides what you just described,  
25 that either the governor or someone on his

1 behalf would send, maybe not every year, but  
2 on occasion, flowers to all the women in the  
3 office on Valentine's Day?

4 A. I recall vaguely seeing, like, a  
5 mason jar or, like, a little one, like, a rose  
6 or, like, a little something else.

7 Q. Where do you recall seeing mason  
8 jar with the rose or --

9 A. I don't recall specifically. I  
10 just remember going -- walking around the  
11 office that they were around.

12 Q. Okay. And they were around  
13 that -- the desks of various women in the  
14 executive chamber, is that --

15 A. Yes.

16 Q. Okay. Do you recall -- turning  
17 to another topic -- attending a economic state  
18 development award ceremony hosted by Maria  
19 Bartiromo?

20 A. Yes. I recall that they  
21 had -- they were -- I think she hosted -- she  
22 may have hosted multiple of them, though. But  
23 I'm not sure.

24 Q. Okay. And do you recall on  
25 that -- on one or more of those occasions that

1 Ms. Bartiromo flew with the governor on  
2 helicopter from New York City to Albany?

3 A. I don't have a specific  
4 recollection of that, no.

5 Q. Okay. Do you recall previously  
6 telling us that you believe that the governor  
7 might have flown with Ms. Bartiromo to Albany  
8 and back on a helicopter?

9 A. I don't recall saying that but it  
10 may have happened. I don't know. I don't  
11 have a recollection of it.

12 Q. Okay. Do you recall Ms. Boylan  
13 being present at the award ceremony or award  
14 ceremony where Ms. Bartiromo was present?

15 A. I don't have a specific  
16 recollection of that -- of any of those  
17 ceremonies, really.

18 Q. Okay. Do you have a recollection  
19 of asking Ms. Boylan to fly with the governor  
20 and Maria Bartiromo from or to the ESD award  
21 ceremony?

22 A. I don't have a recollection of  
23 it. It's possible but I don't.

24 Q. Did you ever, when Ms. Boylan was  
25 working in the executive chamber or even

1 prior, ever get into any disagreements with  
2 Ms. Boylan that you recall?

3 A. Not that I recall. I'm sure we  
4 did at some point, but I don't recall anything  
5 specifically.

6 Q. Okay. And why are you sure you  
7 did at some point?

8 A. Because there were many -- there  
9 were many decisions. There were many things  
10 going on, hundreds and thousands of things  
11 happened over the course of those years, and  
12 I'm sure we disagreed on something.

13 Q. Okay. Any disagreements that you  
14 recall with Ms. Boylan where she got  
15 particularly upset?

16 A. No.

17 Q. Okay. Any disagreements with  
18 Ms. Boylan where you recall learning that  
19 Ms. Boylan had gone to speak to Ms. DeRosa  
20 about it?

21 A. About?

22 Q. About the disagreement that you  
23 had with Ms. Boylan?

24 A. No, I have not.

25 Q. Okay. You recall Ms. DeRosa ever

1 telling you not to raise your voice or scream  
2 at Ms. Boylan?

3 A. No.

4 Q. Do you recall Ms. DeRosa ever  
5 telling you not to scream as much or raise  
6 your voice as much at anyone else?

7 A. No, not -- no.

8 Q. Any general recollections of  
9 anything like that where Ms. DeRosa spoke to  
10 you about the manner in which you had spoken  
11 or were speaking to individuals in the  
12 chamber?

13 A. I don't know. It's possible but  
14 I am not aware of any complaints that were  
15 made against me or any issues that occurred.

16 Q. So you don't have any  
17 recollections of Ms. DeRosa or anyone else  
18 speaking to you at any point about someone  
19 raising with them, whether Ms. Boylan or  
20 someone else, that they didn't appreciate the  
21 way you had spoken to them in the chamber?

22 A. I don't recall specific  
23 conversation about that, no.

24 Q. Anything generally?

25 A. I think that, you know, it was a

1 very high-stress environment, and, you know,  
2 that the expectations were very high, and, you  
3 know, we didn't really have a margin for  
4 error.

5           You know, voices were raised, of  
6 course. It's possible that I raised my voice,  
7 but nothing to the point that it was an issue  
8 or anything that -- sorry -- or anything that,  
9 you know, was a real issue.

10           Q.     Okay. So you don't recall  
11 anything like that being brought to your  
12 attention about you raising your voice or  
13 anything similar being brought to you by  
14 Ms. DeRosa or someone else to say, you know,  
15 there are complaints or issues being raised by  
16 others about your conduct in the chamber?

17           A.     I don't have a recollection of  
18 that, no.

19           Q.     Okay. Now, I want to turn to  
20 another topic. We spoke previously and you  
21 became aware of Ms. Boylan tweeting in  
22 December 2020 about her experience in working  
23 within the chamber.

24                     Do you recall that?

25           A.     Yes.

1 Q. Okay. How did you become aware  
2 of those social media posts or tweets by  
3 Ms. Boylan in December 2020?

4 A. I don't recall. I don't know if  
5 I saw them on Twitter. I don't know if -- I  
6 don't recall how I saw them.

7 Q. Okay.

8 A. Or when I first saw them. I  
9 don't recall that.

10 Q. And do you recall what your  
11 reaction was when you saw them in -- again,  
12 we're talking about December 2020?

13 A. Which tweet in specific or  
14 just -- I don't know --

15 Q. Yeah, sure. So if you go to  
16 Tab 14.

17 A. Okay.

18 Q. So do you see, you know, there  
19 appear, I would say, two sets of tweets. So  
20 there's tweets that begin on December 5, 2020.

21 Do you see that on the first  
22 couple of pages?

23 A. Yes.

24 Q. And then there's a second pair of  
25 tweets that begin on December 13, 2020. Start

1 on the third --

2 A. Yes.

3 Q. Go to the fourth page. So why  
4 don't we focus on the first set of tweets,  
5 starting on December 5. So you see that, kind  
6 of, main tweet is:

7 "Most toxic team environment?  
8 Working for @NYGovCuomo."

9 Do you see that?

10 A. Yes.

11 Q. Okay. And then do you see that  
12 they're a, kind of, a series of subtweets, I  
13 guess they're called, underneath by  
14 Ms. Boylan, where she continues to talk about  
15 her work experience in working in the chamber  
16 in part?

17 A. Yes.

18 Q. Okay. And I believe you just  
19 testified you don't recall how you learned  
20 about these tweets for the first time. Is  
21 that right?

22 A. Correct.

23 Q. Okay. Do you recall having a  
24 reaction when you did learn about them?

25 A. I remember just -- just feeling

1 like I don't -- I didn't understand, I didn't  
2 agree with it, and that -- I didn't think  
3 that, when I was reading it at the time, that  
4 what her allegations were -- what she was  
5 saying was really consistent.

6 Q. Consistent with what?

7 A. I don't think it was, you know,  
8 with reality, consistent with what my  
9 experience was there.

10 Q. Okay. And which part did you not  
11 think was consistent with your experience?

12 A. (Document review.)

13 I just -- the messages and texts  
14 when she speaks truth about it, I don't know  
15 why -- but I don't -- why anyone would send  
16 her messages. Like, she's allowed to say  
17 whatever she wants. "I did not sign whatever  
18 they told me to sign," like, I don't even know  
19 what that means. Sign what?

20 And I didn't really -- and I  
21 didn't understand, I didn't really know what  
22 her accusation was. So I was just confused  
23 and -- yeah, and surprised.

24 Q. Okay. And if you go to the  
25 December 13 tweets, do you see how there's a

1 main tweet. And then three tweets down, do  
2 you see Ms. Boylan says:

3 "Yes, @NYGovCuomo sexually  
4 harassed me for years. Many sat and  
5 watched."

6 Do you see that?

7 A. Yes.

8 Q. Do you recall discussing these  
9 tweets and Ms. Boylan's allegations with  
10 anyone else around this time, December 2020?

11 A. Yes.

12 Q. Okay. And what -- who did you  
13 have discussions with, and what were those  
14 discussions about?

15 A. I spoke with Melissa DeRosa. I  
16 spoke with Stephanie Benton. I spoke with  
17 Jill DesRosiers. I think -- I don't recall,  
18 you know, many more. I spoke with, I think,  
19 Dani Lever. I spoke with **Staffer #4** maybe.  
20 But that was it.

21 Q. Okay. Why don't we go  
22 to -- before we get to those conversations, go  
23 to Tab 11. So this is December 17, 2020.

24 Do you see that? And it's a  
25 chain between you and Ms. DesRosiers?

1 A. Yes, I see it.

2 Q. Okay. And if you -- just  
3 focusing up on the first two pages. You  
4 write:

5 "When you are up for it, I have  
6 so much to tell you re Lindsey Boylan."

7 Do you see that?

8 A. Yes.

9 Q. And then the next page, you say:

10 "I spoke to MDR like  
11 four times in one day."

12 Do you see that?

13 A. Yes.

14 Q. "MDR" is Melissa DeRosa?

15 A. Yes.

16 Q. Okay. So what do you recall  
17 about your conversations with Ms. DeRosa  
18 around this time period?

19 A. I recall her asking me what I  
20 thought about the tweet, Lindsey's  
21 accusations. I recall her asking, you know,  
22 what I thought about it, what people were  
23 saying about it. You know, things like that.

24 Q. And what do you recall telling  
25 Ms. DeRosa about what you thought about

1 Ms. Boylan's accusations?

2 A. That I didn't find them credible,  
3 and that, you know, I just didn't -- I didn't  
4 find them credible.

5 Q. Okay. And did you explain to  
6 Ms. DeRosa why you didn't believe  
7 the -- Ms. Boylan's allegations were credible?

8 A. Yes.

9 Q. And why was that?

10 A. I don't recall the details of the  
11 story, but I remember something about sitting  
12 on the plane and being -- you know, saying  
13 something that other people could hear or  
14 touching or, you know, touching a leg maybe on  
15 the plane.

16 I thought that was not realistic,  
17 just because I've been on the plane, and it's  
18 very tight and you're -- you can hear  
19 everything that's said. You know, I remember  
20 talking about that.

21 I don't -- I don't recall -- you  
22 know, I'm sorry. I don't have a specific  
23 recollection of the rest of what she said.  
24 But that was what it -- generally it was about  
25 that.

1 Q. Okay. So just on -- focusing on  
2 the plane point. So you said it's very tight  
3 and you can hear everything that's said.

4 So do you recall Ms. Boylan at a  
5 later point stating that the governor had made  
6 a comment about strip poker to her on the  
7 plane -- on the government -- on the  
8 governor's plane?

9 A. Yes, I remember reading that.

10 Q. Okay.

11 A. She -- that she said that he had  
12 said that.

13 Q. Okay. And you said one of the  
14 reasons you found that allegation was not  
15 credible is because it's very tight, and you  
16 can hear everything that's said.

17 What did you mean by that?

18 A. I mean that it's a very small  
19 plane.

20 Q. Yeah.

21 A. And the seats are one person  
22 here, like, facing each other, two next to  
23 each other. And it's probably about a foot in  
24 between, foot and a half. And it's close  
25 quarters.

1 Q. Okay. And so did you believe you  
2 were on the flight when Ms. Boylan stated  
3 Mr. Cuomo had made that statement?

4 A. No. I'm -- to the best of my  
5 recollection, never flown with Ms. Boylan.

6 Q. Okay. And are you aware one way  
7 or the other whether individuals who were on  
8 the flight Ms. Boylan was referring to heard  
9 the comment the governor made that Ms. Boylan  
10 was alleging he made on that particular  
11 flight?

12 A. I had read it, read what they had  
13 said. I had not spoken to them directly that  
14 I recall.

15 Q. Okay. So you're going based on  
16 what you had read publicly --

17 A. Yes.

18 Q. -- in a statement that was put  
19 out by the governor's office by various  
20 individuals.

21 Is that your testimony?

22 A. Yes.

23 Q. Okay. So not based on any  
24 personal knowledge --

25 A. Correct.

1 Q. -- of being on a flight with  
2 Ms. Boylan and the governor?

3 A. Correct.

4 Q. Okay. All right. And what else  
5 do you recall discussing with Ms. DeRosa about  
6 Ms. Boylan's allegation and any potential  
7 response to them around this timeframe,  
8 December 2020?

9 A. I don't recall much truthfully,  
10 just that she was trying to figure it out, you  
11 know, what was going on.

12 Q. Okay. And what did you mean by,  
13 on the first page, "When you're up for it, I  
14 have so much to tell you re Lindsey Boylan"?

15 A. That they had -- I was referring  
16 to the conversations that I -- the phone calls  
17 that I was asked to make around this time to  
18 other, you know, former colleagues of mine,  
19 and I wanted to talk to her about it.

20 Q. Okay. So let's talk about those  
21 phone calls for a minute. Who asked you to  
22 make phone calls to other former colleagues of  
23 yours, presumably in the executive chamber  
24 during this timeframe?

25 A. Stephanie Benton.

1 Q. Okay. And can you describe that  
2 conversation you had with Ms. Benton?

3 A. I recall her asking -- I don't  
4 recall if it was one or a couple of  
5 conversations. But I remember, you know, her  
6 asking me similar questions as Melissa in  
7 terms of, you know, what do I think about  
8 having a very similar conversation.

9 And then thinking about, kind of,  
10 what else -- you know, who else worked in the  
11 office, who else was around. I think there  
12 was -- and I'm not sure if it was Melissa or  
13 Stephanie, but I think there -- or something  
14 else, but there was that speculation or things  
15 that, like, that -- I don't know, things just,  
16 like -- things were -- no one knew what was  
17 going on, and it was like let's -- kind of,  
18 like, we want to figure it out.

19 We want to know, like,  
20 are -- what's there? You know, who are these  
21 people? Like, where -- what do they think  
22 about this? Did they have similar  
23 experiences? Did they have one reaction or  
24 another? That kind of thing.

25 Q. And when you say "who are these

1 people," which people? Who might have similar  
2 experiences or not?

3 A. Former colleagues.

4 Q. Okay. Folks who -- other people  
5 who worked in the executive chamber?

6 A. In the executive chamber, just,  
7 kind of, in the world.

8 Q. Okay. And women in particular?

9 A. I spoke to her specifically about  
10 [REDACTED] and [REDACTED]. I  
11 remember, you know, we talked about some of  
12 the briefers that had been in the past, some  
13 of the former, you know, advance staff or  
14 people -- just generally people around the  
15 office vaguely.

16 Q. Okay. And when you say you spoke  
17 to her about [REDACTED] and [REDACTED]  
18 [REDACTED], that was Ms. Benton?

19 A. Yes.

20 Q. Okay. So did you -- you wound up  
21 placing phone calls to [REDACTED] and  
22 [REDACTED]?

23 A. Yes.

24 Q. Okay. And what was your prior  
25 relationship with -- focusing on

1 [REDACTED] -- with [REDACTED], if any?

2 A. I had met her when we were first  
3 both volunteering in 2010 on the Cuomo  
4 campaign. Excuse me.

5 We had become friends. She  
6 stayed in touch. We stayed in touch. I think  
7 she went back to school. She maybe -- she  
8 never worked in the administration, I don't  
9 believe.

10 She maybe did something at the  
11 department of health early on, but I'm not  
12 sure what exactly. Yeah. And --

13 Q. Okay. And what happened during  
14 your phone call with Ms. [REDACTED]? Tell us  
15 what you recall.

16 A. I recall -- I hadn't spoken to  
17 her in a long time because of the, you know,  
18 the pandemic. I hadn't seen her in a while.  
19 She's -- she and her family moved out to  
20 [REDACTED] a couple of years ago.

21 And I -- so we've stayed in  
22 touch. So I called her. I asked how she was  
23 doing, caught up, talked about [REDACTED]. And  
24 this was all going on in the news at the time.  
25 So I believe she brought it up and said, you

1 know, "What is -- isn't this crazy? You know,  
2 what do you think?"

3 And I was like, "I don't  
4 know -- I don't know what she's talking  
5 about," you know.

6 And she was like, "Yeah, me  
7 neither. I -- you know, I never knew her and  
8 I didn't experience -- I don't know -- I  
9 haven't seen anything like that," is  
10 essentially what she said.

11 Q. Okay. Anything else you recall  
12 from that phone call?

13 A. No.

14 Q. Okay. And did you report back  
15 that conversation to Ms. Benton or Ms. DeRosa  
16 or Ms. DesRosiers?

17 A. Yes.

18 Q. Okay. Do -- all three or one of  
19 the three or?

20 A. I recall calling -- speaking to  
21 Stephanie. I may have called Stephanie. I'm  
22 not sure. We spoke about it on the phone.  
23 I'm not sure if I texted her or something  
24 else.

25 Q. Okay. And how about [REDACTED]

1 what do you recall about that conversation  
2 between you and her?

3 A. Very similar. She also -- I  
4 volunteered with her in 2010 on the Cuomo  
5 campaign. And we worked together, I think,  
6 for, like, a year in 2011. She -- we caught  
7 up.

8 Again, I hadn't spoken to her in  
9 some time. We caught up, you know, how she  
10 was doing, how I was doing. And then I told  
11 her that I want -- I was, you know, looking  
12 for -- to hire a new lobbyist for my current  
13 job in New York City.

14 And knowing that she works at a  
15 top lobbying firm in New York City, to see --  
16 to kind of -- that was the genesis of the  
17 conversation. She -- so we talked about that  
18 for about a minute or two.

19 And then she brought up the  
20 Lindsey Boylan stuff. Again, same thing.  
21 "You know, this is crazy. You know, who is  
22 she?" that kind of thing. And I -- I believe  
23 I had a similar response.

24 Q. Okay. Anything else you recall  
25 about that conversation?

1 A. No.

2 Q. Okay. And had you planned to  
3 call [REDACTED] before Ms. Benton asked you to  
4 reach out to her?

5 A. No.

6 Q. Okay. And were you, in fact,  
7 looking for a lobbyist in New York City?

8 A. No.

9 Q. So let me ask you, just going  
10 back to the text message. So on the first  
11 page you said to Ms. DesRosiers, "I have so  
12 much to tell you re Lindsey Boylan."

13 And you said earlier that that  
14 was in reference to your phone calls to  
15 [REDACTED] and [REDACTED]

16 So what did you have to tell  
17 Ms. DesRosiers based on those conversations you  
18 just described?

19 A. That they happened.

20 Q. So your testimony is that when  
21 you said, "I have so much to tell you re  
22 Lindsey Boylan," it was to report these  
23 conversations you just described with  
24 [REDACTED] and [REDACTED]?

25 A. Yes. It was to tell her that I

1 was asked to make these calls, and I did and I  
2 wanted to tell her about it.

3 Q. Okay. And did you wind up  
4 telling Ms. DesRosiers about the phone calls  
5 to [REDACTED] and [REDACTED]?

6 A. Yes, I believe so.

7 Q. All right. Did you feel  
8 comfortable making those phone calls to  
9 [REDACTED] and [REDACTED]?

10 A. No.

11 Q. Why not?

12 A. Because I didn't have anything to  
13 do with the -- you know, the accusations, the  
14 allegations. I didn't -- they didn't work in  
15 the executive chamber. They have no -- I knew  
16 they would have no idea who Lindsey Boylan  
17 was.

18 And I also felt that I just -- I  
19 wasn't comfortable, really. Given the culture  
20 and given everything else, I didn't feel  
21 comfortable, really, even having any types of  
22 conversations about this.

23 Q. What do you mean by that, "given  
24 the culture and everything" --

25 A. Given, you know, Me Too movement

1 and the -- once accusations are made. And I  
2 just -- I wanted to -- I didn't know what  
3 happened, as I said, and I didn't want to  
4 know. I didn't want to be anywhere near it.

5 Q. Okay. And why did you, despite  
6 feeling discomfort and not wanting to be  
7 anywhere near it, ultimately make the phone  
8 calls to [REDACTED] and [REDACTED]?

9 A. I felt like I had to do that.

10 Q. Why -- what about it made you  
11 feel like you had to make those phone calls?

12 A. I asked Stephanie Benton. I  
13 said, "Do I have to do this? You know, I  
14 don't want to do this."

15 Q. And what --

16 A. And she said yes.

17 Q. Okay. And what did you  
18 understand that to mean? You weren't working  
19 for the executive chamber at that point.

20 Correct?

21 A. Correct.

22 Q. So what did you understand it to  
23 mean that you had to make those phone calls to  
24 [REDACTED] and [REDACTED] as Ms. Benton had  
25 requested?

1           A.     I took it to mean as though that  
2     I would be potentially, you know, ostracized;  
3     that I would be, you know, cast aside; that I  
4     would be cut -- you know, not really a part of  
5     an organization or -- you know, that I cared  
6     so much about and believed in.

7           Q.     What organization are you  
8     referring to that --

9           A.     The -- the governor's office, the  
10    Cuomo world.

11          Q.     Okay. And what made you feel,  
12    based on your experience, that if you didn't  
13    place these phone calls that you would be  
14    ostracized or cast aside from the Cuomo world?

15          A.     Just being in -- you know, being  
16    around. You know, understanding that it's --  
17    you know, also that it's, you know, human  
18    nature too. Right? If someone asks you to do  
19    something and you don't do it, they're not  
20    going to be happy with you, and I didn't want  
21    that.

22          Q.     Was that your experience in the  
23    governor's office; that there were occasions  
24    when people didn't do what was asked of them;  
25    that they would be cast aside or ostracized

1 from the executive chamber, Cuomo world?

2 A. I don't recall. I'm trying to  
3 think of a specific instance. I don't recall  
4 a specific instance of it occurring, but, you  
5 know, it -- there was -- there were always  
6 rumo- -- there were always news reports about  
7 things.

8 There was always, kind of, a  
9 swirl around it. So I -- you know, it was  
10 just, kind of, part of culture -- part of the,  
11 you know, environment.

12 Q. And what repercussions, if any,  
13 did you fear would happen to you personally if  
14 you were ostracized from the executive  
15 chamber, the Cuomo world?

16 A. That my reputation would be  
17 smeared, that, you know, it wouldn't be good  
18 professionally, you know. I was just  
19 concerned about, you know, my ability and my  
20 ability to work in the future in New York  
21 State politics.

22 And, you know, you just -- you  
23 don't want -- you wouldn't want to have the  
24 governor's office -- and any governor's  
25 office, really -- to be unhappy with you. You

1 know, especially one that I worked so hard and  
2 dedicated, you know, myself to.

3 Q. So those were the consequences  
4 you felt might happen if you didn't place  
5 those phone calls to Ms. [REDACTED] and  
6 Ms. [REDACTED]?

7 A. That would have been the extreme,  
8 yes.

9 Q. Okay. And any other consequences  
10 that you feared might happen if you didn't  
11 agree to the request to make those phone calls  
12 to [REDACTED] and [REDACTED]?

13 A. Nothing that, like, really, you  
14 know, that I remember, I was -- but I was  
15 unsure.

16 Q. Okay. Okay.

17 MR. BROCHIN: Would now be a good  
18 time for a break?

19 MR. MUKHI: Yeah. Yeah. We can  
20 go off the record.

21 THE VIDEOGRAPHER: The time is  
22 10:32 a.m. This concludes Media 1. Off  
23 the record.

24 (Recess taken from 10:32 a.m. to  
25 10:50 a.m.)

1 THE VIDEOGRAPHER: The time now  
2 is 10:50 a.m. This begins Media 2. On  
3 the record.

4 BY MR. MUKHI:

5 Q. Okay, Mr. Ball. So before we  
6 took a break, we were talking about phone  
7 calls you had made to [REDACTED] and  
8 [REDACTED] at the request of Ms. Benton.

9 Do you recall that?

10 A. Yes.

11 Q. Okay. And you said you had a  
12 conversation with Ms. Benton where you asked,  
13 "Do I have to make the calls?"

14 And she said, "Yes."

15 Do you recall that?

16 A. Yes.

17 Q. Okay. Do you recall telling  
18 Ms. Benton that you did not want to make the  
19 calls to [REDACTED] and [REDACTED]

20 A. Yes.

21 Q. Okay. And that's when you asked  
22 if you had to, and Ms. Benton responded yes?

23 A. Yes.

24 Q. Okay. Now, do you recall telling  
25 either Ms. DeRosa or Ms. DesRosiers as well

1 that you had not wanted to place the phone  
2 calls to [REDACTED] or [REDACTED]

3 A. No, I did not -- I don't believe  
4 I spoke to Melissa about -- after I made those  
5 calls. And I don't think I was -- dates are  
6 hard. But I don't believe I spoke with Jill  
7 prior to -- sometime after these text  
8 messages.

9 Because I was not -- [REDACTED]  
10 [REDACTED] and she was dealing with her -- with  
11 that [REDACTED] and I -- you know, she  
12 was -- so I wasn't in contact with her.

13 Q. And just to be clear about the  
14 timeline, we saw the tweets from Ms. Boylan on  
15 December 5 and December 13 of 2020. These  
16 messages are December 17, 2020.

17 And I believe, based on your  
18 earlier testimony, by the time of these text  
19 messages between you and Ms. DesRosiers, you  
20 had already placed the calls to [REDACTED]  
21 and [REDACTED]

22 Is that right?

23 A. I believe so.

24 Q. Okay.

25 A. I believe so. But, again, you

1 know, it's hard to really pinpoint a specific  
2 date. But I believe so.

3 Q. Okay. And so you believed that  
4 the phone calls you made to [REDACTED] and  
5 [REDACTED] were sometime between Ms. Boylan's  
6 tweet and this December 17 chain with  
7 Ms. DesRosiers?

8 A. Yes.

9 Q. Okay. And if we go back to the  
10 chain we were looking at, Tab 11. After you  
11 say that "I have so much to tell you re  
12 Lindsey Boylan," "I spoke to MDR like four  
13 times in one day," what do you recall about,  
14 "MDR" being Melissa DeRosa, as we discussed?

15 What do you recall about talking  
16 to Ms. DeRosa four times in one day around  
17 this time period?

18 A. It was about the same things. It  
19 was about, kind of, the same conversations I  
20 believe we spoke about a little earlier.  
21 Generally, what I was thinking, what was that,  
22 you know, that kind of stuff.

23 Q. And --

24 A. And it was several times, because  
25 she would call and then say, "I have to go.

1 I'll call you back." I call, "I have to go.

2 I'll have to call you back."

3 Q. Okay.

4 A. And she always got interrupted.

5 Q. Okay. And this is about what you  
6 described earlier about trying to identify,  
7 you know, who else is potentially relevant  
8 here to speak to in light of Ms. Boylan's  
9 allegations.

10 Is that fair?

11 A. Yeah, who else -- you know, who  
12 else to speak to. Who -- did I hear about  
13 any, sort of, things like this? Which I  
14 didn't. And that kind of thing.

15 Q. Okay. All right. And then if  
16 you look at the next page. So this is 12 --  
17 sorry -- 10:12 a.m. Do you see that?  
18 Ms. DesRosiers --

19 A. Yes. That's 10:12 a.m.?

20 Q. I believe -- it's -- -2967 is the  
21 number at the bottom.

22 A. Okay. Yes.

23 Q. Okay. She says:

24 "Yes. I've been vaguely  
25 following but definitely need an update.

1 Are they freaking out?"

2 And you write back:

3 "Yes." And then: "From what I  
4 can tell."

5 And then you wrote, -2970: "If  
6 she's calling me, they have a problem."

7 So what did you mean by that  
8 exchange with Ms. DesRosiers?

9 A. I meant that Melissa and I were  
10 not -- we were colleagues, we were friends,  
11 but we didn't always see eye to eye on issues.  
12 And I don't believe that -- she -- when I left  
13 the chamber, Melissa and I were not on great  
14 terms. We were on okay terms, but not -- and  
15 so we didn't talk regularly.

16 So for her to speak to me, that  
17 in and of itself, I was, like, why is she  
18 calling me again? Like, you know, if she's  
19 calling me, it's got to be something that  
20 they're worried about or real. Because I  
21 couldn't see another -- you know, why would  
22 she call me that day?

23 Q. Was there anything else that led  
24 you to believe that -- well, let me ask: When  
25 Ms. DesRosiers said, "Are they freaking out?"

1 Who did you understand her to mean by "they"?

2 A. The collective "they." You know,  
3 the people -- the governor's office,  
4 Melissa -- that group of, you know ...

5 Q. Got it. And other than the fact  
6 that Ms. DeRosa was reaching out to you, given  
7 your relationship that you just described, was  
8 there anything else that led you to conclude  
9 that they were freaking out? The "they" being  
10 the governor's office.

11 A. No. It was just that they were  
12 call -- they had spoken to me, and that in and  
13 of itself, and the phone calls that I was  
14 uncomfortable about. You know, I talked about  
15 that. That obviously was part of it.

16 Q. Okay. And then the next text,  
17 you see Ms. DesRosiers says, "She's such a  
18 nut." Do you see that?

19 A. Yes.

20 Q. Who did you understand her to  
21 mean by "she"?

22 A. Melissa DeRosa.

23 Q. Okay. And did you -- and you  
24 write back "haha" in response.

25 And then Ms. DesRosiers writes in

1 the next text, the first sentence is, "Yeah,  
2 that's definitely true."

3 So had you had prior  
4 conversations about your opinions of Ms. DeRosa  
5 with Ms. DesRosiers?

6 A. Yes.

7 Q. Okay. And what were those  
8 discussions?

9 A. I don't -- it wasn't a specific  
10 conversation. Jill and I were very close. I  
11 was her deputy for many of the time -- working  
12 in the chamber.

13 And she knew -- you know, Melissa  
14 -- Melissa was the boss. She was the  
15 secretary to the governor. And, you know, we  
16 spoke about our feelings about that.

17 Q. Okay. And what were your  
18 feelings about Ms. DeRosa? You mentioned you  
19 didn't see eye to eye on occasion.

20 A. I -- what do you mean by my  
21 feelings -- like, generally? What are  
22 my feeling --

23 Q. Generally. What were your  
24 opinions of, you know, her conduct, say, as  
25 someone high up in the executive chamber?

1           A.     I thought that she was very  
2 bright and obviously talented and extremely  
3 good at her job. I thought that the staff  
4 could have used more support, and I thought  
5 that she could have been that -- could have  
6 helped in that regard. You know.

7           Q.     Okay. What do you mean by "more  
8 support" that the staff could have had and she  
9 could have helped with?

10          A.     It's a very hard place to work, a  
11 governor's office. Right? We were working  
12 24/7, you know, every day of the year for  
13 going on years in a row. And, you know, it's  
14 tiring.

15                   And we're -- people don't get  
16 paid as well as they should, and they miss  
17 their families, they miss a lot of personal  
18 events, and it's a lot of sacrifice for people  
19 to make. And I think that showing more  
20 appreciation for that could have gone a long  
21 way.

22          Q.     Okay. Did you observe Ms. DeRosa  
23 mistreating anyone while you were employed at  
24 the executive chamber in a professional  
25 setting?

1           A.     What do you mean by, like,  
2     "mistreat"?

3           Q.     Well, anything you saw Ms. DeRosa  
4     having as far as an interaction with another  
5     employee of the state or the chamber where you  
6     thought it crossed a professional line in some  
7     way or got very close to it.

8           A.     No. I think, you know -- not  
9     that I saw. I thought that -- I didn't agree  
10    with her takes on some of those circumstances.  
11    But it didn't seem like it was anything that  
12    was, you know, over the line or inappropriate  
13    or beyond anything.

14          Q.     Okay. Did you ever see  
15    personally Ms. DeRosa raise her voice at other  
16    employees in the chamber?

17          A.     Yes.

18          Q.     Okay. And how often did that  
19    occur, based on your own observations?

20          A.     It's hard to say. I really -- I  
21    don't know --

22          Q.     Okay.

23          A.     -- honestly. There were just so  
24    many times -- interactions in general. So  
25    it's hard to really ...

1 Q. Okay. And what -- do you have a  
2 general recollection about what types of  
3 things Ms. DeRosa would get upset about and  
4 yell at others in the chamber about?

5 A. Things that -- things that went  
6 wrong or things that could have gone better or  
7 things that -- you know, someone hadn't  
8 finished yet or someone hadn't exceeded or  
9 hadn't met the expectations. And she let them  
10 know.

11 Q. Okay. Did she ever yell at you,  
12 Ms. DeRosa?

13 A. I'm sure she did.

14 Q. Okay. On more than one occasion?

15 A. I don't know. You know, it  
16 wasn't like yelling at -- nothing  
17 specifically, like, yelling at me like that.  
18 But we did yell. We yelled at each other in  
19 conversation I'm sure.

20 Q. Okay. And what did you  
21 understand Ms. DesRosiers to mean when she  
22 said Ms. DeRosa is such a nut in this text  
23 chain we're looking at?

24 A. What did I understand that --

25 Q. Yeah.

1           A.     -- that Jill was trying to say to  
2 me? That ...

3           Q.     Yeah. Well, let me -- actually,  
4 why don't we back up. You said that you had  
5 conversations with Ms. DesRosiers about, you  
6 know, your opinion -- your respective opinions  
7 about Ms. DeRosa.

8                     What do you recall about  
9 Ms. DesRosiers saying, you know, her views  
10 about Ms. DeRosa?

11          A.     Generally, they were friendly.  
12 They were friends. But that, you know,  
13 Melissa would, I think, sometimes not have her  
14 back, not have Jill's back. And I think that  
15 Jill was obviously very frustrated by  
16 situations like that.

17          Q.     What do you mean by Ms. DeRosa  
18 not having Ms. DesRosiers' back?

19          A.     If -- support. Like, if -- you  
20 know, we -- if you couldn't do something. If  
21 we couldn't travel because of -- there was  
22 weather and it was an important thing, and,  
23 you know, things like that. Just anything --  
24 it could -- it could have been anything.  
25 There -- you know, I don't really recall

1 specifically.

2 Q. Okay. And back with who? With  
3 the governor or just in general? What did you  
4 mean by that?

5 A. In gen- -- both. In general.

6 Q. Okay. All right. If we go back  
7 to the chain after Ms. DesRosiers says, "She's  
8 such a nut," and then you respond and then she  
9 says, "Yeah, that's definitely true."

10 So what did you take away when  
11 Ms. DesRosiers says, "She's such a nut"? What  
12 did you understand that to mean?

13 A. That she's nut. That she was a  
14 nut. That she's -- you know, I don't know. I  
15 don't -- it's hard to express it. You know,  
16 whatever you think a -- you know, not  
17 positive. It was like a nut. You know,  
18 crazy, that kind of thing.

19 Q. Okay. Okay. And then it goes on  
20 and says, Ms. DesRosiers in that same  
21 text, -2973:

22 "You, me, and Annabel were the  
23 only ones who knew anyone or talked to  
24 anyone."

25 Do you see that?

1 A. Yes.

2 Q. And you write on the next page

3 "Exactly."

4 And then Ms. DesRosiers says:

5 "So they must be trying to piece  
6 together who works for us."

7 And you write:

8 "She was asking me who we know in  
9 agencies."

10 And you write: "I'm, like, lady,  
11 you are the secretary. I don't even  
12 work there" et cetera.

13 So is that referring to what you  
14 described earlier about the conversations with  
15 Ms. DeRosa trying to --

16 A. Yes.

17 Q. -- identify folks?

18 A. Yes.

19 Q. Okay. And who do you recall --

20 well, let me ask you: Who identified

21 [REDACTED] and [REDACTED] as particular

22 folks to reach out to?

23 A. I believe Stephanie but I don't  
24 have a real good recollection of that.

25 Q. Okay. And then putting aside

1 Ms. [REDACTED] and Ms. [REDACTED] do you recall  
2 conversations with DeRosa where you identified  
3 other potential -- either chamber employees or  
4 agency employees that you or someone should  
5 reach out to in light of Ms. Boylan's  
6 allegations?

7 A. Yes.

8 Q. Okay. And who do you recall  
9 being discussed as potential -- others to  
10 reach out to?

11 A. It's -- it's hard, you know --  
12 it's people -- we talked about people who did  
13 the briefing book, as we discussed earlier;  
14 people who worked, you know, closely in the  
15 executive chamber; people, you know, that --  
16 that was really -- people who, kind of, worked  
17 there and then left, or people who -- you  
18 know, who worked in the agency but worked a  
19 lot of the time in the governor's -- you know,  
20 worked hand in hand with the governor's  
21 office, like that.

22 Q. Okay. You recall previously  
23 telling us that Ms. DeRosa asked you about  
24 Kaitlin [REDACTED] around this time?

25 A. That sounds -- she sounds right.

1 Q. Okay. And what do you recall  
2 about your conversation with Ms. DeRosa about  
3 Kaitlin [REDACTED] around these conversations we've  
4 been discussing?

5 A. Just that she -- I think she  
6 works at [REDACTED] now, and that, you know, my  
7 understanding of her time leaving -- we talked  
8 about that, I think -- you know, that she went  
9 -- you know, all I knew about her was that she  
10 went to -- we worked with her -- I -- excuse  
11 me.

12 I worked with her when she was in  
13 the governor's office, Kaitlin [REDACTED]. And  
14 then she transitioned. She was basically  
15 assisting the governor, working with Stephanie  
16 and on the book. And then at some point she  
17 transitioned to go and work for [REDACTED],  
18 who was then the chief of staff.

19 Because she -- my -- I understood  
20 that as she wanted to do different things.  
21 She wanted to, you know, work on things that  
22 she was passionate about, communications.  
23 Just, you know, didn't want to do that job.

24 She did that. I told her -- I  
25 thought she did -- worked with [REDACTED] for a

1 couple of months. And then I thought that she  
2 went to [REDACTED] or another energy agency.

3 Q. Okay. So I take it you're  
4 describing your conversation with Ms. DeRosa,  
5 what you told her about what you knew about  
6 Kaitlin [REDACTED] ?

7 A. Yes. Yes.

8 Q. Okay. And did Ms. DeRosa explain  
9 why she was asking about -- asking you about

10 Kaitlin [REDACTED] ?

11 A. No. No.

12 Q. Okay. And did you reach out to  
13 Kaitlin [REDACTED] in any way around this time?

14 A. No.

15 Q. Okay. Did anyone ask you to  
16 reach out to Kaitlin [REDACTED], Ms. DeRosa or anyone  
17 else?

18 A. No, not that I recall.

19 Q. Okay. Okay. And in these phone  
20 calls that you described, kind of, just  
21 general -- you described, kind of, generally  
22 trying to ID, identify, potentially others who  
23 worked in the chamber and agencies to reach  
24 out to, other than, you know, that they had  
25 worked in the chamber agency.

1 I take it you were -- you were --  
2 were you focused with Ms. DeRosa on  
3 identifying women who had worked in the  
4 chamber, agencies who had --

5 A. Yes.

6 Q. -- potentially interacted with  
7 the governor?

8 A. Yes. Sorry.

9 Q. And that was in light of  
10 Ms. Boylan's allegations and the tweets that  
11 we just saw?

12 A. That was my understanding, yeah.

13 Q. Okay. And did Ms. DeRosa  
14 identify any women in particular that she  
15 thought might have similar allegations to  
16 Ms. Boylan, having worked in the chamber and  
17 other state agency?

18 A. No, not that I recall. I re- --  
19 I remember her saying, you know, to that that  
20 she didn't believe the Lindsey allegations  
21 also.

22 Q. Okay. Okay. And so what was  
23 your understanding of the purpose of the calls  
24 you made to [REDACTED] and [REDACTED] and  
25 that you then reported back to Ms. Benton and

1 these other potential reach-outs that were  
2 being discussed with Ms. DeRosa and others?

3 A. I understood it as trying to  
4 figure out what people were thinking, what was  
5 going on. You know, what was the feeling of  
6 people who worked there, who worked -- you  
7 know, what did they think?

8 What was their reaction? You  
9 know, did they have a big reac- -- like, that  
10 kind of stuff.

11 Q. All right. And a reaction in  
12 particular to Ms. Boylan's allegations. Is  
13 that --

14 A. To the -- yes.

15 Q. Okay. And was a part of it too  
16 to see if any of the people you were able to  
17 reach themselves had had similar experiences  
18 to Ms. Boylan that she had put in her tweets?

19 A. I think so but it's hard to ...

20 Q. And you think so based on your  
21 conversations with Ms. Benton and --

22 A. And just -- well, my own  
23 inferring as to what, you know, what's going  
24 on.

25 Q. Okay. Now, if you go to Tab 34,

1 actually.

2 A. 34?

3 Q. Yeah. It's the last one. So if  
4 you look at this, and the way I read this,  
5 it's a text chain involving yourself, Annabel  
6 Walsh, Ms. DeRosa, Ms. Benton.

7 Do you recall being on a text  
8 chain with those individuals around this  
9 timeframe, December 2020?

10 A. I don't specifically recall it  
11 but obviously it happened.

12 Q. Okay. And the way I read this  
13 is -- it says the person and the phone number,  
14 and then underneath is the message that the  
15 person sent as the author of that line. So  
16 let me know if you disagree, but it looks like  
17 Ms. DeRosa writes, "Hey, guys. Any luck with  
18 [REDACTED] and [REDACTED]."

19 Do you see that?

20 A. Yes.

21 Q. Okay. And do you know who the  
22 reference to [REDACTED] is?

23 A. I think it's [REDACTED]

24 Q. Okay. And who is [REDACTED]?

25 A. She worked -- I believe she

1 was -- worked for Annabel Walsh in the  
2 scheduling department.

3 Q. Okay.

4 A. Or briefing advance, that kind of  
5 space.

6 Q. Okay. And did you reach out to  
7 [REDACTED] or try to reach out to her?

8 A. No.

9 Q. Do you know if anyone else did?

10 A. I do not.

11 Q. Okay.

12 A. Well, I -- I should say, from  
13 reading this message, some -- they were  
14 asked -- they asked someone to -- it looks  
15 like they were -- asked Annabel too. I don't  
16 know if she did.

17 Q. All right. We can go through the  
18 rest of the message. But if you see, you  
19 respond to Mr. DeRosa's message:

20 "Not yet. [REDACTED]

21 [REDACTED] so it's hard to  
22 connect last night. I'm going to call  
23 her again today."

24 Are you referring to

25 [REDACTED] there?

1 A. No. I believe I was referring to

2

3 Q. [REDACTED]

4 A. Oh, wait. Not yet. I'm sorry.

5 I got confused because of the timestamps.

6 Yes, I'm referring to [REDACTED] there.

7 Q. Okay. And --

8 A. "[REDACTED]" "it was

9 hard to connect." That's right. That's

10

11 Q. "She [REDACTED]

12 A. "She [REDACTED] Yes.

13 Sorry.

14 Q. Okay. All right. And you say:

15 "Spoke to [REDACTED]. All good.

16 Steph, I just tried you."

17 Do you see that.

18 A. Yes.

19 Q. Okay. And so was it around this

20 time, December 23, when you spoke to

21 Ms. [REDACTED]?

22 A. I -- it was around that time,

23 yes.

24 Q. Okay. And does that refresh your

25 recollection that the call, with [REDACTED]

1 at least, was after the last exchange we were  
2 looking at between you and Ms. DesRosiers?

3 A. It looks so, yes.

4 Q. Okay. And what did you mean by  
5 "all good"?

6 A. That there was nothing to report.  
7 She didn't know any -- like I said to you, she  
8 didn't know Lindsey. She didn't know anything  
9 about it. It was -- and that it was necessary  
10 to make the call.

11 Q. Okay. And "Steph, I just tried  
12 you," is that you were trying to call  
13 Ms. Benton?

14 A. To tell her that, yes.

15 Q. Okay. And what did you mean by  
16 "love the power red today, Melissa"?

17 A. I believe Melissa was wearing,  
18 like, a really great red suit. And it's -- I  
19 thought it -- she looked good. It was a power  
20 suit.

21 Q. Okay. You saw her on TV?

22 A. On TV, yeah.

23 Q. Okay. So if you go down to  
24 Ms. Walsh's text at the bottom.

25 A. Okay.

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Q. (Reading):  
"Still waiting to hear back from

██████████  
That's ██████████

A. I believe so. I don't --

Q. Okay. Do you know any other

██████████  
A. I don't know any other ██████████

Q. Okay. And then she writes:

"Steph, FYI, I just looped  
██████████ and just got this from ██████████

██████████  
Do you know who ██████████ and ██████████  
██████████ are?

A. Yes.

Q. And who are they?

A. ██████████ I don't believe I've  
ever met her, but she was hired, I believe,  
after I worked in the executive chamber to  
work on the scheduling and the, you know,  
events team, operations team.

Q. Okay. And was she -- she was  
someone -- do you know whether she was  
currently employed by the executive chamber,  
or she a former employee at the time of these

1 messages?

2 A. I have no idea. I assume -- I  
3 don't know.

4 Q. Okay. Okay. And what did you  
5 understand -- and then there's -- it looks  
6 like there's a message pasted from someone  
7 named [REDACTED]

8 What did you understand  
9 Ms. Walsh to say, "I just looped [REDACTED] but  
10 just got this from [REDACTED]"

11 A. That -- well, [REDACTED]  
12 is -- you know, I think she is with the  
13 Tribeca Film Festival. She's involved in a  
14 lot of projects. I believe that Annabel was  
15 the former director of scheduling, so she  
16 probably, you know, had spoken to [REDACTED]  
17 [REDACTED] office about previous things.

18 And that she was -- I don't know  
19 if Annabel was working there still or not at  
20 this point. But she looked like she was  
21 looping in someone else who could deal with  
22 it, and also sending the message to Stephanie.

23 Q. Okay. Okay. So did -- I mean,  
24 is this something that relates to the phone  
25 calls that were going on to former employees

1 about Ms. Boylan's allegations, or is this  
2 something else entirely based on your reading  
3 this?

4 A. I don't know.

5 Q. Okay.

6 A. I -- I have no idea what that  
7 message is in reference to.

8 Q. Okay. So if you go -- and it  
9 carries over, but it looks like Ms. DeRosa  
10 sends the next message. If you look at the  
11 bottom of 94, and then it says "Anna May shut  
12 down [REDACTED] Good work, Ball."

13 Do you see that?

14 A. Yes.

15 Q. What did you understand  
16 Ms. DeRosa to mean by "Anna May shut down

17 [REDACTED]

18 A. Talk to her. Have the  
19 conversation. Some -- you know, what -- I  
20 believe that's what it was.

21 Q. And is "Anna May," is that  
22 Annabel or is that someone else?

23 A. Annabel.

24 Q. Okay. So it's a --

25 A. It's a nickname.

1 Q. Okay. Okay. So -- got it. So  
2 Annabel, some people use the nickname Anna May  
3 for her, Annabel Walsh?

4 A. Yes.

5 Q. Okay. And what is -- what did  
6 you understand "shut down [REDACTED] mean?

7 A. Finish it. Talk -- you know, do  
8 what we asked you to do. Have the call. You  
9 know, just be done with the task.

10 Q. Okay. And did you understand  
11 that [REDACTED] potentially had allegations  
12 similar to Ms. Boylan based on her experience  
13 at the chamber?

14 A. No, no. Never heard anything  
15 like that.

16 Q. Okay. And what did you mean  
17 Ms. DeRosa -- what -- what did you understand  
18 Ms. DeRosa to mean when she said, "Good work,  
19 Ball"?

20 A. That I had the conversation that  
21 they had asked me -- I did what they asked me  
22 to do.

23 Q. Had you spoken to [REDACTED]

24 A. No. But that -- I believe she  
25 was referring to I spoke to [REDACTED] from prior.

1 But I don't know.

2 Q. Okay. Did you at any time talk  
3 to Ms. Walsh about her conversation with

4 [REDACTED]

5 A. No.

6 Q. Anyone else about a conversation  
7 that was had with [REDACTED] around this  
8 timeframe?

9 A. No.

10 Q. Now, Ms. DeRosa then writes:

11 "In case anyone was wondering,  
12 [REDACTED] loves the governor but looks  
13 like hates [REDACTED]."

14 Do you see that?

15 A. Yes.

16 Q. Who's [REDACTED]

17 A. [REDACTED] was someone that was  
18 hired to work on -- be an event lead, work on  
19 events, in the governor's office.

20 Q. Okay. And do you recall when she  
21 was working on events in the governor's  
22 office?

23 A. Sometime after the 2016 campaign,  
24 because I believe she came off of the Clinton  
25 campaign. I don't know when exactly and when

1 she left exactly.

2 Q. And it says, [REDACTED] loves  
3 the governor but hates [REDACTED]" Do you  
4 know who [REDACTED] is?

5 A. Yes.

6 Q. Who's that?

7 A. [REDACTED] was the director of,  
8 I think, executive chamber operations. You  
9 know, he was her boss, essentially --

10 Q. Okay.

11 A. -- was my understanding. He  
12 oversaw the events team that she was on.

13 Q. And then you write: "Haha, she  
14 hates me too." What did you mean by that?

15 A. She dislikes me.

16 Q. [REDACTED]

17 A. Yes.

18 Q. And do you know why she disliked  
19 you?

20 A. I believe it to be because I was  
21 also on the events team, and, you know, we  
22 didn't -- she didn't get -- she didn't --  
23 wasn't able to execute the events that -- as  
24 she'd wanted to. And I think that for several  
25 reasons, probably, over the course of the

1 time.

2 And many times I would be -- have  
3 to tell her, "We can't do it that way. We  
4 have to do it this way." And I think that it  
5 caused some friction there.

6 Q. And what did you mean by "she's  
7 dangerous"?

8 A. Just that -- you know, I don't --  
9 that she's, kind of, out there. I don't know  
10 what she -- I don't know -- kind of kooky,  
11 that kind of thing.

12 Q. Okay. And then you said, "Ask  
13 [REDACTED]." Who's [REDACTED]

14 A. [REDACTED] passed away  
15 recently. He was the, I think, the chair  
16 of -- the president of the Doe Fund. And Jen  
17 had gone to work at the Doe Fund.

18 And I recall [REDACTED]  
19 seeing him on the street or seeing him at  
20 something and saying -- making comment, like,  
21 "What's with [REDACTED] Why -- you know,  
22 and I was like, you know, "why?" She's like,  
23 Oh, you know, she doesn't -- she's just,  
24 like -- she wasn't working out with [REDACTED]  
25 and [REDACTED] was, kind of, like, wondering why.

1 Q. Okay. And then you said,  
2 "Dangerous is a bad word choice." What did --  
3 what did you mean by that? And was there a  
4 better word choice that you were thinking of  
5 instead of "she's dangerous"?

6 A. Yes. When I referred to  
7 "dangerous," just as you asked me about it, I  
8 think that that was a bad word choice. I  
9 don't think dangerous, I think it just, you  
10 know -- because I said, kooky -- kind of out  
11 there, kooky, and wasn't really happy when she  
12 left.

13 Right? Wasn't really happy, as I  
14 understood it, so -- and from [REDACTED]  
15 so that's why, you know, "dangerous" in the  
16 sense -- in the kind of -- it just was a bad  
17 word choice, as I said.

18 Q. Okay. Did -- okay. All right.  
19 All right. So A few more questions about this  
20 timeframe. Did you, at this time or any time  
21 subsequent, speak directly to the governor  
22 about Ms. Boylan's allegations?

23 A. No.

24 Q. Okay. Around this time or any  
25 time subsequent -- again, we're talking

1 December 2020 -- did you discuss Ms. Boylan's  
2 personnel files with anyone?

3 A. No.

4 Q. Okay. Any knowledge at any time  
5 of, besides what you may have read in the  
6 press, of the executive chamber providing  
7 Ms. Boylan's personnel file at the chamber to  
8 reporters?

9 A. Only what I've seen in the press.

10 Q. Okay. Were you aware of a letter  
11 that was being drafted by individuals in the  
12 executive chamber responding to Ms. Boylan's  
13 allegations to be signed by former employees  
14 of the chamber?

15 A. I had heard vaguely that  
16 something like this was happening. But I  
17 didn't -- never saw it, never really -- my  
18 understanding was about women, former women,  
19 and that -- I never saw anything about it.

20 I never saw it, it wasn't sent to  
21 me, that kind of thing. And I don't know if  
22 it even went out. I don't recall seeing it.

23 Q. Okay. All right. If you turn to  
24 Tab 15, I just want to confirm --

25 A. 15?

1 Q. 15, yeah.

2 -- whether or not you've ever

3 seen this letter or a draft of a similar

4 letter?

5 A. (Document review.)

6 I don't -- I don't think I've

7 ever seen this. It's hard honestly because of

8 so much of the things that were reported. And

9 it's all, kind of, mushed together. But I do

10 not have a recollection of ever seeing this

11 letter.

12 Q. Okay. And you said you've -- you

13 vaguely recall hearing about the letter even

14 though you never saw it?

15 A. Yes.

16 Q. What do you recall about who told

17 you about the existence of a draft of this

18 type of letter?

19 A. [REDACTED] She had

20 mentioned that there was -- she had heard that

21 there was a letter going around.

22 Q. And who is [REDACTED]

23 A. [REDACTED] is a former colleague

24 of mine. She works -- I worked in the

25 executive chamber together.

1 Q. And what do you recall about your  
2 conversation with [REDACTED] about a letter  
3 like this?

4 A. I don't. I just recall that  
5 there was some type of letter mentioned. I  
6 don't recall it specifically.

7 Q. Were you ever asked to sign any  
8 sort of letter responding to Ms. Boylan's  
9 allegations?

10 A. No.

11 Q. Okay. So putting that aside.  
12 Were you aware of any efforts  
13 around this time of anyone in the executive  
14 chamber to investigate whether or not  
15 Ms. Boylan's allegations were accurate?

16 A. I'm sorry, during which period?

17 Q. So -- there -- I mean, just  
18 backing up, there are all these phone calls  
19 going on back and forth in --

20 A. In --

21 Q. -- this December 2020 time  
22 period. And you said, you know, various  
23 folks, including yourself, expressed  
24 skepticism, or that you didn't credit the  
25 allegations.

1 Do you know whether or not anyone  
2 was actually looking into the --

3 A. I don't.

4 Q. -- the allegations?

5 A. I don't.

6 Q. Did you do anything to --  
7 yourself to verify whether Ms. Boylan's  
8 allegations were true or not?

9 A. No.

10 Q. All right. And then if it's  
11 helpful, you can go to Tab 18. But do you  
12 recall, a couple of months later in February  
13 2020, Ms. Boylan published a story on a site  
14 called Medium?

15 A. Yes, I recall that.

16 Q. Okay. And do you recall how you  
17 learned about the Medium post by Ms. Boylan  
18 that had additional allegations?

19 A. I believe I saw it on Twitter or  
20 some -- you know, it was in a news story.

21 Q. So do you recall -- so we're  
22 talking about December 2020 timeframe. Do you  
23 recall having additional conversations with  
24 anyone who worked at the chamber, or formerly  
25 worked at the chamber, about Ms. Boylan's

1 allegations in the February 2020 Medium  
2 article?

3 A. I don't recall if I -- honestly.

4 Q. Okay. And do you recall being  
5 involved in any of the executive chamber's  
6 response to Ms. Boylan's complaints of sexual  
7 harassment by the governor after this Medium  
8 article was published by Ms. Boylan?

9 A. Was I involved in anything with  
10 the executive chamber after the Medium post?  
11 I just want to make sure I'm getting it right.

12 Q. Yeah. So we -- well, why don't  
13 we do this way. So -- there's, you know, a  
14 burst of activity in December 2020.

15 A. Okay.

16 Q. Okay? And you made some calls,  
17 and we saw the texts around the phone calls.

18 Did that, kind of, die down in  
19 December, or did that activity continue into  
20 January?

21 A. It died down after -- you know,  
22 after the initial -- it happened -- you know,  
23 the initial conversations we already  
24 discussed.

25 Q. Okay. And so my question is:

1 After that died down, the activity around the  
2 December 2020 post by Ms. Boylan, did you get  
3 involved at any point later in the same types  
4 of efforts that happened in December of 2020  
5 to discuss -- you know, with Ms. DeRosa,  
6 Ms. Benton, others -- about reaching out to  
7 former employees or otherwise responding to  
8 additional allegations that were coming out?

9 A. No, I did not do anything like  
10 that after this.

11 Q. Okay. And I understand you had  
12 some conversations, which we'll get to, with  
13 Ms. Benton and Ms. DesRosiers --

14 A. Yes.

15 Q. -- but what I'm trying to hone in  
16 on here is, you know, efforts to reach out to  
17 former employees or other affirmative reaction  
18 to new allegations.

19 A. That -- it was not -- nothing  
20 after this Medium post. It was only this  
21 stuff that we talked about as well I  
22 recollect.

23 Q. Okay. Okay. So I want to turn  
24 away from Ms. Boylan for now and talk about  
25 Ms. Charlotte Bennett.

1 A. Okay.

2 Q. When did you first meet

3 Ms. Bennett?

4 A. When she started working in the  
5 executive chamber.

6 Q. Okay. And do you recall when  
7 that was approximately?

8 A. I don't.

9 Q. Okay.

10 A. Sorry.

11 Q. And how long did you  
12 approximately overlap with her in the chamber?

13 A. To -- a year or two to maybe two  
14 and a half. I don't -- I'm not exactly sure.

15 Q. And what role or roles did  
16 Ms. Bennett have during the time period you  
17 overlapped with her in the chamber?

18 A. She was working on the briefing  
19 book. I don't know if -- she at some point  
20 was the briefer I believe itself, the main  
21 person. There was also a team. And I know  
22 that she was also sitting, you know, helping  
23 Stephanie to staff the governor.

24 Q. And did you -- during the time  
25 you overlapped with Ms. Bennett, did you

1 observe -- personally observe interactions  
2 between her and the governor?

3 A. Occasionally -- you know, around  
4 the office stuff but ...

5 Q. Okay. Did you ever observe any  
6 physical contact between the governor and  
7 Ms. Bennett?

8 A. No, not that I recall.

9 Q. Okay. Anything you would  
10 characterize in your own mind as flirting  
11 between Ms. Bennett and the governor?

12 A. Not that I recall.

13 Q. Okay. Did you ever talk to  
14 Ms. Bennett about her interactions with the  
15 governor?

16 A. I'm sure I did. I talked to  
17 everybody about that.

18 Q. Okay. And any conversations that  
19 you recall where Ms. Bennett reported, you  
20 know, an interaction with the governor that  
21 she thought was upsetting or potentially  
22 inappropriate?

23 A. Nothing comes to mind right now  
24 as I sit here. I don't recall a specific --  
25 may -- you know, she may have had a bad day.

1 You know, something may -- I don't -- and we  
2 may have spoken about it. I don't know.

3 Q. Okay. So it's possible you had a  
4 conversation with Ms. Bennett where she was  
5 upset it sounds like?

6 A. Yes. Nothing -- no mention of  
7 anything related to sexual harassment or  
8 anything harassment, anything other than just  
9 a bad day, you know, in the office.

10 Q. Okay. And from your  
11 observations, what did you take away or how  
12 would you describe Ms. Bennett's relationship  
13 with the governor?

14 A. My -- that it was positive.  
15 That -- that, you know, they worked together  
16 well.

17 Q. Okay. And did you ever speak to  
18 the governor about his -- any of his  
19 interactions with Ms. Bennett?

20 A. No, not that I recall.

21 Q. Okay. And how about anyone else  
22 in the chamber about the relationship or any  
23 notable interactions between Ms. Bennett and  
24 the governor?

25 A. I don't -- it's possible as she

1 was, you know, staffing him day to day that I  
2 may have had a conversation with -- about  
3 something that may have happened that day, but  
4 nothing that I recall.

5 Q. Okay. What was your relationship  
6 with Ms. Bennett? How would you describe it?

7 A. Collegial, friendly. I walked  
8 past her every day when I would walk into the  
9 office -- to my office. You know, nice -- we  
10 talked -- I remember talking about Harry  
11 Potter, and, like -- you know, we were  
12 collegial.

13 Q. Did you ever observe the governor  
14 asking her to sing in the office? Does that  
15 ring any bells?

16 A. No. I don't have a recollection  
17 of that.

18 Q. All right. If we go to Tab 8.

19 A. 8?

20 Q. 8, yeah. So this looks like a  
21 long text chain. I'll direct you in a minute.  
22 But it looks like a text chain between you and  
23 Ms. Walsh in August of 2019.

24 Do you see that?

25 A. Yes.

1 Q. Okay. And then if you go to -146  
2 is at the bottom?

3 A. Okay.

4 Q. And do you see at the bottom, it  
5 looks like -- it looks like -- you tell me.  
6 It looks like maybe Ms. Walsh says -- it  
7 says "no sender information available."

8 It says:

9 "Charlotte cried a lot with me  
10 today, and I think I shouldn't have told  
11 Jill."

12 Do you see that?

13 A. Yes.

14 Q. And it looks like underneath you  
15 say, "Why was she crying?" Do you see that?

16 A. Yes.

17 Q. And if you actually go to Tab 9,  
18 just to get the complete picture here, it  
19 looks like another chain between you and  
20 Ms. Walsh.

21 Do you see that from -- on the  
22 next day --

23 A. Yes.

24 Q. -- August 7, 2019?

25 And then it looks like you ask at

1 the bottom of -178, "So what happened with  
2 Charlotte?" Do you see that?

3 A. Yes.

4 Q. And, again, it says: "No sender  
5 information available." It says:

6 "OMG Charlotte was a nightmare  
7 enough. Told way too many people, and I  
8 need to quit and move."

9 And you say, "I'll pretend you  
10 never said anything."

11 Do you see that?

12 A. Yes, I see that.

13 Q. Okay. Do you recall this  
14 exchange or series of exchanges with  
15 Ms. Walsh?

16 A. No, I do not.

17 Q. Okay. Do you recall any instance  
18 of Ms. Bennett coming to you crying about  
19 something that had happened at work or  
20 otherwise?

21 A. I don't have a specific  
22 recollection of it.

23 Q. Okay. Any recollection of  
24 Ms. Walsh telling you about Ms. Bennett coming  
25 to her and crying about an incident at work?

1           A.     No.  I mean, I see the text  
2 messages, but no, I don't have a recollection  
3 of it.

4           Q.     Okay.  Do you recall Ms. --  
5 learning -- before Ms. Bennett left, her  
6 expressing that she wanted to quit at some  
7 point prior to her actually leaving?

8           A.     Am I -- I'm sorry.  Am I aware --  
9 could you repeat the question?

10          Q.     Yeah, sure.  Do you recall  
11 learning from Ms. Bennett or anyone else --  
12 Ms. Walsh, anyone -- that Ms. Bennett was  
13 considering quitting the chamber at any point  
14 prior to when she actually left?

15          A.     Not that I recall.

16          Q.     Okay.  And how about  
17 conversations with Mr. Walsh where the two of  
18 you were discussing whether you wanted to quit  
19 the chamber.

20                   Do you recall discussions like  
21 that?

22          A.     I'm sure they -- yes -- I mean, I  
23 don't recall -- it happened many times.

24          Q.     Okay.  And what -- can you  
25 describe those conversations, and, kind of,

1 the context why they would happen often?

2 A. Because -- I mean, it was just  
3 something that we said. Frankly, when, like,  
4 we were -- didn't want to work or we didn't  
5 want something to happen that, you know, was  
6 going to be difficult to deal with or -- it  
7 was just something, you know, that we said.

8 Q. You and Ms. Walsh?

9 A. Yeah.

10 Q. All right. Now, when did you  
11 first become aware of the public allegations  
12 by Ms. Bennett relating to the governor?

13 A. In the New York Times story about  
14 it.

15 Q. Okay. And do you recall  
16 discussing the allegations of Ms. Bennett with  
17 anyone who is either presently employed by the  
18 chamber or formerly?

19 A. Yes.

20 Q. Okay. And who do you recall  
21 having those conversations with?

22 A. I had a conversation with Jill I  
23 think, just about the general -- you know, I  
24 called her that night because her name was in  
25 the press and in the stories. And she's

1 obviously very close friend of mine, as we've  
2 discussed.

3 And I knew that, you know, she --  
4 she's someone who does not like her name out  
5 there in public, period. She's a very private  
6 person. So having her name in the press is  
7 going to be an upsetting thing.

8 So I spoke to her about that -- I  
9 wanted to, you know, make sure she was okay.  
10 And, you know -- and that was the base of the  
11 conversation.

12 Q. And did Ms. DesRosiers, in that  
13 conversation, discuss one way or the other  
14 whether she was previously aware of  
15 Ms. Bennett's allegations before the New York  
16 Times article?

17 A. I don't -- I believe so, but I  
18 don't recall the specifics of it. I think,  
19 you know -- yeah. I don't recall the specific  
20 conversation.

21 Q. Okay.

22 A. You know, what was said exactly.

23 Q. All right. And if we go to  
24 Tab 22. Do you see this is a text chain  
25 between you and Ms. Dani Lever?

1 A. Yes.

2 Q. Okay. And who is Dani Lever?

3 A. She is the former colleague of  
4 mine, former communications director for the  
5 governor.

6 Q. Okay. And she texts you on  
7 February 24. Do you see that?

8 A. Yes.

9 Q. And you recall that this is a few  
10 days before Ms. Bennett's allegations were  
11 published in the New York Times?

12 A. I don't.

13 Q. Okay. If you go to Tab 21, you  
14 see the -- you recognize this as the article  
15 that Ms. Bennett's allegations were first  
16 published?

17 A. Yes.

18 Q. Okay. And you see that the first  
19 publication date there is February 27, 2021?

20 A. Yes.

21 Q. Okay. And then you recall  
22 Ms. Boylan's Medium article came around --  
23 came out around February 24?

24 A. Yes.

25 Q. Okay. And so why don't you just

1 describe what you recall about this  
2 exchange --

3 A. Yeah --

4 Q. -- yeah.

5 A. This jogs my memory. So I  
6 believe that Lindsey Boylan had tweeted  
7 something, and Charlotte Bennett had either  
8 retweeted it or said something similar or --  
9 you know, I wasn't sure -- you know, basically  
10 supporting Lindsey, essentially.

11 Q. Ms. Bennett was?

12 A. Ms. Bennett was. It -- my  
13 recollection of that, and that I liked the  
14 tweet. Why, you know -- then I remember Dani  
15 saying this -- call me. We -- I don't  
16 think -- we may have spoke on the phone. But  
17 I don't recall exactly. But, yeah, she said,  
18 "Was that on purpose? Can you unlike it?"  
19 And I unliked it.

20 Q. Okay. Why did you like the tweet  
21 in the -- in the first place, Ms. Bennett's  
22 tweet?

23 A. I don't know. I don't -- I don't  
24 even know what it was exactly so it's hard to  
25 say. I don't know.

1 Q. Okay. Do you recall the tweet  
2 being Ms. Bennett's sum and substance saying  
3 that, if anyone wanted to know what it was  
4 like to work in the executive chamber, they  
5 should read Ms. Boylan's Medium article?

6 A. I don't know, sorry.

7 Q. Okay. And then Ms. Lever, she  
8 was not working as communications director  
9 otherwise for -- the executive chamber at this  
10 point. Right?

11 A. I believe so. Yes.

12 Q. You believe she was --

13 A. I believe she was not working at  
14 the executive chamber. Sorry.

15 Q. And do you understand why she was  
16 asking you to unlike the -- unlike  
17 Ms. Bennett's tweet?

18 A. Did I have an understanding of  
19 why she --

20 Q. Yeah, why was she asking you to  
21 do that?

22 A. I think that -- yes, I took it as  
23 that she asked me to unlike it because  
24 it -- you know, as a former, you know, senior  
25 Cuomo staffer, it could -- you know, people

1 would -- people could have said, thought  
2 something about it that I don't -- you know,  
3 that maybe wasn't intended or who knows and  
4 that, you know, to just -- it -- you know, if  
5 I could not.

6 Q. Okay. And why did you end up  
7 unliking Ms. Bennett's tweet?

8 A. Again, you know, it goes back to  
9 what we were talking about earlier with the  
10 phone calls. I didn't want to, you know -- I  
11 didn't want to rub -- I didn't want to be  
12 against -- I didn't want to, kind of, have an  
13 issue similar to what we discussed earlier.

14 Q. Okay. And that was -- you didn't  
15 want to get ostracized by it --

16 A. Yeah, I didn't want to -- I  
17 wanted to -- yes, I -- you know. I wanted  
18 to keep -- yeah, yeah.

19 Q. Okay. You wanted to keep what?

20 A. I wanted to keep my relationships  
21 with people that I, you know, many -- some of  
22 them loved and worked closely with and am  
23 friends with, were friends with.

24 Q. Okay. Did that include keeping  
25 your relationship with the governor as well?

1 A. Yes.

2 Q. Okay. All right. All right.

3 And just to be clear, because I think the  
4 transcript got a little garbled, I think you  
5 said you didn't want to be ostracized by the  
6 executive chamber if you didn't unlike the  
7 tweet.

8 Is that fair?

9 A. Yeah. I mean -- what I mean by  
10 that is the -- the Cuomo world. It's that  
11 same universe, the Cuomo land, call it.

12 Q. Okay. And then if you go to --  
13 so we saw the -- the article with  
14 Ms. Bennett's allegations came out on  
15 February 27.

16 Do you recall that we just saw  
17 that?

18 A. Yes.

19 Q. Okay. And if we go to Tab 23, do  
20 you recall sending a message to Ms. Bennett  
21 that day?

22 A. Yes.

23 Q. Okay. And was that via Twitter  
24 or some other format?

25 A. Via Twitter.

1 Q. Okay. And do you recognize that  
2 Tab 23 is the message that you sent to  
3 Ms. Bennett?

4 A. Yes.

5 Q. Okay. So you said:

6 "Hi Charlotte, I'm so sorry that  
7 you had that experience."

8 You were referring to the  
9 experience she described in the New York Times  
10 article?

11 A. I was -- yes, the article.

12 Q. Okay.

13 "No one should be treated that  
14 way."

15 And I'm assuming you're  
16 referring, again, to the way she described  
17 being treated in --

18 A. The allegations, yes.

19 Q. Okay.

20 "I support you and proud of you  
21 for standing up for yourself. I always  
22 thought and still do think that you're  
23 incredibly smart and hard-working and  
24 were a great employee" --

25 A. Colleague.

1 Q. "Great colleague," sorry.

2 "I always remember when I walked  
3 past your desk you always had a smile  
4 on. You were such a bright spot in such  
5 a difficult environment."

6 What did you mean by "such a  
7 difficult environment"?

8 A. It was a high-stakes,  
9 high-stress, you know, very slim margin for  
10 error environment.

11 Q. Okay.

12 "It made a difference to me when  
13 I was having a very difficult time. And  
14 I always appreciated."

15 What did you mean by "when you  
16 were having a difficult time"?

17 A. I mean that I was going through a  
18 personal thing, a hard time. I wasn't, you  
19 know -- and -- yeah. And I -- and I was still  
20 working and I, you know, was -- was, you know,  
21 not happy.

22 Q. Okay. And then you say:

23 "I'm so sorry that you have to go  
24 through this. I support you. I believe  
25 you. And I am so, so upset and

1           disappointed that you were treated this  
2           way."

3                   Do you see that?

4           A.     Yes.

5           Q.     Okay. And so did you believe  
6           Ms. Bennett's allegations when you saw them in  
7           the New York Times article?

8           A.     I believed that she was -- I  
9           believe that she has no reason to not tell the  
10          truth in this circumstance. And I -- the fact  
11          that it was written and the fact that it was  
12          published and all of that, there had to have  
13          been some type of weight to it.

14                   It had to be some -- you know,  
15          something -- someone had to vetted it. I  
16          would -- I thought, to some degree. And it  
17          was an emotional reaction. I -- you know, it  
18          was -- I'm not sure what time it exactly was,  
19          but I remember it being very shortly after I  
20          read the story.

21                   And I, as I said, consider  
22          Charlotte a friend. I thought she was a great  
23          colleague. And I was very upset to read that.

24          Q.     Okay. And do you still believe  
25          her allegations?

1           A.     I -- I still believe that she has  
2 no reason to lie. I don't know. I wasn't  
3 there. And, you know, I think that the  
4 governor has said publicly that, you know,  
5 these aren't true and, you know, that facts  
6 will come out and we'll read it. And I would  
7 like to see what that says -- what the facts  
8 are.

9           Q.     Okay. And if you go to the next  
10 tab, 24. Do you recognize that as  
11 Ms. Bennett's response to your message on the  
12 27th, and then you responded as well?

13          A.     Yes.

14          Q.     Okay. So do you recall -- if you  
15 go to Tab 26 -- having a call a couple of days  
16 later with Ms. Benton, Stephanie Benton?

17          A.     Yes.

18          Q.     Okay. And do you recognize  
19 Tab 26 as notes you took of that call?

20          A.     Yes.

21          Q.     And where did you take these  
22 notes?

23          A.     On my iPhone. In the Notes app.

24          Q.     Okay. In the Notes app?

25          A.     Yeah.

1 Q. Okay. And I think you say at the  
2 end -- you took these notes about 45 minutes  
3 after -- after the call?

4 A. Yes.

5 Q. Okay. And so you had the call  
6 and then typed it up later in your Notes app,  
7 about 45 minutes after the call?

8 A. Yeah, approximately.

9 Q. Okay. And --

10 A. I think that I -- I either had  
11 gone -- I had something else to do at 2:30 or  
12 3 o'clock, and I was -- you know, from my work  
13 life. And when that was done, I went back and  
14 wrote it down.

15 Q. Okay. And just looking at this,  
16 does this accurately reflect your call with  
17 Ms. Benton that day?

18 A. Yes.

19 Q. So do you -- so at -- at the top,  
20 after you say:

21 "Call lasted 11 minutes, she  
22 called me at two, I called her back at  
23 2:23."

24 So Ms. Benton was the one who  
25 initiated phone contact that day. Is that

1 your rec- --

2 A. Yes.

3 Q. Okay. And so just going off of  
4 the notes, Ms. Benton asked you how you were  
5 doing, what you'd thought. Was that in  
6 relation to the article containing  
7 Ms. Bennett's allegations?

8 A. Yes.

9 Q. All right. And you said you were  
10 in shock and surprised. "Haven't seen him" --  
11 that being the governor. Is that right?

12 A. Yes.

13 Q. (Reading):

14 -- "use that language, use the  
15 language from Charlotte's story, that  
16 language with anyone before."

17 And then you say:

18 "I was sad, disappointed, in  
19 shock. She" --

20 Ms. Benton?

21 A. Yes.

22 Q. (Reading):

23 -- "asked me whether others --  
24 what others were hearing and saying. I  
25 told her it's bad, and that people are



1                   The "he" being the governor?

2           A.     Yes.

3           Q.     Okay.  And then when you said, "I  
4 believe Charlotte," same reason you described  
5 earlier, you had no reason to think that  
6 Ms. Bennett would lie about her allegations  
7 and not tell the truth?

8           A.     Right.

9           Q.     Okay.  All right.  And at the  
10 bottom here, Ms. Benton -- this is the last  
11 partial paragraph before it goes on to the  
12 next page.

13          A.     Okay.

14          Q.     (Reading):

15                    "She then asked me if I had  
16 spoken to [REDACTED] I said I hadn't,  
17 only texted a few weeks ago."

18                   Who is [REDACTED]?

19          A.     [REDACTED]

20          Q.     [REDACTED] sorry.

21          A.     She was -- she is the [REDACTED]  
22 [REDACTED].  She is a very close friend of mine,  
23 former colleague, and, you know, friend of  
24 Stephanie's also.

25          Q.     Okay.  And then there's a

1 reference to [REDACTED]

2 [REDACTED] Do you see that?

3 A. Yes.

4 Q. Okay. And then was  
5 the -- Ms. Benton asking -- did -- did you  
6 have an understanding of why she was asking  
7 you whether you had spoken to [REDACTED]

8 A. Yes.

9 Q. And what was that --

10 A. [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q. Okay. So it didn't have anything  
14 to do with Ms. Benton's allegations?

15 A. Right.

16 Q. Okay. Okay. All right. And  
17 just one other comment, just going back to  
18 that first paragraph when you said:

19 "I said he was the smartest  
20 person I had met. How could he be that  
21 stupid?"

22 What did you mean by that?

23 A. I meant -- I meant that he is, I  
24 believe, an incredibly smart person, brilliant  
25 person who is focused and cares about his

1 career. And I couldn't believe that that --  
2 as the story was written, he could have  
3 behaved like that.

4 Q. The governor?

5 A. Yes.

6 Q. Okay. And then -- so you said:

7 "I also said that again I had to  
8 participate in one investigation."

9 Is that reference to the Joseph  
10 Percoco investigation?

11 A. Yes.

12 Q. All right.

13 "And I want nothing to do with  
14 this one."

15 What did you mean by that?

16 A. I meant that I went -- I had to  
17 go through that process in the Percoco trial,  
18 as we discussed, and that it was a very  
19 painful experience for me, and  
20 that -- something that left, you know, a mark  
21 and took a long time for me to get past.

22 And I was very concerned  
23 about -- I didn't know anything about what I  
24 had read. I didn't know anything about any  
25 other allegations. And I wanted to be as -- I

1 didn't want to have anything -- I don't want  
2 -- I didn't want to have to be in a room like  
3 this.

4 Q. Okay. And did you have the  
5 same -- you described a couple of times  
6 earlier that, you know, you had a fear of  
7 being ostracized by Cuomo land, I think is how  
8 you last described it.

9 Did you have the same fear, that  
10 if you participated in this investigation,  
11 that you could potentially be ostracized by  
12 the executive chamber and the Cuomo land as  
13 you described it?

14 A. No. There was -- it wasn't  
15 really -- I -- I don't know. It's hard -- I  
16 don't know if there was a -- it's hard to say.  
17 I -- I believe yes, that it, you know, that  
18 could have been there. But I don't know.

19 It wasn't -- it wasn't really  
20 about that. It was more about I was -- I was,  
21 am disgusted by the allegations. And, you  
22 know, don't want to -- don't know anything  
23 about it.

24 Q. Okay. Okay. And did you have  
25 any conversations with anyone at the executive

1 chamber about voluntarily participating in  
2 interviews or any other cooperation with this  
3 investigation?

4 A. No.

5 Q. And to your knowledge, did anyone  
6 at the executive chamber know that you're  
7 sitting down for an interview today?

8 A. I have no idea.

9 MR. MUKHI: So why don't we go  
10 off the record for a minute.

11 MR. BROCHIN: Okay.

12 THE VIDEOGRAPHER: The time is  
13 11:57 a.m. This concludes Media 2. Off  
14 the record.

15 (Recess taken from 11:57 a.m. to  
16 12:16 p.m.)

17 THE VIDEOGRAPHER: The time is  
18 12:16 p.m. This begins Media 3. On the  
19 record.

20 BY MR. MUKHI

21 Q. Okay. Ms. -- sorry -- Mr. Ball,  
22 did you see allegations that came out about an  
23 incident involving the governor and a woman at  
24 the wedding of Gareth Rhodes?

25 A. I saw the reports, yes.

1 Q. Okay. Did you have any -- did  
2 you attend Mr. Rhodes' wedding?

3 A. Yes.

4 Q. Okay. Did you -- you recall that  
5 the woman who made the allegations, her name  
6 was Anna Ruch. Do you recall that?

7 A. It sounds right but I don't.

8 Q. Okay. Did you observe the  
9 governor interacting with Ms. Ruch at -- at  
10 Mr. Rhodes' wedding?

11 A. No.

12 Q. Okay. Do you recall observing  
13 anything similar to what was described in the  
14 article that came out, that Mr. Cuomo had  
15 insisted on kissing Ms. Ruch, in sum and  
16 substance?

17 A. No, I had no -- I didn't see it.  
18 I have no knowledge of it.

19 Q. Okay. So no firsthand knowledge  
20 of those allegations?

21 A. Correct.

22 Q. Did you discuss those allegations  
23 about that incident at Mr. Rhodes' wedding  
24 with anyone at the executive chamber or  
25 formerly at the executive chamber?

1           A.     I think I spoke briefly to Gareth  
2 Rhodes about it.  Again, you know, it was  
3 about him.  He's a good friend of mine.

4           Q.     Okay.  And what do you recall  
5 about that conversation with Mr. Rhodes?

6           A.     He was upset and he was trying  
7 to, you know -- he was, like, just confused.  
8 It was just -- just say he was in a hard spot.

9           Q.     Any other conversations you  
10 recall with anyone who worked at the chamber,  
11 formerly with the chamber about that  
12 allegation at Mr. Rhodes' wedding?

13          A.     No.

14          Q.     Okay.  Do you know Karen Hinton?

15          A.     Yes.

16          Q.     How do you know Karen Hinton?

17          A.     She is Mario de Blasio's former  
18 press secretary.  She also is Howard Glaser,  
19 who used to be the governor's director of  
20 state operations, his wife.  And that's how I  
21 know her.

22          Q.     Okay.  And do you recall  
23 Ms. Hinton making allegations that ultimately  
24 came out publicly?

25          A.     I -- just what I saw on the

1 press.

2 Q. In the press, okay. And did you  
3 discuss Ms. Hinton's allegations with anyone?

4 A. No, not that I recall.

5 Q. Okay. If you go to Tab 28.  
6 Looks like -- is that your e-mail address at  
7 the top?

8 A. Yes.

9 Q. After your name? Okay. And it  
10 looks -- is this a draft e-mail that was not  
11 sent? Do you know?

12 A. I have no idea.

13 Q. Okay. So it says "How is Karen  
14 Hinton doing? [REDACTED]." Do you see  
15 that?

16 A. Yes.

17 Q. Do you recall drafting an e-mail  
18 like this?

19 A. I don't. But I recall  
20 being -- [REDACTED] [REDACTED]  
21 [REDACTED]

22 [REDACTED]

23 Q. Okay.

24 A. And I -- I don't know but I --  
25 you know --

1 Q. Okay.

2 A. But I -- I don't know when this  
3 was from or ...

4 Q. Okay. So you don't recall  
5 what -- did -- any recollection of this  
6 relating to her allegations?

7 A. No.

8 Q. Okay. Okay. All right. Do you  
9 know someone named Ana Liss?

10 A. Ana Liss? Yes.

11 Q. Okay. And did you become aware  
12 of Ms. Liss' allegations at any point?

13 A. When I read them in the media.

14 Q. Okay. And did you speak to  
15 anyone at the chamber about Ms. Liss'  
16 allegations?

17 A. No, not that I recall.

18 Q. Okay. Any firsthand with -- I  
19 should just cover with Ms. Hinton. Any  
20 firsthand knowledge of her allegations --

21 A. No.

22 Q. -- that you read about?  
23 Any firsthand knowledge of  
24 Ms. Liss' allegations that you read about?

25 A. No.

1 Q. Okay. And do you recall that at  
2 a later point in March 2021, that there was an  
3 anonymous complainant who alleged in a -- in a  
4 Times Union article that the governor had  
5 groped her at the executive mansion?

6 A. I remember the story, yes.

7 Q. Okay. And how did you become  
8 aware of the story? Do you recall?

9 A. No, I don't recall.

10 Q. Okay. And if you go to -- well,  
11 you -- you can -- just to refresh you, if  
12 you -- if you go to Tab 29, do you recognize  
13 this as the Times Union article where a female  
14 aide to the governor alleges he aggressively  
15 groped her in a sexually charged manner?

16 A. Yes.

17 Q. Okay. And you see the date, if  
18 you look at the first page, it's March 10,  
19 2021?

20 A. Yes.

21 Q. Okay. And if you go to the next  
22 tab, Tab 30, you see that this is -- looks  
23 like notes of a call with Jill  
24 DesRosiers --

25 A. Yes.

1 Q. -- on March 10, that same day?

2 Okay. Is that right?

3 A. That's what it looks like, yeah.

4 Q. Okay. And same as the -- the  
5 last piece of notes we saw from your  
6 conversations with Ms. Benton, you took these  
7 in your iPhone Notes --

8 A. Yes.

9 Q. -- app? Okay. And let me just  
10 ask you: Why did you decide to take notes of  
11 the prior conversation with Ms. Benton and  
12 then this conversation with Ms. DesRosiers,  
13 which we'll get into?

14 A. It's not a practice I normally  
15 take. I was aware, obviously, of the news  
16 reports and that there would be an  
17 investigation.

18 And I wanted to be sure that  
19 there was a record -- I wanted to know so I  
20 could tell -- what happened, if I had a  
21 conversation at that time, I wanted to be sure  
22 about it.

23 Q. Okay. Okay. So -- all right.  
24 And so just go through, and just looking  
25 through the notes, that accurately reflect

1 your phone call with Ms. DesRosiers on  
2 March 10 of this year?

3 A. I believe so, yes.

4 Q. Okay. So there's -- it looks  
5 like you guys discussed both Ms. DesRosiers'  
6 [REDACTED] as well as the situation  
7 you described earlier with [REDACTED]?

8 A. Yes.

9 Q. Okay. And then after that, it  
10 looks like after -- it's about ten lines down,  
11 it starts, "We then both said how awful the  
12 situation is."

13 Do you see that?

14 A. Yes.

15 Q. Okay.

16 "And I told her that I threw up  
17 after reading yesterday's Times Union  
18 story."

19 Do you see that?

20 A. Yes.

21 Q. Was that referring to the Times  
22 Union story that we just --

23 A. I believe so, yes.

24 Q. Okay. And did you literally  
25 throw up when you read the story or --

1 A. No, figuratively.

2 Q. Figuratively, okay. And what was  
3 upsetting about reading that article?

4 A. The entire thing.

5 Q. The allegations that --

6 A. Yeah.

7 Q. Okay. And it's -- you said: "We  
8 both said we don't know who that person is."

9 Is that person the anonymous  
10 complainant?

11 A. Yes.

12 Q. Okay. And at any subsequent  
13 point, did you learn who the anonymous  
14 complainant was?

15 A. No. I still do not know.

16 Q. Okay. All right. And then it  
17 says:

18 "I asked her if she had gotten a  
19 lawyer."

20 Is that -- you asked  
21 Ms. DesRosiers if she had gotten a lawyer?

22 A. Yes.

23 Q. Okay. And:

24 "She said yes and that she was  
25 fighting with 'them.' (I understood

1           that to mean" -- "AMC" is Andrew Cuomo?

2           A.     Yes.

3           Q.     Melissa DeRosa and Linda

4   Lacewell.  Is that right?

5           A.     Yes.

6           Q.     (Reading):

7                     "To get them to pay for her legal

8           fees.  I told her I thought [REDACTED] had

9           the same fight during Morland, and I

10          think they ended up paying for hers.  He

11          told -- I told her I thought it was a

12          good" -- it looks like there's a word

13          missing -- "she got her own attorney."

14                     Do you see that?

15          A.     Yes.

16          Q.     Okay.  Why did you tell

17   Ms. DesRosiers you thought it was a good idea

18   she got her own attorney?

19                 A.     As I -- we discussed earlier, I

20   was involved in the previous Joseph Percoco

21   trial.  I had legal representation provided by

22   the executive chamber.

23                     They did a fantastic job and were

24   great with me, but it is -- it was clear that

25   they were serving two masters, to use an

1 expression, and that they were the executive  
2 chamber's lawyer also and my lawyer.

3 So they -- you know, and those  
4 competing -- there weren't, but potentially  
5 there could be a situation where -- and I  
6 wanted to make sure she was getting the best  
7 protection for herself in terms of, you know,  
8 lawyer -- when I mean "protection," I mean,  
9 you know, she's taking care of herself.

10 Q. Okay. And then you said in these  
11 notes:

12 "I said to her that I assumed he  
13 has told you what to say to 'them.'"

14 What did you mean by that?

15 A. How to -- I -- I assumed her  
16 lawyer told her how to deal with, you know --  
17 you know -- the -- the "them" being the  
18 chamber -- how to talk to them, what she  
19 should say, what she should not say, those  
20 kind of things.

21 Q. Okay.

22 A. If she should talk to them at  
23 all, I have no -- you know, whatever lawyers  
24 say.

25 Q. Okay. So when you say "I said to

1 her that I assumed he has told you what to say  
2 with them," the "he" is her -- Ms. DesRosiers'  
3 attorney?

4 A. Yes.

5 Q. Okay. Okay. And then just  
6 the -- the last full sentence on this page,  
7 you said:

8 "I told her that she will have  
9 her chance to tell her story. She  
10 should tell the truth, and that it would  
11 come out in the investigation."

12 Do you see that?

13 A. Yes.

14 Q. Okay. And what did you -- was  
15 there a discussion with Ms. DesRosiers that  
16 what was being reported in -- at least with  
17 respect to her, was inaccurate in some way?

18 A. I don't recall specifically but I  
19 think that she was -- she thought that she did  
20 what she was supposed to do and handled it  
21 appropriately and thought that Charlotte  
22 and -- was -- was okay, like, wasn't, you  
23 know -- obviously it wasn't a -- whatever.

24 And I meant that you should tell  
25 what happened, factually what happened. What,

1 you know, when did she tell you, all the --  
2 you know, I didn't get it -- say that, but I  
3 said -- when I say "tell your story," I mean  
4 you can tell what happened, and that it would  
5 come out.

6 You're -- there's an  
7 investigation being done and that you guys  
8 will find the truth and, you know, we'll go  
9 from there.

10 Q. Okay. All right. Do you recall  
11 previously telling us that, whether in this  
12 conversation or another with Ms. DesRosiers,  
13 that she had to be careful because the chamber  
14 might "screw her" if they could in connection  
15 with the investigation?

16 A. It sounds like -- similar to  
17 the -- why I thought she should get her own  
18 attorney.

19 Q. Okay. And -- and what did you  
20 mean by that?

21 A. That -- that -- that they might  
22 not have her best interest in mind every, you  
23 know, every chance they get.

24 Q. Okay. And you recall telling us  
25 that you told Ms. DesRosiers that the governor

1 was going to protect himself, and if there was  
2 anyone that could be offered as a sacrificial  
3 lamb, the governor would do so?

4 A. I don't recall saying that, but  
5 it's, you know, sounds like something I would  
6 have -- could have said.

7 Q. To Ms. DesRosiers?

8 A. Yes.

9 Q. Okay. All right. So you recall  
10 we -- just going back, you told us that you  
11 discussed **Kaitlin** with Ms. DeRosa.

12 Do you recall that, in the  
13 December 2020 timeframe?

14 A. Okay.

15 Q. You recall discussions with  
16 Ms. DeRosa about a nickname that the governor  
17 had for **Kaitlin** those conversations?

18 A. Sponge.

19 Q. Okay. And what -- what do you  
20 recall about the conversations with Ms. DeRosa  
21 about the Sponge nickname in that timeframe?

22 A. I believe that when she  
23 had -- you know, we were talking about the  
24 people in, you know, that conversation. And  
25 Kaitlin **█** came up, and I believe I said,

1 "Oh, Sponge."

2 And she was like -- what -- she  
3 had no -- she didn't remember, didn't know.  
4 And I explained that that was a nickname, that  
5 that was her nickname around the office.

6 Q. Okay. And was that a nickname  
7 that the governor had given her? Do you  
8 recall?

9 A. I believe so, yes.

10 Q. Okay. And did you ever observe  
11 any interactions that you recall between  
12 **Kaitlin** and the governor that stand out in  
13 your mind?

14 A. No.

15 Q. Okay. Okay. And did you --  
16 turning to another subject, did you read  
17 about, when they became public, allegations by  
18 Ms. Alyssa McGrath?

19 A. Yes.

20 Q. Okay. And when you were at the  
21 chamber with Ms. McGrath, did you have  
22 occasion to observe her interactions with the  
23 governor?

24 A. No, not that I recall.

25 Q. Okay. Okay. Did you ever hear

1 about or recall observing any interactions  
2 between Ms. McGrath and the governor that you  
3 thought were inappropriate in the workplace?

4 A. No, I don't have a recollection  
5 of them ever --

6 Q. Interacting?

7 A. Interacting.

8 Q. Okay. Okay. Other than the --  
9 the ones we've gone through just now, are you  
10 aware of any other potential or actual  
11 allegations of sexual harassment against the  
12 governor?

13 A. No. Just what's been reported.

14 Q. Okay. All right. So I want to  
15 take a step back and just ask you: How would  
16 you describe the -- generally the -- the work  
17 culture at the executive chamber? You've, I  
18 think, touched on this, but just to ask you  
19 more directly.

20 A. It was a hardworking place where  
21 we were results-oriented and mission-driven.  
22 And we worked hard. And it -- you know, you  
23 -- it was expected to work hard, and there was  
24 pressure to deliver.

25 Q. And we saw the tweets by

1 Ms. Boylan and some of the allegations in the  
2 newspaper articles. Would you agree that, at  
3 times, to the description that the work  
4 environment at the chamber was a toxic work  
5 environment?

6 A. I don't know if I would accept  
7 the characterization of toxic, but I think  
8 that it was a challenging work environment for  
9 sure.

10 Q. And how would you describe the  
11 governor's management style?

12 A. Hands-on.

13 Q. And in what ways was the governor  
14 hands-on?

15 A. He had no problem diving into the  
16 details on a specific issue, on a specific  
17 project and, you know, would literally --  
18 would pay attention to all of those things and  
19 keep track of all of them.

20 Q. And did you ever observe the  
21 governor treating senior staff in a way that  
22 you thought was inappropriate in any way?

23 A. I thought that he was very hard  
24 on us at times.

25 Q. In which ways was the governor

1 hard at times?

2 A. I think that there were  
3 certain -- there could -- I don't recall  
4 exactly -- right? -- there were a lot of  
5 conversations and, you know, meetings.

6 But situations where we couldn't  
7 do -- it was all we -- we did the best we  
8 could, or it was, you know, things like --  
9 that were out of our control, that were  
10 obviously frustrating or a problem or  
11 something that had to be dealt with that, you  
12 know, we couldn't -- just that type of, you  
13 know, stuff that you constantly had to be on  
14 top of your game, and that if you weren't, you  
15 know, he would let you know.

16 Q. And generally how did the senior  
17 staff treat each other and the more junior  
18 staffers? Were they also hard on other people  
19 who worked within the chamber?

20 A. It was a very collegial  
21 environment. That being said, as I've said,  
22 it was incredibly high pressure and high  
23 stakes, and I think that people reacted with  
24 their emotions at times and -- yeah.

25 Q. Okay. Do you recall ever

1 personally yelling at another senior staff  
2 member or a junior staffer when you worked  
3 there?

4 A. I don't have any specific  
5 recollection of it but it's possible.

6 Q. Do you ever recall cursing at  
7 other staff?

8 A. I don't -- not at someone like  
9 that, no.

10 Q. Okay. And do you recall anyone  
11 else ever cursing at staff members?

12 A. It's possible but I don't -- I  
13 don't recall it.

14 Q. Do you recall any jokes being  
15 made by the governor of a sexual nature?

16 A. Not -- no, not sexual.

17 Q. Any jokes by the governor that  
18 you thought were inappropriate in any way that  
19 you recall?

20 A. No.

21 Q. Anything you observed in the  
22 workplace that you would characterize as  
23 bullying or abusive behavior by staff to other  
24 staff members?

25 A. Not specifically. But I think

1 that there was a culture of getting it done  
2 regardless of what it took in terms of, like,  
3 you know, pushing. Everyone was pushing each  
4 other. And it all rolled, you know, uphill,  
5 downhill.

6 Q. And how would you describe your  
7 own relationship with the governor?

8 A. A good one.

9 Q. How often -- and I know it  
10 probably changed over time but, you know, how  
11 often would you interact with the governor  
12 during that last few years when you were  
13 secretary --

14 A. Regularly.

15 Q. Okay. On a daily basis?

16 A. For the most part.

17 Q. Okay. And what was the general  
18 context, was it one-on-one meetings, group  
19 meetings, or just traveling together?

20 A. All of the above.

21 Q. And did you socialize together  
22 outside of work?

23 A. Yes.

24 Q. Okay. In what context would you  
25 socialize with the governor?

1           A.       We've had -- we had dinner. You  
2 know, we've -- he's -- we've come to drinks.  
3 We've had drinks together. Well, he doesn't  
4 drink but I drink. Things like that. Yeah.  
5 I went on his boat, took me on a boat one  
6 time.

7           Q.       Okay. And do you recall you told  
8 us previously that sometimes he'd engage in  
9 what you described as man-to-man locker room  
10 talk with the governor?

11          A.       Yes.

12          Q.       Okay. And what do you recall  
13 about those locker room talk conversations  
14 with the governor?

15          A.       That -- just that, you know, I  
16 would talk about my personal life. I would,  
17 you know, we would talk about just things  
18 that, like, you know, things that were going  
19 on, relationships that I had, dates. And  
20 that, you know, that was really -- that was  
21 it.

22          Q.       Okay. And you recall telling us  
23 about one conversation you had with the  
24 governor about a relationship not going well,  
25 and the governor making a joke in response?



1 governor?

2 A. No.

3 Q. Anyone else that was around,  
4 besides you and the governor, when you engaged  
5 in what you described as locker room talk?

6 A. I don't know. I mean, locker  
7 room talk, I don't -- you know, I don't know  
8 what that means exactly. But, no, there was  
9 no one else around when we were having  
10 personal conversations.

11 Q. Okay. I think you -- my  
12 rec- -- or what I understand is that you had  
13 used the phrase "locker room talk."

14 Did -- what do you understand  
15 that phrase to mean?

16 A. I understand it to mean  
17 that -- how men talk to each other in private,  
18 in the locker room.

19 Q. Okay. And that includes, you  
20 know, conversations of a sexual nature?

21 A. Potentially, yeah.

22 Q. Okay. And other than what you  
23 just described, any other specific  
24 conversations that you recall that fall within  
25 your understanding or definition of "locker

1 room talk" with the governor?

2 A. No, not that I recall.

3 Q. Okay. And do you ever recall  
4 hearing about the governor having similar  
5 conversations with anyone else who worked for  
6 the executive chamber?

7 A. No. Well, I know that he had  
8 personal con- -- you know, he knew about  
9 people's lives. He knew about -- but I don't  
10 recall anything -- I don't know of anything of  
11 what we talked about previously.

12 Q. Okay. And so is it fair to say  
13 from time to time you had conversations with  
14 the governor about your personal romantic  
15 relationships? Is that --

16 A. Infrequently but it happened.

17 Q. Okay. And did the governor ever  
18 share with you anything about his own personal  
19 relationships?

20 A. No.

21 Q. You recall any other times, other  
22 than the one where you described, where the  
23 governor asked you about your sex life?

24 A. Not that I recall.

25 Q. Okay. You recall the governor

1 ever making jokes about the sex lives of you  
2 or anyone else who worked for the executive  
3 chamber?

4 A. No, not that I recall, not  
5 the -- no jokes about people's sex lives.

6 Q. Any other comments about the sex  
7 lives of people who worked at the executive  
8 chamber?

9 A. No, not that I recall.

10 Q. Do you recall the governor  
11 commenting about you and **Senior Staffer #4** about  
12 being potential good -- or being romantically  
13 compatible?

14 A. Yes.

15 Q. And what do you recall about  
16 that?

17 A. That **SS #4** and I were very -- were  
18 good friends, are good friends. We got along  
19 really well, and it was just, like, a, you  
20 know, a fun joke that, kind of, we played and  
21 we all played together on.

22 Q. Okay. And that was a joke that  
23 the governor made on occasion?

24 A. It was something that  
25 every -- you know, we all made.

1 Q. Including the governor?

2 A. I believe so, yeah.

3 Q. Okay. And do you -- did that  
4 make you feel uncomfortable in any way?

5 A. No.

6 Q. And do you know whether it made  
7 **Senior Staffer #4** feel uncomfortable in any way?

8 A. I don't believe it did.

9 Q. And why not?

10 A. She never expressed that she  
11 didn't want to take part in it. She never  
12 said, you know, "stop." It wasn't, like, an  
13 issue.

14 Q. Did you ever talk to **Senior Staffer #4**  
15 about it?

16 A. Not that I recall. But I'm sure,  
17 you know, we made -- yeah, I'm sure we talked  
18 about -- not -- I don't recall a specific  
19 conversation about it.

20 Q. You don't recall a specific  
21 conversation with her where she said that she  
22 was comfortable with those types of comments.  
23 Is that fair?

24 A. Fair. I don't remember a  
25 conversation saying, you know, that she was

1 comfortable or that she wasn't comfortable.  
2 She just was -- we were all participating in  
3 it and had -- seemed to be having a good time  
4 and, you know, all in good fun.

5 Q. Do you recall the governor ever  
6 joking about the size of his hands in front of  
7 other people?

8 A. Not that I recall.

9 Q. Do you recall the governor ever  
10 commenting on someone's physical appearance in  
11 your presence?

12 A. No, not that I recall. I mean,  
13 he would make comments, like, about my shoes  
14 but --

15 Q. Anything -- anything else?

16 A. Not really.

17 Q. Do you recall the governor asking  
18 about someone's relationship status in your  
19 presence?

20 A. Not that I recall.

21 Q. Okay. Do you ever recall the  
22 governor, from your observations -- we asked,  
23 I think, about a couple of folks, Ms. Bennett  
24 and Ms. Boylan.

25 But now more broadly, do you

1 recall ever observing, you know, what you  
2 considered to be flirting between the governor  
3 and a member of the executive chamber staff or  
4 another state employee?

5 A. No, I don't -- no, I wouldn't  
6 characterize it as flirting, no.

7 Q. Okay. How about -- did you ever  
8 see the governor touching anyone in the  
9 workplace setting or otherwise where you  
10 thought it was inappropriate?

11 A. No.

12 Q. Did you ever see the governor  
13 curse at anyone?

14 A. I believe so, yes.

15 Q. Okay. And what sort of context  
16 did you see the governor curse at someone?

17 A. It's -- I don't remember  
18 specifically, but, you know, he's a human  
19 being just like all of us, and we all -- you  
20 know, many of us -- I'll speak for myself, I  
21 curse in conversation at times and, you  
22 know...

23 Q. Do you recall ever observing the  
24 governor threatening anyone?

25 A. No.

1 Q. Have you ever seen the governor  
2 throw something at someone?

3 A. No.

4 Q. An object?

5 A. I mean, I played catch with him.  
6 Like -- I mean, if you --

7 Q. Well, not in a way that the other  
8 person was expecting. Out of anger?

9 A. Correct. I have not seen that.

10 Q. Okay. Okay. Are you recall of  
11 hearing about -- do you recall hearing about  
12 another staff member sitting on the governor's  
13 lap, a female staff member?

14 A. Yes.

15 Q. Okay. And why don't you tell us  
16 what you recall about that.

17 A. I recall a conversation I had  
18 with **Senior Staffer #3** where she said that she  
19 sat on -- ended up sitting on the governor's  
20 lap for a brief moment at the Super Bowl  
21 party. And I remember her being incredibly  
22 embarrassed about it.

23 Q. Okay. And were you at the Super  
24 Bowl party that she described?

25 A. No.

1 Q. Okay. And SS #3 called you  
2 after the event and described what --

3 A. I believe we spoke the next  
4 morning.

5 Q. Okay.

6 A. I'm not sure if it was a phone  
7 call or in person.

8 Q. Okay. And why don't you  
9 describe, to the best of your recollection,  
10 what you recall about that conversation.

11 A. We were -- I had asked how the  
12 party went. You know, she said it went well,  
13 you know, we talked about, kind of, what --  
14 who was there, what, kind of, was going on.  
15 And it was nothing really memorable.

16 And then she said that she ended  
17 up somehow, I don't recall exactly how, but  
18 she was sitting on the governor's lap. And  
19 she was upset about it. And she was  
20 con- -- worried, kind of, who saw. If  
21 anyone -- if there was -- if I had heard  
22 anything about it, like that kind of thing.

23 Q. Okay. And do you recall what she  
24 said about why she was upset about that  
25 circumstance?

1           A.     I think it -- you know, I think  
2 she was upset that her colleagues saw her in  
3 that position. And I think it was just an  
4 embarrassing -- you know, she was just  
5 embarrassed in general by it. But I  
6 don't -- I don't know.

7           Q.     Okay. Did you recall discussing  
8 that, that incident involving with **SS #3**  
9 with anyone besides **Senior Staffer #3**

10          A.     Not that I recall.

11          Q.     Okay. So you didn't discuss it  
12 with the governor?

13          A.     No.

14          Q.     Okay. Do you recall talking to  
15 **Senior Staffer #3** about this incident, whether she was  
16 afraid that Ms. DeRosa would be upset by the  
17 incident?

18          A.     I think so.

19          Q.     Okay. What do you recall about  
20 that?

21          A.     I think that it was part of the  
22 whole thing of, you know, embarrassment of,  
23 you know, was she going to have -- was it a  
24 problem, you know, that kind of thing.

25          Q.     Okay.

1           A.     And was Melissa going to be mad  
2 at her, did some -- you know, that kind of  
3 thing.

4           Q.     And at that point, Ms. DeRosa was  
5 senior to Ms. DeRosa -- strike that.

6                     Ms. DeRosa was senior to  
7 **Senior Staffer #3** in the executive chamber?

8           A.     Yes.

9           Q.     And **SS #3** reported up to  
10 Ms. DeRosa ultimately?

11          A.     Ultimately. Everyone reported up  
12 to her.

13          Q.     Okay. In -- do you recall  
14 hearing about another incident when  
15 someone -- when the governor was laying his  
16 head in someone else's lap, another member of  
17 the executive chamber?

18          A.     No, I don't recall that.

19          Q.     You don't recall hearing  
20 something about the governor and **Senior Staffer #1**  
21 lying in a couch together in New York City?

22          A.     Vaguely.

23          Q.     Okay. What do you recall about  
24 that?

25          A.     That that was -- there were

1 rumors, you know, things were -- anything was  
2 out there. And that was something that I  
3 think -- I don't know who, but  
4 someone -- somehow it got started and it was,  
5 you know, something that was out there.

6 Q. Okay. And did you ever talk to  
7 **Senior Staffer #1** about it that you recall?

8 A. Not that specifically.

9 Q. Anything more generally about the  
10 relationship between the governor and

11 **Senior Staffer #1**

12 A. Yes.

13 Q. Okay. And when was that  
14 conversation or conversations, and what do you  
15 recall?

16 A. I don't recall the exact date,  
17 sometime in 2018, '17, '18, I think. But I  
18 remember **Senior Staffer #1** calling me. I was home and  
19 she asked to meet me for a drink. So I did.  
20 I lived -- you know, I was close by to where  
21 she was.

22 And we talked, and she said --  
23 she asked me, you know, is there, you know,  
24 "Is there a rumor out there about me?"

25 And I said, "Yes."

1                   And she said, "What?" And I told  
2 her what the rumor was. And she vehemently  
3 denied it and was upset and discussed that.

4                   Q.       And the rumor, was it the  
5 specific rumor related to the governor and  
6 **Senior Staffer #1** lying on a -- in a couch together  
7 or --

8                   A.       Yes. That they were having a  
9 relationship.

10                  Q.       Okay. And do you recall  
11 discussing that rumor with **Senior Staffer #1** again  
12 once the allegations started coming out in  
13 December 2020 by Ms. Boylan and others?

14                  A.       No.

15                  Q.       Were you aware of any other  
16 rumors of a romantic relationship between the  
17 governor and any other members of the  
18 executive chamber staff?

19                  A.       No.

20                  Q.       Are you aware of any instances  
21 where the governor decided to hire a woman  
22 after meeting her at an event?

23                  A.       I don't -- well, do -- can you  
24 repeat the question? I want to --

25                  Q.       Yeah, sure.

1           So what I'm trying to get at, do  
2 you recall any instances where the governor  
3 went to an event, met a woman, and then came  
4 back and said, "We should hire her"?

5           A.     I don't recall specifically. But  
6 meeting people at events that he found  
7 impressive or people that worked in state  
8 agencies that he thought were doing a good  
9 job, he would -- it wouldn't be surprising for  
10 him to try and bring someone to the executive  
11 chamber after meeting them and talking to them  
12 to at least see if they could, you know,  
13 could -- it would work out, if they could run  
14 at that speed, for lack of a better term.

15          Q.     Okay. All right. Any instances  
16 where you thought that the governor wanted to  
17 hire a woman that he met because of, you know,  
18 at an event because of her looks?

19          A.     No.

20          Q.     So why don't you describe how you  
21 ultimately -- turning to another  
22 subject -- you ultimately decided to leave the  
23 executive chamber and that thought process and  
24 how it actually played out.

25          A.     So I worked at the chamber for a

1 long time, obviously, and had a great  
2 experience. I started to think about leaving  
3 around the time of the Joe Percoco trial.  
4 That, again, as I've said, was really  
5 difficult for me.

6           And I wasn't sure if I wanted to  
7 work in politics anymore or -- I didn't know  
8 what I wanted to do -- right? -- so I was, you  
9 know, thinking about, should I go back to  
10 school? You know, should I -- can I work at  
11 another agency?

12           Should I just go into the private  
13 sector? Like, what -- you know -- and so then  
14 ultimately, you know, the election was -- we  
15 were up to 2018 -- right? -- because they  
16 didn't, the trial didn't finish, I think,  
17 until 2018, early.

18           And then we were in an election  
19 year and, you know, it wasn't -- it wouldn't  
20 be right, it wasn't right to leave in an  
21 election year. And I felt like I had a  
22 responsibility and a commit- -- I made a  
23 commitment to the governor and also to the  
24 rest of the team.

25           And I thought that it wouldn't be

1 appropriate to leave right before, you know, a  
2 very important year.

3           So then the election happened  
4 and, you know, as we were getting towards the  
5 November election date, I, you know, started  
6 to really think about where -- what I wanted  
7 to do, should I go work at -- and I had, kind  
8 of -- I knew I wanted to stay in public  
9 service at that point.

10           It's still something I'm very  
11 passionate about and I believe in. So I  
12 wanted to see if there was another avenue that  
13 I could, you know, pursue that career. And  
14 so, you know, I started talking to folks and,  
15 you know, trying to figure it out.

16           And ultimately it didn't work  
17 out, and I went to the private sector. And I  
18 left because I was tired, I was burnt out, you  
19 know, it was a lot. I was working 24/7 for  
20 almost ten years in a row, barely taking  
21 vacation.

22           So I was -- I just needed to -- a  
23 break. I needed to not be doing this for some  
24 time.

25           Q.     Okay. And do you recall telling

1 us that after Mr. Percoco's trial, that your  
2 relationship with the governor changed?

3 A. I think that throughout the  
4 course of my time in the -- my time  
5 with -- our relationship changed.

6 Q. Okay. And do you recall  
7 describing to us that the Percoco trial was  
8 one turning point in your relationship with  
9 the governor?

10 A. I believe so -- it's  
11 possible -- yeah, so -- sure.

12 Q. And that the governor started  
13 being rude to you, and saying things like,  
14 "Joe Percoco did your job better, Joe did your  
15 job better"?

16 A. Yes.

17 Q. Okay. And do you recall telling  
18 us that you were offended by those comments?

19 A. Yes, I was offended by that.

20 Q. Okay. And that after the trial,  
21 that the rude comments from the governor kept  
22 intensifying. Do you remember telling us  
23 that?

24 A. Yes.

25 Q. Okay. And what else besides "Joe

1 did your job better" do you recall  
2 specifically about comments from the governor  
3 that offended you and were intensifying?

4 A. It wasn't really specific  
5 comments. It was just a constant -- I could  
6 never do enough. I could never, you know -- I  
7 could never -- it was never enough. And, you  
8 know, it was just -- it came across in  
9 every -- in many different ways, and I didn't  
10 enjoy that obviously.

11 Q. Okay. And do you recall the  
12 governor told us, on at least one occasion,  
13 called you [REDACTED]. Do you recall that?

14 A. I told -- I don't -- it's  
15 possible. I don't --

16 Q. Do you recall the governor  
17 calling --

18 A. Not specifically but it's  
19 possible.

20 Q. Okay. Do you recall any  
21 particular insulting language that the  
22 governor used towards you besides "Joe did  
23 your job better"?

24 A. It was, like, [REDACTED]  
25 [REDACTED], you know, things like -- just things

1 like that. Like, you know, silly-type phrases  
2 that were clearly, you know -- I don't want to  
3 say a dig, but like a dig.

4 Q. And [REDACTED], what --

5 A. Like, [REDACTED]  
6 [REDACTED] you know.

7 Q. Anything else that you recall  
8 that you -- you know, insulting language used  
9 by the governor directed towards you?

10 A. No. It was never really personal  
11 in the sense of, like, personal attacks. It  
12 was just about things that were happening.

13 Q. So you didn't consider comments  
14 like "[REDACTED]" and "[REDACTED]"  
15 to be personal attacks, just about what was  
16 happening?

17 A. Sometimes. But for the most  
18 part, yeah, it was just his reaction to  
19 something that, you know, again, was out of my  
20 control and was just a reaction that I  
21 didn't -- I don't think he believes that I'm  
22 [REDACTED].

23 I don't think he believes that  
24 [REDACTED] I know him  
25 well enough to know what -- you know, what it

1 was.

2 Q. Okay. Anything else you recall  
3 besides [REDACTED] and [REDACTED]?

4 A. Just things like that.

5 Q. Did you --

6 MR. MUKHI: I think we're at  
7 1 o'clock. Did we want to go off the  
8 record for a couple of minutes?

9 MR. BROCHIN: Sure.

10 THE VIDEOGRAPHER: The time now  
11 is 1:02 p.m. This concludes Media 3.  
12 Off the record.

13 (Recess taken from 1:02 p.m. to  
14 1:12 p.m.)

15 THE VIDEOGRAPHER: The time now  
16 is 1:12 p.m. This begins Media 5. On  
17 the record.

18 BY MR. MUKHI:

19 Q. Mr. Ball, other than what we were  
20 just discussing, do you recall any other  
21 instances of the governor making fun of you or  
22 making you the butt of any jokes?

23 A. Not that I recall.

24 Q. Okay. Do you ever recall the  
25 governor asking you to perform in any way for

1 others?

2 A. What do you mean by "perform"? I  
3 don't --

4 Q. Well, you told us previously that  
5 the governor sometimes asked you to sing at  
6 the office. Do you recall that?

7 A. Yeah, like, things like that,  
8 yeah.

9 Q. Okay. What do you -- you also  
10 said that you were often used by the governor  
11 as a "court jester" is I think the term you  
12 used?

13 A. I don't recall that term. But I  
14 think that in situations where levity could  
15 have been used, I think that I was a good foil  
16 for that.

17 Q. What examples of that do you  
18 recall?

19 A. Like, we took a trip to Puerto  
20 Rico -- it might have been the trip that  
21 you -- we looked at the itinerary before. But  
22 I was kind of outlining the day of events and,  
23 you know, who would be going where, what it  
24 all would look like, where -- all that stuff.

25 And then -- and, you know, at

1 some point the governor yelled out, like, oh,  
2 you know, like, say -- you know, tell -- "Say  
3 the names as they really are," because I was  
4 butchering some pronunciations of some towns  
5 and words.

6 And, you know, I was like, "No, I  
7 don't want to do that."

8 And he was, like, "Come on, do  
9 it." And I did it. And it -- you know, it  
10 was fine. But that's an example -- that was  
11 an example of the type of thing. But it  
12 wasn't -- you know, those situations didn't  
13 really -- I wasn't offended by it.

14 Q. Okay. And do you recall ever  
15 observing the governor making others, besides  
16 yourself, you know, perform in the ways you  
17 just described?

18 A. No. Never making anyone.

19 Q. Okay. Do you recall telling us  
20 that, on occasion, that if the governor got  
21 upset at you for a particular reason, that he  
22 wouldn't speak to you for a period of time?

23 A. I don't recall the specific  
24 conversation, but I think that -- yeah, if  
25 things -- if something happened that we would

1 go a couple days or, you know, a week or two  
2 without talking, you know, about -- unless it  
3 was things that we had to talk about to get  
4 business done.

5 Q. Okay. So do you recall occasions  
6 when the governor was upset with you and would  
7 stop talking to you in --

8 A. Yes.

9 Q. -- large part?

10 Okay. And for what types of  
11 reasons would the governor stop talking to  
12 you?

13 A. You know, he wasn't happy with  
14 how things were going on the team -- where,  
15 you know, something had happened. Or, you  
16 know -- things that -- again, like, things  
17 that just happened that we couldn't control.  
18 Or things that -- you know, if a mistake was  
19 made, or, you know, if something went wrong at  
20 an event.

21 If somebody didn't -- you know,  
22 if -- you know, things like that. Just things  
23 that -- you know, varying degrees depending on  
24 what it was.

25 Q. Okay. And how long would these

1 periods last when the governor was upset and  
2 he wouldn't speak to you?

3 A. It's hard to -- you know, it  
4 wasn't -- it was infrequent, so it was, you  
5 know -- it wasn't too long ever.

6 Q. Okay. Now, do you recall the  
7 phrase "Mean Girls" being used at the  
8 executive chamber?

9 A. Yes.

10 Q. Okay. And who did that refer to?

11 A. It referred to group of -- like,  
12 Melissa DeRosa, Stephanie Benton, Dani Lever,  
13 and Annabel Walsh -- and Jill DesRosiers  
14 sometimes.

15 Q. Okay. And what was the  
16 origination of --

17 A. There was -- they were -- those  
18 people -- and I, kind of, was in and out  
19 depending on the events of the day in that  
20 group, so to speak. But I think it was  
21 about -- because it was a group of women who  
22 were very senior, and who were -- who stuck  
23 close. They were stuck together.

24 And, you know, I think it's  
25 just -- it's like -- it was like

1 that -- almost like the movie Mean Girls,  
2 where it was, like, a group of girls. It was  
3 just something silly like that, I think.

4 Q. Okay. And were you ever part of  
5 the group that was referred to as the "Mean  
6 Girls"? Do you know?

7 A. I was in it -- as I said, I was,  
8 kind of, tangentially -- I was there on the  
9 perimeter because I had good relationships  
10 with many of them individually. And we  
11 all -- I had to work with them very closely  
12 too. So it kind of was in and out.

13 Q. Okay. And do you ever recall  
14 referring to Melissa DeRosa as Regina George  
15 who's one of the characters from that movie?

16 A. It sounds like something I could  
17 have said.

18 Q. And Ms. DeRosa ever refer to  
19 herself that way that you recall?

20 A. Yes.

21 Q. Okay. And did you ever tell the  
22 governor that Ms. DeRosa and the others you  
23 described -- including yourself tangentially,  
24 you said -- were the quote, "Mean Girls," at  
25 the chamber?

1 A. He was aware of it.

2 Q. And how do you know he was aware  
3 of it?

4 A. Because he -- I remember at  
5 events where -- like, staff parties or  
6 something -- where, you know, he would see  
7 them -- it became a thing -- all  
8 right? -- like, he would see them all standing  
9 together or us sometimes talking together just  
10 with ourselves.

11 And he wanted it to -- you know,  
12 you guys should be out talking to other -- you  
13 know, talk to everybody. And you can't -- you  
14 know, you can't just hang out with each other.

15 Q. And in that context he used that  
16 phrase, the "Mean Girls"?

17 A. Yes, I think so.

18 Q. Okay. So I want to get back to  
19 the process for leaving the executive chamber.

20 Before we get back to your  
21 individual experience, generally what was the  
22 process for -- if someone, especially in the  
23 senior staff, wanted to leave the executive  
24 chamber?

25 A. Every situation I think was

1 different, frankly. And I think that it  
2 varied depending on what the person wanted to  
3 do next.

4 And, you know, if they wanted  
5 to -- just, it all -- everyone kind of did  
6 their own thing in that sense.

7 Everyone -- you know, there wasn't really a  
8 policy.

9 Q. Okay. Did -- whether formally or  
10 informally, did executive -- any executive  
11 chamber employees have to seek permission to  
12 leave the executive chamber and go to another  
13 agency, for example?

14 A. Yeah. I mean -- I don't know  
15 about permission, but yes. They would have  
16 to, kind of, coordinate it with their boss and  
17 that, you know -- yeah.

18 Q. Okay. And are you aware of any  
19 instances where the executive chamber  
20 prevented someone from leaving the chamber to  
21 go to another job offer at another state  
22 agency?

23 A. Yes.

24 Q. And what instances do you recall?

25 A. Myself.

1 Q. And what do you recall about  
2 that?

3 A. I -- as we discussed, around the  
4 time of the campaign, I was starting to think  
5 about other agencies I wanted to go to if  
6 I -- you know, I didn't want to leave public  
7 service, but I knew I needed -- I  
8 couldn't -- I needed a break from the  
9 executive chamber.

10 So I talked to Melissa and Jill  
11 and the governor to some degree about the MTA,  
12 going to the MTA. You know, it was obviously  
13 right around the time of the summer of hell,  
14 and, you know, they still have tremendous  
15 challenges there, and I wanted to try and help  
16 improve them and work on them.

17 Everyone was supportive. You  
18 know, I spent time going and meeting with Pat  
19 Foye who was the chair and CEO. We, kind of,  
20 talked about what I would -- what I would work  
21 on, how I would be working with him, how he  
22 want -- you know, what I could do.

23 And -- yeah. And then we -- it,  
24 kind of -- it was supposed to happen. I  
25 thought, you know, it was going to work out,

1 and it didn't.

2 Q. Okay. And why didn't it work  
3 out?

4 A. It was my understanding that, you  
5 know, Melissa, the governor, they didn't -- if  
6 I was going to working there -- right? -- they  
7 wanted me to be working in the chamber still  
8 with them.

9 Q. Okay. And did they -- what if  
10 anything was your understanding that  
11 Ms. DeRosa, focusing on her, did to prevent  
12 your new position from working out?

13 A. I think that she -- I mean, I  
14 don't know, but I'm sure it just -- you know,  
15 she called Pat Foye and said, "It's not going  
16 to happen. He's not going to the MTA." But I  
17 don't know definitely.

18 Q. Okay. Why do you have that  
19 understanding or belief?

20 A. I don't know why else it wouldn't  
21 have happened.

22 Q. Okay. And how about -- did you  
23 have an understanding of what the governor  
24 did, if anything, to prevent you from getting  
25 the position?

1           A.     I don't know -- I don't know what  
2 his specific actions were, no.

3           Q.     Okay. And this was around 2018  
4 you said?

5           A.     2018 going into 2019.

6           Q.     Okay. And do you recall telling  
7 us that the governor was upset that you had  
8 tried to leave around that timeframe?

9           A.     I don't recall saying that  
10 but ...

11          Q.     Do you recall the governor being  
12 upset that you had tried to secure another  
13 position?

14          A.     I think he -- not in that -- he  
15 was upset when I -- that I wanted to leave.  
16 And he did not want me to -- he wanted me to  
17 continue working with him.

18          Q.     This was around the same  
19 timeframe?

20          A.     Yeah.

21          Q.     End of '18, early '19?

22          A.     Yeah.

23          Q.     All right. And did you ever have  
24 a conversation with the governor about that  
25 position that you wanted to switch over to at

1 the MTA?

2 A. Not a specific conversation about  
3 it, no.

4 Q. And do you recall Ms. DeRosa at  
5 any point trying to help you get the position  
6 at the MTA, telling you she was trying?

7 A. Yes.

8 Q. Okay. And did you believe her?

9 A. I did, yes.

10 Q. Okay. And then -- but at a later  
11 point you came to believe that she told  
12 Mr. Foye that you shouldn't be hired?

13 A. I -- yes, I shouldn't -- yes.

14 Q. Okay. And what do you recall  
15 about Ms. DeRosa saying that she was trying to  
16 help you?

17 A. I recall when I was having these  
18 conversations about -- you know, I wanted to  
19 leave, and what I -- different agencies, and  
20 what I wanted to do that -- you know, we  
21 talked about the MTA.

22 She supported the idea. She told  
23 me she supported the idea. And she told  
24 me -- you know, she was like, "Yes, go call  
25 Pat. Go and set up the meeting. Go talk to

1 him."

2 Q. Okay. And then at what point did  
3 it change in your mind that you had an  
4 understanding that she was not helping you and  
5 actively --

6 A. A couple of weeks later.

7 Q. Okay. And your understanding was  
8 that Mr. Foye wanted -- thought you were  
9 qualified and wanted to hire you?

10 A. Yes.

11 Q. And how did you get that  
12 understanding?

13 A. We had talked about a salary  
14 position, you know -- and, you know, talking  
15 about HR is going reach out to you. They're  
16 going to -- this is going to happen. So that  
17 kind of thing.

18 Q. Okay. So the discussions went  
19 far along with Mr. Foye?

20 A. Yes.

21 Q. Okay. And do you recall  
22 Ms. DeRosa trying to help you find other  
23 positions, besides the MTA, a position with  
24 another state agency?

25 A. No, I don't.

1 Q. Okay. Now, you said with  
2 Ms. DeRosa when you left the chamber, I think  
3 phrase you said -- you were on "okay" terms  
4 with her. Is that --

5 A. Yes.

6 Q. Okay. And why was it just okay  
7 with Ms. DeRosa as opposed to being on good  
8 terms?

9 A. I was not happy about not going  
10 to work at the MTA. And I -- you know, I felt  
11 that.

12 Q. And did you express that to her  
13 at various points?

14 A. Yes.

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

17 A. Just that, you know, I was not  
18 happy with how I was being treated by her.

19 Q. And in particular in preventing  
20 you from working at the MTA?

21 A. Yes.

22 Q. Did she deny or acknowledge that  
23 she had been involved in preventing you from  
24 getting that job?

25 A. Yes and no.

1 Q. Okay. So what do you mean by  
2 that?

3 A. I mean that -- you know, in the  
4 conversation, it was like, "Yes. I know we  
5 talked about this. I know this was supposed  
6 to happen. I know, but, you know, it's not --  
7 I can't -- it's not happening." That type of  
8 thing.

9 Q. Okay.

10 A. So I -- that -- yeah.

11 Q. Okay. So she didn't directly  
12 admit that she --

13 A. Correct.

14 Q. -- prevented you?

15 A. Correct. It was not like "I  
16 called Pat." She did not say, "I picked up  
17 the phone and called Pat and said he cannot  
18 hire you." She did not say that directly.

19 Q. Okay. But she didn't deny doing  
20 something like that?

21 A. Correct. Not that I recall.

22 Q. Okay. And your belief is she did  
23 do something like that?

24 A. Yes.

25 Q. And that's why you were upset at

1 the time?

2 A. Yes.

3 Q. Okay. And did those  
4 conversations get heated with Ms. DeRosa about  
5 that issue and the MTA?

6 A. It's possible.

7 Q. Okay. And do you recall  
8 Ms. DeRosa ever saying to you that she  
9 wouldn't -- she would no longer talk to you  
10 outside of the presence of a lawyer?

11 A. No, I do not recall that -- her  
12 ever saying that. We decided at a certain  
13 point that we were not going to speak to each  
14 other. And we both agreed that we, you know,  
15 weren't going to do it.

16 Q. Okay. And when was this  
17 approximately?

18 A. Around that same time.

19 Q. 2019 --

20 A. Yeah.

21 Q. -- period?

22 A. Yeah.

23 Q. Okay. And do you recall  
24 Ms. DeRosa ever raising your conduct with  
25 anyone else at the chamber based on these

1 interactions you were having with her at the  
2 time?

3 A. No. I remember that she was  
4 gaslighting me in the sense that  
5 telling -- you know, she was saying on one  
6 hand, "Yes, this happened." But then she  
7 would go and say, "This never happened. What  
8 are you talking about," type thing.

9 And that, I remember being very  
10 upset and angry that she was -- again,  
11 gas- -- just making me feel like I was a crazy  
12 person for things she -- saying that  
13 conversations happened that she said never  
14 happened.

15 Q. Okay. Do you recall ever having  
16 a -- without getting into substance, ever  
17 having a conversation with Ms. Mogul, Judy  
18 Mogul, about issues that Ms. DeRosa had raised  
19 with Ms. Mogul involving yourself?

20 A. I'm not aware. I don't recall  
21 specifically. I know that Judy Mogul is  
22 someone that I talked to also about the  
23 situation.

24 Q. Okay. And were those -- were you  
25 seeking legal advice in those conversations

1 or?

2 A. I was seeking just advice.

3 Q. On how to deal with --

4 A. On how to deal with it. On, you  
5 know, what I should do. Yeah.

6 Q. Okay. And so you don't recall  
7 Ms. DeRosa going to Ms. Mogul to  
8 -- asking -- or at least being made known to  
9 you that Ms. Mogul was -- wanted to speak to  
10 you about your behavior in some way?

11 A. That's I -- I do not -- I'm not  
12 aware of that.

13 Q. Okay. How about Ms. DesRosiers  
14 in any way? Did she talk to you about the  
15 situation involving Ms. DeRosa or otherwise  
16 just any concerns about your conduct at the  
17 chamber?

18 A. We -- yes. She and I spoke about  
19 my relationship with Melissa.

20 Q. Okay.

21 A. And that -- we -- again, we  
22 agreed that it was not productive to speak  
23 anymore to each other.

24 Q. All right. Okay. Did you also  
25 speak to Alphonso David about the situation

1 involving Ms. DeRosa?

2 A. I believe so, yes.

3 Q. Okay. And what generally were  
4 your conversations? You know, what were  
5 you -- why don't we start with Ms. Mogul.

6 What were those conversations  
7 like at a high level?

8 A. Just, you know -- I was trying to  
9 under -- to figure out a way out. I was  
10 trying to figure out a way to leave, you know,  
11 for all the reasons we talked about. And I  
12 remember talking to her about it and  
13 expressing how I felt at that moment -- how I  
14 felt, how upset I was.

15 You know, how it was affecting me  
16 and [REDACTED] and [REDACTED].  
17 And, you know, that was the -- and, you know,  
18 what should I do, how should I -- you know,  
19 that kind of thing.

20 Q. And what did Ms. Mogul counsel  
21 you to do, if anything?

22 A. It was, you know, just -- it was  
23 really -- she was -- really comforted me and,  
24 you know, in the sense of, you know, just,  
25 kind of, talk to Jill, we'll figure it out.

1 You know, just -- just -- you know, I'm sorry.

2 It will work -- you know, that kind of stuff.

3 Q. Okay. And how about your  
4 conversations with Ms. DesRosiers about the  
5 situation?

6 A. She -- similar.

7 Q. And Mr. David, Alphonso David?

8 A. I don't recall specifically what  
9 we discussed.

10 Q. Okay.

11 A. But Alphonso was somebody that I  
12 trust and -- and, you know, went to him for --  
13 for career advice, you know, generally.

14 Q. Okay. Okay. At any point did  
15 you stop showing up to -- while you were at  
16 the chamber, before you left -- like, stopped  
17 doing your job or stopped showing up to work?

18 A. No. I -- I always did what I was  
19 expected of. I was always there. I did my  
20 job.

21 Q. Okay. And you described, you  
22 know, why you didn't leave on, it looks like,  
23 good terms with Ms. DeRosa when you left.

24 How were the terms when -- with  
25 the governor when you left the chamber in

1 2020?

2 A. Fine. You know, it wasn't warm  
3 and fuzzy goodbye, but it wasn't negative, it  
4 wasn't -- there wasn't anything, like,  
5 memorable about it.

6 Q. And why wasn't it a warm and  
7 fuzzy goodbye? Did it relate to the same  
8 situation with Ms. DeRosa or?

9 A. I believe so but I don't know.

10 Q. Okay. And have you spoken to the  
11 governor since you left in January of 2020?

12 A. I texted him happy birthday, and  
13 I texted him that I thought he did a good job  
14 after an interview. And he responded, "Thank  
15 you" and "Thanks." Something like that. That  
16 was it.

17 Q. Okay. And what was the -- the  
18 interview? Was it related to -- was it before  
19 or after the allegations?

20 A. Well before. Well before. I  
21 thought it was -- I believe it was the  
22 Howard -- when he went on Howard Stern.

23 Q. Okay.

24 A. But I'm not sure.

25 Q. And are those the only times

1 you've spoken or texted or communicated with  
2 the governor since you --

3 A. Yes.

4 Q. -- left? Okay. All right.

5 And when you left, did you have  
6 to sign any sort of NDA or separation  
7 agreement?

8 A. Not -- I -- I did not sign an  
9 NDA. If -- yeah -- I just for -- signed a  
10 resignation letter.

11 Q. Okay.

12 A. But ...

13 Q. Nothing that restricted what you  
14 could say to anyone else that you recall --

15 A. Correct.

16 Q. -- about your time in the  
17 chamber? Okay. Okay.

18 MR. MUKHI: All right. Why don't  
19 we go off the record for a few minutes.

20 THE VIDEOGRAPHER: The time is  
21 1:35 p.m. This concludes Media 4. Off  
22 the record.

23 (Recess taken from 1:35 p.m. to  
24 1:50 p.m.)

25 THE VIDEOGRAPHER: The time is

1 1:50 p.m. This begins Media 5. On the  
2 record.

3 BY MR. MUKHI:

4 Q. Okay. Mr. Ball, just a couple of  
5 questions. You recalled previously speaking  
6 to us about -- about a couple of events at the  
7 executive mansion that you either attended or  
8 heard about?

9 Do you recall that, speaking to  
10 us about that?

11 A. I think so, yes.

12 Q. Okay. So you said you recalled,  
13 when we spoke to you previously, that there  
14 was an incident in which **Senior Staffer #2** had had a  
15 few drinks and, therefore, could not drive  
16 home. And so she stayed overnight at the  
17 executive mansion.

18 Do you recall that?

19 A. I don't recall -- I recall her  
20 staying over and discussing. I'm not sure  
21 about the -- the part before.

22 Q. Okay. Do you -- what do you  
23 recall about **Senior Staffer #2** staying the night at  
24 the executive mansion?

25 A. I recall that we were there for,

1 you know, like, a -- something, dinner. It  
2 was, like, budget season, I believe.

3 Q. Okay.

4 A. And the budget was -- the last,  
5 like, week of the budget. And we had dinner,  
6 and it was a late night. And I think it was,  
7 you know, she maybe had one or two glasses of  
8 wine and was tired. It was late and, you  
9 know, she lived, like, [REDACTED].

10 So I think, you know, she had to  
11 be back down there early in the morning. So I  
12 think it was just, like -- and I stayed over  
13 also that night.

14 Q. Okay. And did you -- each you  
15 and **Senior Staffer #2** stay in rooms in the executive  
16 mansion overnight?

17 A. Yes.

18 Q. Okay. Okay. And then you recall  
19 describing an instance when you were at the  
20 executive mansion when you, [REDACTED] -- I'm  
21 sorry, [REDACTED], Ms. Benton, and Ms. Walsh  
22 jumped into the pool?

23 A. Yes.

24 Q. Okay. And was everyone clothed  
25 when that took place, that you and others

1 jumped into the pool?

2 A. Yes.

3 Q. Okay. And was the governor there  
4 on that occasion?

5 A. He was there earlier in the  
6 night, but I -- he had gone to bed, you know,  
7 previously, wasn't around.

8 Q. Okay. And had -- have you ever  
9 been to the executive mansion or heard about  
10 an incident at the executive mansion when  
11 anyone jumped into the pool either unclothed  
12 or partially unclothed?

13 A. Not that I recall.

14 Q. You don't recall hearing anything  
15 like that?

16 A. About -- no.

17 Q. Okay.

18 A. Just -- you know, just what we  
19 talked about, the fully clothed.

20 Q. Okay. And do you recall when the  
21 fully clothed incident took place,  
22 approximately?

23 A. I don't really, I'm sorry.  
24 Sometime in 2016, I would assume, 2016, 2017.  
25 But I don't.

1 Q. Okay. And do you remember the --  
2 the occasion for the gathering at the  
3 executive mansion, when that took place?

4 A. I don't.

5 Q. Okay. Was it -- do you recall  
6 whether it was a social event or a  
7 work-related --

8 A. I don't recall.

9 Q. Okay. All right. So I guess,  
10 you know, speaking to us a couple of times and  
11 today and knowing what our investigation is  
12 about, is there anything else you can think of  
13 that would potentially be relevant to the  
14 investigation as you understand it?

15 A. No. As I sit here today, no.

16 Q. Okay. Is there anything you  
17 would like to add to your prior answers today  
18 or wish to clarify before we wrap up?

19 A. No.

20 Q. Okay. If you would like, you can  
21 make any brief sworn statement on the record  
22 now if you wish to do so.

23 A. No, thank you.

24 Q. Okay. So we're going to conclude  
25 the examination. So, you know, remind you

1 that the obligations under the subpoenas are  
2 continuing.

3           So, for example, if you identify  
4 any more relevant documents, you should,  
5 through your counsel, let us know. If we need  
6 any follow-up, we will likewise contact you  
7 through your counsel.

8           And I would just -- I will remind  
9 you what we started at the outset, our  
10 investigation is confidential. So we would  
11 request that whatever you learn today through  
12 our questions or documents, that you keep it  
13 confidential.

14           If you have any questions about  
15 that or inquiries about that, you can let your  
16 counsel know who can reach out to us.

17           MR. MUKHI: Okay. Well, thank  
18 you very much for your time.

19           THE WITNESS: Thank you.

20           MR. BROCHIN: Thank you.

21           THE VIDEOGRAPHER: The time now  
22 is 1:55 p.m. This concludes Media 5 of  
23 5 of today's investigation. Off the  
24 record.

25           (Time noted: 1:55 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK )  
: ss.  
COUNTY OF NASSAU )

I, PATRICIA A. BIDONDE, a Notary  
Public within and for the State of New  
York, do hereby certify:

That ANDREW BALL, the witness  
whose deposition is hereinbefore set  
forth, was duly sworn by me, and that  
such deposition is a true record of the  
testimony given by the witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or marriage, and that I  
am in no way interested in the outcome  
of this matter.

IN WITNESS WHEREOF, I have  
hereunto set my hand this day,  
July 16, 2021.



PATRICIA A. BIDONDE  
Stenographer  
Registered Professional Reporter  
Realtime Certified Reporter