

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

HIGHLY CONFIDENTIAL

VIDEO RECORDED TESTIMONY OF CHRISTOPHER CUOMO

New York, New York

Thursday, July 15, 2021

Reported Stenographically By:
PATRICIA A. BIDONDE
Registered Professional Reporter
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July 15, 2021
9:03 a.m.

HIGHLY CONFIDENTIAL Video

Recorded Testimony of Christopher Cuomo,
held at the offices of Cleary, Gottlieb,
Steen & Hamilton LLP, One Liberty Plaza,
New York, New York, before Patricia A.
Bidonde, Stenographer, Registered
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State of New York, and Notary Public of
the State of Connecticut.

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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: JENNIFER KENNEDY PARK, ESQ.

212-225-2357

jkpark@cgsh.com

BY: JOON H. KIM, ESQ.

212-225-2950

jkim@cgsh.com

BY: ANDREW WEAVER, ESQ.

212-225-2354

aweaver@cgsh.com

BY: HYATT MUSTEFA, ESQ.

212-225-2628

hmustefa@cgsh.com

1 A P P E A R A N C E S (CONTINUED)

2 VLADECK, RASKIN & CLARK, P.C.

3 Special Deputy to the First Deputy Attorney

4 General to the State of New York

5 565 Fifth Avenue

6 New York, New York 10017

7 BY: ANNE L. CLARK, ESQ.

8 212-403-7300

9 aclark@vladeck.com

10

11 CLAYMAN & ROSENBERG LLP

12 Attorneys for Christopher Cuomo

13 305 Madison Avenue

14 Suite 650

15 New York, New York 10165

16 BY: CHARLES E. CLAYMAN, ESQ.

17 212-922-1080

18 clayman@clayro.com

19 BY: ISABELLE A. KIRSHNER, ESQ.

20 212-922-1080

21 kirshner@clayro.com

22

23 ALSO PRESENT:

24 CHRISTIAN BIDONDE, Videographer

25 HENESSY PINEDA, paralegal Clayman & Rosenberg

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P R O C E E D I N G S

THE VIDEOGRAPHER: We are on the record. This Begins Media 1. It's July 15, 2021. Audio and video recording will continue to take place until all parties agree to go off the record.

Please note that microphones are sensitive and may pick up whispering and private conversations.

This is the video testimony of Christopher Cuomo in the matter of Independent Investigation under New York State Executive Law 63(8).

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

My name is Chris Bidonde. I'm the legal video specialist on behalf of 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

1 interested in the outcome.

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

6 MS. KENNEDY PARK: Good morning.
7 I'm Jennifer Kennedy Park. I've been
8 appointed as a Special Deputy by the New
9 York Attorney General for purposes of
10 this matter, but normally I'm a partner
11 at the law firm Cleary, Gottlieb, Steen
12 & Hamilton.

13 MS. CLARK: I'm Anne Clark. I'm
14 with the law firm of Vladeck, Raskin &
15 Clark, but I'm here today also as a
16 Special Deputy.

17 MR. KIM: I'm Joon Kim, also a
18 partner at Cleary, Gottlieb, but for
19 today I'm a Special Deputy for the First
20 Deputy Attorney General, State of New
21 York.

22 MS. MUSTEFA: Good morning. I'm
23 Hyatt Mustefa. I'm an associate at
24 Cleary, Gottlieb. And today I'm serving
25 as special assistant to the special

1 deputy.

2 MS. KIRSHNER: Appearing on
3 behalf of Mr. Cuomo, Isabelle Kirshner,
4 of the law firm of Clayman & Rosenberg.

5 MR. CLAYMAN: Charles Clayman
6 representing Mr. Cuomo for Clayman &
7 Rosenberg.

8 MS. PINEDA: Hi, I'm Henessy
9 Pineda. I am a paralegal with Clayman &
10 Rosenberg.

11 - - -

12 C H R I S T O P H E R C U O M O, called as a
13 witness, having been duly sworn by a
14 Notary Public, was examined and
15 testified as follows:

16 EXAMINATION BY

17 MS. KENNEDY PARK:

18 Q. Mr. Cuomo, thank you for meeting
19 with us today. As I just mentioned, my name
20 is Jen Kennedy Park, and I've been appointed
21 as a Special Deputy to the First Deputy
22 Attorney General.

23 The New York Attorney General has
24 appointed the law firms of clearly -- Cleary,
25 Gottlieb, Steen & Hamilton and Vladeck, Raskin

1 & Clark to conduct an independent
2 investigation under New York Executive Law
3 Section 63(8) into allegations of sexual
4 harassment brought against Governor Andrew
5 Cuomo, as well as the surrounding
6 circumstances.

7 You're here today pursuant to a
8 subpoena issued in connection with that
9 investigation. We're being video recorded, as
10 you now know.

11 You're also under oath. That
12 means you must testify fully and truthfully
13 just as if you were in a court of law, sitting
14 before a judge and jury. Your testimony is
15 subject to the penalty of perjury.

16 Do you understand?

17 A. Yes.

18 Q. If you would like to make any
19 brief sworn statement, you have an opportunity
20 to do so at the conclusion of my examination
21 today, and I'll remind you and your counsel
22 about that.

23 Although this is a civil
24 investigation, the New York Attorney General's
25 office also has criminal enforcement powers.

1 You have the right to refuse to answer any
2 question I ask if answering the question would
3 incriminate you. However, any failure to
4 answer can be used against you in a court in a
5 civil proceeding.

6 Do you understand?

7 A. Yes.

8 Q. You are appearing today with your
9 attorneys present. This is not a civil
10 deposition, and so your attorneys will not be
11 objecting. If they have a privilege assertion
12 to make, they may do so, and then we will
13 discuss it.

14 We have a court reporter present,
15 as you can see. She needs to take down my
16 questions and your answers. And so we have a
17 clean record, just make sure you give verbal
18 answers.

19 Do you understand?

20 A. Yes.

21 Q. If at any time today you want to
22 clarify an answer that you've given me
23 previously, you should just let me know, and
24 we'll take an opportunity to do so. Okay?

25 A. Yes.

1 Q. If you don't understand a
2 question that I've asked, you should let me
3 know, and I'll try to ask a better question.
4 All right?

5 A. Okay.

6 Q. I'll be asking you today about
7 names and specific dates and other specific
8 information. Even if you don't remember a
9 specific name or a specific date, I'd ask you
10 to give me your best approximation. All
11 right?

12 A. Yes.

13 Q. If you need a break at any point,
14 you should just let me know. If I've asked a
15 question, I'll just ask that you answer it
16 before we take the break. All right?

17 A. Yes.

18 Q. Can you confirm that you're not
19 using any technology to make a recording of
20 today's proceedings?

21 A. Yes.

22 MS. KENNEDY PARK: Can your
23 counsel confirm that as well?

24 MS. KIRSHNER: Yes.

25 MS. KENNEDY PARK: Okay.

1 Q. And that, can you please confirm
2 that you aren't and will not communicate with
3 anyone in real time or during breaks about the
4 substance of your testimony?

5 A. Other than counsel?

6 Q. Other than counsel.

7 A. Yes.

8 MS. KENNEDY PARK: And, Counsel,
9 can you confirm that as well?

10 MS. KIRSHNER: Yes.

11 MS. KENNEDY PARK: Okay.

12 Q. Executive Law Section 63(8),
13 under which we're doing this investigation
14 is -- prohibits you and your counsel from
15 revealing the substance of your testimony or
16 the questions that we ask you to anyone else.
17 It makes it a misdemeanor to make those
18 disclosures.

19 Do you understand?

20 A. Yes.

21 Q. If anyone asks you to disclose
22 any such information, we ask that you let us
23 know. All right?

24 A. Okay.

25 Q. Are you taking any medication or

1 drugs that might make it difficult for you to
2 understand my questions today?

3 A. No.

4 Q. Have you had any alcohol today?

5 A. No.

6 Q. Okay. Is there any reason you
7 can't fully and truthfully answer my questions
8 today?

9 A. No.

10 Q. Okay. Can you please state your
11 full name, your date of birth, your current
12 home and business addresses?

13 A. Christopher Charles Mario Cuomo.

14 My date of birth is [REDACTED]. My

15 current home address is [REDACTED]

16 [REDACTED]

17 [REDACTED]. My business address would be CNN.

18 It is in -- currently in [REDACTED]

19 [REDACTED].

20 Q. Have you ever given testimony
21 before?

22 A. No.

23 Q. Okay. Does anyone else other
24 than your attorneys know that you're giving
25 testimony to us today?

1 A. Yes.

2 Q. Who?

3 A. My family.

4 Q. Who in your family?

5 A. My immediate family.

6 Q. Who in your immediate family?

7 A. Everyone.

8 Q. When you say "immediate family,"

9 who do you mean?

10 A. My wife, my siblings.

11 Q. Okay. When you say your

12 siblings, does that include Governor Cuomo?

13 A. Yes.

14 Q. And how did Governor Cuomo become

15 aware that you were giving testimony today?

16 A. I told him.

17 Q. Okay. When did you tell him?

18 A. When I was subpoenaed.

19 Q. Does that also include your

20 sister?

21 A. I have three sisters.

22 Q. Do all your sisters know that

23 you're giving testimony today?

24 A. Generally.

25 Q. What do you mean by "generally"?

1 A. They may not know it's exactly
2 today, but they knew that it was this week.

3 Q. Okay. Other than your sisters
4 and Governor Cuomo, who else knows that you're
5 giving testimony today?

6 A. Maybe my producer. I haven't
7 been clear about which day it was going to be,
8 just that this week I'd be --

9 Q. Okay. The producer at your
10 employer?

11 A. -- dealing with this. Yes.

12 Q. Okay. Anyone else?

13 A. Not that I'm aware of.

14 Q. Did anyone from the executive
15 chamber reach out to you after you informed
16 your brother that you were testifying before
17 us?

18 A. No.

19 Q. Did Melissa DeRosa reach out to
20 you at any point after you received our
21 subpoena?

22 A. About testifying?

23 Q. About anything.

24 A. Yes.

25 Q. When was the last time you were

1 in communication with Ms. DeRosa?

2 A. A couple of weeks ago, I think.

3 About a couple of weeks ago.

4 Q. Does that mean sometime in June?

5 A. Yes.

6 Q. Okay. Can you tell us what the
7 substance of those communications were?

8 A. My brother was visiting me, and
9 she was asking about what we were doing.

10 Q. Were those communications with
11 Ms. DeRosa over the phone, in person,
12 text --

13 A. Text.

14 Q. Okay. Can you just do me a
15 favor? If you wait until I finish the
16 question to answer --

17 A. I'm sorry.

18 Q. No problem. It just means it
19 makes her life easier, and that'll make our
20 day shorter. Okay?

21 When you were communicating by
22 text with Ms. DeRosa in or about June
23 regarding visiting your brother, were those
24 communications at all about the allegations of
25 harassment against the governor?

1 A. No.

2 Q. Before those communications in
3 June with Ms. DeRosa, when you were visiting
4 your brother, when was the last time you had
5 communicated with Ms. DeRosa? We'll work back
6 in time.

7 A. I'm not sure. I have irregular
8 communication with Melissa DeRosa.

9 Q. Okay. Which -- in the month of
10 May, did you have communications with
11 Ms. DeRosa?

12 A. I may have.

13 Q. And what was the topic of those
14 conver- -- those communications?

15 A. I don't remember this entire
16 breadth of it.

17 Q. Okay. Were any of those
18 communications in May with Ms. DeRosa about
19 the allegations of sexual harassment against
20 the governor or this investigation?

21 A. No.

22 Q. And how -- what were those
23 communications, by text as well?

24 A. I think almost -- I may have had
25 a phone call. I don't remember one. But it

1 would be almost certainly by text.

2 Q. And what were the topics of those
3 communications?

4 A. I don't remember, but they were
5 just basic things about what was going on in
6 Andrew's life or my own.

7 Q. And -- say that again?

8 A. I'm sorry. What was going on in
9 Andrew's life or my own.

10 Q. When you say "Andrew's life,"
11 what were you talking about with respect to
12 Governor Cuomo's life?

13 A. His personal life.

14 Q. After you received your subpoena,
15 did you communicate with anyone else in the
16 executive chamber?

17 A. About?

18 Q. Anyone else about anything.

19 A. No.

20 Q. And when you told Governor Cuomo
21 that you would be giving testimony in this
22 investigation, what else did you discuss with
23 him?

24 A. On that occasion?

25 Q. On that occasion.

1 A. I don't -- I don't remember. I
2 don't remember what the specifics of the
3 conversation were about.

4 Q. Do you remember generally what
5 the conversation was about?

6 A. I remember telling him that I had
7 gotten a subpoena. And we, then, were talking
8 about [REDACTED]
9 [REDACTED].

10 Q. Okay. Did you discuss the
11 content of your testimony?

12 A. No. Not -- not at that time.

13 Q. On that occasion, did you discuss
14 any of the allegations of sexual harassment
15 against Governor Cuomo?

16 A. Not that I recall.

17 Q. Okay.

18 A. Not that I recall. Sorry.

19 Q. Have you discussed the contents
20 of your testimony with anyone in the executive
21 chamber?

22 A. No.

23 Q. And let me just clarify. When I
24 say "executive chamber" today, I mean the
25 executive chamber and consultants they utilize

1 for purposes of things like press relations.

2 So that would include, for example, Steve

3 Cohen.

4 Does that change your answers at
5 all?

6 A. About?

7 Q. About whether you've communicated
8 with anyone in the executive chamber about the
9 contents of your testimony today.

10 A. No.

11 Q. Okay. What did you do to prepare
12 for your testimony?

13 A. I met with counsel.

14 Q. Anything else?

15 A. I reviewed documents.

16 Q. What documents did you review?

17 A. Documents supplied by counsel.

18 Q. And what were those documents?

19 MS. KIRSHNER: Objection. That's
20 privileged.

21 Q. Do you know how your counsel
22 obtained those documents?

23 A. No.

24 Q. You haven't produced any
25 documents in response to our document

1 subpoena. Is that correct?

2 A. Correct.

3 Q. Okay. Why don't we take a look
4 at Tab 2. This is a binder today we're going
5 to use for our exhibits. And if you open up
6 to Tab 2, and you should take a look at the
7 full exhibit. And then when you're ready to
8 proceed answering questions about it, just let
9 me know.

10 A. This is the subpoena that was
11 sent?

12 Q. I'll ask you a question in a
13 minute. Why don't you take a look, and then
14 I'll ask you.

15 A. Okay. I'm ready.

16 Q. Okay. Do you recognize this as
17 the subpoena for documents that you were sent
18 as part of this investigation?

19 A. Yes.

20 Q. Okay. And what did you do to
21 comply with this subpoena?

22 A. I went through my phone and
23 looked for communications.

24 Q. Okay. You just pointed to the
25 phone that's sitting next to you. Is that an

1 iPhone?

2 A. It is.

3 Q. Do you have any other electronic
4 communication devices other than that iPhone?

5 A. No.

6 Q. And how many e-mail addresses do
7 you have?

8 A. I don't know.

9 MS. KIRSHNER: You're talking
10 about that he controls?

11 A. Oh, oh, I'm sorry. I'm sorry.

12 In your --

13 Q. Your e-mail addresses. Yeah.

14 A. On my own?

15 Q. Your e-mail addresses.

16 A. I think one that would be
17 relevant to any communications here. I have
18 two e-mail addresses. One is a CNN address,
19 one is a Gmail address.

20 Q. Okay. So your only two e-mail
21 addresses are your -- your work address at CNN
22 and then --

23 A. Yes.

24 Q. -- a Gmail account. Is that
25 right?

1 A. Yes. I -- I have an old Gmail
2 account, but I -- I don't use it.

3 Q. Okay. So maybe two Gmail
4 accounts?

5 A. Right.

6 Q. Okay. And how many phone numbers
7 do you have?

8 A. I have two cell phone numbers
9 that are on the same device. Two SIM cards on
10 the same iPhone.

11 Q. So that iPhone has two SIM cards
12 right there?

13 A. Yes.

14 Q. Okay. Do you use social media
15 accounts?

16 A. I do.

17 Q. Which ones?

18 A. Various.

19 Q. Can you tell me which ones?

20 A. Twitter.

21 Q. Okay.

22 A. Instagram, Facebook
23 professionally, not really personally. That's
24 it.

25 Q. Do you use any apps like WhatsApp

1 or Snapchat?

2 A. I -- I have them. I don't use
3 them very often.

4 Q. Okay. Do you have a personal
5 computer?

6 A. I have several.

7 Q. How many?

8 A. Two or three.

9 Q. Are they all your personal
10 property, or are any of them your
11 employer's --

12 A. None is. They are all my
13 employer's.

14 Q. Okay. We just have to be a
15 little more careful about talking over each
16 other. Okay? She's doing a great job,
17 but ...

18 They're all your employer's?

19 THE WITNESS: I'm sorry about
20 that. And if you -- if you want to give
21 me any instruction, I'm happy to take
22 it.

23 Q. All of your computers belong to
24 CNN?

25 A. Yes.

1 Q. Okay. So when you collected
2 documents or searched for documents in
3 response to this subpoena that's at Tab 2 that
4 we've marked as an exhibit, did you search all
5 three of your e-mail accounts?

6 A. No. Because the third one I told
7 you about I haven't used in many years, and I
8 haven't offered to anybody.

9 Q. Okay.

10 A. In fact, I don't even think it's
11 on my phone anymore.

12 Q. So you searched your CNN e-mail
13 address and the Gmail account that you use?

14 A. I did not -- well, yes, I did.
15 But I knew that there were no CNN e-mail
16 possible.

17 Q. Okay. And is that because you
18 didn't use your CNN e-mail account to
19 communicate about issues related to your
20 brother?

21 A. Yes.

22 Q. And you located no e-mails in
23 your Gmail account?

24 A. No.

25 Q. Okay. And then you said you had

1 two different phone numbers. Did you search
2 the text messages affiliated with those two
3 phone numbers?

4 A. Yes.

5 Q. And you found no text messages
6 that were as much as to the subpoena?

7 A. No.

8 Q. Okay. Did you search your DMs
9 for any of your social media accounts?

10 A. Yes.

11 Q. And you found no DMs that were as
12 much as to the subpoena?

13 A. No. No.

14 Q. Okay. And did you search any of
15 the apps like WhatsApp and the like?

16 A. Yes.

17 Q. And you didn't find anything
18 either that was as much as to the subpoena?

19 A. No.

20 Q. Okay. We've been told that you
21 have a practice of deleting texts and e-mail
22 messages as soon as you have read them.

23 Is that accurate?

24 A. Yes.

25 Q. And why do you do that?

1 A. I have a constant and consistent
2 concern about being hacked or someone
3 obtaining my device and violating the trust of
4 people who have put their trust in me.

5 Q. And when you say people who have
6 put your trust in you, who are you referring
7 to?

8 A. Sources. People who are in very
9 sensitive situations that share information
10 that they are really hoping never goes
11 anywhere else.

12 Q. Okay. And the people that you
13 communicate with using e-mail and text
14 message, do you ever ask them to delete their
15 communications with you?

16 A. On occasion.

17 Q. And why do you do that?

18 A. Depends on the situation.

19 Q. Okay. Why don't you turn to
20 Tab 1 of that binder.

21 MS. KENNEDY PARK: We'll mark
22 this as the next exhibit.

23 (Exhibit 1, Subpoena for
24 testimony of Christopher Cuomo, marked
25 for identification, as of this date.)

1 Q. Have you seen this before today,
2 Tab 1?

3 A. Yes.

4 Q. And is this the subpoena for
5 testimony you received from the New York
6 Attorney General's office?

7 A. Yes.

8 Q. And did you read the subpoena
9 before today?

10 A. Yes.

11 Q. Okay. And you understand that
12 your testimony today is being taken pursuant
13 to that subpoena. Correct?

14 A. Yes.

15 Q. Okay. You can go ahead and put
16 that aside for a few minutes.

17 Can you describe your educational
18 history for us?

19 A. I have a law degree.

20 Q. From where?

21 A. Fordham.

22 Q. Is that the only advanced degree
23 that you have?

24 A. Yes.

25 Q. Prior to December of 2020, how

1 often did you speak to senior members of the
2 governor's staff?

3 A. Irregularly.

4 Q. And by "irregularly," what do you
5 mean?

6 A. Very infrequently.

7 Q. Can you put any approximation on
8 it, or was it event-driven?

9 A. It was event-driven.

10 Q. Okay. And what kind of events
11 would cause you to speak to members of the
12 governor's staff?

13 A. Occasions that they were giving
14 me information about or passing along things
15 that had happened in the administration. You
16 know, generally that's what it would be.

17 Q. Can you give me an example prior
18 to December of 2020?

19 A. Here is information about the
20 Cuomo Bridge, or a request for whether or not
21 I would be coming to an event at the mansion,
22 like, for holidays.

23 Q. So --

24 A. Almost always personal in nature.

25 Q. And what do you mean by "personal

1 in nature"?

2 A. About family and what was
3 happening on a personal affairs level.

4 Q. And who within the governor's
5 senior staff are you communicating about
6 things that are personal in nature?

7 A. Usually the administrative
8 staff --

9 Q. And by that, whom do you mean?

10 A. Stephanie Benton.

11 Q. And just to make sure I
12 understand this, you're communicating with
13 Benton in more of, like, an organizational
14 role, are you going to be here, are you going
15 to be there, this is happening with the
16 family, are you coming, kind of thing?

17 A. Can you talk to your brother.

18 Q. Okay. And then you said passing
19 along information from the administration.
20 The example you gave was information about
21 the -- the bridge, for example.

22 Are they acting as a source on
23 that occasion in those circumstances, or are
24 they passing information to you as a source
25 for you?

1 A. I don't understand.

2 Q. You're a journalist. Right?

3 A. Yes.

4 Q. When they're passing information
5 to you about the administration, are they
6 doing so as a source of information so you can
7 use it in your reporting?

8 A. No.

9 Q. Okay. Then why are they doing
10 it, to your understanding?

11 A. Because he's my brother, the
12 governor.

13 Q. And do you have an understanding
14 as to whether you're -- in those occasions,
15 your advice or counsel is being sought?

16 A. Sometimes.

17 Q. And can you give me an example of
18 a situation prior to December of 2020 when
19 your advice or counsel was sought by the staff
20 of the executive chamber?

21 A. Discussions about initiatives
22 with the pandemic and messaging from the
23 governor about different aspects of how he was
24 handling the COVID crisis.

25 Q. Is it fair to say that they are,

1 in those circumstances, looking to you for
2 your expertise in communications?

3 A. Maybe.

4 Q. How did you view your role?

5 A. I'm the governor's brother.

6 Q. Did you view this as providing
7 guidance or counsel or advice?

8 A. Generally.

9 Q. And when you're talking about
10 infrequently communicating with members of the
11 governor's staff, other than Ms. Benton, who
12 are you communicating with?

13 A. Melissa DeRosa.

14 Q. Anyone else?

15 A. Primarily it would be Melissa
16 DeRosa.

17 Q. Are there occasions in which you
18 communicate with anyone else in the executive
19 chamber prior to December of 2020 other than
20 Ms. DeRosa and Ms. Benton?

21 A. Maybe. But not that I recall
22 specifically.

23 Q. Okay. Why don't we talk about
24 some specific people and see if that helps
25 your recollection.

1 Prior to December of 2020, did
2 you communicate with Peter Ajemian?

3 A. Not that I recall.

4 Q. Do you know who Peter Ajemian is?

5 A. Yes. In terms -- I know that he
6 has something to do with the press media
7 communications apparatus.

8 Q. Have you ever met him?

9 A. I probably have met him. I don't
10 know him well. I don't know that I would
11 recognize him until it was connected for me
12 that that's who he was.

13 Q. Okay. What about Rich Azzopardi,
14 did you communicate with him prior to
15 December of 2020?

16 A. Maybe. Not anything I remember
17 specifically.

18 Q. Okay. And have you met
19 Mr. Azzopardi?

20 A. Again, probably, but not in any
21 way that is very memorable to me outside being
22 at an event where they are.

23 Q. What do you understand
24 Mr. Azzopardi's role is in the chamber?

25 A. Same as Mr. Ajemian, that they're

1 part of the communications apparatus.

2 Q. What about Larry Schwartz, did
3 you communicate with Mr. Schwartz prior to
4 December of 2020?

5 A. Yes.

6 Q. Okay. What did you communicate
7 with Mr. Schwartz about?

8 A. Over the years, different things.
9 Most recently, COVID-related acquisitions.

10 Q. How often do you communicate with
11 Mr. Schwartz?

12 A. Very rarely.

13 Q. Can you put a number on that?

14 A. Not easily.

15 Q. When was the last time you
16 communicated with Mr. Schwartz?

17 A. Maybe a month or so ago.

18 Q. Sometime in June?

19 A. Maybe. Or May.

20 Q. In May or June, do you recall
21 what the topic of your communications were
22 with Mr. Schwartz?

23 A. Yes. It was about trying to help
24 somebody -- trying to help somebody who had
25 suffered a personal loss.

1 Q. Have you ever communicated with
2 Mr. Schwartz about the allegations of
3 harassment against Governor Cuomo?

4 A. No, not that I recall.

5 Q. What about Linda Lacewell, prior
6 to December of 2020, did you communicate with
7 Ms. Lacewell?

8 A. Not that I recall.

9 Q. Have you met Ms. Lacewell?

10 A. Maybe. I'm not -- in a way that
11 I was familiar with her or that we had spent
12 time together.

13 Q. How about Steve Cohen, prior to
14 December of 2020, did you communicate with
15 Steve Cohen?

16 A. Yes.

17 Q. Okay. How often did you
18 communicate with Mr. Cohen?

19 A. Very infrequently.

20 Q. Does Mr. Cohen provide you legal
21 advice?

22 A. He does not.

23 Q. When was the last time you
24 communicated with Mr. Cohen?

25 A. I'm not sure. A month or so.

1 Q. And a month or so ago, do you
2 recall what the topic of -- of communication
3 was with Mr. Cohen?

4 A. Not specifically.

5 Q. Generally?

6 A. I think we were talking about the
7 timing of this process, like, how long this
8 would be and what would happen politically.

9 Q. What prompted the communication
10 with Mr. Cohen about the timing of this
11 process?

12 A. I don't remember.

13 Q. Was it just you and Mr. Cohen
14 speaking?

15 A. Yes.

16 Q. And what do you remember about
17 what was communicated between the two of you
18 about the timing of this process?

19 A. I remember not really getting any
20 better understanding from him of it. It was
21 just speculation.

22 Q. Were you trying to get an
23 understanding from Mr. Cohen? Was that the
24 purpose of the conversation?

25 A. I suppose.

1 Q. And why were you trying to get an
2 understanding of the timing of the
3 process -- this process?

4 A. To understand what would happen
5 next and when.

6 Q. Did you share whatever you
7 discussed with Mr. Cohen with anyone?

8 A. Not that I can remember.

9 Q. Not your brother?

10 A. No.

11 Q. Prior to that communication with
12 Mr. Cohen about the timing of this process, do
13 you recall when before that you had
14 communicated with him?

15 A. No.

16 Q. Have you ever communicated with
17 Mr. Cohen about the allegations of sexual
18 harassment against Governor Cuomo?

19 A. Yes.

20 Q. Okay. What's your relationship
21 with the Kivvit firm?

22 A. None. I'm not familiar with it.

23 Q. Okay. Do you know who Maggie
24 Moran is?

25 A. No.

1 Q. Do you know Josh Vlasto?

2 A. Yes.

3 Q. Okay. Do you know what Josh
4 Vlasto's role with respect to the executive
5 chamber is?

6 A. None.

7 Q. Do you know where he is currently
8 employed?

9 A. No.

10 Q. Do you know Rich Bamberger?

11 A. Yes.

12 Q. How do you know Mr. Bamberger?

13 A. From his work with the governor.

14 Q. And do you know where he is
15 currently employed?

16 A. Not specifically.

17 Q. Generally?

18 A. I think he's at a PR firm.

19 Q. Okay. I should have asked you,
20 how do you know Mr. Vlasto?

21 A. From his work with the governor.

22 Q. Do you know -- do you have a
23 relationship with the Global Strategy Group?

24 A. No.

25 Q. You're not a client of theirs?

1 A. No.

2 Q. Okay. Do you know Jef Pollock?

3 A. Yes.

4 Q. How do you know Mr. Pollock?

5 A. From his work in politics.

6 Q. How long have you known him?

7 A. A long time.

8 Q. And what about Lis Smith? Do you
9 know her?

10 A. Yes.

11 Q. And how do you know Ms. Smith?

12 A. She is a friend but I know her
13 from her work in politics.

14 Q. And do you know what -- where she
15 is employed?

16 A. No.

17 Q. Do you know where Mr. Pollock is
18 employed?

19 A. Global strategies group.

20 Q. Okay. You talked about your
21 communications with members of the executive
22 chamber staff, sort of frequency, and topics.
23 I'm interested now in turning to talk about
24 your brother, the governor.

25 How often do you speak to the

1 governor about the business of the state, not
2 personal things, but state business?

3 A. Infrequently.

4 Q. Can you put any numbers around
5 that?

6 A. It's event-driven.

7 Q. Event-driven. Can you give me
8 some examples prior to December of 2020 of
9 what events would drive you to discuss state
10 business with your brother?

11 A. The pandemic.

12 Q. Okay. Prior to the pandemic,
13 what kind of events would cause you to speak
14 to your brother about state business?

15 A. By "state business," does that
16 include, like, when he's going to
17 run -- when -- like, an election and
18 campaigning as well as just stuff as he's
19 governor, like both?

20 Q. That's a good question.
21 Let's -- let's separate both. Let's just talk
22 about noncampaign-related state business for a
23 moment. We'll cover campaign in a second.

24 A. He would reach out to me about
25 ideas, about areas of potential policy moves

1 that were a reaction or part of what was
2 happening in the news at the time. Let's say,
3 like, guns or crime.

4 Q. Anything else you can recall?
5 Any other, kind of, state business topics you
6 discussed prior to the pandemic with
7 governor --

8 A. Not specifically, no.

9 Q. Sorry. With Governor Cuomo?

10 A. Sorry. Not specifically.

11 THE WITNESS: I'm sorry.

12 Q. And what about campaign-related
13 discussions. How often did you talk to
14 Governor Cuomo about campaign-related issues?

15 A. As needed.

16 Q. And when the campaign is in full
17 effect, are you in frequent contact with
18 Governor Cuomo about the campaign?

19 A. More so than normally.

20 Q. And can you compare the two to
21 us? Well, you said, "More so than normally."
22 So what's normal and what's more so?

23 A. I'm not sure how to answer the
24 question. I hear more from my brother when he
25 is in a particular time of need of my take on

1 what's happening.

2 Q. Okay. Have you ever talked to
3 your brother about the Me Too movement?

4 A. Yes.

5 Q. And tell us what you've discussed
6 with Governor Cuomo about the Me Too movement.

7 A. Generally, probably the role of
8 the movement and whatever the matter of the
9 moment is.

10 Q. Can you give me a more specific
11 example of what you're referring to?

12 A. What was happening in the news
13 with respect to advancing the interests of Me
14 Too, and I -- on occasion, where he was in
15 terms of what was happening some -- you know,
16 with someone else, somewhere else, and what
17 that would mean.

18 Q. I'm not sure I followed that
19 last -- last sentence. You said, "What was
20 happening in the news with respect to
21 advancing the interests of Me Too."

22 What does that mean?

23 A. What the dynamic was in a certain
24 situation that was being covered at the time,
25 and how Me Too was relevant, and how it was

1 affecting the situation.

2 Q. So with respect to particular
3 people, for example. Is that what you're
4 saying?

5 A. Yes.

6 Q. And are there particular people
7 that you and the governor discussed with
8 respect to the Me Too movement?

9 A. Not that I recall specifically.

10 Q. You ever discuss Harvey
11 Weinstein?

12 A. I don't think so.

13 Q. Have you ever discussed Joe
14 Biden?

15 A. And the Me Too movement?

16 Q. Mm-hmm.

17 A. I don't think so.

18 Q. Can you recall any particular
19 individuals you discussed with the governor
20 with respect to the Me Too movement?

21 A. Former President Trump.

22 Q. And what did you and
23 your -- Governor Cuomo discuss about former
24 President Trump and the Me Too movement?

25 A. The nature of what was resonating

1 and what wasn't and why and what that meant
2 about what was happening in society and the
3 media.

4 Q. And what was Governor Cuomo's
5 perspective that he conveyed to you?

6 A. That it is highly political in
7 perspective, that we haven't gotten to a place
8 where we all see things the same way. And
9 that was something that he believed very much
10 politically benefited the former president,
11 that it was very different how things were
12 viewed in his camp, I guess you'd call it.

13 Q. What was the timing of the
14 conversations you had with Governor Cuomo
15 about former President Donald Trump?

16 A. We spoke about the president
17 often during his entire administration.

18 Q. And so these conversations about
19 the Me Too movement and Donald Trump were
20 often during President Trump's administration?

21 A. Not -- I wouldn't say often but
22 event-driven. But we spoke about the
23 administration frequently.

24 Q. You also told me that, when I
25 asked you for a specific example of talking to

1 Governor Cuomo about the Me Too movement, you
2 said, "Where he was in terms of what was
3 happening with someone else, somewhere else,
4 and what that would mean."

5 Can you explain what you mean by
6 that?

7 A. His opinion or questions about
8 what was happening and what it meant and what
9 I knew. Excuse me.

10 Q. Can you give me an example of a
11 specific Me Too-related event that falls into
12 that category that you discussed with Governor
13 Cuomo?

14 A. Not offhand.

15 Q. Were these conversations with
16 Governor Cuomo about the Me Too movement
17 happen after December 20 -- 2020 as well?

18 A. Yes.

19 Q. Okay. We'll come back to those
20 in a little bit.

21 Prior to December of 2020, did
22 you ever talk to the governor about hiring,
23 firing within the executive chamber?

24 MR. KIM: Can I ask a quick
25 follow-up?

1 MS. KENNEDY PARK: Of course,
2 sorry.

3 MR. KIM: Did you talk to the
4 governor about Brett Kavanaugh?

5 THE WITNESS: Yes.

6 MR. KIM: And what did
7 you -- what did you talk to him about
8 Brett Kavanaugh?

9 THE WITNESS: What I knew
10 about -- as the story was developing,
11 what the justice -- what -- well, not
12 then -- what the judge then was dealing
13 with in terms of what was being said
14 about him versus what he was trying to
15 control in perception and what was
16 happening in terms of his potential
17 fate.

18 MR. KIM: How many discussions
19 with the governor about the complainants
20 and the allegations that had been made?

21 THE WITNESS: Multiple.

22 MR. KIM: What was his view of
23 the complainants?

24 THE WITNESS: That they -- you're
25 talking about in his situation?

1 MR. KIM: In Justice Kavanaugh's.

2 THE WITNESS: Oh, in just- --

3 I'm sorry.

4 MR. KIM: Yeah.

5 THE WITNESS: I didn't understand
6 the question.

7 MR. KIM: Sorry. Discussions
8 with the governor about the accusers in
9 Justice Kavanaugh's --

10 THE WITNESS: Well, I remember
11 only discussing one accuser with --

12 MR. KIM: Ms. Ford?

13 THE WITNESS: -- with my brother.
14 Yes. What's your question?

15 MR. KIM: And what did he say
16 about it?

17 THE WITNESS: I don't remember
18 specifically. But he was following the
19 situation with interest like everybody
20 else.

21 MR. KIM: Did he express a view
22 as to whether she should be believed?

23 THE WITNESS: I don't remember
24 him specifically talking to me about
25 that, no.

1 MR. KIM: Did she express -- did
2 he express a view about how she was
3 being treated?

4 THE WITNESS: Not that I can
5 remember.

6 MR. KIM: Did he express a view
7 as to whether Brett Kavanaugh should be
8 confirmed?

9 THE WITNESS: I don't remember a
10 conclusion. But I remember him
11 believing that Kavanaugh was in a lot of
12 trouble.

13 MR. KIM: Just as a
14 practical -- as a practical matter that
15 he appeared to be in trouble -- in
16 trouble?

17 THE WITNESS: Yes.

18 MR. KIM: He did not -- did he
19 express a view at all whether he should
20 be confirmed?

21 THE WITNESS: I don't remember
22 discussing that with him directly.

23 MR. KIM: Sorry.

24 BY MS. KENNEDY PARK:

25 Q. Are you aware that your brother

1 made changes to the sexual harassment laws in
2 the state of New York?

3 A. Vaguely.

4 Q. And what's your vague knowledge
5 of or vague understanding of those changes?

6 A. I don't have one.

7 Q. Do -- did you understand that the
8 changes to the laws of sexual harassment in
9 New York were such that it was easier for
10 someone to prove an allegation or establish an
11 allegation of sexual harassment?

12 A. I -- I guess so.

13 Q. Did you ever talk to Governor
14 Cuomo about the changes that were made to the
15 laws of sexual harassment in the state of New
16 York?

17 A. Not that I recall.

18 Q. Did you ever talk to any member
19 of his staff about the changes in the law in
20 New York on sexual harassment?

21 A. Not that I can remember.

22 Q. Did you ever talk to any of his
23 press consultants about the changes in the law
24 in New York on sexual harassment?

25 A. I do not believe so.

1 Q. Before we were talking about
2 state business and whether you spoke to
3 Governor Cuomo about state business. Have you
4 ever talked to Governor Cuomo about the
5 operations or running of the executive
6 chamber?

7 A. No.

8 Q. Have you ever spoken to Governor
9 Cuomo about hiring or firing of anyone on the
10 executive chamber staff?

11 A. No.

12 Q. Promoting anyone on the executive
13 chamber staff?

14 A. I don't think so.

15 Q. Did you ever speak to Governor
16 Cuomo about the promotion of Melissa DeRosa to
17 the position of secretary to the governor?

18 A. No.

19 Q. Did he ever talk to you at all
20 about the tenure of people on the staff in the
21 executive chamber, how long people stay?

22 A. No, I don't remember anything
23 specific about that.

24 Q. Did he ever speak to you about
25 meeting people at events and hiring them to

1 become members of the staff of the executive
2 chamber?

3 A. No.

4 Q. Has the governor ever spoken to
5 you about his interactions with the PSU, the
6 protective services unit?

7 A. No -- excuse me, no.

8 Q. Has he ever complained to you or
9 vented to you about his interactions with any
10 member of the PSU?

11 A. No. I don't know what the PSU
12 is.

13 Q. Sure. That's a good question.
14 So the PSU is the unit of state troopers that
15 protect Governor Cuomo.

16 A. Oh, oh.

17 Q. Okay? So maybe I'll ask the
18 questions again. So has the governor ever
19 spoken to you about his interactions with the
20 PSU?

21 A. No, not specifically.

22 Q. Generally?

23 A. I can't believe that I was the
24 governor's son for 12 years and the brother of
25 the governor for now 12, almost 12 years, and

1 I never heard that before, PSU. Anyway.

2 Q. You learn something new every
3 day.

4 A. Learn something -- I'm sorry. I
5 wasn't trying to be --

6 Q. No, that's okay.

7 A. I'd never --

8 Q. And I should clarify, when I say
9 "Governor Cuomo," I'm talking about Andrew
10 Cuomo.

11 A. No, it's not -- that's got to be
12 on me. I just -- I'd never heard it.

13 Q. Okay. No worries.

14 A. Please tell me your question
15 again.

16 Q. Sure. Has Governor Cuomo ever
17 spoken to you about his interactions with
18 members of the PSU?

19 A. I remember him talking about him
20 having a bond with some of his troopers,
21 making jokes when I would see them with him
22 about how physically superior they were to me.
23 And that type of stuff.

24 Q. Okay. And which troopers did he
25 talk to you about having a bond with?

1 A. I don't remember names, you know,
2 with all due respect. I just -- I don't
3 remember names that well if I'm not in
4 constant contact with them. But he seemed to
5 have a core group and they moved.

6 So when I would see him, he would
7 talk to me with them and talk about them.
8 That was my exposure to that kind of
9 conversation and his -- his thoughts.

10 Q. Okay. Did he ever, in your
11 presence, talk to any member of the PSU about
12 their personal life?

13 A. I believe so.

14 Q. Okay. And tell us about that.

15 A. Family questions. I remember,
16 not -- well, I remember he would often discuss
17 timing with them, about when we would be back
18 and when they needed to be back or if anything
19 like that when it was on weekends.

20 Q. Okay. And when you say that
21 the -- you heard the governor speak to members
22 of the PSU about family questions, did you
23 ever hear him talk to any member of the PSU
24 about getting married?

25 A. No, not specifically.

1 Q. Generally?

2 A. No. I don't remember that ever
3 being discussed.

4 Q. And any topic of marriage coming
5 up with the PSU?

6 A. I don't remember him ever talking
7 about getting married with any members of the
8 PSU.

9 Q. Okay. Do you remember Governor
10 Cuomo ever discussing the topic of marriage
11 generally in front of members of the PSU or
12 with members of the PSU?

13 A. No.

14 Q. Did you ever hear the governor
15 discuss with any members of the PSU their sex
16 lives?

17 A. No.

18 Q. Or his sex life?

19 A. No.

20 Q. Okay. Did you ever hear or
21 observe the governor comment on the appearance
22 of any member of the PSU?

23 A. Yes.

24 Q. Tell us about that.

25 A. "Look how much bigger this guy is

1 than you."

2 Q. Other than comparing the size of
3 a trooper to your size, Mr. Cuomo --

4 A. No.

5 Q. -- did you hear the governor
6 comment on the appearance of any members of
7 the PSU?

8 A. No.

9 Q. Did you ever hear him make
10 comments of a sexual nature to any members of
11 the PSU?

12 A. No.

13 Q. You said you heard him joke.
14 Other than the joke about comparing your
15 physical appearance to their physical
16 appearance, what other kinds of jokes did you
17 hear the governor engage with with members of
18 the PSU?

19 A. There was a consistent theme of
20 the governor being better than I am at
21 whatever we were engaged in at the time.

22 Q. Did you ever see the governor
23 touch any member of the PSU?

24 A. Yes.

25 Q. Okay. And tell us about that.

1 A. Handshakes. Pat on the shoulder.

2 Q. What about hugs?

3 A. Not that I remember. It very
4 well could have happened. I just -- specific
5 response, I don't remember actually seeing it.

6 Q. What about kisses?

7 A. No.

8 Q. Did you ever hear the governor
9 address any members of the PSU using a term of
10 affection? Do you know what I mean by that?

11 A. No.

12 Q. I'll give you some examples:
13 honey, darling, sweetheart, dear?

14 A. No. They were all men, by the
15 way.

16 Q. I'm going to move on -- well,
17 that's a good question. Have you ever -- have
18 you ever seen a member of the PSU that was a
19 woman?

20 A. Not that I can recall.

21 MR. CLARK: And, Jennifer, before
22 you move on, just -- did you ever see
23 your brother -- the governor get angry
24 with any -- or upset with any members of
25 the PSU for anything that they did or

1 didn't do?

2 THE WITNESS: No, ma'am.

3 Q. Does your brother --

4 THE WITNESS: Also, just in case,
5 again, I don't want to -- I don't want
6 any suggestion I'm not giving the
7 most -- I have seen female members of
8 the PSU. I was the governor's son for
9 12 years, and my father had one or two
10 members of the unit that were women.

11 So, yes, I have seen them before.
12 I don't -- I don't believe I've -- I've
13 seen a female member of my brother's
14 PSU. But I may have.

15 BY MS. KENNEDY PARK:

16 Q. That's a very fair and important
17 observation. And as I'm asking questions
18 today, when I'm talking about Governor Cuomo,
19 I'm talking about Andrew Cuomo, unless I tell
20 you otherwise. Okay?

21 A. Okay.

22 Q. So I understand the situation
23 that you're in. That could be confusing.

24 Has Governor Cuomo ever
25 complained to you about any action taken by

1 the PSU?

2 A. Action taken?

3 Q. I'll give you an example. Ever
4 complained about their driving?

5 A. No. Not in a serious way.

6 Q. In a nonserious way?

7 A. Again, my brother likes to joke.
8 He considers himself a very good driver.

9 Q. And so what's the joke?

10 A. "I'm better than you are at
11 driving."

12 Q. Did you ever hear him seriously
13 complain about the driving of any member of
14 the PSU?

15 A. No.

16 Q. Did the governor ever talk to you
17 about having any members of the PSU fired?

18 A. No.

19 Q. Transferred?

20 A. No.

21 Q. Demoted?

22 A. No.

23 Q. Have you ever been with the
24 governor when he has declined coverage of the
25 PSU? Meaning -- just define that term --

1 meaning said, "Troopers, you don't need to be
2 with me when I am going to this event or this
3 activity"?

4 A. I have been with my brother when
5 he has attempted that.

6 Q. Okay. And tell us what happens.

7 A. They stay, in my experience.

8 Q. How often have you seen your
9 brother attempt to decline coverage?

10 A. A couple of times.

11 Q. Okay. And what were the
12 occasions?

13 A. Fishing.

14 Q. So the troopers go fishing with
15 you anyway?

16 A. No. They -- I think I remember
17 troopers fishing with us maybe once. I
18 remember them or someone else related to what
19 you call PSU being in boats that were
20 somewhere around. Most often they would just
21 stay at the marina, and then be there when we
22 got back. I don't know what they did in
23 between.

24 Q. Okay.

25 MS. KENNEDY PARK: Ms. Clark and

1 Mr. Kim, I'm going to move off talking
2 about the PSU for now, unless you have
3 other questions.

4 Q. You told me earlier that you
5 attend some social events at the executive
6 mansion. Is that right?

7 A. Yes.

8 Q. How often have you attended
9 social events at the mansion?

10 A. During my brother's.

11 Q. During your brother's
12 administration?

13 A. Very infrequently.

14 Q. Okay. So infrequent that you
15 could tell me which ones you've been at?

16 A. I went to one or two holidays
17 there. I went to the unveiling of my father's
18 photo. That's all I can remember.

19 Q. Have you attended any social
20 events for the executive chamber outside of
21 the executive mansion?

22 A. I don't think so.

23 Q. Have you ever attended a Super
24 Bowl party?

25 A. Yes.

1 Q. And when was that?

2 A. I think I went to two of them.

3 But some years ago.

4 Q. Can you ballpark what years it
5 was?

6 A. No.

7 Q. Was it 2015, 2016, 2017, or
8 before that?

9 A. Maybe before that or one of
10 those.

11 Q. Do you recall where either of the
12 two Super Bowl parties were?

13 A. Yes.

14 Q. Where were they?

15 A. They were both -- I think they
16 were both -- certainly one -- was at this bar,
17 restaurant on the East Side of Manhattan.

18 Q. What's the --

19 A. In the 70s or 80s. I don't

20 remember the specific name, although [REDACTED]

21 [REDACTED]. But I don't

22 remember the specific.

23 Q. On either of those Super Bowl

24 party events, were other members of your

25 family present?

1 A. Yes.

2 Q. Let's start -- if you can, tell
3 us which family members -- which of the two
4 were --

5 A. I remember my sister Madeline.

6 Q. Okay.

7 A. Maybe she was the only one,
8 actually. She may have been the only one. I
9 don't remember any of the other.

10 Q. Was Madeline Cuomo at both of the
11 Super Bowl parties you remember being at or
12 just one?

13 A. I only -- I remember one. I'm
14 not sure.

15 Q. Okay. At the Super Bowl parties
16 that you attended, did you see the governor
17 interacting with members of his senior staff?

18 A. I remember him interacting with a
19 lot of people. I don't specifically remember
20 who.

21 Q. How many people were at each of
22 these Super Bowl parties?

23 A. Dozens and dozens.

24 Q. So 50, ballpark?

25 A. Maybe more. I think certainly

1 more.

2 Q. Maybe more. Okay. At either of
3 the occasions for these Super Bowl parties,
4 did you or any member of your family raise any
5 concern about interactions between Governor
6 Cuomo and members of his senior staff?

7 A. Not that I'm aware of.

8 Q. Did you or members of your family
9 observe the governor dancing with any members
10 of his senior staff?

11 A. Not that I'm aware of -- no, no,
12 I did not.

13 Q. Okay. Did you hear about that?

14 A. No.

15 Q. At either of these Super Bowl
16 parties, did you observe anyone sitting on
17 your brother's lap?

18 A. No.

19 Q. Did anyone tell you that that had
20 happened at either of these Super Bowl
21 parties?

22 A. I think at one of the Super Bowl
23 parties, [REDACTED], was with me, and [REDACTED]
24 was all over [REDACTED] for some period of it,
25 just to be complete.

1 Q. Putting aside [REDACTED], did
2 you ever hear anything or observe anything
3 either -- about either of these Super Bowl
4 parties of a member of staff sitting on your
5 brother's lap?

6 A. Not that I can remember.

7 Q. Or being too close to your
8 brother?

9 A. No.

10 Q. Or learning that your sister had
11 complained about that?

12 A. I've never heard anything about
13 that.

14 Q. Other than those two Super Bowl
15 parties and the two holiday parties and the
16 unveiling of your father's photo, are there
17 any other social events you've attended with
18 the executive chamber?

19 A. There may be. Not that I can
20 remember.

21 Q. On any occasion, whether at these
22 events or some other event, have you observed
23 the governor touching members of his staff?

24 A. Yes.

25 Q. What kind of touching?

1 A. The customary touching for him in
2 hellos and goodbyes.

3 Q. Can you tell us what is the
4 customary touching for Governor Cuomo for
5 hellos and goodbyes?

6 A. Hand on the arm -- men, women.
7 Affectionate. You know, with men he's going
8 to, you know, shake hands, but hand on your
9 arm, two arms. If it's me, it's hug and kiss.

10 Women, if he knows them, he's
11 going to, you know, do the lean in, kiss
12 thing. You know, he's affectionate.

13 Q. Let's start with the men and make
14 sure I just have an understanding. So with
15 men, the customary greeting you've observed
16 with Governor Cuomo is to grab them on the
17 forearm or maybe both forearms while shaking
18 hands?

19 A. Hand shake, handshake grab, you
20 know, hug; it depends on who the person is.
21 But Andrew can be, you know, very
22 affectionate.

23 Q. Have you ever seen him kiss a
24 man?

25 A. Yes.

1 Q. On the cheek?

2 A. Yes.

3 Q. On the lips?

4 A. Not that I can recall.

5 Q. Has Governor Cuomo ever kissed
6 you on the lips?

7 A. He's tried.

8 Q. And what happened?

9 A. No. He has tried. I'm sorry,
10 I'm just kidding. He kisses -- we kiss each
11 other, you know, on the side of the face.

12 Q. Okay. And what about women?
13 What is -- I'm trying to understand what the
14 customary greeting you observed for women. I
15 think you said kiss on the cheek. Right?

16 A. If he knows them.

17 Q. If he knows them. And if he
18 doesn't know them?

19 A. I mean, I've seen him just be,
20 you know, polite.

21 Q. And by "polite," what kind
22 of physical contact is he having with women?

23 A. Shake hands. You know, maybe
24 hand on the shoulder, something like that if
25 he's consoling somebody. It depends.

1 Q. Other than members of your
2 family, have you seen Governor Cuomo kiss a
3 woman on the lips?

4 A. Yes.

5 Q. Other than Ms. Lee, have you seen
6 Governor Cuomo kiss a woman on the lips?

7 A. Yes.

8 Q. Who?

9 A. His -- the various women who have
10 been in his life over the years.

11 Q. When you say, "the various women
12 who have been in his life," are you talking
13 about girlfriends?

14 A. Girlfriends, wife.

15 Q. Have you ever seen him kiss a
16 member of his staff on the lips?

17 A. No.

18 Q. Have you ever heard about him
19 kissing a member of his staff on the lips?

20 A. Yes.

21 Q. What did you hear about that?

22 A. What's been in the media about
23 the allegations.

24 Q. Prior to December of 2020, had
25 you heard about the governor kissing members

1 of staff on the lips?

2 A. No.

3 Q. You said that over the course of
4 Governor Cuomo's life, he has had various
5 women in his life, girlfriends or wives.

6 Are you aware of him ever having
7 a consensual relationship with a member of his
8 staff?

9 A. No.

10 Q. Are you aware of allegations that
11 the governor had a consensual relationship
12 with a member of his staff?

13 A. No.

14 Q. Are you aware of allegations that
15 the governor was [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 A. Yes.

19 Q. Okay. And what do you know about
20 that?

21 A. Just what you just told me.

22 Q. And how did you come to know
23 about that allegation?

24 A. I saw it online.

25 Q. And the person that we're

1 referring to, who, to your knowledge, is it?

2 A. Senior Staffer 1 .

3 Q. Okay. Before you saw the article
4 online, did you speak to anybody about there
5 being a potential article about Senior Staffer 1
6 being in close physical contact with the
7 governor?

8 A. Yes.

9 Q. Who did you speak to?

10 A. Senior Staffer 1 .

11 Q. Anyone else?

12 A. I believe Josh Vlasto.

13 Q. What prompted that communication
14 with Senior Staffer 1?

15 A. Senior Staffer 1 .

16 Q. She reached out to you?

17 A. Yes.

18 Q. And tell us what you discussed.

19 A. That this was coming out and her
20 not being happy about it and her asking what
21 it would -- how it would play.

22 Q. This was on a phone call?

23 A. Yes.

24 Q. Were -- was Mr. Vlasto on this
25 phone call as well?

1 A. I think so, or I had had separate
2 conversations with -- no. I think he was on
3 the phone call. I may have had separate
4 conversations, but I remember him being part
5 of the conversation.

6 Q. Okay. And tell us what you
7 remember about what Mr. Vlasto said.

8 A. He laughed it off.

9 Q. During that conversation, did --
10 was there any discussion about whether
11 **Senior Staffer 1** in fact had a relationship with
12 Governor Cuomo?

13 A. No.

14 Q. You didn't ask her that?

15 A. No.

16 Q. Mr. Vlasto didn't ask her that?

17 A. I don't remember.

18 Q. Do you remember whether she
19 described her relationship with Governor Cuomo
20 during that conversation?

21 A. No. I've never heard her
22 describe having a relationship with my
23 brother.

24 Q. Not having a -- I'm not saying
25 she described having a sexual relationship.

1 Let me ask a better question.

2 A. Oh, sorry.

3 Q. During that conversation between
4 you, **Senior Staffer 1**, and Mr. Vlasto, did
5 **Senior Staffer 1** talk at all about how she
6 characterized her relationship with Governor
7 Cuomo?

8 A. Only to express frustration that
9 it was going to -- this was going to be
10 portrayed to mean that she had a romantic
11 relationship with my brother.

12 Q. And she did deny that is what
13 you're saying?

14 A. Yes.

15 Q. What else did she say about the
16 relationship?

17 A. That's all I remember.

18 Q. What did you say on the call?

19 A. That people are going to see what
20 they want to see.

21 Q. Anything else you said on the
22 call?

23 A. No, not that I can remember.

24 Q. Did you ever discuss with the
25 governor the article relating to **Senior Staffer #1**?

1 A. Not that I specifically remember.

2 Q. Generally?

3 A. Not that I remember.

4 Q. Have you ever spoken to Governor
5 Cuomo about his relationship with Senior Staffer #1?

6 A. Yes.

7 Q. And tell us about that.

8 A. He has had Senior Staffer #1 as one of his
9 main people for a long time, so over the years
10 we've discussed, you know, her -- her value to
11 him. [REDACTED]

12 [REDACTED], so obviously, that was part
13 of the dynamic there.

14 And when that -- I think it was
15 the [REDACTED], I think, came out with that --
16 and I don't know who else picked it up. But,
17 I mean, when that came out, I remember him
18 saying that, you know, this was unfortunate,
19 and he felt badly for her to be put in that
20 position.

21 Q. Did you ever discuss with
22 Governor Cuomo whether he had a consensual
23 sexual relationship with Senior Staffer #1?

24 A. No, not in that way. I never
25 confronted my brother or asked him about it.

1 I mean, he -- I've heard him say that he
2 didn't like that suggestion.

3 Q. And did you take that to mean it
4 wasn't true?

5 A. Yes.

6 Q. Okay. Have you ever heard
7 Governor Cuomo comment on **Senior Staffer 1**
8 appearance?

9 A. Yes.

10 Q. And what have you heard him say?

11 A. Flattering things.

12 Q. Such as?

13 A. About how -- what she was wearing
14 or how she looked in that particular moment.

15 Q. Can you give me an example?

16 A. I remember we were at
17 something -- you know, it would be something
18 about how -- you know, what a nice dress, or
19 here she is, you know, look how beautiful she
20 looks tonight or -- you know, that kind of
21 thing.

22 Q. What about behind her back? Have
23 you ever heard him comment on her appearance
24 behind her -- not in front of her?

25 A. Not that I've -- not that I can

1 recall.

2 Q. Have you ever heard him make
3 comments of a sexual nature or sexual jokes in
4 front of **Senior Staffer 1**?

5 A. Yes.

6 Q. And tell us about that.

7 A. Just, you know, whatever he was
8 joking with me about, if she was there, he
9 would joke about it. Not about her
10 necessarily, but she would be present.

11 Q. Can you give me an example?

12 A. If he was teasing me -- I mean, I
13 guess this would count. If he were teasing me
14 about -- you know, about me or some joke he
15 was making about me, about, let's say, being
16 emotional, which is somewhat of a consistent
17 theme for him where I'm involved, and she were
18 there, she would be present or even part of
19 the joke.

20 Q. I'm -- my question was jokes of a
21 sexual nature.

22 A. No.

23 Q. I'm trying to understand how that
24 connects to jokes of a sexual nature.

25 A. No -- I mean, to me it's, like,

1 you know, that I'm emotional -- I'm so
2 emotional because, you know, that's like being
3 effeminate, you know, in his tough-guy world.

4 Q. I see. So you're acting like a
5 girl. That's the joke?

6 A. Yeah.

7 Q. Okay.

8 A. Yeah.

9 Q. Behind -- not in front of
10 **Senior Staffer 1**, have you ever heard him make
11 comments or jokes of a sexual nature about
12 her?

13 A. No.

14 Q. And you referred just a few
15 moments ago to -- you thought it was a [REDACTED]
16 [REDACTED] article. Right?

17 Can you turn to Tab 5 in your
18 binder. Why don't you just flip through the
19 pages.

20 A. Okay.

21 Q. Okay.

22 (Exhibit 2, [REDACTED] article,
23 dated March 1, 2021, marked for
24 identification, as of this date.)

25 Q. We'll mark this as the next

1 exhibit. Is this the article you were
2 referring to a few moments ago?

3 A. Yes.

4 Q. Okay. And why don't you turn to
5 Tab 4 in this binder. We'll mark this as the
6 next exhibit.

7 (Exhibit 3, E-mail including
8 Christopher Cuomo, dated March 1, 2021,
9 marked for identification, as of this
10 date.)

11 Q. Why don't you take a moment to
12 look at it, and then -- is the type too small,
13 Mr. Cuomo?

14 A. No, I'm sorry. I'm okay.

15 Q. It's okay.

16 A. Okay.

17 Q. I'll just make a suggestion as we
18 go forward -- correct? -- that perhaps when we
19 look at e-mails, you might want to start from
20 the end and read forward.

21 But are you ready?

22 A. Thank you.

23 Q. Have you seen this e-mail before?

24 A. No, not that I can remember.

25 Q. Do you remember being asked to

1 comment on **Senior Staffer #1** response to the [REDACTED]
2 [REDACTED] article?

3 A. I remember it in the conversation
4 that I had with her.

5 Q. You remember discussing her
6 response in the conversation you had with her
7 and perhaps with Mr. Vlasto?

8 A. Yes.

9 Q. Okay. And tell us about what you
10 discussed with **Senior Staffer #1** about her response
11 to the article.

12 A. That people are going to see what
13 they want to see.

14 Q. Other than that, did you say
15 anything else?

16 A. I was listening.

17 Q. Did you talk about what she might
18 say in response?

19 A. I was listening to what they were
20 going to put out. But, again, my feeling is
21 you can say what you want. People are going
22 to believe what they want to believe.

23 Q. Do you recall being read, in sum
24 or in substance, the statement that's
25 reflected in this e-mail?

1 A. No, I don't.

2 Q. Okay. How long did the call with
3 **Senior Staffer 1** and Mr. Vlasto last?

4 A. Minutes.

5 Q. After that call with **Senior Staffer 1**
6 and Mr. Vlasto, did you speak to anybody about
7 the article, the **[REDACTED]** article?

8 A. Yes.

9 Q. Who?

10 A. Various people who would ask me
11 about it. It got attention.

12 Q. Okay. And who were those people?

13 A. Friends, colleagues, random
14 people on the street.

15 Q. And did you have a standard
16 response to people who inquired?

17 A. No, but a lot of my life is about
18 tolerating what people want to say to me.

19 Q. And you told us you spoke to
20 Governor Cuomo generally about the article.

21 Is there anyone else in the
22 executive chamber that you spoke to about the
23 article?

24 A. I don't remember it -- no. I
25 don't remember it being a particular point of

1 concern.

2 Q. Okay. Have you spoken to anyone
3 else in the executive chamber about
4 allegations that **Senior Staffer #1** has a consensual
5 sexual relationship with the governor?

6 A. I don't remember that being a
7 specific topic for me with somebody.

8 Q. Have you ever become aware of
9 allegations that the governor has a consensual
10 sexual relationship with other members of the
11 executive chamber staff?

12 A. No.

13 MS. KENNEDY PARK: Okay. We've
14 been going for about an hour and 20
15 minutes. Would you like to take a
16 break?

17 MS. KIRSHNER: You want to take a
18 break?

19 THE WITNESS: No.

20 MS. KENNEDY PARK: Okay.

21 THE WITNESS: I don't want
22 to -- if anyone wants to take a -- I'm
23 okay, but ...

24 MS. KENNEDY PARK: You're the
25 witness. You're in charge.

1 Q. Prior to June of 2020, were you
2 aware of any allegations of sexual harassment
3 against the governor?

4 A. No.

5 Q. Had you ever talked to the
6 governor about behavior that he had regretted
7 or felt bad about?

8 A. No.

9 Q. Even bullying behavior. Had you
10 ever talked to the governor prior to June 2020
11 about bullying?

12 A. Not that I can recall
13 specifically.

14 Q. And prior to June of 2020, did
15 you ever talk to any member of your family
16 about concerns about the way Governor Cuomo
17 interacted with his staff?

18 A. No, not that I recall.

19 Q. And prior to June of 2020, did
20 you ever talk to any member of your family
21 about allegations of sexual harassment against
22 Governor Cuomo?

23 A. No.

24 Q. Or inappropriate conduct with
25 women?

1 A. No.

2 Q. Okay. Do you know Karen Hinton?

3 A. I do.

4 Q. Okay. How do you know

5 Ms. Hinton?

6 A. From her work with Andrew.

7 Q. Have you actually met Ms. Hinton?

8 A. Yes.

9 Q. How many times?

10 A. Several.

11 Q. And what were those occasions?

12 A. Work related.

13 Q. Okay. Would you say you're

14 friends with her -- friendly with her?

15 A. I'm not -- there's no -- there's

16 nothing. I don't really know her.

17 Q. Okay. When was the last time you

18 think you might have met her or seen her?

19 A. Years and years ago.

20 Q. Okay. Prior to June of 2020, did

21 you ever discuss with Governor Cuomo his

22 relationship with Ms. Hinton?

23 A. Not specifically.

24 Q. Generally?

25 A. Just that she was part of the

1 team and married to another member of the
2 team. I can't -- Howard Glazer.

3 Q. Did you ever talk -- prior to
4 June of 2020, did you ever talk to Governor
5 Cuomo about any concerns he had about his
6 interactions with Ms. Hinton?

7 A. No.

8 Q. Do you know who Gareth Rhodes is?

9 A. I know the name. I know that he
10 has something to do with the team. I don't
11 know him personally.

12 Q. And I take it, then, if I ask if
13 you were at Mr. Rhodes' wedding, the answer is
14 no?

15 A. I was not.

16 Q. In the summer of 2020, did you
17 ever discuss with Governor Cuomo a woman by
18 the name of Charlotte Bennett?

19 A. Never.

20 Q. In the summer of 2020 or prior to
21 December of 2020, did you discuss with any
22 member of the executive chamber staff
23 Charlotte Bennett?

24 A. Never.

25 Q. Prior to December of 2020, did

1 you ever discuss with Governor Cuomo any
2 issues he had relating to junior women on his
3 staff?

4 A. No.

5 Q. The governor --

6 THE WITNESS: Do you have a
7 question.

8 MS. CLARK: I didn't mean to
9 interrupt you.

10 MS. KENNEDY PARK: That's okay.
11 Please.

12 MS. CLARK: Prior to December of
13 2020, did you ever hear from either the
14 governor or a member of his staff about
15 any women who had asked to be
16 transferred out of the chamber?

17 THE WITNESS: No, never.

18 Q. Prior to December of 2020, did
19 Governor Cuomo ever tell you a member of his
20 staff was a sexual assault survivor?

21 A. Never.

22 Q. Did the governor ever discuss
23 with you prior to December of 2020 protocols
24 for staffing him?

25 A. Protocols for staffing him?

1 Q. Mm-hmm.

2 A. What does that mean?

3 Q. Good question. Do you have any
4 understanding of how the governor chooses to
5 deal with meetings in his office in terms of
6 whether the door is open or closed?

7 A. No.

8 Q. Okay. Did you have any
9 understanding of whether the governor has a
10 policy about being alone with junior members
11 of his staff in his office?

12 A. No.

13 Q. Has anyone in the executive
14 chamber ever talked to you -- when I say
15 "protocol," that's what I mean.

16 Has any member of the governor's
17 staff ever talked to you about those kinds of
18 protocols?

19 A. No. But if I may?

20 Q. Of course.

21 A. Just for your general
22 consumption, I have very little to do with my
23 brother's administration, his team, planning.
24 Even in this, I have been a satellite on it
25 there for my brother.

1 So I don't mean to come off like
2 I'm clueless. I just -- I am because it's not
3 my world. I don't work there. I've never
4 worked there. I've never been part of his
5 campaigns.

6 So that's why. If -- that's why
7 there's a consistency of me not being aware of
8 any of it.

9 Q. Great. And there -- thank you
10 for that context. It's actually quite helpful
11 to understand how you view your relationship
12 with the chamber.

13 A. I have no relationship with the
14 chamber.

15 Q. When you said "satellite," what
16 did you mean by that?

17 A. He's my brother. And if I can
18 help my brother, I do. If he wants me to hear
19 something, I will. If he wants me to weigh in
20 on something, I'll try.

21 Q. What about if Melissa DeRosa
22 wants you to weigh in?

23 A. It's got to be coming from him.

24 Q. And if it comes from Ms. DeRosa,
25 do you check and make sure it's coming from

1 the governor?

2 A. Depends. I mean -- that's --
3 I've never been suspicious that Melissa DeRosa
4 was asking me to do something that had nothing
5 to do with my brother or something like that.

6 Q. And so do you assume that if it's
7 coming from Ms. DeRosa, your brother has asked
8 you to be involved?

9 A. Usually.

10 Q. Are there occasions in which that
11 didn't happen?

12 A. Not that I'm aware.

13 Q. Okay.

14 MS. CLARK: Give me one second.

15 Other than the parties that
16 you've talked about, do you ever visit
17 your brother at the executive mansion?

18 THE WITNESS: Yes.

19 MS. CLARK: And on any of the
20 times you visited at the mansion, has he
21 been doing work?

22 THE WITNESS: Yes. I feel like
23 he's working almost all of the time.

24 MS. CLARK: And on any of those
25 occasions, did you have other staff --

1 did he have executive staff members with
2 him to assist him in the workings at the
3 executive mansion?

4 THE WITNESS: Not that I
5 remember. Well, the last time I went to
6 see him, Melissa DeRosa stopped by to
7 say hello to me and to him in the
8 morning. And I think that's it, other
9 than the staff that works at the
10 mansion.

11 MS. CLARK: Have there been any
12 occasions where he's had anyone there
13 to, you know, take dictation or edit
14 documents, that sort of work?

15 THE WITNESS: Not that I've seen.

16 MS. CLARK: Thanks, Jen.

17 BY MS. KENNEDY PARK:

18 Q. Have you ever -- other than
19 Ms. Benton, have you ever met any of the
20 governor's executive assistants?

21 A. Not that I remember. I've never
22 even been to his New York office, I don't
23 think.

24 Q. Have you been to his Albany
25 office?

1 A. I think I was there, like, very
2 early on when he was first elected.

3 Q. Are you -- shifting to December
4 of 2020, are you aware that a woman by the
5 name of Lindsey Boylan tweeted about Governor
6 Cuomo?

7 A. I am.

8 Q. Okay. Do you know Lindsey
9 Boylan?

10 A. No.

11 Q. Never met her?

12 A. I don't think so.

13 Q. How did you first become aware
14 that Ms. Boylan had tweeted about Governor
15 Cuomo?

16 A. I think that it was a close call
17 between somebody in the media telling me or
18 Melissa or Josh Vlasto, all of them, that all
19 happened.

20 Q. Okay. And when you say, "that
21 all happened," meaning you heard about it in
22 the media and you heard about it from
23 Ms. DeRosa and Mr. Vlasto? And is that yes?

24 A. Yes. I'm sorry.

25 Q. That's okay. And was that in

1 December of 2020?

2 A. Yes.

3 Q. Okay. And when I say

4 Ms. Boylan's tweets, what do you remember the
5 tweets saying?

6 A. I just remember the gist.

7 Q. And what was the gist?

8 A. That she was accusing Andrew of
9 inappropriate conduct.

10 Q. Do you recall hearing that
11 Ms. Boylan had tweeted that the governor had
12 sexually harassed her?

13 A. Yes. I don't know if that's what
14 I heard in the first instance or when
15 Ms. Boylan asserted that later.

16 Q. By "later," do you mean -- were
17 you aware that Ms. Boylan had several tweets
18 in relation to Governor Cuomo?

19 A. Yes. And an article.

20 Q. Okay. And were you following the
21 tweets in real time?

22 A. No. I don't believe that I
23 follow Ms. Boylan.

24 Q. Okay.

25 A. That doesn't mean I couldn't be

1 following the tweets. But no, I was -- I was
2 not.

3 Q. Let me look at the tweets and see
4 which of the tweets that you recall --

5 A. Which tab?

6 Q. So let's start with Tab 6. We'll
7 mark this as the next exhibit.

8 (Exhibit 4, tweets including
9 Lindsey Boylan, dated, December 5, 2020,
10 marked for identification, as of this
11 date.)

12 A. Okay.

13 Q. Okay. So this is a tweet on
14 December 5, 2020, where an individual by the
15 name of Jerry tweeted, "Name the worst job
16 you've ever had," and Ms. Boylan tweeted,
17 among other things:

18 "Most toxic team environment?
19 Working for @NYGovCuomo."

20 Do you see that?

21 A. Yes, ma'am.

22 Q. Do you remember seeing this
23 tweet?

24 A. No, ma'am.

25 Q. Do you remember hearing about

1 this tweet?

2 A. Not specifically.

3 Q. Okay. Why don't we look at the
4 next tweet. So turn to Tab 7. And we'll mark
5 this as the next exhibit.

6 (Exhibit 5, a series of tweets
7 from Ms. Boylan, dated December 8, 2020,
8 marked for identification, as of this
9 date.)

10 Q. This is a series of tweets from
11 Ms. Boylan that occurred on December 8 of
12 2020. And among other things, she says:

13 "Responding to the news world
14 finally waking up about the whispers
15 they have heard of about @NYGovCuomo
16 over the years." And she goes on.

17 Do you recall seeing these
18 tweets?

19 A. Not specifically.

20 Q. Generally?

21 A. I remember being made aware of
22 what the thread was about.

23 Q. Okay. Can you point in time to
24 when you first became aware of Ms. Boylan's
25 tweets?

1 A. Not specifically, but I would
2 suspect it was very close to when they were
3 happening.

4 Q. And do you remember it being
5 before she tweeted about sexual harassment or
6 was it not until she tweeted about sexual
7 harassment?

8 A. I'm not sure.

9 Q. Okay. Why don't we flip to
10 Tab 8. This is the -- we'll mark this as the
11 next exhibit.

12 (Exhibit 6, a series of tweets
13 from Ms. Boylan, dated December 12,
14 2020, marked for identification, as of
15 this date.)

16 Q. This is a series of tweets from
17 Ms. Boylan on December 12 where she says,
18 among other things:

19 "There are fewer things more
20 scary than giving this man, who exists
21 without ethics, even more control."

22 Do you remember seeing this
23 tweet?

24 A. No, not specifically.

25 Q. Okay. Do you remember discussing

1 this tweet with anyone, including the fact
2 that she was tweeting about Governor Cuomo
3 potentially being a pick for Mr. -- President
4 Biden's attorney general?

5 A. No.

6 Q. Turn to Tab 9. We'll mark this
7 as the next tweet.

8 (Exhibit 7, tweet from Lindsey
9 Boylan, dated December 13, 2020, marked
10 for identification, as of this date.)

11 Q. This is a tweet from December 13,
12 2020, from Ms. Boylan. And she says:

13 "My first experience of workplace
14 sexual harassment was when my mom got
15 her first real job for office after
16 graduating from college when I was in
17 high school."

18 And she goes on and says: "Yes.
19 @NYGovCuomo sexually harassed me for
20 years."

21 Do you remember seeing this
22 tweet?

23 A. No, not specifically.

24 Q. Do you remember hearing about
25 this tweet?

1 A. Yes.

2 Q. Okay. And tell us about your
3 conversation -- or I think you said you had a
4 communication with Ms. DeRosa about these
5 tweets. Right?

6 A. Yes.

7 Q. And tell us about that
8 communication.

9 A. I remember it generally being
10 about her not believing this, and that they
11 were hoping that it wouldn't get a lot of
12 traction.

13 Q. What form of communication were
14 you having with Ms. DeRosa?

15 A. I -- I remember a phone call.

16 Q. Okay. Was she the only person on
17 the phone?

18 A. I'm not sure if -- I think that
19 it was Melissa DeRosa, Josh Vlasto, and me.
20 But I may have had calls with each.

21 Q. In December of 2020, how often
22 were you in communication with Ms. DeRosa?

23 A. It became more frequent.

24 Q. Over the course of December?

25 A. Yes.

1 Q. Okay. Why don't you walk us
2 through the December timeline as you remember
3 it.

4 A. I don't have a great chronology
5 on this. I just know that as the situation
6 started to accelerate, my brother asked me to
7 be in the loop. And so from time to time, I
8 would be contacted by Melissa or another
9 member more frequently.

10 Q. Okay. Let's start with the
11 governor. You said he asked you to be in the
12 loop.

13 What form of communication did
14 that happen in?

15 A. Phone call.

16 Q. What else was said in that phone
17 call?

18 A. There were many phone calls,
19 Counselor. The general was, I need your help.
20 I'm sorry that you're getting pulled into this
21 kind of thing. And if you can be available,
22 please be available.

23 Q. And you say there were many phone
24 calls over the December 2020 time period.

25 You're saying with the governor?

1 A. Yes.

2 Q. Okay. How many phone calls do
3 you think you had with the governor over the
4 course of December 2020?

5 A. I don't know.

6 Q. Do you keep your phone records?

7 A. No.

8 Q. In any of those conversations, it
9 sounds like if I ask you to go through them
10 chronologically, you're not able to do that.
11 Is that right?

12 A. Yes. It would be difficult.

13 Q. Okay. So why don't you take me
14 through the substance. What was Governor
15 Cuomo telling you about the allegations that
16 had been made against him by Lindsey Boylan?

17 A. That they didn't happen, that
18 Lindsey Boylan had it out for him, and that's
19 what this was about.

20 Q. Anything else you remember?

21 A. That he never harassed her or
22 touched her in any inappropriate way.

23 Q. Let's try to unpack this a little
24 bit if you can be more specific in your
25 memory.

1 When the governor told you it
2 didn't happen, what do you remember him saying
3 didn't happen, in December of 2020?

4 A. That he had never harassed or
5 touched in any inappropriate way.

6 Q. Did you discuss with the governor
7 whether he had touched Ms. Boylan at all?

8 A. No.

9 Q. Did you discuss any of the
10 governor's interactions with Ms. Boylan with
11 the governor?

12 A. No, not specifically.

13 Q. Generally?

14 A. Just to understand what was going
15 on here, what was this about.

16 Q. Were you in any phone
17 conversations with him in which he talked
18 about his relationship with her?

19 A. No.

20 Q. What it was like to work with
21 her?

22 A. No, other than his description of
23 what didn't happen.

24 Q. Did he talk to you about how she
25 got hired?

1 A. No.

2 Q. Did he talk to you about how she
3 left the executive chamber?

4 A. Maybe.

5 Q. Okay. What do you remember about
6 that?

7 A. That there was an issue in the
8 office that involved Ms. Boylan and people who
9 were under her. But I didn't really probe it.
10 Like, it wasn't really relevant to me.

11 Q. Why wasn't it relevant?

12 A. Because what I'm worried about is
13 my brother and what this means for my family.
14 And I'm not covering it. You know what I
15 mean?

16 You know, the idea that I could
17 ever report on my brother has always been an
18 absurdity to me. That's never been my
19 intention. That's never been my practice.

20 And so, look, this was just --
21 you know, just wanted to be able to help my
22 brother. That's it.

23 Q. Did he tell you what the issue
24 was with -- I think you said it was people
25 that were under her?

1 A. No, I don't remember him telling
2 me.

3 Q. Okay. You said that Governor
4 Cuomo said that Lindsey Boylan had it out for
5 him?

6 A. Yes.

7 Q. What did he say about that?

8 A. He believes that Ms. Boylan's
9 allegations and all that it followed are
10 somehow connected to political animus against
11 him and people who are looking to play to
12 opportunity and advantage to take him down.

13 Q. When you say the governor has
14 expressed a view that Ms. Boylan's allegations
15 and all that have followed are part of that
16 effort, what do -- what did you understand him
17 to mean by "all that has followed"?

18 A. Everything.

19 Q. Meaning all the other
20 complainants who have come forward?

21 A. Yes.

22 Q. Including Charlotte Bennett?

23 A. Yes. That's not -- that's not
24 fair to him. I don't remember that being
25 specifically said. But that is a consistent

1 theme for him about what this is about. Every
2 time I've asked him, this is the answer that I
3 get.

4 Q. And those political -- I'll
5 scroll back. You said it's --

6 "Are somehow connected to
7 political animus against him, and people
8 who are looking to play on an
9 opportunity."

10 Who are the "people" he's
11 referring to?

12 A. In this instance, Lindsey Boylan.

13 Q. Did you ever have any
14 conversations with the governor about who
15 those other people might be that are looking
16 to take advantage of this opportunity?

17 A. Yes.

18 Q. Who -- and what were those
19 conversations?

20 A. That he believes that he has, if
21 not political enemies, people who have a
22 political interest in seeing him damaged.

23 Q. Are there specific people that
24 you and he discussed in connection with the
25 allegations of sexual harassment?

1 A. Say it again?

2 Q. Are there specific people that
3 you and the governor discussed as having that
4 political animus in connection with the
5 allegations of sexual harassment against the
6 governor?

7 A. Yes.

8 Q. Who?

9 A. Boylan -- Lindsey Boylan, Karen
10 Hinton, and other people involved.

11 Q. Can -- who are the other people?

12 A. Andrew believes that there are
13 members of the legislature who are very happy
14 to see him or gain or benefit from him being
15 in a situation. And, you know, that's what it
16 is for him. There's a universe of possibility
17 about people being out to get him.

18 MS. KIRSHNER: Take a break?

19 MS. CLARK: This is just one
20 question.

21 In the conversations that you had
22 with Governor Cuomo in December, did he
23 ever tell you that he was aware that
24 Charlotte Bennett had raised concerns
25 about interactions with him that made

1 her uncomfortable back in June of 2020?

2 THE WITNESS: I never heard that
3 until the allegations came out, so ...

4 MS. CLARK: Did Melissa DeRosa
5 ever tell you in December 2020 that she
6 knew back in June or July of 2020 that
7 Charlotte Bennett had raised concerns
8 about interactions with the governor
9 that made Ms. Bennett uncomfortable?

10 THE WITNESS: I don't know. I
11 don't remember if I learned about that
12 after I learned about it, you know, so
13 that I re-knew and it was being
14 discussed, or that I was told about it
15 in advance. I don't -- I don't
16 remember.

17 MS. CLARK: Do you recall any
18 discussion with either your brother or
19 Ms. DeRosa when -- talking about
20 Ms. Boylan's allegations, where there
21 was discussion about there were other
22 women who have been uncomfortable in
23 interactions with the governor?

24 THE WITNESS: No, not -- not the
25 way that you're explaining.

1 MR. KIM: And when the governor
2 talked about there being a political
3 animus or motive behind this, did he
4 include Charlotte Bennett in that as
5 well?

6 THE WITNESS: Not that I
7 remember.

8 MR. KIM: Did he say anything
9 about how he could explain Charlotte
10 Bennett?

11 THE WITNESS: Yes, he said a lot,
12 Counsel.

13 MR. KIM: We're probably going to
14 cover it, but what did -- what did he
15 say?

16 MS. KENNEDY PARK: Can we --

17 MR. KIM: Can we wait?

18 MS. KENNEDY PARK: Mr. Kim, can
19 you wait?

20 MR. KIM: Sorry.

21 MS. KENNEDY PARK: That's okay.

22 MR. KIM: Okay.

23 THE WITNESS: Is there anything
24 else that you want to get to before
25 we'll take a break? And it'll be fast.

1 MS. KENNEDY PARK: Why don't we
2 take a break? I think -- let's go off
3 the record.

4 THE VIDEOGRAPHER: The time is
5 10:43 a.m. This concludes Media 1. Off
6 the record.

7 (Recess taken from 10:44 a.m. to
8 10:58 a.m.)

9 THE VIDEOGRAPHER: The time now
10 is 10:58 a.m. This begins Media 2. On
11 the record.

12 BY MS. KENNEDY PARK:

13 Q. Mr. Cuomo, before the break, we
14 were talking about conversations you had with
15 Governor Cuomo in December of 2020 about the
16 allegations of sexual harassment Ms. Boylan
17 had made.

18 You told us you also had
19 conversations with Melissa DeRosa and Josh
20 Vlasto about those allegations. Can you tell
21 us about the substance of your conversations
22 with Ms. DeRosa and Mr. Vlasto?

23 A. I remember Melissa DeRosa
24 dismissing the allegations as untrue. I
25 remember Josh Vlasto dismissing the

1 allegations as untrue.

2 Q. Anything else you remember about
3 your conversations with Ms. DeRosa and
4 Mr. Vlasto in December of 2020?

5 A. Not by date.

6 Q. Forget about chronology. Sort of
7 just substance-wise, what do you remember?

8 A. I remember that Josh Vlasto --
9 and please correct me if I'm wrong. I'm not
10 saying this as a matter of fact. I believe he
11 knew Lindsey Boylan before she worked for the
12 governor. And that he was very upset by this,
13 that he felt that she was out to hurt people
14 in the administration. She had an axe to
15 grind.

16 Q. Did Mr. Vlasto explain why he
17 thought Ms. Boylan had an axe to grind or was
18 out to hurt people in the administration?

19 A. Generally, I got the sense that
20 there had been trouble caused by Ms. Boylan,
21 and that this was an extension of that.

22 Q. What did you understand was the
23 trouble that had been caused by Ms. Boylan?

24 A. I wasn't interested specifically.
25 To me, it was just what -- what is this going

1 to mean for my brother, you know, and my
2 family, you know? I didn't have a curiosity
3 about things that didn't -- you know, back
4 story, you know.

5 Q. Even if you didn't ask or you
6 weren't curious about the back story, did
7 Mr. Vlasto or Ms. DeRosa explain what the
8 trouble was?

9 A. Not that I specifically recall.

10 Q. What do you remember Mr. Vlasto
11 or Ms. DeRosa discussing about how to respond
12 to Ms. Boylan's allegations?

13 A. I don't remember either of them
14 making strategy points about here's what
15 should be done or not be done. I wasn't part
16 of conversations like that very often. So for
17 me, the conversation was about what this is
18 and what they wanted me to know about it.

19 Q. Were you a part of any
20 conversations in what -- in which they
21 discussed Governor Cuomo publicly responding
22 to Ms. Boylan's allegations?

23 A. Yes.

24 Q. Okay. In December of 2020?

25 A. I think so. I think so. Again,

1 you know, take it for what it's worth. When
2 you were asking me about June and -- not you,
3 Joon -- about the timing of June, you know, I
4 was coming off COVID. I talk about this
5 publicly to, kind of, help motivate people to
6 talk about it.

7 [REDACTED]
8 [REDACTED] I know people are trying to come up
9 with reasons to tell you to -- you can ask me
10 whatever you want. Okay? And I'm going to
11 answer whatever you want, [REDACTED]

12 [REDACTED]
13 [REDACTED]
14 I don't know if it's just, like, a fire hose
15 on my face on a regular basis of different
16 things, or that it is, you know, the -- [REDACTED]

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 [REDACTED] I mean, once we get into the meat of
21 the matters here, you know, it was just a
22 deluge of stuff; you know, June, December,
23 January, February.

24 [REDACTED]
25 [REDACTED] When

1 I went back and reviewed, a lot of these dates
2 are new to me in terms of contextualizing it.

3 So that's what I mean. I don't
4 remember if it was in December right proximate
5 to when I was told about the tweets that I
6 started to being looped in.

7 My assumption is yes, that
8 whenever they started talking about it, they
9 started to loop me in to talking about it.
10 And I absolutely said yes to my brother. I
11 was willing to listen to whatever he wanted me
12 to.

13 Q. Putting aside chronology -- and
14 I'm going to do my best to put aside
15 chronology, recognizing what you just said
16 today.

17 A. But just so you understand, I'm
18 not busting your chops to make you give me
19 specific dates.

20 Q. Totally understand. And we'll
21 get you some documents, and maybe it'll help
22 refresh your chronology a little bit. But
23 what do you remember being discussed about the
24 governor's first response to Ms. Boylan's
25 allegations of sexual harassment?

1 A. The primary discussion, as I
2 remember it, was whether or not to respond.

3 Q. And fill us in on how those
4 conversations went.

5 A. I just remember there being a
6 division of significance to different people
7 on the various calls about whether or not
8 responding was the right thing or not. And I
9 remember Andrew very much wanting to respond.

10 Q. Okay. And tell us about what you
11 remember Governor Cuomo saying about wanting
12 to respond to Ms. Boylan's allegations.

13 A. Not true, and that he should get
14 in front of it.

15 Q. And what were the other views
16 expressed?

17 A. If you get in front of it, then
18 you continue it was, you know, I guess, the
19 antipodal viewpoint.

20 Q. And who expressed that view?

21 A. I was asked, I'm pretty sure by
22 Andrew, and I don't remember if it was, like,
23 before a conversation or not, but I said to
24 him, and I said consistently all the way
25 through, you tell the truth, and you tell it

1 now. And I remember other people being more
2 deliberative about it.

3 Q. What was Melissa DeRosa's view in
4 responding to Lindsey Boylan's allegations of
5 sexual harassment against the governor?

6 A. I don't remember her specific
7 take on what to say or how to say it early on
8 other than the conversation that I had had
9 with her -- or conversations about her saying
10 this wasn't true and putting this on Lindsey
11 Boylan and having animus.

12 Q. Did you have any discussions with
13 Ms. DeRosa about Ms. Boylan's personnel file
14 and whether it should be provided to the
15 press?

16 A. Personnel file?

17 Q. Yes.

18 A. Meaning, like, what had happened
19 with her when she was there?

20 Q. Well, were you involved in any
21 discussions about Ms. Boylan's personnel file?

22 A. Not that I can recall.

23 Q. Were you involved in any
24 discussions about informing the press about
25 what had happened with Ms. Boylan while she

1 had been a chamber employee, meaning the
2 trouble from those underneath her?

3 A. No, not about what to do with
4 what had happened with her when she was at the
5 chamber.

6 Q. Okay.

7 A. I didn't really know.

8 Q. Did you ever become aware that
9 the chamber had provided the press with
10 Ms. Boylan's -- with what was referred to as
11 Ms. Boylan's personnel file?

12 A. I don't know that the chamber
13 provided it to the press.

14 Q. Okay. You're aware it has been
15 provided to the press?

16 A. I remember reading that there
17 was -- I remember reading in the press that
18 Lindsey Boylan had sent texts or messages of
19 some kind to people who were in the
20 administration expressing animus and an intent
21 to come after them.

22 Q. Okay. Putting aside the texts,
23 do you have any knowledge about the provision
24 of information relating to complaints that had
25 been made about Ms. Boylan's behavior while

1 she was an executive chamber employee being
2 provided to the press?

3 A. No, ma'am.

4 Q. You were never involved in any
5 discussions with anyone about who might have
6 provided that information to the press?

7 A. No. Again, I don't know that the
8 executive chamber did provide personnel files
9 to media. I don't know that.

10 Q. Were you aware of a draft letter
11 that was prepared regarding Ms. Boylan and her
12 allegations of sexual harassment in her time
13 at the executive chamber?

14 A. I don't remember a draft about
15 Lindsey Boylan specifically.

16 Q. Do you remember any discussions
17 about preparing a draft? An op-ed or a letter
18 that would discuss Ms. Boylan.

19 A. Ms. Boylan specifically? No.
20 But yes is the answer to the question
21 generally. I remember many. But not specific
22 to Ms. Boylan, I don't.

23 Q. Do you remember any discussions
24 with Governor Cuomo about having people write
25 an op-ed about Lindsey Boylan?

1 A. No, I don't. I don't recall
2 that.

3 Q. In the December time period? I
4 know you don't have a good handle on the
5 chronology, but were you aware of any efforts
6 by the executive chamber to reach out to
7 former members of the executive chamber staff?

8 A. No. No. I wasn't part of any
9 effort like that.

10 Q. Were you aware of any effort like
11 that?

12 A. No.

13 Q. Were you involved in any
14 conversations with the governor, Ms. DeRosa,
15 or Mr. Vlasto, where it became clear that they
16 were getting information from former members
17 of the executive chamber staff?

18 A. I don't remember that
19 specifically being a dynamic.

20 Q. Were you aware of any effort to
21 determine whether there might be any other
22 potential complainants who would have
23 allegations against Governor Cuomo?

24 A. No. My experience was being
25 asked on an on-and-off basis about whether it

1 was true that there were more complainants.

2 Q. And who was asking you that?

3 A. Various members of the team I
4 guess you'd call it.

5 Q. When you say "the team," you're
6 talking about members of the executive chamber
7 staff?

8 A. No. You know, Steve Cohen is not
9 a member of the executive chamber staff
10 anymore. Josh Vlasto is not a member of the
11 executive chamber staff anymore. Pollock I
12 don't think ever was. Lis Smith is not
13 anymore. I mean, you know all these things.

14 But, I mean, there -- you know,
15 obviously, I don't want to mislead you to
16 think that it was only the people who worked
17 for the governor who was -- who were talking
18 to him at this time. It was an expanding
19 circle of people around him.

20 Q. And that -- that group of people
21 or that expanding group of people, was there
22 ever any discussion that you became aware of
23 that they were going to reach out to former
24 members of the executive chamber staff to see
25 if anyone might have a concern about their

1 interactions with Governor Cuomo?

2 A. I don't remember that being a
3 focus of their energy.

4 Q. Even if it wasn't a focus, did
5 that come up?

6 A. Not -- not that I recall. It may
7 have. But I don't recall being a part of
8 anything like that.

9 Q. Are you aware of a woman named
10 Kaitlin who has made allegations against
11 Governor Cuomo?

12 A. Yes.

13 Q. When was the first time you heard
14 just -- or were part of any discussions about
15 Kaitlin?

16 A. When the allegation was made.

17 Q. Meaning you either saw the
18 article or there was a discussion about a
19 potential article?

20 A. Yes.

21 Q. Okay. Why don't we turn to, just
22 staying with Lindsey Boylan for a few more
23 moments, Tab 24. Sorry. I apologize. It's
24 not Tab 24. It's Tab 10. Excuse me.

25 MS. KENNEDY PARK: We'll mark

1 this as the next exhibit.

2 (Exhibit 8, Medium article
3 published by Lindsey Boylan, marked for
4 identification, as of this date.)

5 Q. Do you recognize this as the
6 Medium piece Ms. Boylan published regarding
7 her experiences with Governor Cuomo?

8 A. No. Because I don't remember
9 ever seeing it, you know, in this layout. But
10 that's -- you know, I see her name there, and
11 I see what the headline is.

12 Q. Why don't you page through the
13 substance real quick.

14 A. (Document review.)
15 Yes, I recognize that that's what
16 this is.

17 Q. Okay. And how did this first
18 come to your attention?

19 A. I think that I was either told by
20 people in the media or by someone in the
21 governor's ambit of this development.

22 Q. Before you were told, were
23 you -- did you have any advance knowledge that
24 this might be happening --

25 A. Not that I recall.

1 Q. Apologize. I didn't mean to
2 interrupt you. Any knowledge that Ms. Boylan
3 might be publishing more specifics of her
4 interactions with the governor?

5 A. No. I was surprised by this.

6 Q. Were you at the executive mansion
7 the day this piece was published?

8 A. I don't think so.

9 Q. So after this is published,
10 what -- what happens next from your
11 perspective?

12 A. I don't remember anything
13 happening next.

14 Q. Did you talk to anyone about the
15 article?

16 A. Yes.

17 Q. Who did you talk to about it?

18 A. Various people. It was an item
19 of high interest.

20 Q. Did you -- were you part of group
21 conversations with members of the executive
22 chamber staff and consultants to the executive
23 chamber --

24 A. Yes.

25 Q. -- about Lindsey Boylan's Medium

1 piece?

2 A. I don't know if it was about
3 specifically this piece, but yes.

4 Q. About Lindsey Boylan?

5 A. Yes.

6 Q. Okay. And tell us about
7 those -- the substance of those
8 communications.

9 A. That this had raised the stakes
10 and that there was shock on their part that
11 the allegation had been made.

12 Q. Was there any discussion about
13 whether any of the contents of Ms. Lindsey
14 Boylan's allegations were true?

15 A. No. The -- the suggestion was
16 the opposite.

17 Q. And by "suggestion," what do you
18 mean?

19 A. That Lindsey Boylan suggesting
20 that the governor had forced her to kiss him
21 was not true.

22 Q. Who told you that it was not
23 true?

24 A. Andrew. My brother told me, Josh
25 Vlasto said he didn't believe it. He became

1 more detailed in his doubts about her
2 credibility and her acting in anything
3 approximating good faith, and that he had
4 regret because -- and, again, I could be
5 wrong.

6 But my -- but I remember him
7 feeling like he somehow was connected to how
8 she got hired or something like that, that he
9 knew her or something like that, and that he
10 felt guilty that somebody that he had brought
11 in, you know, had caused this situation. I
12 remember Melissa also expressing disbelief.

13 Q. You said Mr. Vlasto was more
14 detailed in his doubts. What did he detail?

15 A. That he did not trust Lindsey
16 Boylan's credibility, good faith.

17 Q. Did he explain why?

18 A. Not exactly.

19 Q. And generally?

20 A. He said that -- he was just
21 commenting that this was more than wrong. It
22 wasn't about her misunderstanding the
23 situation. It wasn't about anything that had
24 ever happened. It was about her launching an
25 attack and him believing that she was not

1 tethered to reality.

2 Q. And you said Ms. DeRosa expressed
3 disbelief?

4 A. Yes.

5 Q. And explain, what did Ms. DeRosa
6 say to your recollection --

7 A. It just didn't happen. I'm
8 sorry.

9 Q. That's okay. What did she say to
10 your recollection?

11 A. "No way this happened."

12 Q. And the "this" that's being
13 referred to, what was the "this"?

14 A. The harassment, the forced
15 kissing.

16 Q. Was there any discussion about
17 Ms. Boylan's allegation that the governor gave
18 her a tour of the executive mansion?

19 A. No. I don't understand that to
20 be an allegation.

21 Q. Was there any discussion about
22 Ms. -- Ms. Boylan's allegation that the
23 governor had made comments about a cigar box
24 he had received from President Clinton?

25 A. Not that I can recall.

1 Q. Was there any discussion about
2 Ms. Boylan saying the governor had compared
3 her to one of his ex-girlfriends?

4 A. Not that I can recall.

5 Q. Was there any discussion about
6 Ms. Boylan's allegation that the governor had
7 given her a rose on Valentine's Day?

8 A. No.

9 Q. Was there any discussion that
10 Ms. Boylan had received a signed photograph of
11 the governor on her desk shortly after
12 receiving the Valentine's Day rose?

13 A. Not that I can recall. But also,
14 just to be -- I don't remember being in any
15 conversation where that was said. I'm not
16 saying it was never said.

17 I can't speak for conversations
18 that they had, which happened all the time,
19 that I was not included in or I was only
20 included in for part of the time. So ...

21 Q. Totally understand. I'm just
22 looking for your memory, in part trying to
23 understand what the "this" is that you
24 understood people were expressing disbelief
25 about.

1 Was there any discussion about
2 Ms. Boylan's allegation that the governor had
3 made a comment about playing strip poker?

4 A. Not that I can recall. I don't
5 remember anybody validating anything that
6 Lindsey Boylan said.

7 Q. But other than the kiss, you
8 don't remember them discussing any of the
9 allegations?

10 A. No, not specifically.

11 Q. Okay. And when the kiss was
12 discussed, you said they -- that both the
13 governor -- the governor denied that he had
14 forcibly kissed Ms. Boylan.

15 Did the governor ever say he had
16 kissed her not forcibly?

17 A. No.

18 Q. Were you a part of any
19 conversation in which any of the governor's
20 physical interactions with Ms. Boylan were
21 discussed?

22 A. Maybe in terms of how his
23 customary greetings or whatever may have been
24 an aspect of what Boylan was talking about.
25 And I remember that being rejected heavily. I

1 may have even suggested it at some point. I
2 didn't talk so much early on.

3 And I may have said, you know, is
4 the -- you know, I remember thinking, at
5 least, you know, could she have gotten
6 something wrong? I mean, you know, people can
7 misconstrue things all the time, in good
8 faith.

9 And I remember it just being
10 dismissed out of hand that any of this was
11 about confusion or not understanding something
12 as it was intended. This was all intentional,
13 she was making it up, and she was doing it to
14 hurt Andrew. And nobody was surprised that
15 she was doing that.

16 Q. Okay. To the entire premise of
17 the discussion was she had made everything up?

18 A. Yes.

19 MR. KIM: Can I ask one
20 follow-up?

21 MS. KENNEDY PARK: Yeah, please.

22 MR. KIM: So are you aware of
23 someone by the name of -- do you know
24 someone by the name of Lisa Shields?

25 THE WITNESS: Yes.

1 MR. KIM: Who is she?

2 THE WITNESS: Lisa Shields is
3 somebody who worked at ABC News, where I
4 worked for many years. She dated my
5 brother. And she is a friend once
6 removed. I've known her many years. By
7 "once removed," I mean she's very good
8 friends with a very good friend of mine.

9 MR. KIM: And did you ever become
10 aware that one of the allegations --

11 THE WITNESS: I'm listening,
12 Counselor. I'm sorry.

13 MR. KIM: Did you ever become
14 aware that one of the allegations that
15 Lindsey Boylan made was that the
16 governor had said she, Lindsey Boylan,
17 looks like Lisa Shields?

18 THE WITNESS: I'm aware that that
19 has been said. I don't remember being
20 part of a conversation about it or, you
21 know -- I -- so I'm aware of it, but I
22 don't remember having conversations
23 about it or that -- I don't remember
24 where I heard it. But, yes, I am
25 familiar with that.

1 MR. KIM: Did you ever talk to
2 the governor about that?

3 THE WITNESS: Not that I can
4 recall.

5 MR. KIM: Did you ever ask him,
6 "Did you say that?"

7 THE WITNESS: Not that I can
8 recall specifically.

9 MR. KIM: Do you know what
10 Lindsey Boylan looks like?

11 THE WITNESS: Just from photos.
12 I don't think I've ever met her in
13 person.

14 MR. KIM: But from photos, does
15 she look like Lisa shields?

16 THE WITNESS: I don't know.

17 MS. KENNEDY PARK: Okay.

18 BY MS. KENNEDY PARK:

19 Q. You've told us what you recall
20 the governor saying about Ms. Boylan,
21 Mr. Vlasto, and Ms. DeRosa. Do you recall
22 anything anyone else said that was part of the
23 team about Ms. Boylan?

24 A. Not individually.

25 Q. Collectively?

1 A. I just remember that there was
2 abject rejection of what Lindsey Boylan was
3 putting out, that there was a general feeling
4 that she was not coming in good faith, and
5 that this was designed to hurt the
6 administration.

7 Q. Were you part of any
8 conversations about doing opposition research
9 on Ms. Boylan or research on Ms. Boylan?

10 A. No, never.

11 Q. Were you part of any
12 conversations in which her campaign
13 contributors were discussed?

14 A. No, not that I recall.

15 Q. Were you part of any
16 conversations in which it was clear that
17 members of her staff had been spoken to?

18 A. No.

19 Q. Her campaign staff, I mean?

20 A. No. Not that I can recall.

21 MS. CLARK: Jen, can I --

22 MS. KENNEDY PARK: Please.

23 MS. CLARK: Did your brother, the
24 governor, discuss with you why he was
25 looping in people like Steve Cohen and

1 Josh Vlasto who no longer worked in the
2 administration?

3 THE WITNESS: No, not
4 specifically.

5 MS. CLARK: Did he speak to you
6 generally about that?

7 THE WITNESS: No.

8 MS. CLARK: Did you have any
9 understanding as to why he was including
10 people like Steve Cohen and Josh Vlasto
11 who no longer worked in the
12 administration?

13 THE WITNESS: Yes.

14 MS. CLARK: What was your
15 understanding?

16 THE WITNESS: They were still
17 advisors of his.

18 MS. CLARK: And what do you
19 understand he had -- that they advised
20 him about other than these allegations?

21 THE WITNESS: Everything.
22 Everything and anything. There's a good
23 chance that the governor will reach out
24 to one or both of them.

25 MS. CLARK: Is there anyone else

1 that falls into that category that the
2 governor reaches out to about everything
3 as an advisor who's not an employee of
4 the executive chamber?

5 THE WITNESS: No, not that I can
6 think of.

7 MS. CLARK: Did you have any
8 discussion with the governor about
9 whether it was appropriate to share
10 nonpublic information about state
11 operations with people that no longer
12 worked for the chamber?

13 THE WITNESS: No.

14 MS. CLARK: Did you have any
15 discussions with the governor about
16 Linda Lacewell's role?

17 THE WITNESS: Her role?

18 MS. CLARK: Her role with respect
19 to things going on within the executive
20 chamber.

21 THE WITNESS: No, ma'am.

22 MS. CLARK: Did you understand
23 that at the time of these allegations,
24 Ms. Lacewell no longer worked in the
25 executive chamber?

1 THE WITNESS: I don't think so.

2 MS. CLARK: Okay, Jen.

3 BY MS. KENNEDY PARK:

4 Q. With respect to Ms. Boylan, were
5 you part of any conversations in which it was
6 discussed that she had called the governor
7 handsome?

8 A. No.

9 Q. That she had said she loved the
10 governor?

11 A. No.

12 Q. [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 A. Not that I recall.

17 Q. Okay. Tell us what you remember
18 about the response to Ms. Boylan's Medium
19 post. What was discussed?

20 A. I remember there being a division
21 about whether or not to respond.

22 Q. Is this the division you spoke of
23 earlier where you were in the -- in favor of
24 "tell the truth and tell it now"?

25 A. Yes, Counselor.

1 Q. Okay. Do you remember at this
2 time who was in which bucket?

3 A. I remember I was in the "you tell
4 the truth and you tell it now" bucket. And my
5 brother, I believe, accepted that advice.
6 Well, I don't think he needed it. I think
7 that that's where his head was also.

8 And there were others who were
9 more circumspect about the risks of weighing
10 in on something in terms of the energy that
11 that would give the story in the media.

12 Q. And do you recall what the
13 outcome of those discussions were with respect
14 to Lindsey Boylan's Medium piece?

15 A. No. And I don't even remember if
16 there was a specific response to it.

17 Q. Okay. Do you remember any other
18 conversations about Ms. Boylan that you
19 participated in?

20 A. Not specifically.

21 Q. When was the first time you
22 name -- you heard the name Charlotte Bennett?

23 A. I'm not exactly sure. But I had
24 never heard about Charlotte Bennett before
25 this period.

1 Q. Why don't we -- I'm going to hand
2 you --

3 A. Thank you.

4 MS. KENNEDY PARK: Counselors, do
5 you have a binder over there that looks
6 like this?

7 MR. CLAYMAN: No. We --

8 MS. KENNEDY PARK: I have a stack
9 of them. That's why you don't have
10 them. I'm hoarding them.

11 Okay. So we're going to mark
12 what is in this binder as the next
13 exhibit.

14 (Exhibit 9, Text messages between
15 Christopher Cuomo and Melissa DeRosa,
16 beginning February 27, marked for
17 identification, as of this date.)

18 BY MS. KENNEDY PARK:

19 Q. Mr. Cuomo, this is a printout of
20 text messages between you and Ms. DeRosa. Can
21 you see that?

22 A. Yes, ma'am.

23 Q. Okay. And they begin on
24 February 27, the very first page. You see on
25 February 27 --

1 A. Yes, ma'am.

2 Q. -- Ms. DeRosa texts you a tweet
3 from Jesse McKinley, a reporter from the New
4 York Times. In response to that tweet, did
5 you learn that the article was going to be
6 about Ms. Bennett?

7 A. I'm not sure. I'm not sure if I
8 knew who it was when I received this text.

9 Q. Okay. And tell us what you do
10 remember about discussions about Charlotte
11 Bennett with the governor.

12 A. There was a lot of discussion,
13 obviously. My interest was different than the
14 team's. For me it was who is Charlotte
15 Bennett? What is this account about? What is
16 true and isn't true?

17 Q. What did the governor tell you
18 about who Charlotte Bennett is?

19 A. He said she worked on the staff,
20 that she was on and off, you know, in contact
21 with him, that she was part of, like, the Love
22 Gov, you know, fanfare of all of the -- all
23 the messages that he would get and all that.

24 And, you know, the people around
25 him who would, kind of, monitor it, that

1 Charlotte Bennett was one of them. I'm not
2 saying that was her job. I'm just saying he'd
3 mentioned that.

4 Q. Anything else that Governor Cuomo
5 told you about who Ms. Bennett is?

6 A. Not in terms of, like, her
7 background or anything like that.

8 Q. Did Governor Cuomo ever tell you
9 that Ms. Bennett was a sexual assault
10 survivor?

11 A. I definitely discovered that. I
12 don't -- I don't think my brother is the one
13 who told me that.

14 Q. Okay. I think you said the next
15 thing you were interested in is is what is
16 this, what's true, and what's not.

17 What did Governor Cuomo tell you
18 was true and was not true about Ms. Bennett's
19 allegations?

20 A. My brother said that he never
21 intended to do anything like what Charlotte
22 Bennett was alleging.

23 Q. And by "do anything," what
24 did --

25 A. Andrew -- my brother said that he

1 never solicited affection or asked her out or
2 made a move or anything like that, never put
3 his hands on her. He never did anything like
4 that.

5 Q. What did he say to you or tell
6 you about the allegations she made about
7 things he said to her?

8 A. That he never intended to in any
9 way deceive or influence her the way that had
10 been suggested. And he was very sorry that
11 she felt that way if she, in fact, did.

12 Q. Did Governor Cuomo acknowledge to
13 you that he had said to Ms. Bennett the things
14 she was alleging he said?

15 A. Not specific comments.

16 Q. In general?

17 A. Not that I recall. That they had
18 discussed Charlotte Bennett and what she had
19 survived and how that shaped her, and that she
20 wanted to know from my brother what to do with
21 it, what to do with the experience, and how it
22 affected her life and her personal life.

23 Q. Did Governor Cuomo acknowledge to
24 you he had said the things to Ms. Bennett she
25 alleged he had said to her?

1 A. No.

2 Q. Did he deny to you that he had
3 said the things to Ms. Bennett that she is
4 alleging?

5 A. He denied that he was trying to
6 manipulate Charlotte Bennett the way that I
7 believe is alleged.

8 Q. I understand that he denied
9 having intention to you. I'm asking, did he
10 deny using the words that she says he used?

11 A. Which words?

12 Q. Okay. So did the governor deny
13 to you telling her that he was lonely?

14 A. No.

15 Q. Did he acknowledge that he did
16 tell Ms. Bennett he was lonely?

17 A. No, not that I recall.

18 Q. Did the governor acknowledge that
19 he had said to Ms. Bennett he wanted to ride
20 off on his motorcycle and take a woman into
21 the mountains?

22 A. No.

23 Q. Did he deny saying that?

24 A. No.

25 Q. Did he acknowledge asking her

1 about recent hookups?

2 A. Say that again?

3 Q. Did the governor deny asking

4 Ms. Bennett about recent hookups?

5 A. No, I don't remember ever

6 discussing any of these statements with him

7 specifically. That's why I'm saying I don't

8 remember him acknowledging them or denying

9 them, because I don't remember discussing them

10 with him.

11 Q. Okay. And so then help me

12 understand what was discussed. So I

13 understand he denied the intent -- having an

14 intent -- right? -- you said he denied trying

15 to manipulate her.

16 Was the tenor of the discussion

17 that the conversations Ms. Bennett was

18 describing had, in fact, occurred?

19 A. The tenor of the conversation

20 was, "What were you doing talking to her about

21 these things? Why did any of this happen?"

22 That was coming from me.

23 Q. And what did Governor Cuomo say

24 in response?

25 A. He thought he could help. He

1 thought he understood. He thought he was
2 being helpful.

3 Q. So he didn't deny talking to her
4 about the things?

5 A. No.

6 Q. In any conversation that you were
7 a part of, did Governor Cuomo deny talking to
8 Ms. Bennett about the things she alleged they
9 discussed?

10 A. I don't remember it being -- I
11 don't remember it being couched that way,
12 Counselor. I remember it not being a matter
13 of fact, like, were these things said or not.
14 It was about what the dynamic was, why was
15 this conversation happening.

16 It wasn't about denying that
17 Charlotte Bennett had said what had happened
18 in her past, or that Andrew discussed with
19 that -- discussed that with her often, but
20 that the way in which it was discussed was
21 intended to be helpful because of what he had
22 lived through in his own life and what he knew
23 about the lives of those around him, and what
24 he understands about this dynamic from being
25 in this, you know, world and public space for

1 four decades.

2 But nothing that even
3 approximates the idea of it being seductive or
4 grooming. He was disgusted by that idea.

5 Q. Did the governor tell you he was
6 trying to be helpful when he asked Ms. Bennett
7 if she could find him a girlfriend?

8 A. He never mentioned that he asked
9 her to find him a girlfriend. What I was told
10 was that Charlotte Bennett used to talk about
11 culling that Love Gov parade and looking for
12 women as a joke.

13 Not that she ever meant it as
14 any, kind of, actual solicitation or -- you
15 know, just to be clear.

16 Q. And who told you that Ms. Bennett
17 had discussed culling the -- actually, I need
18 to understand, what is the Love Gov parade
19 that you're talking about?

20 A. Andrew at some point became a
21 focus of national attention. And he started
22 to get a lot of attention and a lot of praise
23 and a lot of playfulness about his personal
24 life. And messages would come in, e-mails,
25 social media, of men but, you know, I believe

1 mostly women, saying nice things about him.

2 And it was my understanding that
3 Charlotte Bennett thought that was very funny,
4 and that she would go through the messages and
5 had said to him, "Hey, I'm going to find you a
6 good woman in this here, from this." That's
7 what I was told.

8 Q. Who told you that?

9 A. I don't remember specifically. I
10 remember -- I don't remember specifically. I
11 don't -- I don't remember specifically.

12 Q. Do you remember being a part of a
13 conversation in which someone reported on what
14 Charlotte Bennett had told senior staff in the
15 chamber about her conversations with the
16 governor before she left?

17 A. I don't know that I was part of a
18 conversation, but I remember being told that
19 Charlotte Bennett did go in and met with
20 senior staff.

21 Q. Okay. And who told you that?

22 A. I don't remember if someone told
23 me, or I was asked to listen in on a
24 conversation where that was being discussed.

25 Q. Okay. And what do you remember

1 about that conversation where Ms. Bennett's
2 meetings with senior staff were discussed?

3 A. Just that. That there had been
4 meetings.

5 Q. And was the substance of those
6 meetings relayed?

7 A. Not that I recall.

8 Q. Did Governor Cuomo tell you he
9 was trying to be helpful when he asked
10 Ms. Bennett how old someone had to be for him
11 to date her?

12 A. I don't remember discussing him
13 saying that.

14 Q. Did the governor tell you he was
15 trying to be helpful when he told Ms. Bennett
16 she should put a tattoo she wanted to get on
17 her chest or her butt?

18 A. I don't remember ever discussing
19 that with him.

20 Q. Did Governor Cuomo tell you he
21 was trying to be helpful to Ms. Bennett when
22 he called her Daisy Duke?

23 A. I don't know that he ever said
24 that.

25 Q. Did you ever discuss that with

1 Governor Cuomo?

2 A. No. Except to the extent that my
3 brother told me he never engaged in
4 conversation with her that he thought was
5 inappropriate or that was wrong. But I
6 don't -- I didn't drill him like this about
7 the specifics of what was said and why it was
8 said.

9 Q. Did anyone in any of the
10 conversations you were a part of drill him
11 like this?

12 A. Not that I can recall. But,
13 again, there were a lot of conversations that
14 I wasn't a part of. I'm not a great source
15 for insight into the inner workings of the
16 governor's team during this time.

17 Q. Right. I'm just asking whether
18 you were part of any conversations --

19 A. No.

20 Q. -- in which anyone asked the
21 governor whether he had, in fact, said to
22 Ms. Bennett the things she was alleging he had
23 said.

24 A. I'm sorry I jumped the question.

25 Q. It's okay.

1 A. And, no, I don't remember that.

2 Q. And so the premise of the -- the
3 conversations that you were a part of was that
4 he may have said these things, but it was not
5 his intention to make a move or solicit her?

6 A. The second part of that is my
7 understanding. The -- what he said, what he
8 didn't say, I don't remember being a part of
9 any real detailed discussion about that.

10 Q. And what do you -- I'm going to
11 move on to talking about the response unless
12 Ms. Clark --

13 MS. CLARK: Just a few questions.

14 Were you part of any discussions
15 when they were talking about what
16 Ms. Bennett shared with senior staffers
17 earlier? Was there discussion that
18 Ms. Bennett's specific allegation in
19 terms of some of the conversation that
20 was later reported was shared with the
21 senior staffers months earlier?

22 THE WITNESS: I don't remember
23 picking up on that.

24 MS. CLARK: Did anyone tell you
25 or did you hear directly from any senior

1 staff that had spoken to Ms. Bennett
2 back earlier that they found her to be
3 credible?

4 THE WITNESS: I don't remember
5 that being said or that she wasn't
6 credible. I don't -- I don't remember
7 anybody saying that to me.

8 MS. CLARK: I'm not going -- I'm
9 not going to scroll back to see your
10 exact words, but I think the gist of
11 what you said you -- you were asking
12 your brother was, "How did this happen?"

13 Was that because when you heard
14 the allegations, it struck you as
15 something that was not appropriate in an
16 employer-employee relationship?

17 THE WITNESS: Yes.

18 MS. CLARK: And other than saying
19 he -- his intention was -- was, as you
20 described, did your brother say anything
21 else about whether he thought it was
22 appropriate for the workplace?

23 THE WITNESS: No.

24 MS. CLARK: Did the governor tell
25 you whether he had similar conversations

1 with any other employees?

2 THE WITNESS: No, ma'am.

3 MR. KIM: Sorry. And you had
4 read the New York Times
5 article -- right? -- reporting on what
6 Charlotte Bennett said?

7 THE WITNESS: I was probably
8 aware of it, Counselor. I don't know
9 that I perused it or read every word.

10 MR. KIM: Did you watch her on
11 CBS?

12 THE WITNESS: No. I think I -- I
13 think I read the transcript.

14 MR. KIM: And so it's
15 not -- today's not the first
16 time -- today's not the first time
17 you're hearing of, you know, some of the
18 things that she said he said. Right?

19 THE WITNESS: No. Counselor, I'm
20 aware of pretty much everything I've
21 been told, maybe not everything. But,
22 again, my perspective here is -- no
23 disrespect to any of the people putting
24 forward allegations -- this is my
25 brother, and I'm trying to help my

1 brother through a situation where he has
2 told me he did nothing wrong.

3 And that's it for me. How do I
4 protect my family? How do I help
5 protect him? Probably should have been
6 thinking more about how I protect
7 myself, which just never occurred to me.
8 And that was it.

9 It wasn't this tactical, what do
10 you do, what do you not do? You know,
11 you ask me a question, I'll give you an
12 answer. You want my take on how
13 something is playing, I'll tell you.

14 But I'm not part of his team, and
15 I wasn't part of any kind of
16 manipulation of any kind. So for me it
17 was, you know, the way you guys would
18 probably talk to your siblings about it.

19 You know, "What is this? Did you
20 do is this?"

21 "No, I didn't do this."

22 "Okay. Well, then, how did this
23 happen? Why -- why -- why is Charlotte
24 Bennett saying these things?"

25 "Well, I thought that, you know,

1 I was able to help, I was doing this."

2 That was the conversation.

3 MR. KIM: So understanding your
4 perspective as a brother, we're just
5 trying to understand what you've
6 actually talked to him about and didn't.

7 And so knowing at the time some
8 of the allegations that she was making
9 from whatever source, New York Times or
10 transcript of CBS, and him saying, "I
11 was just trying to be helpful," the
12 question is: Did you ask him questions?
13 Did you ever ask him, "Well, she's
14 saying you said, you know, 'I'm
15 comfortable with anyone as young as 22.'
16 Did you say that?"

17 THE WITNESS: No.

18 MR. KIM: Okay. Did you ever ask
19 him, "How is that consistent with being
20 helpful to a sex assault victim?"

21 THE WITNESS: No, not that I
22 recall.

23 MR. KIM: Did that cross your
24 mind?

25 THE WITNESS: Yes.

1 MR. KIM: Okay. But you just
2 didn't ask him?

3 THE WITNESS: Not that I recall.

4 MR. KIM: Have you ever gotten an
5 explanation from anyone how saying that
6 "I'm comfortable with anyone over 22" is
7 helpful?

8 THE WITNESS: I don't know that
9 it was said. And people can say things
10 and think that it's going to be taken
11 one way and it is not taken that way.
12 And you can either think that's
13 reasonable or unreasonable.

14 MR. KIM: My question was simply:
15 Have you ever heard an explanation given
16 to you by anyone, not something you can
17 come up with now?

18 THE WITNESS: I've never heard
19 Andrew own that he said that, that
20 that's true, that that was actually
21 said.

22 MR. KIM: But no one in your
23 presence asked him, "Did you say that?"

24 THE WITNESS: Not in my presence.

25 MR. KIM: And you never asked

1 him?

2 THE WITNESS: I don't think I
3 ever asked him that specifically, like,
4 about that comment.

5 MR. KIM: Okay.

6 BY MS. KENNEDY PARK:

7 Q. Did you tell Governor Cuomo that
8 it struck you that Ms. Bennett's
9 allegations -- the conversations he had with
10 Ms. Bennett were not appropriate in an
11 employee-employer relationship?

12 A. Ask me again. Did I?

13 Q. Did you tell Governor
14 Cuomo -- you told Ms. Clark a moment ago that
15 you thought the discussions that Governor
16 Cuomo had with Ms. Bennett were not
17 appropriate in an employee-employer
18 relationship.

19 Did you tell Governor Cuomo that?

20 A. Yes.

21 Q. What did he say?

22 A. "I understand."

23 Q. What -- what specifically did you
24 tell him?

25 A. "This was bad judgment and

1 shouldn't have happened."

2 Q. And all he said in response was
3 "I understand"?

4 A. He was embarrassed.

5 Q. Did he say that?

6 A. He didn't have to.

7 Q. What do you mean "he didn't have
8 to"?

9 A. I can tell how my brother feels
10 about things and how he doesn't.

11 Q. I don't know your brother like
12 you do, so you can help me understand how you
13 could tell that he was embarrassed.

14 A. 40 years of being his best
15 friend, of knowing what he's taught me about
16 how to be, about what I've seen him do with
17 himself and how he carries himself, and what
18 it was like to live through this in our own
19 family and have the profound understanding
20 that he has, and certainly I do, of these
21 situations and what, you know, what they are
22 and what they're not, and that this had wound
23 up being the opposite of what he says he was
24 trying to do.

25 Q. What advice did you give him?

1 A. I don't remember giving him
2 advice. Not -- I don't remember. I didn't
3 give him advice about what to do or not do in
4 a situation like this.

5 Q. Did you make any suggestions
6 about what he should or shouldn't do?

7 A. No.

8 Q. Suggest that he should apologize?

9 A. Always. Always. I believe no
10 matter what your intentions were -- I know
11 this doesn't play well in cancel culture, and
12 I know it doesn't play well in a court of law,
13 and it certainly wouldn't play well in this
14 room.

15 But if somebody is offended by
16 something that you did, if somebody thought it
17 was wrong, you should apologize. Because even
18 if you didn't intend it that way, you should
19 care about what their response was and how
20 they experienced it. So I always advise that
21 to anybody in any situation.

22 Q. Did you advise that to Governor
23 Cuomo in this situation with respect to
24 Ms. Bennett?

25 A. Yes.

1 Q. And what did he say?

2 A. I don't remember him saying
3 anything. I think that that was understood.

4 Q. What do you mean by --

5 A. He was upset that Charlotte
6 Bennett was upset.

7 Q. He expressed being upset?

8 A. Yes.

9 Q. Did you advise him that he should
10 personally apologize to her?

11 A. Yes.

12 Q. And what did he say?

13 A. I don't remember specifically but
14 it was understood that that was going to
15 happen.

16 Q. That he was personally going to
17 apologize to her?

18 A. Yes.

19 Q. To your knowledge, has that
20 happened?

21 A. Yes. I believe that his
22 statement was apologetic. And I think I
23 just -- I think I just went past one. It is
24 absolutely my understanding that Andrew's
25 response to what happened there was that there

1 was regret.

2 Q. I see. So his public statement
3 expressing --

4 A. Yes.

5 Q. -- he was sorry. That that --

6 A. If you're asking me do I know
7 that he has reached out to Charlotte Bennett
8 personally to apologize? I do not know that.

9 Q. So you advised the governor that
10 he should say he was sorry. You advised the
11 governor to be a personal sorry, meaning
12 specific to Ms. Bennett? Is that fair?

13 A. Yes.

14 Q. Okay. What other advice did you
15 give to the governor about how to respond to
16 Ms. Bennett's allegations?

17 A. I don't remember specifically
18 going through it with him. I was part of a
19 lot of conversations where this was being
20 discussed.

21 Q. Okay. Why don't you take us
22 through the other conversations that you were
23 a --

24 MR. KIM: Can I ask one
25 more -- sorry -- follow-up?

1 MS. KENNEDY PARK: Yeah.

2 MR. KIM: You had mentioned
3 earlier that you -- in understanding
4 him, you knew what he and his family had
5 gone through.

6 What did -- what did you mean by
7 that?

8 THE WITNESS: I mean that Andrew
9 has experience and knowledge about
10 sexual assault and how it affects
11 people.

12 MR. KIM: And what is that
13 experience and knowledge?

14 THE WITNESS: He has personal
15 experience with it in our family and in
16 the circle of people that he cares about
17 and on occasions where people have come
18 to him for help.

19 MR. KIM: So you mean family
20 members who themselves have been subject
21 to sexual assault?

22 THE WITNESS: Yes.

23 MR. KIM: How -- how many members
24 of his family have come to him as
25 victims of sexual assault?

1 THE WITNESS: It's not for me to
2 discuss.

3 MR. KIM: The number?

4 THE WITNESS: Yeah. These are
5 very -- these are very personal things.
6 And I don't know that it's my place to
7 discuss other people's experiences,
8 except unless they are specifically
9 relevant to what you guys are
10 investigating.

11 I don't think this is -- that's
12 fair to them, with all due respect,
13 Counselor.

14 MS. CLARK: Did the governor tell
15 you that he had spoken to Ms. Bennett
16 about any specific family members who
17 experienced sexual assault?

18 THE WITNESS: Yes.

19 MS. CLARK: What did he tell you
20 with respect to that?

21 THE WITNESS: I believe that he
22 had discussed what had happened with [REDACTED]
23 [REDACTED].

24 MS. CLARK: And did he tell you
25 any -- any of the details that he

1 discussed with Ms. Bennett about what
2 happened with [REDACTED]?

3 THE WITNESS: No, ma'am.

4 MS. CLARK: And did he tell you
5 why he discussed any particulars about
6 [REDACTED] with Ms. Bennett?

7 THE WITNESS: To help her
8 understand that he could relate to what
9 she was experiencing.

10 BY MS. KENNEDY PARK:

11 Q. Before those questions that we
12 were talking about, conversations in which you
13 participated with other people, not just
14 Governor Cuomo, relating to how to respond to
15 Ms. Bennett's allegations, talk us through
16 what you remember about those.

17 A. I mean, I only have general
18 recollections of just listening in on
19 conversations and there being a lot of e-mails
20 sent around, most of which I ignored. But I
21 don't remember, I mean, you got to help me out
22 with what -- you know, what you want to know.

23 Q. Okay. Were there discussions
24 about whether there might be other
25 complainants?

1 A. Yes.

2 Q. And tell us what you remember
3 about that.

4 A. Exactly that. That there was a
5 concern about is anybody else going to come
6 out. Maybe not specifically right then when
7 Charlotte Bennett came out, but thereafter
8 when people did start to come out.

9 Q. Okay. And around the time of
10 Charlotte Bennett, what do you recall anyone
11 saying about who might come out or about how
12 many there might be?

13 A. Nothing.

14 Q. Do you remember any names coming
15 up?

16 A. No, ma'am.

17 Q. Did Kaitlin come up?

18 A. Not that I recall.

19 MS. KENNEDY PARK: Did you -- go
20 ahead.

21 MS. CLARK: You've said with
22 respect to Ms. Boylan that various
23 people ascribed evil motives to her,
24 that she's out to get the governor,
25 things along those lines.

1 Did anyone say anything along
2 those lines with regard to Charlotte
3 Bennett?

4 THE WITNESS: Yes. I'm just
5 trying to think about it. I'm trying to
6 be more helpful to you about who.
7 Obviously that's your next question. I
8 remember -- well, start at the top.

9 Andrew believed that Charlotte
10 Bennett coming out about this and
11 discussing it publicly may have been a
12 function of her being encouraged by
13 people who are politically opposed to
14 him. So not that, you know, she was
15 making this up, to be clear, but that
16 people may have been encouraging her to
17 come forward. I don't remember who
18 specifically that was.

19 MS. CLARK: Anyone else that you
20 had any discussions with who suggested
21 that there was some sort of ill motive
22 behind Ms. Bennett coming forward?

23 THE WITNESS: There was suspicion
24 on calls that she had been pushed to
25 come forward. And I remember there

1 being discussion that Lindsey Boylan may
2 have had or Karen Hinton may have had
3 some kind of tangential personal
4 connection to her or who wound up
5 representing her, but nothing specific
6 and nothing that I found particularly
7 interesting. It didn't really matter to
8 me.

9 MS. CLARK: And on the calls, do
10 you recall who was making these
11 comments of --

12 THE WITNESS: Not -- I'm sorry.

13 MS. CLARK: -- suppositions that
14 Ms. Bennett might have a relationship
15 with Ms. Hinton or Ms. Boylan or?

16 THE WITNESS: I'm sorry,
17 Counselor. I didn't mean to jump your
18 question.

19 MS. CLARK: That's okay.

20 THE WITNESS: No, not
21 specifically.

22 MS. CLARK: Do you recall whether
23 Ms. DeRosa ever ascribed any motives
24 either to Ms. Bennett or to --
25 suggesting that there might be people

1 putting her up to it?

2 THE WITNESS: Not specifically.

3 MS. CLARK: Do you recall
4 generally what -- what Ms. DeRosa's
5 response was to the -- the allegations
6 by Ms. Bennett?

7 THE WITNESS: Melissa DeRosa
8 believes that this was widely political,
9 and that there is no coincidence that,
10 after all the years that he had been
11 doing this, that there was a -- that
12 after all the years that my brother had
13 been in public service, that there was
14 all of a sudden this flurry of this,
15 exactly the time that he was most
16 politically powerful.

17 And specific to Charlotte
18 Bennett, I don't remember that
19 specifically being articulated to me or
20 explained that way. But I do remember
21 it in general with respect to the -- the
22 allegations.

23 MS. CLARK: And once
24 Ms. Bennett's allegations were public,
25 did Ms. DeRosa, in any of those

1 conversations, say that she had known
2 about Ms. Bennett's allegations many
3 months before Ms. Boylan started
4 tweeting?

5 THE WITNESS: I don't remember
6 timing but I do remember that Melissa
7 DeRosa knew about these allegations
8 before I did.

9 MS. CLARK: Okay, Jen.

10 BY MS. KENNEDY PARK:

11 Q. We were -- we were talking about
12 whether there might be any other complainants.
13 Did you -- did you reach out to anyone to try
14 to find out if there might be any other
15 complainants?

16 A. Yes.

17 Q. Who did you reach out to?

18 A. I would -- when asked, I would
19 reach out to sources, other journalists, to
20 see if they had heard of anybody else coming
21 out.

22 Q. And what were your sources
23 telling you?

24 A. Depends on what point in time.

25 Q. Okay. At this point in time,

1 this is right after Charlotte has gone public?

2 A. I don't remember asking anybody
3 at that time.

4 Q. Okay. What's the first time you
5 recall asking anyone about whether there might
6 be any other women?

7 A. I'd have to review these, but I
8 remember Melissa asking me at some point that
9 either they wanted to know if I knew or could
10 find out if more were coming or that she had
11 heard that one or maybe two more were coming
12 and could I find out.

13 Q. Did you ever reach out to sources
14 to find -- to get information regarding any of
15 the complainants or any other women other than
16 at the direction or request of Ms. DeRosa?
17 Did you do it on your own?

18 A. No.

19 Q. Before we look at documents, what
20 do you remember about discussions about --

21 A. If I might, Counselor --

22 Q. Sure, please.

23 A. Just to give you some more
24 context on that.

25 Q. Mm-hmm.

1 A. I would never do oppo research on
2 anybody alleging anything like this. I'm not
3 in the oppo research business. I don't
4 tolerate a lot of oppo research on any level.

5 And I was never aware of anything
6 like what you're suggesting, nor did I ever
7 participate in, nor did I ever suggest, nor
8 would I ever tolerate anything like what
9 you're suggesting.

10 Q. Okay. When you say "oppo
11 research," what do you mean?

12 A. The idea of trying to find ways
13 to disparage people who come forward with
14 allegations like this is not what I'm about.

15 Q. Do you recall at some point that
16 you received a complaint related to Hamilton
17 College?

18 A. No.

19 Q. Okay. We'll come to that in a
20 minute, then.

21 I understand what you're saying,
22 you didn't do any opposition research on any
23 of the women who have --

24 A. I don't even know of any
25 opposition research being done.

1 Q. That's what I was just going to
2 ask.

3 A. And I don't even know that I
4 would call it that if that's what was
5 happening.

6 Q. What about research or opposition
7 research on individuals who might have done
8 an -- an investigation of the allegations of
9 harassment against the governor?

10 A. I never heard anything about
11 that.

12 Q. Were you involved in any of that?

13 A. No.

14 Q. You never heard anything about
15 that?

16 A. No.

17 Q. No one asked you to do any
18 research on Mr. Kim?

19 A. No.

20 Q. On Mr. -- Ms. Clark?

21 A. No.

22 Q. You were never in any discussions
23 where Mr. Kim or Ms. Clark were discussed?

24 A. Yes.

25 Q. Tell us about those discussions.

1 A. That you guys were going to be
2 doing the investigation and, you know, what
3 that meant about how long this would take and,
4 you know, the nature of the process.

5 Q. Was there any discussion about
6 either negative information or information
7 that could be used to undermine the
8 credibility of Mr. Kim or Ms. Clark?

9 A. No. There was discussion about
10 whether or not Andrew and some of his advisors
11 felt that it was fair that you two were
12 looking into this.

13 Q. And tell us about those
14 discussions.

15 A. I mean, I was peripheral and not
16 involved in a lot of them. But there was a
17 sense expressed that having someone who
18 proc- -- litigates plaintiffs' Me Too claims
19 and having somebody who had actively
20 investigated Andrew for years did not bode
21 that well for what the outcome of the process
22 would be.

23 Q. Any other things that were
24 discussed about Mr. Kim or Ms. Clark?

25 A. Just what they represented as

1 political aspects to this process.

2 Q. And the political aspect was that
3 Mr. Kim has previously been involved in an
4 investigation into Mr. Cuomo, the other
5 Mr. Cuomo?

6 A. Among other things, yes.

7 Q. What are the other things?

8 A. That --

9 THE WITNESS: And remember, Joon,
10 it's not coming from me. I didn't know
11 you before all of this. All right?

12 A. But that, you know, Counselor Kim
13 is obviously very close to Preet Bharara and,
14 you know, that they had been part of an
15 investigation of my brother, and now he was
16 going to be investigating him again, and that
17 was -- appeared to them to be a fairly obvious
18 conflict.

19 That there were connections
20 between Lindsey Boylan and the attorney
21 general. And that they were worried that
22 there was coordination, that her complaint was
23 being front-loaded by the attorney general,
24 maybe for her own political motivations.

25 And they were worried about it.

1 They were worried that this was going to look
2 like one thing but be a very different thing.

3 Q. When you say that there were
4 discussions about the connections between
5 Ms. Boylan and the attorney general, what were
6 those connections that were discussed?

7 A. I'm not the best person to ask.
8 And again, with all due respect, I know the
9 work you do.

10 I know the work you've done.

11 I was not particularly interested
12 in the two of you. Somebody was going to
13 investigate it. I never expected it to be --
14 you know, this process I think is fairly
15 obvious.

16 So what I was told or what I
17 remember hearing was that Lindsey Boylan had a
18 campaign manager, person -- I don't know what
19 the right title is -- who came from or was
20 close to the attorney general's office, and
21 that there was concern that there had been
22 coordination therefore.

23 Again, I don't know a lot of
24 about it. It's not something that I was
25 pursuing. It's not really of particular

1 interest to me at this time.

2 Q. And you said that there was
3 concerns that the -- I think you said
4 Ms. Boylan's complaint was front-loaded by the
5 AG.

6 What does that mean?

7 A. That the AG was going to assess
8 it and give it importance to help Ms. Boylan
9 and to hurt the governor and to, by extension,
10 help the attorney general, who they believe is
11 feeling out whether or not he's vulnerable
12 enough, maybe because of her own efforts, to
13 run against him.

14 Q. Were there any other concerns
15 that you became aware of about either Mr. Kim,
16 Ms. Clark, or the AG?

17 A. Not specifically. And, again, I
18 wasn't looking for it.

19 Q. But generally, anything else you
20 haven't told us?

21 A. I've told you what I know.

22 Q. Okay. Prior to Mr. Kim and
23 Ms. Clark being appointed, were you involved
24 in any discussions about the need for an
25 outside review of the allegations of

1 harassment against Governor Cuomo?

2 A. Only to the extent that I told my
3 brother, on many occasions, you tell the
4 truth, you get out in front of this, and you
5 do that. You do not go against anybody who's
6 accused you of anything.

7 You ask for process. This has to
8 be investigated. You ask for process because
9 that's the right thing to do.

10 Q. What did the governor say in
11 response to you telling him he should ask for
12 process?

13 A. He agreed.

14 Q. And what views did he express
15 about what that process should be?

16 A. None that I recall.

17 Q. Did you ever have -- participate
18 in any conversation in which the governor
19 expressed a preference for who should conduct
20 that process?

21 A. I do remember being a part of
22 conversations where they were mentioning
23 people who I had never heard of before.

24 Q. Who were those people?

25 A. You'd have to give me some names.

1 Q. Barbara Jones?

2 A. Yes. That's the -- I'll take
3 your word for it. Yes, yes.

4 Q. And what do you remember about
5 the discussions about Ms. Jones?

6 A. Just that she was somebody that
7 Steve Cohen knew or worked with or both, and
8 that she might be somebody who would be seen
9 as acceptable to the media and the rest of the
10 politicos.

11 Q. And were there any discussions
12 you were involved in with the governor about
13 whether the AG should be involved in the
14 investigation?

15 A. No, not that I recall.

16 Q. Or whether the AG should be a
17 part of the selection process for the --
18 whoever would do the investigation?

19 A. I just remember that once the AG
20 was looped in, that there was a concern that
21 this was no longer going to be fair.

22 Q. And that concern was based on
23 what you've expressed to us before, about
24 views that the AG had connections to
25 Ms. Boylan and that the AG may have wished to

1 run for political office?

2 A. Yes, Counselor.

3 MS. KENNEDY PARK: Okay. Do you
4 mind if we take just a five-minute
5 break, Mr. Cuomo?

6 THE WITNESS: Sure.

7 MS. KENNEDY PARK: Thank you.

8 THE VIDEOGRAPHER: The time is
9 12:08 p.m. This concludes Media 2. Off
10 the record.

11 (Recess taken from 12:08 p.m. to
12 a 12:25 p.m.)

13 THE VIDEOGRAPHER: The time now
14 is 12:25 p.m. This begins Media 3. On
15 the record.

16 BY MS. KENNEDY PARK:

17 Q. Mr. Cuomo, can you turn to what
18 is Tab 12 in the larger binder in front of
19 you, please?

20 MR. GRANT: I thought he wanted
21 to clarify.

22 Q. Oh, I apologize, yes. You wanted
23 clarify something?

24 A. Yes. In the spirit of
25 completeness, you asked me early on who knows

1 I'm giving testimony today. I said my family.
2 That's a little bit of an expansive term for
3 me.

4 I've tried to be quiet about the
5 fact that I'm coming in. I didn't think it
6 did me any favors, and frankly, I don't know
7 that it does you guys any favors. So my agent
8 knows -- you know, these are all people who
9 are intimates to me. I've tried to be cagey
10 about it. You know, my -- my team knows that
11 something's up.

12 You know, they -- they knew --
13 most of them know that I got a subpoena, my
14 senior staff. But I just want to be fully
15 complete on it. It's not just my wife and my
16 siblings. But I've tried to be discrete about
17 this.

18 Q. When you say "your team," who do
19 you mean?

20 A. My executive producer. I don't
21 think any of my senior producers. My direct
22 producer has an idea that I've been getting
23 ready for this and there's something weird
24 because I'm not -- I'm telling her, "Leave me
25 alone. I'll call you later."

1 So I just -- it's not -- I know
2 it doesn't really matter, but just for the
3 spirit of completeness.

4 Q. Okay. I appreciate the
5 clarification. Thank you. If there's
6 anything else you want to clarify throughout
7 the day, just let me know.

8 A. Thank you, Counselor.

9 Q. Why don't we turn to Tab 12 in
10 the larger binder. And we'll look at Tab 12
11 and Tab 13 together.

12 A. (Document review.)

13 Q. Okay. You want to look at Tab 13
14 as well?

15 MS. KENNEDY PARK: And we'll mark
16 this as the next two exhibits, please.

17 (Exhibit 10, E-mails including
18 Christopher Cuomo regarding Charlotte
19 Bennett, dated February 27, 2021, marked
20 for identification, as of this date.)

21 A. (Document review.)

22 Okay.

23 Q. These two e-mails reflect a
24 discussion among a group of people regarding a
25 statement that the governor might make in

1 response to Charlotte Bennett's allegations.

2 Is that right?

3 A. That's how it comes across.

4 Q. Okay. What do you recall about
5 discussions about the governor's statement in
6 response to Ms. Bennett's allegations?

7 A. I don't specifically recall
8 discussing what the statement would be.

9 Q. With anyone?

10 A. No, not specifically. I mean, I
11 am on this e-mail. I don't even remember
12 seeing the e-mails.

13 Q. Did you discuss with Governor
14 Cuomo what his statement should be in response
15 to Ms. Bennett's allegations?

16 A. Yes, I believe so.

17 Q. And what did you discuss with
18 Governor Cuomo?

19 A. That he should tell the truth,
20 that he should not have to be coaxed to come
21 out about it, and that he should own aspects
22 of the allegations.

23 Q. What did you mean by "shouldn't
24 have to be coaxed"?

25 A. Don't have people chasing after

1 you in my business about this allegation.

2 Q. And what did you mean by "he
3 should own aspects of the allegations"?

4 A. That you said things that you
5 shouldn't have said, and he should own it.

6 Q. And what were the things you told
7 Governor Cuomo he shouldn't have said?

8 A. I wasn't specific.

9 Q. In your own mind, what were the
10 things Governor Cuomo should not have said to
11 Ms. Bennett?

12 A. I don't think that it was a good
13 judgment to believe that no matter how sincere
14 the request for his help or how much he cared
15 about trying to help, that he should have
16 engaged in this kind of dialogue with somebody
17 in Charlotte Bennett's stated position.

18 Q. And when you say "this kind of
19 dialogue," what dialogue are you talking
20 about?

21 A. About being sexually assaulted,
22 about what that meant for her personal life,
23 about how that should be handled going
24 forward.

25 Q. What about the governor's

1 discussion with Ms. Bennett of his own
2 personal life and dating life? What did you
3 say to him about that?

4 A. I don't remember that being a
5 specific concern for me.

6 Q. You didn't think that was
7 inappropriate?

8 A. My focus was on the fact that
9 Charlotte Bennett is somebody who I believe --
10 whom I believe suffered. And that demands a
11 respect. That may wind up demanding
12 restraint. And that wasn't exercised here.
13 That's my concern. Yes, he's my brother and I
14 love him to death no matter what. I only got
15 one.

16 But I have a lot of feeling for
17 what I learned about Charlotte Bennett and
18 where this was coming from; very different
19 than anything else I had to learn about in
20 this process. And I'm very sensitive to that.

21 Q. What did the governor say after
22 you told him he should own some of the
23 allegations that Ms. Bennett had made?

24 A. I knew it would come with a
25 division of opinion on his team. I mean,

1 obviously I don't have to tell you guys,
2 you're a bunch of lawyers.

3 You know, being -- being in the
4 acknowledgement business isn't great when
5 you're being investigated. That said, I
6 believe that the governor has different
7 responsibilities than just being, you know, a
8 quasi-defendant.

9 And I know it meant nothing, it
10 meant nothing. I know, I know. Believe me, I
11 deal with it in my business all the time. I
12 didn't think it was the right thing to do
13 here.

14 Q. I should state my question more
15 clearly. What did the governor say to you
16 about your advice that he own some of the
17 all- -- allegations Ms. Bennett had made?

18 A. He understood.

19 Q. What did he say?

20 A. I don't remember precisely.

21 Q. Do you remember generally?

22 A. I remember that he listened, he
23 understood what I was saying, and he accepted
24 it.

25 Q. And did he agree?

1 A. I believe so.

2 Q. When the statement -- this
3 statement that you see here in the drafts --
4 which is on Tabs 12 and Tabs 13. It's the
5 first e-mail in the chain in both -- what is
6 your understanding of how this was prepared?

7 A. Nothing specific other than it
8 was part of this collaborative effort that
9 they have there as a pretty usual dynamic, I
10 think, in most shops.

11 Q. Do you know if the first draft
12 was prepared by the governor?

13 A. I do not.

14 Q. There's a debate in these
15 e-mails, as you can see, about use of the word
16 "paternalistic." Do you see that?

17 A. I do.

18 Q. What do you recall about a debate
19 over the use of the word "paternalistic" in
20 the governor's statement regarding
21 Ms. Bennett's allegations?

22 A. I don't.

23 Q. You don't recall any discussion
24 about the use of the word "paternalistic"?

25 A. I -- I can -- I know it's here.

1 I don't remember being part of any such
2 discussion, and I wasn't in this thread.

3 Q. Did the governor describe his
4 interactions with Ms. Bennett as being
5 paternalistic to you?

6 A. The -- my brother told me that he
7 thought that he was helpful, that she looked
8 to him for advice, and that she respected and
9 trusted what he was telling her.

10 Q. Did he describe himself as being
11 paternalistic towards her?

12 A. I don't remember the word -- I'm
13 sorry. I don't remember the word.

14 Q. Do you remember him say- -- in
15 describing himself as acting in a fatherly
16 way?

17 A. I remember that being said. I
18 don't know if it was from my brother directly.

19 Q. Do you remember any discussion or
20 debate about whether, in fact, how Governor
21 Cuomo spoke to Ms. Bennett was fatherly?

22 A. No.

23 Q. Or whether how Governor Cuomo
24 spoke -- whether there was any debate about
25 governor spoke to Ms. Bennett being helpful?

1 A. Not that I recall from being
2 present.

3 Q. What about any debate about
4 whether what the governor said to Ms. Bennett
5 being appropriate in a mentor-mentee
6 relationship?

7 A. I don't remember that dynamic of
8 discussion with my presence.

9 Q. Were you involved in any
10 discussions in which anyone told the governor
11 that what he had said to Ms. Bennett was
12 wrong, he shouldn't have said it?

13 A. I'm not sure I was part of the
14 conversation, but I'm aware that he was told
15 by people around him that this was bad
16 judgment.

17 Q. Who are those people who said
18 that?

19 A. I already told you I am. Members
20 of my family. And I'm not sure about which
21 members of his team.

22 Q. Can you recall any member of the
23 governor's staff or any of the consultants who
24 worked with the governor's staff telling the
25 governor that what he said to Ms. Bennett was

1 either bad judgment or inappropriate or words
2 to that effect?

3 A. With the context that I think
4 that that was general knowledge, I know that
5 Melissa DeRosa absolutely felt like that.

6 Q. How do you know that Melissa
7 DeRosa absolutely felt like that?

8 A. We discussed it with her.

9 Q. What did she say?

10 A. This was bad judgment.

11 Q. Anything else?

12 A. Not that I recall.

13 Q. Did you discuss the substance of
14 what Ms. Bennett had alleged the governor said
15 with Ms. DeRosa?

16 A. I was never anxious to go through
17 the details of anything that was alleged.

18 Q. Why is that?

19 A. Because it makes me
20 uncomfortable.

21 Q. Why is that?

22 A. Because I don't like what's being
23 alleged. It should make you uncomfortable.

24 Q. Like it made Ms. Bennett
25 uncomfortable?

1 A. That's for her to say.

2 Q. Did the governor ever tell you he
3 had a conversation with Ms. DeRosa one-on-one
4 about Ms. Bennett's allegations?

5 A. No. But I would assume -- oh,
6 that's not fair. No.

7 Q. Did he ever tell you Ms. DeRosa
8 had become upset with him as a result of
9 Ms. Bennett's allegations?

10 A. Maybe.

11 Q. And what do you remember about
12 that?

13 A. People were upset at him about
14 this.

15 Q. And who expressed being upset at
16 him that was a member of his staff?

17 A. I think Melissa DeRosa did, but I
18 don't want to limit it to her because that's
19 not fair to anybody else who felt that way. I
20 just don't have their name in my recollection.

21 And I don't remember being there
22 where somebody was going -- well, not going at
23 him, but talking to Andrew about that
24 specifically. But I'm not saying it didn't
25 happen.

1 Q. Okay. Do you remember any
2 conversation you had with Governor Cuomo in
3 which he told you that members of his staff
4 had told him that they were upset with him?

5 A. Yes.

6 Q. And what did he say?

7 A. That -- that he -- that mem- --
8 that people were not happy about this and that
9 it had been bad judgment. My brother never
10 relayed that anybody thought that he had done
11 things and said things the way they were being
12 alleged, but that this was something that
13 should've never happened.

14 Q. And who were the people who he
15 said on his staff had said that they were
16 saying --

17 A. I mean, other than Melissa
18 DeRosa, maybe it was Stephanie Benton, or
19 maybe it was also the officials who met with
20 Charlotte Bennett. But, again, I don't -- I
21 don't want to state as a matter of certainty
22 that I know that. I just remember getting
23 that sense from the conversations.

24 Q. Did the governor ever express to
25 you concern that Ms. DeRosa may quit?

1 A. No, my brother never told me that
2 he thought Melissa DeRosa was going to quit.

3 Q. Did you discuss with your brother
4 anything about whether Melissa DeRosa might
5 leave the chamber or take another position?

6 A. Yes.

7 Q. Okay.

8 A. I would discuss with my brother
9 that this was incredibly taxing and damaging
10 to everybody around him, and that the scrutiny
11 and the attention was going to be very hard,
12 and that **Senior Staffer #1** was obviously feeling
13 a lot of it.

14 She had been targeted during this
15 process, and I think that's very hard to take,
16 especially as she has expressed, as a woman in
17 her position.

18 Q. When you say **Senior Staffer #1** has been
19 targeted in this process, what do you mean?

20 A. That people have scrutinized her
21 and criticized her and tried to connect her to
22 my brother as either some type of go-between
23 or enabler or lover or -- a menu of items that
24 are insulting and hurtful.

25 Q. Let's go back to the e-mails that

1 are in front of you. There's a recitation in
2 these e-mails about a clause coming out, and
3 that clause is:

4 "Nor did I ever think" --

5 MS. KIRSHNER: What page are you
6 on?

7 MS. KENNEDY PARK: Oh, you can
8 pick a page, but I'm on Tab 13, the
9 second page at the very top.

10 A. Yes, Counselor, I'm there.

11 Q. Yep.

12 "Nor did I ever think that I was
13 acting in any way that was
14 inappropriate."

15 What do you remember about
16 discussions about that clause coming out of
17 Governor Cuomo's statement regarding
18 Ms. Bennett?

19 A. Nothing.

20 Q. You weren't -- you don't recall
21 anyone talking about whether the governor
22 should not say that he never thought he was
23 acting in any way that was inappropriate?

24 A. I don't.

25 Q. Did you ever talk to the governor

1 about whether he should say that he never
2 thought he was acting in any way that was
3 inappropriate?

4 A. No.

5 Q. Did you ever talk to the governor
6 about whether he thought that he was acting
7 inappropriately?

8 A. Yes.

9 Q. And what did he say?

10 A. No.

11 Q. Let's turn to Tab 14. There's a
12 lot of pages in Tab 14. I don't know if you
13 want to go through them first.

14 A. Whatever you'd like, Counselor.

15 Q. Well, why don't you page through
16 them.

17 A. (Document review.)

18 Okay.

19 Q. These are text messages between
20 you and Josh Vlasto. Correct?

21 A. Yes.

22 Q. Okay. And I apologize for the
23 way they print out. They print out one text
24 per each page. But on the first page, this is
25 on Saturday, February 27, which, just to

1 remind you, is the day that Charlotte
2 Bennett's New York Times article came out.

3 And Mr. Vlasto writes to you:
4 "If people accept it, then we
5 live with Jones and she does her thing,
6 and we hope another woman one doesn't
7 drop."

8 What did you understand
9 Mr. Vlasto to be talking about when he
10 said "if people accept it"?

11 A. I don't remember specifically at
12 the time, but in a reading right now, "if
13 people accept it" means if the choice of
14 Jones -- who I believe would be Barbara
15 Jones -- as the investigator is acceptable.

16 Q. Okay. Do you recall whether you
17 were on the phone with other people while you
18 were texting Mr. Vlasto?

19 A. Meaning was I talking to some
20 people and texting with him?

21 Q. Correct.

22 A. I don't remember that here. I
23 don't remember that here.

24 Q. Okay. Why don't we look through
25 it. If it refreshes your memory, let me know.

1 And it said: "We hope another
2 woman doesn't drop?"

3 Does this refresh your
4 recollection about any conversations that were
5 had about another complainant potentially
6 coming forward?

7 A. I don't remember that at this
8 time they knew another allegation may come.

9 Q. And at this time, did you
10 understand anyone to be doing -- making any
11 efforts to determine whether there might be
12 another complainant?

13 A. No.

14 Q. And if you look at the next
15 message, it says:

16 "If they don't, then Tish jumps
17 in and get a special prosecutor. And
18 then it's a tougher situation but still
19 survivable."

20 What did you understand Vlasto to
21 mean by that?

22 A. The plain reading, that if
23 Barbara Jones wasn't the investigator, then
24 the attorney general may take initiative to
25 own this situation. And there was concern

1 about that.

2 Josh Vlasto was one of the few
3 who was not concerned about it. He believed
4 that Tish -- that the attorney general was not
5 going to run, and that that wasn't her
6 interest here. And that was a minority
7 opinion.

8 Q. And the reference to
9 "survivable," what did you understand him to
10 mean by that?

11 A. That Andrew would be alive at the
12 end of it.

13 Q. Did you understand that to mean
14 that he would still be the governor at the
15 end?

16 A. I think it was pretty unclear at
17 that time.

18 Q. Was there any discussion about
19 steps that the governor should take in
20 addition requesting that an investigation be
21 done?

22 A. I don't know what you mean by
23 "additional steps."

24 Q. So, for example, was there any
25 discussion about whether the governor should

1 seek counseling?

2 A. Not that I can recall.

3 Q. Was there any discussion about
4 whether an HR function should be established
5 for the executive chamber?

6 A. An HR function?

7 Q. Mm-hmm.

8 A. What does that mean?

9 Q. Human resources function.

10 A. Human resources part I get, but
11 what do you mean by a function?

12 Q. An office for human resources
13 within the executive chamber.

14 A. No. My understanding was there
15 was.

16 Q. Okay. Was there any discussion
17 like that about steps that should be taken in
18 light of the fact that allegations of sexual
19 harassment had been made --

20 A. The --

21 Q. -- to improve the executive
22 chamber?

23 A. Sorry, Counsel.

24 Q. Sure.

25 A. Yes.

1 Q. What were those discussions?

2 A. I remember that there was a big
3 push from Andrew to be remedial in advance,
4 and that some were saying, no, wait till
5 you're told what to do.

6 And he didn't think that was
7 right. He thought that he could see what
8 needed to change here in terms of the culture,
9 and the maintaining or maintenance of that
10 culture, and that it should be done in
11 advance.

12 Q. And what things -- remedial
13 things were being tabled?

14 A. Having somebody come in and
15 assess how things were handled in the office,
16 how these were handled, how they should be
17 handled, how things can be handled differently
18 or better, and that that should be instituted.

19 Q. Any other remedial measures that
20 were discussed?

21 A. Not that I can recall.

22 Q. That was about the chamber. Were
23 there any remedial measures discussed that
24 were specific to the governor?

25 A. Not that I recall.

1 Q. And the people who took the
2 position that the remedial measures should
3 wait, what did they want to wait for?

4 A. For a process.

5 Q. The conclusion of this process?

6 A. I don't know about the
7 conclusion, but that they should just wait.

8 Q. Until?

9 A. I don't know exactly.

10 Q. Okay. And who was in which camp?

11 A. All I know is that Andrew was in
12 the let's make changes now.

13 Q. To your understanding, what
14 changes have been made?

15 A. I don't know.

16 Q. Did you ever talk to Governor
17 Cuomo about whether he was making the changes
18 he thought should be made?

19 A. I have not. My scope of interest
20 is in my brother, trying to help him, with my
21 head and my heart, any way I can, and trying
22 to insulate my family from this in terms of
23 the animus and the toxicity of it.

24 Q. How many times can you remember
25 Governor Cuomo discussing taking remedial

1 measures after the allegations by Ms. Bennett
2 came out?

3 A. Several.

4 Q. Can you remember any other
5 remedial measures other than hiring someone to
6 come in and do an assessment of how things
7 were handled in the chamber?

8 A. I think my brother seemed to
9 understand that holistically, that whatever
10 somebody, you know, who knew what were the
11 best practices said should be -- that should
12 be put into practice.

13 Q. When you say "best practices," do
14 you mean best practices with respect to sexual
15 harassment?

16 A. I think office culture was seen
17 as being a little bit more broad than that.

18 Q. Did you have conversations with
19 Governor Cuomo about his perspective on the
20 office culture of the executive chamber?

21 A. Not that I recall specifically,
22 no.

23 Q. Generally?

24 A. No. I don't remember it being
25 something that we discussed.

1 Q. But there was a discussion that
2 something about the culture had to be changed
3 or assessed. Right?

4 A. Yes. That came from him.

5 Q. And what was he saying needed to
6 be changed or assessed?

7 A. Well, he didn't say specifically.
8 He said we should bring somebody in, or he
9 should bring somebody in, and have them do an
10 assessment of everything that was done here
11 and how it's done, and whatever fixes that
12 they recommend, we should do.

13 Q. That's the way he framed it?

14 A. Yeah. I remember there being
15 more to it than that. I just -- I don't
16 remember specifically what it was.

17 Q. If you continue in the text
18 message chain, Mr. Vlasto writes:

19 "But the leaders have weighed in,
20 so no quick push to resign."

21 What did you understand him to
22 mean by "leaders"?

23 A. I remember -- I don't remember
24 this specifically in that moment. But I do
25 remember that -- I believed that this was

1 going to get very severe, and that the idea
2 that -- that it was seen as more incremental
3 by some of the people in the group, I didn't
4 see it that way.

5 I knew that this was going to be
6 bad, and I was expressing that. I understood
7 that that wasn't a great thing to be saying to
8 a group of people who were worried and trying
9 to mitigate -- you know what I mean? --
10 figure out a way to deal with and survive
11 politically, but that could be the context
12 here.

13 His -- Josh's assessment was that
14 all of this was survivable politically,
15 including this process and what will happen
16 afterwards with the state legislature, that
17 this, in sum total, is survivable for the
18 governor.

19 Q. At this point, there had been two
20 complainants who had come forward --

21 A. Right.

22 Q. -- Ms. Boylan and Ms. Bennett.
23 Was it -- you said that your expectation was
24 this was going -- I think you said get bad.

25 Were you expecting there to be

1 more complainants?

2 A. My word is severe. No, I had no
3 expectation that there would be more. I would
4 begin to feel that way, but I thought that
5 this was enough given the state of play in my
6 brother's political party.

7 I mean, I thought that this was
8 a -- he had a real problem on his hands, and
9 it needed to be handled like that.

10 Q. And you continue through the text
11 message. There's a discussion about Judith
12 Kay and then it says:

13 "Wrap it up. Getting loose. We
14 are. Just need to be focused on the
15 details too. All fine and aggressive is
16 good."

17 Can you help us understand what
18 the context for these texts is?

19 A. Yes. As I stated earlier and
20 immediately previous to these questions, I was
21 not always popular on the phone calls, and my
22 role there was not to be a part of the team.
23 I didn't have a role on the team. I'm not on
24 his team. I'm his brother and I'm a Cuomo.

25 And I felt like I was pushing

1 that this is real, it has to be dealt with, it
2 has to be owned, it has to be done, and the
3 idea of two sides to this does not exist in
4 our media culture or in the democratic
5 political culture.

6 You have to tell the truth, you
7 have to come out, you have to ask for process.
8 And anything else than that is unhelpful,
9 unproductive, and wrong. And this was Josh
10 telling me to shut up.

11 Q. Meaning don't say those things?

12 A. Enough.

13 Q. And were -- was he characterizing
14 you as being aggressive?

15 A. Yes. Oh, may I look?

16 Q. Sure. It's on -3526 on the
17 bottom right-hand corner.

18 A. I'm not sure.

19 Q. And what were you suggesting
20 other than -- I think you told us the governor
21 should own part of the allegations, that he
22 shouldn't have to be coaxed.

23 Were there other suggestions
24 you made about how to handle this? I think
25 you said, "ask for process." I apologize. I

1 missed that one.

2 A. Tell the truth. Don't be pushed
3 to tell the truth. Own what was bad judgment.
4 And do not litigate or treat as a
5 confrontation any of these allegations.

6 You ask for process. You ask for
7 it to be investigated. That's it. And there
8 was a division on that.

9 Q. I think you've described that to
10 us before. Why don't we turn to Tab 15. And
11 we'll mark that as the next exhibit. We'll
12 come back to the Mr. Vlasto text in a little
13 bit.

14 (Exhibit 11, Copy of statement
15 released by Governor Cuomo, dated
16 February 27, 2021, marked for
17 identification, as of this date.)

18 Q. This is a copy of the statement
19 that Governor Cuomo released on February 27
20 regarding Ms. Bennett, and then there's a
21 statement from Beth Garvey.

22 Do you see that?

23 A. I do.

24 Q. And we looked at drafts of
25 Governor Cuomo's statement from earlier, and

1 you said you had no recollection of providing
2 any comments on it. Is that right?

3 A. Yes. I wasn't a substantive
4 player in a lot of these determinations.

5 Q. And Ms. -- with respect to
6 Ms. Garvey's statement, did you see a copy of
7 that in advance of it being released publicly?

8 A. Not that I can remember.

9 Q. Do you recall any discussions
10 about Mr. Garvey's statement?

11 A. Not that I can remember,
12 Counselor.

13 Q. Do you recall any discussion
14 about Ms. Bennett requesting a transfer out of
15 her position in assisting the governor as a
16 briefer?

17 A. I don't remember specifically
18 someone telling me about it. I do remember
19 generally being on conversations where either
20 someone who was part of that conversation or
21 someone who knew about the conversation said
22 it had occurred.

23 Q. And did they explain why it had
24 occurred?

25 A. That -- yes, that there had been

1 a complaint.

2 Q. And was there any discussions
3 about whether that was the appropriate course
4 of action to take in response to Ms. Bennett's
5 complaint?

6 A. First, not that there had been a
7 complaint. That Charlotte Bennett was upset
8 and wanted to talk, you know, just to
9 distinguish it from, like, a formal, you know,
10 complaint, you know, and I don't know that
11 that's what had happened.

12 Please repeat your question.

13 Q. Was there any discussion about
14 whether that was the appropriate course of
15 action to take in response to Ms. Bennett
16 expressing concern about her interactions with
17 Governor Cuomo?

18 A. I don't remember being a part of
19 anything where that was the focus.

20 Q. Were you part of any discussion
21 in which the process by which Ms. Bennett's
22 original allegations back in the summer of
23 2020 were handled was discussed?

24 A. Not that I recall, Counselor.

25 Q. Was there any discussion about

1 GOER? GOER? Have you ever heard the term
2 "GOER"?

3 A. Maybe. Is it the entity that
4 deals with these within the state?

5 Q. That's correct. It is the entity
6 that deals with these allegations within the
7 state.

8 A. I don't -- I was not part of any
9 conversation where we specifically discussed
10 what was done and how it was done. And, you
11 know, I don't remember being a player in any
12 of that.

13 I do remember generally that they
14 were -- I remember being on calls where people
15 were asking about it, and they were being told
16 what the process was. I do remember that.

17 I didn't pay particular attention
18 because, you know, I -- I just -- I don't
19 know. It didn't matter to me in terms of
20 where my focus was in that moment.

21 Q. Can you remember any of the
22 discussion about what the process was?

23 A. No.

24 Q. Did you understand that
25 Ms. Bennett had been transferred out of her

1 position because she had asked to do so
2 because she was uncomfortable being around the
3 governor?

4 A. Yes. I agree with the
5 interpretation that was suggested to me that
6 Charlotte Bennett had said there was another
7 position that she wanted and I think had
8 applied for previous. I'm not sure about
9 that. I think so. I -- I think I remember
10 that, and that that happened as a result of
11 this.

12 Q. Maybe I'll ask my question again.

13 A. I'm sorry if I missed the
14 question.

15 Q. No, that's okay. Did you
16 understand that Ms. Bennett had been
17 transferred out of her position because she
18 had become uncomfortable being around the
19 governor?

20 A. Not exactly the way you frame it.

21 Q. Okay. And what's wrong with the
22 way I framed it?

23 A. Nothing. I just -- my
24 understanding is different. That's all.

25 Q. Okay. What's your understanding?

1 A. That that's what Charlotte
2 Bennett wanted to happen.

3 Q. Okay. So let me phrase it this
4 way. So your understanding was that
5 Ms. Bennett wanted to be transferred out of
6 her position because she had become
7 uncomfortable being around the governor?

8 A. I know that my understanding was
9 that she wanted the different position before
10 all of this, and then, when she went to talk
11 to them, that the resolution was that she
12 would go to the different position.

13 Q. Did anyone convey to you that
14 Ms. Bennett had expressed that she had become
15 uncomfortable being around the governor?

16 A. Yes.

17 Q. Did anyone express to you that
18 Ms. Bennett had conveyed that she had become
19 scared of the governor?

20 A. No.

21 Q. Who conveyed to you that
22 Ms. Bennett had become uncomfortable around
23 the governor?

24 A. I may have read it. I don't
25 remember it being specifically said to me by

1 anyone.

2 Q. After the release of the
3 statement on the 27th, were you part of any
4 discussions about public perception about this
5 statement?

6 A. Yes.

7 Q. And tell us about that.

8 A. I was asked by my brother what I
9 thought the reaction was, and I gave him my
10 take. Josh Vlasto would ask me pretty much
11 any time anything came out. Two or three of
12 them out of a bucket of ten may reach out and
13 say, "What did you hear? How is it playing?
14 What do you know, you know, about how it's
15 being perceived? What are people saying to
16 you?" That was being asked of everyone pretty
17 constantly.

18 And I believe that my sense was
19 reflected in how it was being perceived, which
20 is this is serious and has to be treated that
21 way.

22 Q. What did you tell Governor Cuomo
23 was your take on public perception on his
24 February 27 statement?

25 A. This is a problem and you have to

1 explain it, and you have to own that this was
2 bad judgment. And that has to be clear. I
3 mean, my opinion never changed.

4 Q. And so I guess I'm just trying to
5 understand. Was your view or take that you
6 expressed to Governor Cuomo that this
7 statement didn't sufficiently own it?

8 A. No, but just that it was going to
9 be a continuing concern. This wasn't a
10 one-day story.

11 Q. And what did you tell him about
12 public perception about this statement?

13 A. That as a Democrat, this was not
14 going to just go away, and he was going to
15 have to deal with it. And that he had to
16 assume that people in his party were going to
17 come after him.

18 Q. Did you advise your brother to do
19 anything after February 27, after this
20 statement was issued?

21 A. With respect to?

22 Q. The allegations of sexual
23 harassment against him.

24 So the statement comes out, you
25 have a conversation with him about your take

1 on public perception. So what's the next
2 thing that you're involved in with respect to
3 the allegations of sexual harassment?

4 A. I mean, there were more. So as
5 there were more, he would ask me to listen to
6 what was being said and help him.

7 Q. Were you involved in the
8 preparation of Governor Cuomo for a press
9 conference in early March?

10 A. I was on some of the
11 conversations about it. And it was a very
12 frenetic process, and I just defaulted to
13 speaking to him directly about reinforcing the
14 points that I have made to you. I'm happy to
15 repeat them --

16 Q. It's okay.

17 A. -- if you'd like me to, but that
18 was my mantra.

19 Q. Did you ask to participate in the
20 prep for the press conference in early March?

21 A. I don't know about exactly that
22 press conference, but I did from time to time
23 when I felt that I was being -- I was out of
24 the loop for something that I wanted to
25 understand so I could have some sense of

1 whether or not this was being handled the way
2 I thought it should. I don't know if that was
3 one of those particular occasions.

4 Q. Did you have an understanding
5 that the prep for the press conference was
6 occurring some -- in some parts in person,
7 that people were staying at the mansion and
8 were with him in person?

9 A. I think so.

10 Q. Were you at the mansion in person
11 for the prep of the press conference?

12 A. No.

13 Q. Was any of your -- your family
14 there for the prep of the press
15 conference -- prep for the press conference?

16 A. I'm not sure.

17 Q. Let's turn to Tab 16.

18 MS. KENNEDY: And we'll mark this
19 as the next exhibit.

20 (Exhibit 12, E-mail chain
21 including Christopher Cuomo, dated
22 February 28, 2021, marked for
23 identification, as of this date.)

24 A. (Document review.)

25 Yes.

1 Q. This is an e-mail chain that
2 you're on between you and a number of people
3 from the senior staff of the executive chamber
4 and those who were consulting with the senior
5 staff.

6 Do you remember what this e-mail
7 is?

8 A. Beyond the plain reading of it?

9 Q. Well, what did -- what do you
10 think the draft in here is for? There's a
11 draft of a statement. Correct?

12 A. Yes.

13 Q. And what was it for?

14 A. I don't know specifically what it
15 was for.

16 Q. Do you know generally what it was
17 for?

18 A. Generally, it was what it reads
19 as, which is an explanation for him about his
20 behavior with people in the office.

21 I think it is important for me to
22 reiterate that I was often not part of the
23 process. And my suggestions, as they may be
24 coming to you right now, were a little tedious
25 in terms of their consistency and insistence.

1 And in that way, sometimes I
2 would be excluded from what was happening
3 because they knew what my concern was. And it
4 didn't always fit their strategy.

5 And on this, all I can say is
6 that it was very important to me that my
7 brother not suggest that everything that
8 happened was okay just because he meant it in
9 a benign way, that that's not how it works.

10 And that was something that I see
11 reflected in this draft, at least. I don't
12 know if this was the ultimate statement.

13 Q. Do you recall raising that
14 concern about this draft?

15 A. Not specifically, but I may well
16 have because I did very consistently.

17 Q. Meaning you consistently raised
18 the notion that the governor's, sort of,
19 intent didn't matter?

20 A. It matters, but -- and not to
21 explain the obvious. But if it wasn't okay
22 with you even if I thought it was okay, if it
23 wasn't okay with you even when in the past it
24 had been okay or I thought it had been, it is
25 now not okay.

1 And that must be owned, it has to
2 be acknowledged, it has to be respected, and
3 you should apologize. I think that that's
4 really important in these situations as a
5 leader, let alone as, like, a decent person.

6 So I see that reflected in here.
7 It may well be that that was something I had
8 been saying on a phone call. I know it's not
9 in this thread. But ...

10 Q. And you said that wasn't their
11 strategy. So who is the "they" and what's the
12 strategy?

13 A. Not to be unfair, but sometimes
14 what their strategy was to respond to a
15 specific allegation, and they'd want to say
16 this wasn't true or he hadn't done this, and
17 that's it. They didn't -- they didn't feel
18 the need to be expansive. And, you know, I
19 respect that that's their role.

20 Q. But they couldn't do that with
21 Ms. Bennett. Right? They couldn't say, "The
22 governor never did this" with respect to
23 Ms. Bennett?

24 A. Well, I think that that becomes
25 part of your guys' assessment of what "this"

1 is, not -- you know, and what he did with
2 respect to what you see "this" as.

3 Q. Well, I'm trying to understand
4 what the conversation was. And so what was
5 their strategy, the executive chamber senior
6 staff's strategy, with respect to Charlotte
7 Bennett?

8 A. I don't remember a distinct
9 strategy for Charlotte Bennett, certainly not
10 one that I was part of.

11 Q. Was there ever a discussion about
12 doing a point-by-point refutation of
13 Ms. Boylan's allegations?

14 A. There was a rolling conversation
15 about doing point-by-point pushback on all of
16 the allegations.

17 Q. And who was in favor of doing the
18 point-by-point pushback?

19 A. My brother, and then a passing
20 assortment of people, depending on the point
21 they were at, what wave of complaints had just
22 come out, and what kind of behavior they went
23 to.

24 Sometimes, like, Beth Garvey,
25 Steve Cohen, you know, they could be in that

1 place occasionally.

2 Q. And what did the governor say
3 about why he wanted to do a point-by-point
4 refutation of some of the allegations?

5 A. Because it was untrue and that he
6 believed that by ignoring the allegation, he
7 was admitting or acknowledging that it
8 happened.

9 Q. And do you recall which
10 particular allegations the governor said he
11 wanted to point-by-point refute and that they
12 were not true?

13 A. I don't remember him ever not
14 wanting to refute the allegations.

15 Q. What was his point-by-point
16 refutation of Ms. Bennett's allegations?

17 A. That he had never groomed, he had
18 never solicited, he had never hit on, he had
19 never tried to manipulate or do anything to
20 make her feel anything but supported and cared
21 about.

22 Q. Did he ever point-by-point refute
23 the content of their conversation as opposed
24 to the import of their conversation?

25 A. Not that I can recall.

1 Q. In this statement that you -- you
2 can see before you, there is -- there's a
3 reference to Ms. Bennett -- to the office
4 hearing anecdotally:

5 "That some people had reached out
6 to Ms. Bennett to express displeasure
7 about her coming forward."

8 Do you see that?

9 A. Yes.

10 Q. What was your understanding about
11 whether there had been outreach to Ms. Bennett
12 to express displeasure?

13 A. I don't know anything about that.

14 Q. You don't know whether that was
15 true or not true?

16 A. I don't know if it were true or
17 not true.

18 Q. Let's go back to Tab 14. Just to
19 move us along chronologically, while this
20 draft is being circulated, it appears that you
21 have some text messages with Mr. Vlasto. So
22 just chronologically, these texts are
23 happening when this draft has been circulated.

24 Do you remember texting with
25 Mr. Vlasto while the draft statement was being

1 discussed?

2 A. Not specifically, but I accept
3 that that's what was happening based on the
4 timing.

5 Q. And can I just try to understand
6 the dynamics. So when these big calls are
7 going on, is Mr. Vlasto the only person you're
8 having, like, a side text with?

9 A. Not always. I wouldn't be
10 having, like, multiple. I'd listen. But I
11 knew Josh, Melissa, and Liss, and Jef Pollock
12 better. So they may text me during these
13 conversations.

14 Q. You delete your text messages.
15 So do you remember having text messages with
16 Ms. DeRosa, Mr. Pollock, or Ms. Liss about
17 these statements that were being drafted?

18 A. Not specifically. But I do
19 acknowledge that these were to me, this is my
20 number, and I'm sure that this was a text
21 conversation with me.

22 Q. Right. This was with Mr. Vlasto.

23 A. Yes.

24 Q. Okay. So are there text messages
25 that you might have deleted about the draft

1 statements that were being prepared for the
2 governor that were with Mr. Pollock or
3 Mr. -- Ms. Liss?

4 A. None that I specifically recall.
5 But I absolutely deleted messages as I go
6 along, as is my practice.

7 Q. If you start at the bottom
8 of -- with the pages -3533 in the right-hand
9 corner. If you look at the bottom right-hand
10 corner, do you see little numbers there?

11 A. Yes.

12 Q. And the one that ends -3533 is
13 what begins on February --

14 A. Yes, Counselor.

15 Q. There you go. Any understanding
16 what "more or less" was in reference to?

17 A. No.

18 Q. And the next page, Josh says --
19 Mr. Vlasto says:

20 "Will need to have Tish do the
21 investigation but is what it is."

22 What do you remember about, on
23 February 28, the discussion about
24 attorney -- attorney general -- the attorney
25 general doing the investigation?

1 A. Josh's feeling that, while he was
2 not of the belief that Tish James, the
3 attorney general, wanted this because she
4 wanted to run against Andrew necessarily, that
5 she wanted to do this investigation, and that
6 once it was rejected, that it would be
7 somebody else, that this was the likely
8 scenario that the legislature would take it.

9 Q. And how did you come to
10 understand -- who was conveying this
11 information during the calls?

12 A. I don't -- I don't remember
13 who -- who it was. I mean, there was never
14 just one person, I don't think.

15 Q. Did you understand someone in the
16 senior staff of the chamber was speaking to
17 someone in the attorney general's office at
18 this time?

19 A. Yes, that was my understanding.

20 Q. And do you know who was speaking
21 to the attorney general's office during this
22 time?

23 A. Not 100 percent, but I believe
24 Melissa DeRosa had told me that she had spoken
25 with the AG.

1 Q. And what did Ms. DeRosa tell you
2 about her conversations with the attorney
3 general?

4 A. Just that. Just that it was part
5 of the process of figuring out what the
6 process would be.

7 Q. Did she tell you anything else
8 about her conversations with the attorney
9 general?

10 A. Not that I can recall.

11 Q. Why don't you take out the
12 smaller binder that we previously marked as an
13 exhibit.

14 A. Okay.

15 Q. And if you look on what is the
16 first page of the texts on February 28, at
17 4:33, you write to Ms. DeRosa:

18 "What happened to the statement?"

19 A. Mm-hmm.

20 Q. What do you remember about why
21 you wrote that?

22 A. Vaguely, that I had been cut out
23 of the loop of what was being done on a
24 statement, and I was concerned because I
25 wanted to be able to get some comfort that

1 this was being handled in a way that would
2 respect what I was worried about.

3 Q. And is -- the next text, Melissa
4 DeRosa says to you, "I'm on with the AG."

5 Does this refresh your
6 recollection it was Ms. DeRosa who spoke to the
7 attorney general?

8 A. I don't believe that "AG"
9 referred to anything else. Not to be cute.
10 I'm saying, you know, it doesn't refresh my
11 recollection.

12 Q. Do you remember anyone else
13 saying that they were having conversations
14 with the attorney general or the attorney
15 general's office other than Ms. DeRosa?

16 A. No, not specifically.

17 Q. Did Governor Cuomo tell you that
18 he had had conversations with the attorney
19 general?

20 A. Not that I remember.

21 Q. Or anyone in the attorney
22 general's office?

23 A. Not that I remember. I can't say
24 he didn't. I just -- I don't remember him
25 telling me that.

1 Q. Can you turn to Tab 17.

2 MS. KENNEDY PARK: We'll mark
3 that as the next exhibit.

4 (Exhibit 13, Statement issued by
5 Andrew Cuomo, dated February 28, 2021,
6 marked for identification, as of this
7 date.)

8 A. 17?

9 Q. Yes.

10 A. (Document review.)

11 Okay.

12 Q. Do you recall that this is the
13 statement that was issued by Governor Cuomo on
14 February 28?

15 A. I accept it as that.

16 Q. So there was a statement issued
17 on the 27th, and then another one gets issued
18 on the 28th.

19 What's your understanding of why
20 the two statements?

21 A. I don't have any recollection of
22 why they went from one to another.

23 Q. Do you have any recollection of
24 there being discussion that there needed to be
25 another statement and why there needed to be

1 another statement?

2 A. I mean, generally, there was, you
3 know, general dissatisfaction about this. I
4 mean, clearly the story wasn't going away, and
5 what Andrew was saying was not being accepted
6 as the final word on it. So I know that.

7 Q. I'll represent to you that in an
8 original draft in those two documents we were
9 looking at, this statement included a line of
10 the governor saying he was embarrassed. This
11 final statement does not include that
12 language.

13 Do you remember any discussion
14 about removing the statement about the
15 governor being embarrassed from his public
16 statement?

17 A. I don't recall anything other
18 than what we reviewed earlier on an e-mail
19 thread where somebody said that a line should
20 come out. I don't know if that was the
21 embarrassed line.

22 Q. That was the line about
23 inappropriate touching. Do you remember any
24 conversation about being embarrassed?

25 A. No, not specifically.

1 Q. And you'll see in this final
2 statement, it says on the second page:

3 "To be clear, I never
4 inappropriately touched anybody, and I
5 never propositioned anybody."

6 Do you see that?

7 A. Yes.

8 Q. Do you remember why it is that
9 the line about "I never inappropriately
10 touched anybody" ended up in the final
11 statement?

12 A. No.

13 Q. Was there any discussion you were
14 a part of where the governor was asked whether
15 he had ever inappropriately touched anyone?

16 A. I don't remember that exact
17 question being asked.

18 Q. Something like that question?

19 A. I don't remember in any of the
20 group calls of vetting of Andrew being done.
21 Not with me there.

22 Q. With you present, no one vetted
23 any of the statements --

24 A. Not to my recollection.

25 Q. -- the governor was making?

1 A. Say the last part again.

2 Q. In your presence, no one vetted
3 any of the statements the governor was making
4 as to whether they were true or not?

5 A. You mean in the statements?

6 Q. Yes.

7 A. Yes. People wanted it all to be
8 true, what was going to be in the statement.

9 Q. Okay.

10 A. That was obviously a concern.

11 Q. So what was discussed about how
12 the sentence, "I never inappropriately touched
13 anybody," how the group got comfortable that
14 was true if they didn't vet the governor on
15 that statement?

16 A. I have reason to believe that
17 people individually had spoken to the
18 governor, and he had said that he
19 didn't -- he -- I remember him saying that he
20 didn't do what was alleged.

21 I don't know how people
22 individually got comfortable with this,
23 though.

24 Q. And you say you have reason to
25 believe that individual people spoke with the

1 governor. What's your reason to believe that?

2 A. Because he was talking to
3 everybody all the time.

4 Q. One-on-one?

5 A. On groups, one-on-one, yeah.

6 Q. And who -- who are the people
7 that you believe individually spoke to the
8 governor about whether he had inappropriately
9 touched anybody?

10 A. I don't know specifically. I
11 don't. I just wouldn't be surprised if they
12 were happening.

13 Q. But you don't actually know that
14 they were happening?

15 A. I don't know for -- as a matter
16 of fact that anyone called him and asked him
17 about what had been done and not done, other
18 than his lawyers.

19 Q. At this time, so the February 27,
20 28 time period, did you reach out to any of
21 your sources?

22 A. Not that I recall.

23 Q. Okay. Let's look back at the
24 smaller binder of your text messages with
25 Ms. DeRosa.

1 A. Mm-hmm.

2 Q. So this is on -- now we're on
3 March 1, after the governor's statement, at
4 Tab 17, has been made public, and you wrote to
5 Ms. DeRosa:

6 "Here's what he should have said.

7 I have carefully considered
8 Ms. Bennett's statement and my own
9 conduct. I don't dispute that our
10 conversation was as she reports. I also
11 do not dispute that my words and
12 supervisory position may have created a
13 hostile work environment. I apologize
14 to Ms. Bennett and will promptly seek to
15 personally communicate my apology to
16 her. I also apologize to the people of
17 New York State who have a right to
18 better conduct for their governor. This
19 will not happen again."

20 You see that?

21 A. Yes, ma'am.

22 Q. Why did you write this?

23 A. Because that's what I thought he
24 should say.

25 Q. And that is what he didn't say.

1 Right?

2 A. It is not exactly what he said,
3 no.

4 Q. Okay. And so why after the
5 governor had made his public statement on the
6 28th did you send this to Ms. DeRosa?

7 A. Because I was asked about what I
8 thought about the statement.

9 Q. Who asked you that?

10 A. I think it -- maybe Melissa
11 DeRosa, or Andrew, or both.

12 Q. Okay. And did you have a
13 conversation with Governor Cuomo about what
14 you thought about his February 28 statement?

15 A. I can't remember a specific
16 conversation, Counselor, but absolutely, I was
17 in contact with him at every inflection point.

18 Q. And what do you remember
19 conveying to him about what you thought about
20 his February 28 statement?

21 A. You have to tell the truth. You
22 have to not be coaxed to tell the truth. You
23 have to own what was wrong. You have to
24 apologize. And you have to tell people that
25 you've learned from this as a leader, and you

1 have to act like a leader in this situation.

2 And I think what you just read
3 reflects that.

4 Q. Okay. If the governor had issued
5 the statement that you wrote, would it have
6 been true?

7 A. I don't know that this was
8 specifically just from my head. I was often
9 given suggestions by people about what he
10 should have said or not said or why was it
11 said like this or whatever, both from inside
12 his team and outside of his team.

13 So I may have lifted this from
14 one of those suggestions to me from one of
15 them or an earlier draft, but this does
16 reflect what I thought he should have said.
17 Just to not take too much credit. That's all.

18 Q. Do you recall from whom you might
19 have lifted this?

20 A. No, not -- not specifically.

21 Q. Generally?

22 A. I mean, it would have -- it was
23 either, you know, one of my outside, you know,
24 PR friends who would, unsolicited, send me --
25 you know, everybody was commenting on this.

1 Everybody was following it. Everybody had
2 something to say.

3 And there were also these
4 divisions within his team, and I am often seen
5 as a fair broker of who you can go to about
6 Andrew. So I just -- I don't want to give
7 myself too much credit. That's all.

8 Q. Right. I'm just trying to
9 understand who you think might have
10 contributed to this draft.

11 A. Josh, Steve Cohen, Lis. I
12 probably haven't mentioned her enough when it
13 came to people who were of the school of
14 thought of handling this the way I've
15 suggested. That -- that could have been the
16 universe.

17 Q. When you say "Lis," you mean
18 Lis Smith?

19 A. I'm sorry. Yes --

20 Q. That's okay. Just for the court
21 reporter.

22 A. -- Lis Smith, L-i-s.

23 Q. Okay. So you think those
24 individuals contributed to this draft?

25 A. They may have.

1 Q. May have. Okay. And if this
2 draft had been issued by Governor Cuomo, would
3 it have been true?

4 A. I believe so.

5 Q. Okay. And so the statement that
6 the governor did not dispute that his
7 conversation was as Ms. Bennett reported would
8 have been true?

9 A. I think -- now, obviously, this
10 is something for Andrew to answer, but this
11 was my reckoning of what needed to be said. I
12 wasn't present for the conversations. I don't
13 even have a transcript of the conversation.

14 So there's no way for me to know
15 what was said or not said. That's for Andrew
16 to figure out whether or not he can say this
17 and be comfortable with it. I'm just saying
18 it was my suggestion of what I would have
19 liked to have heard.

20 Q. But as of March 1, based on the
21 many conversations that you had been a part
22 of, you believed that the statement "I don't
23 dispute that our conversation was as she
24 reports" coming from Governor Cuomo would have
25 been a true statement?

1 A. I think he would say, "I don't
2 dispute that our conversations made her feel
3 the way she says." I think that he would
4 probably draw that distinction.

5 I wasn't part of the
6 conversation. I just think that my reflex is
7 to not question the accusation yourself other
8 than to say whether it's true or untrue. Let
9 the process be the determination of those
10 specific questions. And then at the end of
11 the process, if you don't agree with the
12 determinations, well, now -- now that's what
13 our -- that's what our dynamic should be.

14 So that's where my head was. I
15 don't know that Andrew would say that he
16 agrees with this statement. I was asked what
17 I thought he should say. That's what this is.

18 Q. I get that. What I'm trying to
19 understand is, were you part of any
20 conversation where Governor Cuomo ever said
21 words in sum -- sum or in substance "I didn't
22 say what Ms. Bennett says I said"?

23 A. Yes.

24 Q. Okay. And what did he say he did
25 not say to Ms. Bennett?

1 A. He never -- he says he never said
2 anything about being with her or that she
3 should be with him, You know, nothing like
4 that. And anything that was said like that
5 was very jokey and never a pass.

6 Q. Okay. So he never said to her
7 anything like, "You should be with me," or "I
8 should be with you?"

9 A. His suggestion was that he never
10 said anything like that, and anything like it
11 wasn't seriously said that way; that that was
12 never his intention and that she -- he thought
13 she understood that, that this wasn't a
14 romantic thing for him.

15 Q. I -- I understand the intention
16 part. What I'm trying to understand is: What
17 did the governor say to you were the words he
18 did not say to Ms. Bennett?

19 A. I don't remember ever having that
20 specific conversation.

21 Q. Okay. And then you write on the
22 next page, if you flip it over --

23 A. Mm-hmm.

24 Q. You annotated the statement
25 that's reflected at Tab 17. Do you see that?

1 A. Yes. This goes more to what I
2 was saying about the process of the
3 collective. These may have been things that
4 were passed on to me by other people.

5 Q. Comments other people may have
6 passed on to you?

7 A. Yes.

8 Q. Do you have an understanding of
9 whether your annotations were shared with
10 Governor Cuomo?

11 A. No.

12 Q. You said -- in the annotation,
13 you say:

14 "No one says he intended to
15 offend or harm. What he is -- he is
16 accused of is creating a hostile work
17 environment which is judged objectively
18 by the natural meaning of his words and
19 conduct, not by what he now says he
20 intended."

21 Did you convey, in sum and
22 substance, to Governor Cuomo that -- that
23 information?

24 A. Yes. I don't think I wrote this
25 actual part. I mean, it's a little bit more

1 sophisticated than my general vernacular and
2 thought process would be.

3 But, yes, I've had the
4 conversation with my brother on numerous
5 occasions that it doesn't just matter what you
6 thought or intended.

7 Q. Who do you think wrote this?

8 A. I'm not really sure. Look, it
9 might -- I don't -- I don't think I've ever
10 phrased -- I've written this idea a thousand
11 times, you know, in the last 25 years of
12 journalism.

13 I don't -- these are not -- this
14 is not my normal phrasing. But I do agree
15 with the idea. And I thought it was an
16 important suggestion for them.

17 Q. Could the author of this have
18 been anyone other than Steve Cohen, Lis Smith,
19 Josh Vlasto, or Jef Pollock?

20 A. It's possible.

21 Q. Who else could it have been?

22 A. I mean, he had lawyers, you know,
23 who were on the call sometimes. It could have
24 come from one of them.

25 Q. Were you speaking to his lawyers?

1 A. Only if they were in that mix of
2 the conference calls that from time to time I
3 was asked to listen in on, in part or in
4 whole.

5 Q. Okay. Did any of the -- the
6 lawyers separately reach out to you?

7 A. No.

8 Q. Okay. Anybody else it could have
9 been who wrote this?

10 A. Not that I'm aware of.

11 Q. Okay. In the next annotation,
12 whoever wrote this wrote:

13 "It's perhaps true that work
14 colleagues are personal friends, but
15 most supervisors know that many issues
16 may arise from personal friendships with
17 work subordinates."

18 Did you ever convey that in sum
19 or substance to Governor Cuomo?

20 A. Yes.

21 Q. What did you say?

22 A. That. You know, I mean, this
23 grows out of the understanding that just
24 because you think it's one way, there are two
25 things, one, you're not equals, and two, you

1 could have it wrong.

2 Most of these people are of an
3 entirely different generation from my brother.
4 You know, he is a man from a certain ethnic
5 background, in a certain place, in a certain
6 time. And none of the people involved in this
7 approximate any of that.

8 Q. When you conveyed to your brother
9 that they were -- he was not equals with the
10 women that were making allegations against
11 him, what did you mean by that?

12 A. They work for you.

13 Q. And what did you tell him that
14 meant?

15 A. That there's a -- what it means,
16 which is that there's a power dynamic at play.

17 Q. Meaning that he has more power
18 than they do?

19 A. Of course.

20 Q. Okay. Let's turn to Tab 18.

21 A. (Document review.)

22 Okay.

23 Q. Okay. You've had a chance to
24 look at this now. What is your understanding
25 of what this is?

1 A. It is a set of ideas about what
2 the governor may or may not say with respect
3 to the allegations.

4 Q. At a press conference. Right?

5 A. Yes.

6 Q. And who, to your understanding,
7 prepared the first draft that is reflected on
8 pages 10079 and 10080 and 10081?

9 A. I don't know.

10 Q. It came from Stephanie Benton.

11 A. Stephanie Benton did not prepare
12 the draft.

13 Q. Okay. If it came from Ms. Benton
14 and it was not prepared by her, who is the
15 likely author, then?

16 A. I don't know.

17 Q. Is it the governor?

18 A. He would almost undoubtedly have
19 been a part of the drafting process.

20 Q. And do you recall commenting on
21 this?

22 A. I do not. Again, I was most
23 often a peripheral figure. I'm the brother.
24 Yes, I understand the media, but to be clear,
25 everyone in that room understands the media.

1 They all have media contacts. There is no
2 division between politics and media. We all
3 know each other.

4 So the idea that I was there
5 because I'm the media person, that's just not
6 true. They had multiple media experts who had
7 much closer connections to the people who are
8 covering this than I do. You know, my beat,
9 my show, I'm not about New York State
10 politics.

11 You know, I mean, I didn't even
12 cover the mayoral race recently. You know, I
13 just -- other people were. I got why it was
14 somewhat germane but, you know, this is not my
15 world. So it shouldn't be surprising that I
16 didn't have a heavy hand in a lot of these
17 things, because I didn't.

18 Q. I understand your perspective on
19 what your role was. But with respect to the
20 preparation for the governor for the March 3
21 press conference, did you offer any thoughts
22 or insights, guidance, opinions about this
23 being what he would say?

24 A. I don't remember including
25 anything in any e-mail about this. I spoke to

1 my brother about it.

2 Q. Okay. What did you tell your
3 brother?

4 A. Tell the truth. Don't have
5 people have to push you on things. Every time
6 somebody has to ask you a question about
7 something specific, it's an opportunity you
8 had to get out in front of this that wasn't
9 taken.

10 And that this is not a
11 competition. This is not you versus the
12 accuser. And you don't phrase it that way,
13 and you avoid any implication of that. That
14 was my biggest set of concerns for him in
15 terms of how this was handled. Everything
16 else to me was just verbiage.

17 Q. In this verbiage on page 10080,
18 you'll see there's a reference on the third
19 paragraph from the bottom. And it says:

20 "I've asked the attorney general
21 to engage an independent professional
22 rev- -- firm to review any allegations.
23 In the meantime, I want to take
24 additional action. I'm going to bring
25 in a private firm to train all my staff,

1 myself included, as to appropriate
2 workplace interaction."

3 Did that happen, to your
4 knowledge?

5 A. I don't know.

6 Q. Did you discuss that with
7 Governor Cuomo?

8 A. In cursory fashion that it was
9 good to do as much as possible, to show that
10 something has been learned here and improved.

11 Q. And, to your understanding, was
12 that followed up on?

13 A. I don't know, Counselor.

14 Q. Was it discussed with any members
15 of the senior staff whether that training
16 would happen?

17 A. I don't know. Those aren't
18 conversations I would have likely been a part
19 of.

20 Q. The governor ultimately did not
21 say this at his press conference.

22 Do you know why that is?

23 A. I do not.

24 Q. To then he went on -- this goes
25 on to say:

1 "I also want to engage a firm
2 that would be available to any employee
3 who wants to make a complaint but may
4 feel uncomfortable going through formal
5 government channels."

6 Were you part of any discussion
7 with Governor Cuomo about that suggestion?

8 A. No.

9 Q. Were you part of any
10 conversations with the senior staff or the
11 consultants about that suggestion?

12 A. Not that I recall.

13 Q. That ultimately does not get said
14 at the March 3 press conference. Do you
15 understand why it wasn't?

16 A. I do not. Do you feel that the
17 size font on this is a little small?

18 Q. It is incredibly small --

19 A. Okay. Good.

20 Q. -- Mr. Cuomo, but I have no
21 control over that.

22 A. Counselor, I just -- I ask
23 because [REDACTED]

24 [REDACTED].

25 Q. You should not be concerned.

1 A. They told me [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]. So I'm glad that it's not me.

5 Q. If there is anything that you
6 would like to read and that you cannot read,
7 let us know and we will figure out a way to
8 make it more legible.

9 A. Everything has been legible.

10 Q. Okay. At some point on -- so
11 this was all on March 1. On March 1, you went
12 on the air on your show and made a statement
13 regarding coverage of the allegations against
14 your brother.

15 Do you recall that?

16 A. Yes.

17 Q. Okay. And what prompted you to
18 make that statement?

19 A. Noise.

20 Q. What do you mean by "noise"?

21 A. Media noise.

22 Q. Noise about what?

23 A. About me not covering or covering
24 my brother.

25 Q. You mean there was questions

1 being raised about whether you were going to
2 cover or were not going to cover the
3 allegations against your brother?

4 A. Yes.

5 Q. And were there questions being
6 raised about whether CNN was going to cover
7 the allegations raised against your brother or
8 not?

9 A. Not legitimate ones.

10 Q. Okay. But those were being
11 raised?

12 A. Not legitimately.

13 Q. Okay. But they were being
14 raised, and that was part of why --

15 A. In my business --

16 Q. Yeah.

17 A. -- there are different kinds of
18 questions.

19 Q. Sure.

20 A. There are rhetorical questions,
21 there are questions that are being asked just
22 to just to be antagonistic.

23 Q. Mm-hmm.

24 A. There are questions that are said
25 for informational basis. And there are

1 questions that have a concern of policy.

2 And I don't think this checked
3 any box other than the antagonism. CNN was
4 always going to cover it. They had always
5 covered my brother for better or worse.

6 Q. Okay. Before you made this
7 statement -- well, let's turn to Tab 19.

8 MS. KENNEDY PARK: And we can
9 mark that as the next exhibit.

10 (Exhibit 14, CNN statement by
11 Christopher Cuomo, marked for
12 identification, as of this date.)

13 Q. This is a --

14 A. Did you say 19, Counselor?

15 Q. I did.

16 A. I don't have a 19.

17 Q. Well, that's fascinating. I have
18 a 19. Apparently I am the only --

19 A. But I'm happy for you to read me
20 what 19 is.

21 Q. Here is 19. Okay.

22 MS. KENNEDY PARK: We'll mark
23 that loose sheet of paper.

24 A. This is the transcript of my
25 statement --

1 Q. On CNN.

2 THE WITNESS: Which you can have
3 because I know it. (Handing.)

4 Q. Okay. Prior to making that
5 statement, did you speak to anybody in the
6 executive chamber about the fact that you
7 would be making this statement?

8 A. Probably. I don't remember
9 specifically who. I'm sure I told my brother.

10 Q. Okay. And what did you tell your
11 brother?

12 A. That I'm going to get in front of
13 this and squash this noise because it's
14 absurd.

15 Q. And what did your -- what did
16 Governor Cuomo say in that conversation?

17 A. My brother has a lot of regret
18 that I've had this negatively affect me.
19 Doesn't feel good to have your family be
20 scrutinized for something that's about you,
21 let alone when that scrutiny is patently
22 unfair and being weaponized in ways to hurt
23 you as the primary, you know, which is what
24 Andrew is, and to hurt me. And I know he
25 feels that. And it's -- it hurts him.

1 And I -- I understand that. I
2 would never want to be in his position in many
3 regards. But he wished I didn't have to say
4 it. He wanted to believe that this wasn't
5 about me, it's just about him. And sadly,
6 it's not the case. Look where I am today.

7 Q. So the sum and substance of what
8 you just described to me, that's what Governor
9 Cuomo conveyed to you, about you having to go
10 on the air to maybe this statement?

11 A. Yeah.

12 Q. Okay. And you said you -- you
13 maybe talked to other members of the executive
14 chamber.

15 Can you recall who?

16 A. I'm -- I wouldn't be surprised if
17 I spoke to Josh or Lis or Melissa about this.

18 Q. Can you remember the substance of
19 any of those conversations?

20 A. Just that I was doing it. They
21 too believed that, you know, this isn't really
22 necessary, nobody really believes this. You
23 know, everybody gets it. But it's the nature
24 of the game I'm in.

25 Q. You can go ahead and put that

1 aside. The --

2 MS. KIRSHNER: I'm sorry, what
3 did you --

4 THE WITNESS: She said you can
5 put that exhibit aside --

6 MS. KENNEDY PARK: I said you can
7 go ahead and put that exhibit aside.

8 Oh, there you go. Or I can hand
9 it back to me so I don't lose it in my
10 binder. Thank you.

11 BY MS. KENNEDY PARK:

12 Q. So the press conference that
13 we've been talking occurs on March 3, and you
14 said previously that you were involved in some
15 calls where Governor Cuomo was prepared for
16 that press conference.

17 If you can turn to Tab 20. And
18 we'll mark this as the next exhibit.
19 There's -- behind the blue tab there's
20 a -- there's another document. There you go.

21 (Exhibit 15, Questions from Lis
22 Smith for Andrew Cuomo, marked for
23 identification, as of this date.)

24 A. Okay. Okay.

25 Q. Other than with your counsel,

1 have you seen these two documents?

2 A. No.

3 Q. Okay. When you were involved in
4 the preparation for the governor, did anyone
5 ask him if he forcibly kissed Ms. Boylan?

6 A. I don't remember it specifically,
7 as I've said to you earlier.

8 Q. You don't remember him being
9 asked that question specifically?

10 A. I don't. I don't remember
11 specific vetting of the governor on calls that
12 I was on.

13 Q. Okay. Maybe it'd make this more
14 efficient for all of us if you go back before
15 the tab. There's a series of questions that
16 Ms. Smith proposes the governor be asked to
17 practice.

18 A. Mm-hmm.

19 Q. You look through the list, can
20 you tell us whether you recall Governor Cuomo,
21 in any conversation you've been a part of,
22 responding to any of these questions? Just
23 walk through the list.

24 MS. KIRSHNER: In the practice
25 sessions?

1 Q. In the practice sessions, yeah.
2 Not in the actual press conference.

3 A. I was never in a practice
4 session.

5 Q. In the preparation for the
6 March 3 conference, that's what I mean by
7 practice.

8 A. I never was part of any of this.

9 Q. Okay. In any conversation you've
10 ever been a part of with the governor, did he
11 talk about whether he had touched the legs,
12 arms, or torso of Ms. Boylan?

13 A. He told me generally that he
14 never kissed her or touched her in any way
15 that was inappropriate.

16 Q. Were you part of any
17 conversations in which the governor addressed
18 whether he had told Ms. Boylan that he wanted
19 to play strip poker?

20 A. No.

21 Q. Were you part of any
22 conversations in which the senior staff
23 attempted to find individuals who might have
24 been on a flight with Governor Cuomo when he
25 made a comment about strip poker to

1 Ms. Boylan?

2 A. No. I don't recall that
3 specifically.

4 Q. Do you recall there being a
5 statement issued from individuals who were on
6 a flight with Governor Cuomo saying whether or
7 not they had heard him discuss strip poker
8 with Ms. Boylan?

9 A. I'm vaguely familiar. I don't
10 remember if they issued a statement or they
11 were interviewed about it or -- I didn't pay
12 much attention to that.

13 Q. But you weren't part of those
14 conversations?

15 A. No.

16 Q. Okay.

17 A. I wasn't on the flight. I
18 wasn't -- no.

19 Q. No, part of the conversations
20 about that statement being issued, or finding
21 those people --

22 A. Oh. No not that I recall.

23 Q. -- or tracking down the flight
24 information?

25 A. No, not that I recall.

1 Q. Okay. Were you part of any
2 conversations in which Governor Cuomo
3 discussed whether Lindsey Boylan looked like a
4 better looking version of Lisa Shields?

5 A. No.

6 Q. Were you part of any
7 conversations in which governor discussed
8 whether he called Ms. Boylan Lisa?

9 A. No.

10 Q. Okay. That's why I wanted to go
11 through the list. That's what I meant by "the
12 list." So for any of the remaining questions:

13 Were you part of any
14 conversations in which the governor answered
15 these questions?

16 A. (Document review.)

17 I've heard my brother speak to
18 several of these questions, but I was never
19 part of a practice session where it happened
20 "semi optur," you know, where they took him
21 through this.

22 Q. Mm-hmm.

23 A. I've heard him say that he had no
24 reason to believe that the women who had come
25 forward had, but that he wouldn't be surprised

1 if other ones did once he was convinced that
2 it was a political pile on. I've heard him
3 say that he has regrets about a lot of things:

4 "You have a long history of
5 saying inappropriate things to women,
6 like the time you repeatedly told a
7 young female that you wanted to see her
8 'eat the whole sausage.'"

9 Yeah, I remember him referring to
10 that as something that he was completely
11 flummoxed by, that it was taken so grossly out
12 of context. But, again, in his position people
13 hear things differently and there's a
14 potentially different standard. So to answer
15 your question, best I can, no, I don't remember
16 any recitation of these interrogatories. Yes,
17 I have heard my brother address several of
18 these.

19 Q. Let's go back to the one about
20 regrets. So you said your brother's told you
21 that he has lots of regrets. I think that the
22 topic of the question was actually regrets
23 about the language you have used towards women
24 in the workplace.

25 Did you ever hear your brother

1 talk about whether he had regrets about the
2 language he used towards women in the
3 workplace?

4 A. Yes.

5 Q. And what did he say?

6 A. That he had regrets.

7 Q. And what did he say were his
8 regrets?

9 A. That anything he said that made
10 people feel in a way that he didn't intend was
11 wrong. And he has to learn from it and be
12 different.

13 Q. In those conversations, did the
14 Governor Cuomo acknowledge making comments
15 about women's appearance?

16 A. Not specifically.

17 Q. Generally?

18 A. I mean, I think that my
19 understanding was that that's what he was
20 referring to, is that anything that he had
21 said to them about their lives or their person
22 that came across in a way that he says he
23 never would have intended, he regrets it.

24 Q. Behind the blue tab is a series
25 of draft questions. I know you said you've

1 never seen this particular document. Have you
2 ever seen any version of this, or any document
3 in which draft answers for a press conference
4 questions were prepared for Governor Cuomo for
5 the March 3 meeting?

6 A. Not that I can recall.

7 Q. Okay. After the March 3 -- did
8 you watch the March 3 press conference?

9 A. No.

10 Q. Did you watch it after it
11 happened, like on tape?

12 A. No.

13 Q. Did you speak to anybody after
14 the press conference about how it went?

15 A. Yes.

16 Q. Who did you speak to?

17 A. Many people from different
18 aspects of my life. Obviously this was
19 something of incredible importance in terms of
20 getting how people processed it.

21 Q. Okay. Let's start with the
22 governor:

23 Did you speak to Governor Cuomo
24 about how the press conference went?

25 A. Later.

1 Q. "Later" meaning when?

2 A. After I had spoken to other
3 people.

4 Q. Okay. Who did you speak to
5 first?

6 A. I mean, it's going to be hard to
7 identify, but anybody I could.

8 Q. Could you give me buckets maybe,
9 then?

10 A. My family.

11 Q. Mm-hmm.

12 A. People I know in the business,
13 other political people. You know, people were
14 coming to me. Everybody was weighing in on
15 all this.

16 Q. So you spoke to family members.
17 You spoke to other -- other reporters?

18 A. Less so. I tried to never
19 approach anybody who was covering the story.
20 I didn't want to make them uncomfortable, you
21 know? There's only one of me in the business.
22 And I'm not saying that in a bragging way.
23 I'm saying whose brother is this, you know,
24 big shot in politics.

25 And I really just never wanted to

1 make anybody feel like I was pushing up on
2 them about something. So, you know, if they
3 called me and they said whatever they were
4 going to say, then that would be fine. But I
5 was just asking people who I respected their
6 opinions. I was asking people in the street.
7 You know, I mean I was just trying to get a
8 sense of, you know, how's this going for him.

9 Q. You said "political people."

10 Were you talking to any politicians?

11 A. I mean, not specifically. You
12 know what I mean? But -- I interview them
13 every night on my show. So the idea of
14 somebody saying, you know, I say, you know,
15 "Thank you, Joon Kim, for being on prime time
16 tonight." And Joon Kim then says, "Hey," you
17 know, "tell your brother I said," you know,
18 this or that. You know?

19 Q. Right. But were you outreaching
20 to any politicians?

21 A. No.

22 Q. Okay. So what did you, after --

23 THE WITNESS: No offense,
24 counselor.

25 MR. CLAYMAN: That was an

1 invitation, wasn't it?

2 MS. KENNEDY PARK: He's been
3 waiting.

4 Q. Other than -- after you had those
5 conversations, what did you say to Governor
6 Cuomo about the press conference?

7 A. I was talking to him brother to
8 brother, just trying to keep his head in the
9 game. And to -- you know, ironically, I
10 was -- my message to him was try not to listen
11 to too many people, even though I was doing
12 the exact opposite. But I'm in a different
13 position.

14 And just brother to brother, I
15 was telling him just to keep his head and
16 listen to what he knows is right, and that
17 this is going to be long and hard.

18 Q. What did you convey to him about
19 public perception about how the press
20 conference had gone?

21 A. It was mixed, you know, like
22 everything else. People see things in
23 partisan politics through such colored lenses
24 now, that really it's so fractional -- you
25 know? -- that, like, a third of the people

1 will never go bad on you.

2 I don't think that's as true on
3 the democratic side. I know that's not
4 relevant. But a third will never be for you,
5 and maybe you're lucky if there are a third of
6 people with open minds on any of these issues
7 that are willing to listen to anything.

8 Q. Did you give him any advice about
9 what to do next?

10 A. I don't remember specifically
11 after the press conference doing that.

12 Q. Let's turn back to the texts that
13 are in the smaller exhibit binder with Melissa
14 DeRosa. On March 4, you see on the -- turn to
15 March 4.

16 A. Yes.

17 Q. Okay. There's a text message
18 from Melissa DeRosa to you that is from -- it
19 looks like she captured an e-mail message or
20 text message conveying that Ms. Bennett was
21 going to do an on-camera interview, and then
22 she said "thoughts" to you. You wrote
23 "Called."

24 Do you remember speaking to
25 Melissa DeRosa about --

1 A. Didn't I send that to -- I'm
2 sorry to interrupt you, Counselor.

3 Q. That's okay.

4 A. Didn't I say to her, "Thoughts"?

5 Q. You're correct. You said,
6 "Thoughts," and then you wrote "Called."

7 Did you communicate with
8 Ms. DeRosa about Ms. Bennett's on-camera
9 interview?

10 A. No. And I didn't see it. It was
11 more informational, like what -- you know,
12 like, what do you make of this? Like, I was
13 asking her.

14 Q. What did Ms. DeRosa say she was
15 making of it?

16 A. I don't remember other than her
17 being concerned, obviously.

18 Q. And then you wrote, "I have a
19 lead on the wedding girl."

20 A. Yes.

21 Q. What does that mean?

22 A. Plain reading. That someone
23 called me who knew the bride's family, who
24 suggested that the [REDACTED]
25 who was relevant in this situation, that [REDACTED]

1 [REDACTED]; and that my friend
2 had heard that maybe she had been put up to
3 it.

4 I then had a phone call with
5 Melissa and/or Josh and was told that this was
6 the wedding of one of their people, and that
7 this complaint had happened right then, had
8 been heard from her, and it's been always
9 there, didn't just come up.

10 Q. Okay. Let me try to unpack that.
11 So the woman that we're speaking about, do you
12 recall her name is Anna Ruch?

13 A. Yes.

14 Q. Okay. And so you had heard from
15 someone some information about Anna Ruch. Who
16 is the person you heard the information from?

17 A. A source.

18 Q. Can you tell me who the source
19 is?

20 A. I don't know how that's relevant.

21 Q. Well, I'm asking -- because it's
22 relevant to the credibility of the individual.
23 So who is the person who you got the
24 information from?

25 MS. KIRSHNER: Is this a

1 journalistic source?

2 A. No.

3 Q. Okay. So who is the --

4 A. His name is [REDACTED].

5 Q. Can you -- for the court
6 reporter, can you spell the last name?

7 A. [REDACTED]

8 Q. Okay. So [REDACTED] conveyed to
9 you that he had heard that Ms. Ruch had been
10 put up to it in part because [REDACTED]
11 [REDACTED]. Do I get --

12 A. He had heard --

13 Q. Yes.

14 A. -- that that may be the case.

15 Q. Okay. And then --

16 A. I then learned that this was the
17 wedding of one of the members of Andrew's
18 team, and that he or someone close to him had
19 said, "No. She complained early on about
20 this, and it has always been consistent." So
21 that's that.

22 Q. Meaning she had complained when
23 it happened --

24 A. Yeah.

25 Q. -- when the governor had touched

1 her at the wedding?

2 A. Or soon thereafter, yeah.

3 Q. Okay. And that what she
4 described about her experience was consistent?
5 Meaning what she was telling the --

6 A. Yes.

7 Q. -- press now was consistent with
8 what she said at the time?

9 A. Yes.

10 Q. And who told you that?

11 A. I forget. Either Melissa or
12 Josh, you know, or one of them who knew
13 whoever's wedding it was.

14 Q. Okay. Did they tell you they
15 knew this because they had been at the
16 wedding?

17 A. No.

18 Q. How did they -- do you know how
19 they knew that Ms. Ruch had made her complaint
20 at or around the time of the wedding?

21 A. I don't remember if it -- I think
22 it was the groom was part of the team. I
23 could be wrong.

24 But it was from them. It was
25 from whoever was on the team who got married

1 who had heard this who told them.

2 Q. I see. So -- okay. And he had
3 told them contemporaneously to the wedding or
4 somewhere on or around --

5 A. That was my understanding.

6 Q. I got you. Okay. Let's turn to
7 Tab 21.

8 A. (Document review.)

9 Okay.

10 Q. Tab 21 reflects an e-mail chain
11 between you and a number of people about a
12 forthcoming Washington Post article. Do you
13 see that?

14 A. Yes.

15 Q. What do you remember about
16 discussions you had about the forthcoming
17 Washington Post article?

18 A. I don't remember that I had any
19 conversations.

20 Q. Did you talk to anybody about
21 Karen Hinton?

22 A. I don't remember -- I don't
23 remember. I didn't talk to anybody
24 specifically about Karen Hinton.

25 I remember hearing about Karen

1 Hinton on some of their calls and their
2 reactions to it.

3 Q. Okay. So tell us about what you
4 heard on the calls that you participated in
5 about Karen Hinton.

6 A. My brother told me this never
7 happened, that she had "gone bad on him," to
8 use his words.

9 And she was known by people to
10 have an animus against him, and that that was
11 echoed by I think Melissa who said to me, "She
12 hasn't liked your brother for a long time."

13 Q. Did anyone explain to you why it
14 is that Ms. Hinton had gone bad on Governor
15 Cuomo or didn't like him?

16 A. No. But I was told -- not to
17 your question, but if you want it -- that she
18 had a book coming out, and that she may or may
19 not have known Lindsey Boylan, and that this
20 could have been concerted action.

21 Q. This is what you learned on the
22 calls with members of the governor's --

23 A. Yeah.

24 Q. -- senior staff and his
25 consultants?

1 A. Yes.

2 Q. Can you recall who conveyed the
3 information about Ms. Hinton's book?

4 A. Not specifically.

5 Q. Or her connection --

6 A. I don't even know that I got that
7 from them or that I read it somewhere.

8 Q. Okay.

9 A. You know, all this, kind of,
10 blends together.

11 Q. Yeah. And what about the
12 connection -- the potential connection to
13 Ms. Boylan? Do you remember where you got
14 that information?

15 A. No. It might have been Andrew.
16 It might have been Melissa or Josh.

17 Q. Okay. Can you recall any other
18 information you learned about Ms. Hinton or
19 the allegations Ms. Hinton was making against
20 the Governor Cuomo?

21 A. No, Counselor.

22 Q. Did you discuss with anyone or
23 were you part of any discussions relating to a
24 response to Ms. Hinton's allegations?

25 A. Not that I recall specifically.

1 Q. Had you been a part of any
2 discussions where an individual by the name of
3 Ana Liss was discussed?

4 A. Yes. As long as I'm right about
5 which allegation that is.

6 Q. Okay. So why don't you tell me
7 what you're thinking of when you think of the
8 allegations ag- -- by Ms. Liss.

9 A. I'm not sure.

10 Q. So tell me, when I said
11 "Ms. Liss," what came to your mind?

12 A. I just -- I know the name. I
13 know that she's one of the accusers. I don't
14 know specifically which one. I know -- I know
15 it's not the -- the assault claim. I know
16 obviously she's not the other named people
17 that we've discussed.

18 So she's part of that middle wave
19 of allegations. And I don't mean in any way
20 to diminish her or her claim. I'm just
21 saying, you know, frankly, there are a lot of
22 names to keep straight here.

23 Q. Okay. And when you say "that
24 middle wave," what do you mean by the "middle
25 wave"?

1 A. In March there started to be this
2 steady succession of complaints. And I
3 believe she was one of those -- Ana Liss was
4 one of those.

5 Q. Okay. And can you remember any
6 conversations you had with senior staff or
7 consultants to the senior staff about
8 Ms. Liss?

9 A. No, not specifically.

10 Q. What about Kaitlin? Can you
11 remember during this time period any
12 conversations you had or were part of with
13 senior staff or consultants about a woman
14 named Kaitlin?

15 A. Yes, I remember there being a
16 discussion. I mean, it was a very serious
17 accusation.

18 Q. Okay. And tell us about what you
19 remember about the conversations about the
20 woman named Kaitlin.

21 A. That this was shocking to them.
22 Stephanie Benton, I guess, is somehow
23 connected in the office to her. Maybe she's
24 her supervisor or they work together or they
25 work for the same supervisor. I don't know

1 how it works.

2 But that they were shocked that
3 she was saying this, that they thought that
4 she had been openly supportive of the
5 governor. I think there may have even been a
6 suggestion that she had criticized women who
7 had come forward, that she was a big fan of
8 the governor and volunteered to work with him.

9 Q. Are you talking about the woman
10 who made allegations that the governor groped
11 her in the executive mansion?

12 A. Yes.

13 Q. Okay.

14 A. Do I have the wrong -- do I have
15 the wrong --

16 Q. You tell me. Do you have an
17 understanding that the woman who has made
18 allegations that the governor groped her in
19 the executive mansion, that her name is
20 Kaitlin?

21 A. Yes. Is that inaccurate?

22 Q. I'm not going to answer that for
23 you, Mr. Cuomo.

24 Why don't we look at the text
25 messages with Ms. DeRosa. And turn to the

1 ones on March 6.

2 A. Okay.

3 Q. Okay. So you see that Melissa
4 DeRosa circulates to you the Washington Post
5 article that we had just been referring to?

6 A. Yes.

7 Q. In the text messages?

8 A. Yeah.

9 Q. Okay. And then you wrote back:

10 "I need all the best facts for is
11 for reporters.

12 "Who can do it?

13 "Hello?"

14 Can you tell us why you were
15 asking her to get all the best facts?

16 A. Yes. I believed that, as is
17 somewhat evidenced by our conversation,
18 there's so many women and so many accusations,
19 and that they were being blended together and
20 that there was confusion.

21 And I was worried that this
22 wasn't being handled the right way. And it's
23 not my job to handle it. Okay? I don't work
24 for the governor. I'm not defending him in
25 this matter. I'm not covering it. You know,

1 this is -- this is not what I do.

2 I am worried about my brother and
3 worried that this is being handled the best
4 way it can. And my feeling was that, to my
5 basic mantra, you need to tell the truth and
6 get in front of these if you have something to
7 say. And if you have something to own, you
8 need to do that as well.

9 And I didn't see that happening.

10 And what I meant in this text -- which may
11 well have been dictated because I do that
12 fairly often, and we all struggle with the
13 whole thumbs thing and the wrong word.

14 You need to have somebody marshal
15 the universe of facts here and deal with
16 reporters in a way other than "I don't like
17 what you wrote" or "you've got it wrong."
18 That doesn't sound well to a reporter's ear.
19 You don't like it, you're not supposed to like
20 it. What did I get wrong? What do I have
21 wrong? What do you have to offer me? That's
22 the way journalism works.

23 I didn't believe that that was
24 happening. And I thought that Melissa needed
25 to have the press people know the universe of

1 facts, have this organized, be respectful to
2 the claims, and answer them that way.

3 And I didn't think it was
4 happening. This was my suggestion to her
5 about that, which we had spoken about on the
6 phone.

7 Q. And what was Ms. DeRosa's
8 response to your suggestion?

9 A. "I get it."

10 Q. Did she do it?

11 A. As far as I know.

12 Q. And so --

13 A. Actually, that's not true. I
14 have no idea. I have no idea whether she took
15 my advice or not.

16 Q. Did she get you the best facts?

17 A. Never.

18 Q. Did you convey any of the facts
19 to reporters --

20 A. Never.

21 Q. -- on the executive chamber's
22 behalf?

23 A. Sorry to jump the question.

24 Q. It's okay.

25 A. Never.

1 Q. Or convey any facts to any
2 reporters on the governor's behalf?

3 A. Never.

4 Q. Okay. On the next day -- you see
5 the next text message is actually from the
6 next day. And it says: "Can Tom Perez call
7 her?"

8 Who's "Tom Perez"?

9 A. Tom Perez was the DNC chair.

10 Q. Okay. And how did you come to
11 learn -- well, who's the "her"?

12 A. I don't know. I'll be honest.
13 And looking back -- I don't remember what this
14 was about. I know that it wasn't about
15 Andrew. I think he had been on my show, and
16 he was asking for something -- to communicate
17 something, and he was having a hard time
18 getting through to the office.

19 And I forget who it was, but I
20 don't remember it being part of this
21 situation.

22 Q. Okay.

23 A. And it was just me -- Melissa,
24 you know, can get somebody through to whoever
25 they need to talk to in the office.

1 Q. Okay. And the next text message
2 is almost impossible to read.

3 A. No, but I -- I've reviewed it.

4 Q. Oh, you've reviewed it before?

5 A. Yes.

6 Q. Okay.

7 A. If you want to show me something,
8 that's fine.

9 Q. Well, no, I'll ask you.
10 So -- but you've deleted these text messages.
11 Right?

12 A. Yeah. It was in the preparation
13 with the attorneys.

14 Q. Okay. So you know that the next
15 text message is a statement by Hazel Dukes.
16 Is that right?

17 A. Yeah. I -- please.

18 MS. KENNEDY PARK: We'll mark
19 this as the next exhibit --

20 A. Thank you.

21 MS. KENNEDY PARK: -- so that you
22 can see this as the full text message.

23 (Exhibit 16, Text messages
24 between Christopher Cuomo and Melissa
25 DeRosa, dated March 7, 2021, marked for

1 identification, as of this date.)

2 Q. [REDACTED]

3 [REDACTED].

4 MS. CLARK: When you say it's
5 "almost impossible to read," I take
6 issue with the "almost."

7 MS. KENNEDY PARK: I got a few
8 words.

9 Q. And Melissa DeRosa sends you this
10 statement.

11 A. Mm-hmm.

12 Q. You see that. Right? And then
13 in response to the text message, you write:
14 "Heastie used our language at least."

15 What did you mean by "our
16 language"?

17 A. The language that the governor
18 and his team were hoping for in terms of
19 embracing process.

20 Q. Okay. And so was there language
21 or -- or discussion about -- about politicians
22 embracing process that you were a part of?

23 A. Yes.

24 Q. And tell us about those
25 conversations.

1 A. That -- I mean, I believe that
2 that was the only course, was once you had
3 credible allegations, there has to be process.
4 There has to be investigations. They have to
5 be looked at.

6 And that's the best thing that a
7 democrat can ask for. And that this was, at
8 that point, somebody who matters politically
9 saying there should be process.

10 Q. To your understanding, was actual
11 language prepared and provided to politicians
12 for use in statements?

13 A. I've never heard anything like
14 that.

15 Q. Okay. Were you involved in
16 discussions about who should be called and who
17 shouldn't be called?

18 A. Never. I don't even know the
19 players. I mean, I do now. But I didn't
20 then.

21 Q. If you turn to the next page on
22 the same -- in the text messages with
23 Ms. DeRosa. This is still on March 7. She
24 writes:

25 "Hey.

1 "Rumor going around from
2 politico. One to two more people coming
3 out tomorrow.

4 "Can you check your sources?"

5 And you wrote: "On it."

6 Did you check your sources?

7 A. I was frequently in contact when
8 we would hear word that there were other
9 people coming out. Or there was more to be
10 learned about somebody, I would talk to other
11 journalists to hear what they had heard.

12 Q. And on this occasion, do you
13 remember what you heard?

14 A. No, I believe that I didn't hear.

15 Q. As you wrote in the text, "no one
16 has heard that yet"?

17 MS. KENNEDY PARK: Oh, I
18 apologize. Why don't we go off the
19 record.

20 THE VIDEOGRAPHER: The time is
21 2:11 p.m. This concludes Media 3. Off
22 the record.

23 (Recess taken from 2:11 p.m. to
24 2:23 p.m.)

25 THE VIDEOGRAPHER: The time now

1 is 2:23 p.m. This begins Media 4. On
2 the record.

3 BY MS. KENNEDY PARK:

4 Q. Mr. Cuomo, if you can put the
5 text messages in front of you that are
6 contained in the separate binder, the ones
7 between you and Ms. DeRosa, we'll continue
8 talking about those.

9 A. Okay.

10 Q. If you look on March 7 at 9:29,
11 Ms. DeRosa shares an article in the Daily Mail
12 related to Alec Baldwin discussing cancel
13 culture. Do you see that?

14 A. Yes.

15 Q. And then you wrote back:
16 "My friend asked him to do it,
17 [REDACTED], very close to him."

18 Can you explain what you meant by
19 that?

20 A. Yes. This is a little
21 inaccurate. I know Alec Baldwin. So does
22 Andrew. I have a very good friend who is
23 named here, who called me said, "Alec wants to
24 talk about cancel culture or political
25 correctness."

1 I asked him not to. I said,
2 "Tell him to stay out of it. It's not
3 necessary." He said, "Well, he's going to do
4 it. And I think it's a good idea for him to
5 do it. He wants to talk about these things."

6 Fine. I said, "All right, well,
7 that's may take on it." And that's what it
8 was. And when Melissa then told me that it
9 had happened, I was not aware. But I did know
10 its origin.

11 Q. And what was your perspective on
12 why it shouldn't have been done or -- what was
13 your perspective on why it shouldn't be done?

14 THE WITNESS: You're okay with my
15 answer? Did you pick it all up? Okay.

16 A. I wasn't in favor of it happening
17 because I didn't think that Alec Baldwin
18 weighing in on this one way or the other was
19 necessarily helpful or respectful to the
20 situation.

21 And I was trying to help my
22 brother, and it just didn't seem that helpful
23 to me.

24 Q. Did you have any conversations
25 with Governor Cuomo in relation to the

1 allegations of sexual harassment made against
2 him and cancel culture?

3 A. Yes.

4 Q. And tell us about those
5 conversations.

6 A. I think cancel culture is real.
7 So does my brother. And I advised him that
8 you cannot ignore these, that it's not going
9 to go away; not in our society, not in our
10 media culture, and not in your party. That
11 they're going to come on this and you have to
12 be aware of that.

13 And that's why you can't go after
14 your accusers. It's not right. It's not
15 allowed. The only path is process. That's
16 the only path. Have things investigated.
17 Have somebody independent who looks at this,
18 and let people judge what they find.

19 Q. What did Governor Cuomo say when
20 responds to your perspective on cancel culture
21 and the relation of it to the allegations of
22 sexual harassment made against him?

23 A. He believed -- he believes a much
24 larger version of this, that it's not just
25 generally cultural.

1 It's specific to him and
2 politics, and that this is an entire string
3 theory of people coming out to get him, head
4 to toe, soup to nuts.

5 Q. And that they are all connected
6 in some way?

7 A. Certainly in his mind. And,
8 again, I'm sure you'll have the chance to
9 speak to the governor. He believes that all
10 the energy around this, the politicians, the
11 media, that it's all part of what happens in
12 politics.

13 Q. I understand. I asked a poor
14 question. Had Governor Cuomo expressed to you
15 that the women who have made allegations
16 against him are all connected in some way?

17 A. Not specifically. That it's more
18 about once it had been made okay or popular to
19 come out against him, and that people would
20 get attention for it, he believes that that
21 drove allegations.

22 Q. Was there any discussion you had
23 with Governor Cuomo about whether multiple
24 women coming forward made it safer for women
25 to come forward with allegations?

1 A. No.

2 Q. If you turn to the next page in
3 the tweets -- texts, sorry -- there's a
4 screenshot that Ms. DeRosa shared with you.

5 Do you see that?

6 A. Yes.

7 Q. And then you respond:

8 "Why do you guys like this so
9 much?"

10 What do you remember about that?

11 A. Counselors, as I've said, I was
12 often out of the loop. And this had been sent
13 to me by more than one person. And I didn't
14 understand why they were sending this around.
15 I didn't -- I didn't understand.

16 Please understand my sensitivity
17 to these things. To me this was devastating,
18 what was happening. And it was embarrassing
19 and it was hurtful and it was shameful. And I
20 just didn't understand any kind of
21 preoccupation with what's being said by
22 somebody about something else in this
23 political insider yip-yap.

24 I just -- I didn't understand why
25 they'd be paying any mind to any of that.

1 That's what that was.

2 Q. But then Melissa DeRosa writes
3 back, "Brush back," and you wrote, "Week
4 late."

5 What did you mean by "week late"?

6 A. "Week late" meaning, you know,
7 you're -- you're, like, indicating a state of
8 play that you -- is way past you already.

9 The idea that this was going to
10 go away or that it wasn't that significant and
11 that I was exaggerating, that it meant more to
12 me because of my own personal feelings or
13 because I'm too close to my brother and my
14 sensitivity was just not true. Not true.

15 Q. Do you remember being on the
16 phone with either Governor Cuomo or Ms. DeRosa
17 on March 7?

18 A. No.

19 Q. And then you texted: "No resign.
20 No resign. No resign." And then she said:
21 "No resign."

22 Do you remember what the context
23 was for those texts?

24 A. Yes.

25 Q. What was the context?

1 A. Whether he should resign.

2 Q. But was there some conversation
3 that you were a part of where resignation was
4 being discussed?

5 A. Yes.

6 Q. Tell us about that conversation.

7 A. There were politicians calling
8 for my brother to resign, and he was
9 considering that.

10 Q. Tell us about your conversations
11 with Governor Cuomo about his consideration of
12 resignation.

13 A. I told him, "If you have done
14 nothing that you believe was wrong, don't
15 resign, because resigning is you saying that
16 you did something wrong. Don't do it."

17 Q. What did Governor Cuomo say to
18 you were his thoughts at that point in time
19 about resignation?

20 A. He went back and forth.

21 Q. Did he ever say to you in words
22 or in substance that he'd believed he had done
23 something wrong?

24 A. Not that warranted him no longer
25 holding office.

1 Q. Right. Regardless of whether it
2 warranted him holding office or not, did he
3 convey to you in words or in substance that he
4 believed he had done something wrong?

5 A. Not that way.

6 Q. What way did he convey it?

7 A. He had regret.

8 Q. What did he convey regret about?

9 A. Anything that people took in a
10 way that he didn't intend.

11 Q. Was there anything specifically
12 that he said that he regretted saying or
13 doing?

14 A. I don't remember it specifically
15 that way.

16 Q. Do you know someone by the name
17 of Lindsay Nielsen?

18 A. No.

19 Q. A reporter?

20 A. No.

21 Q. On March 9, the texts continue.
22 And your eyesight and mine is probably not
23 going to be good enough to read what that
24 says. But if you look at the third page of
25 this little handout that I gave you, we've

1 just blown up what is in that text box from
2 March 9. And it's page 3.

3 And Ms. DeRosa texted you:

4 "Any allegation made -- either
5 directly or indirectly -- is being
6 forwarded to Joon Kim and Anne Clark in
7 real time. We are grateful that the AG
8 has chosen two experienced and diligent
9 prosecutors to lead up this review, and
10 look forward to cooperating fully so
11 that New Yorkers have all the facts at
12 its conclusion. The governor's previous
13 statement that he has never touched
14 anyone inappropriately stands."

15 Do you see that?

16 A. Yes.

17 Q. She wrote: "Thoughts?" And you
18 wrote: "Lose last."

19 What did you mean by that?

20 A. I believe that lip service to
21 allegations is disrespectful. So if you have
22 something that you want to say, say it. But
23 the governor's previous statement that he has
24 never -- stands.

25 Well, either you're telling us

1 the truth or you're not telling us the truth.
2 And to me, that sounds like political speak,
3 you know, like, media speak. And I don't
4 think that that's the right way to behave in
5 those situations. I had said that many times.

6 Q. Did you suggest that that
7 statement, that sentence come out of the
8 statement because you had concerns that
9 perhaps the governor had touched someone
10 inappropriately?

11 A. No.

12 Q. Did you ever have that concern?

13 A. Yes.

14 Q. Okay. When was that?

15 A. Every time I'd hear an
16 allegation.

17 Q. Did you confront him about those
18 allegations?

19 A. Yes.

20 Q. And what did he say?

21 A. No.

22 Q. At some point, did you come to
23 learn that there was an allegation that the
24 governor had groped someone in the executive
25 mansion?

1 A. Yes, we discussed earlier.

2 Q. Okay. And how did you learn
3 about that?

4 A. I think, as with some of the
5 other ones, either -- I think I -- I think I
6 heard it from the team that this was going to
7 come out.

8 Q. Do you --

9 A. I don't think -- I don't think I
10 learned it -- I'm sorry.

11 Q. That's okay.

12 A. I don't think I learned it first
13 in the media. I think I heard that it was
14 coming. That -- I'm not 100 percent about
15 that, but I think so.

16 Q. Do you remember who you think you
17 heard from that the allegation was coming?

18 A. Not specifically, but there was a
19 pretty small nucleus of people who were
20 communicating with me. Lis -- sorry.

21 Q. No, I was going to ask you who.
22 Go ahead.

23 A. Lis, Josh, Melissa. You know,
24 most of what I learned came from one or more
25 of them.

1 Q. And what did you talk about, if
2 anything, with Governor Cuomo about the
3 allegation that he had groped someone in the
4 executive mansion?

5 A. Wanting to know what happened.

6 Q. And what did he say?

7 A. Nothing. That he was -- he said
8 he has no idea what's going on here, that
9 Kaitlin liked him and wanted to work with him
10 and liked working with him, and that they had
11 a good relationship, and that he didn't
12 understand why she'd say something like this.

13 Q. Did he describe in any more
14 detail what his relationship was with her?

15 A. No.

16 Q. Were you part of any
17 conversations with the senior staff or
18 consultants where her allegations were
19 discussed?

20 A. I believe so.

21 Q. And tell us about those
22 discussions.

23 A. Just, it was their general belief
24 that this is very serious. This qualified as
25 a potential crime. And I believe there was

1 some discussion about whether or not they had
2 to act on it as such. But I wasn't part of a
3 lot of that. I remember hearing conversations
4 that were obviously well down the road.

5 And, again, how they handled it
6 in terms of what they needed to do in terms of
7 reporting or whatever was not my concern. My
8 concern that this was -- this was really
9 serious, and it had to be treated as serious.
10 It had to be treated the right way.

11 Q. Were you part of any discussions
12 with members of the senior staff or
13 consultants in which the credibility of the
14 woman who made the accusations of groping was
15 discussed?

16 A. Never as a function of how to
17 attack the credibility of the accuser. The
18 confusion and the lack of understanding of why
19 this happened, I guess generally that goes to
20 whether or not these people believed it. But
21 no.

22 And, again, I would never be a
23 part of something like that. It is an
24 impossibility of fact, and it is demonstrably
25 false that I was ever even near a suggestion

1 of anything like that.

2 Q. The confusion that was expressed
3 by members of the senior staff and consultants
4 about this accuser, what was the confusion
5 based on?

6 A. Why would she say this?

7 Q. Did anyone subscribe a potential
8 motive to her?

9 A. Not that I recall.

10 Q. You know, you had told us about
11 conversations about people subscribing certain
12 motives to Ms. Boylan.

13 A. Yes.

14 Q. Were similar conversations had
15 about the woman who accused the governor of
16 groping her in the executive mansion?

17 A. No. I -- I think Kaitlin was
18 seen very differently in terms of, you know,
19 disposition and circumstance.

20 Q. And what was different about her
21 disposition and circumstance?

22 A. Lindsey Boylan was running for
23 office and a known antagonist, and Kaitlin was
24 not.

25 Q. Anything else you can remember

1 about your conversations with either Governor
2 Cuomo or the senior staff and consultants
3 about the woman who accused him of groping
4 her?

5 A. Not specifically.

6 MS. CLARK: Jen, can I --

7 MS. KENNEDY PARK: Yeah, of
8 course.

9 MS. CLARK: Did anyone describe
10 to you how this woman's allegations came
11 to light?

12 THE WITNESS: No, not that I can
13 recall.

14 MS. CLARK: Okay.

15 Q. Let's go back to the text
16 messages.

17 A. Okay.

18 Q. The ones between you and
19 Ms. DeRosa. So on -- you see on March 9 at
20 3 p.m., Ms. DeRosa sends you a link to a Times
21 Union article.

22 I'll represent to you that that's
23 the article about the woman who accused the
24 governor of groping her.

25 A. Yes.

1 Q. And then you respond the next
2 day, and you say:

3 "Why didn't you tell him about
4 potential ATU" -- I think it's
5 "interview" -- "with six?"

6 Can you tell us what that means?

7 A. Why didn't you tell my brother
8 that this might be happening?

9 Q. That this article might be coming
10 out?

11 A. That all six accusers at that
12 time may be interviewed at the same time.

13 Q. Was your understanding that there
14 might be an interview with the six accusers
15 together?

16 A. Yeah. I think that's what the
17 piece before it had suggested, or Melissa had
18 told me that.

19 Q. Okay. And then she wrote back:
20 "I asked you not to say anything
21 until I talked to him."

22 What did you understand her to
23 mean by that?

24 A. Exactly what it says.

25 Q. And the "him" is the governor?

1 A. Yes.

2 Q. And had she asked you not to say
3 anything to Governor Cuomo about a potential
4 interview with the six women?

5 A. That was not my recollection.

6 Q. What's your recollection?

7 A. That I had not been told that.

8 Q. That she had not told you not to
9 say anything to Governor Cuomo?

10 A. Yes.

11 Q. Had you said anything to Governor
12 Cuomo?

13 A. Yes.

14 Q. What did you say?

15 A. "Did you know that the Albany
16 Times Union is sitting down with all six
17 accusers?"

18 Q. And what did he say?

19 A. "No."

20 Q. And what was done after that?

21 A. Nothing.

22 Q. Was there any effort to speak to
23 anyone at the Albany Times Union that you were
24 aware of?

25 A. No.

1 Q. Were they -- to your knowledge,
2 did anyone try to convey the best facts to the
3 Albany Times Union?

4 A. No. I had nothing to do with
5 anything like that.

6 Q. Were you part of any discussions
7 where that was -- that was communicated?

8 A. No.

9 Q. Okay. And then you wrote --

10 A. Not that I -- not that I recall.

11 Q. Right. Yeah.

12 A. Again, so many conversations. So
13 many different accusations. So many different
14 media angles. And then the process started in
15 terms of the investigation. E-mails and texts
16 and ...

17 You know, and my -- my focus was
18 very narrow in terms of just, kind of, keeping
19 my brother's head straight so that he could
20 deal with what was in front of him, and
21 keeping my family calm about this. And that's
22 really my entire motivation here.

23 Q. Did you text with your brother?

24 A. He doesn't text, per se. He
25 BlackBerry messages -- messages.

1 Q. Pin messages?

2 A. You know what? They may be
3 texts. They show up green. He has a
4 BlackBerry. On Apple, you know, we're blue;
5 they're green. That's how I communicated with
6 him from time to time. But mostly on the
7 phone.

8 Q. Did you have any communications
9 with him during this time period over --

10 A. Yes.

11 Q. -- message -- text message?

12 A. Yes.

13 Q. But you didn't save any of those?

14 A. No.

15 You have to understand,
16 Counselor, I've had people take my phone in
17 airports. I've been sent very sophisticated
18 hack software. I've been told that there are
19 people trying to get it.

20 I have this two-SIM-card thing
21 with different phone numbers, you know, to try
22 to alleviate that. I don't do cloud backup.
23 I don't -- you know, I mean, it is one of the
24 most frightening propositions for me is that
25 somebody is going to get this or get into it,

1 and people who I told -- and they tell me,
2 "It's okay," and now they're exposed.

3 Q. Mr. Cuomo, I appreciate that.
4 I'm just trying to find out what exists and
5 what doesn't.

6 A. I understand.

7 Q. That's my job here. Okay?

8 A. I understand.

9 Q. So then you wrote, if you go back
10 to the text messages:

11 "That was a day ago.

12 "Stop hiding shit."

13 What did you mean by "stop hiding
14 shit" when you wrote it to Ms. DeRosa?

15 A. Don't not tell Andrew things.

16 Q. Were there other things that you
17 believe Ms. DeRosa was not telling Governor
18 Cuomo that he needed to know about?

19 A. Not specifically, but there were
20 conversations that he wasn't a part of that I
21 thought it was important for him to stay very
22 locked in on these. And what's being said,
23 what it means, and how to act, I thought.

24 Q. Can you give me an example of a
25 conversation that you thought he should have

1 been a part of that he wasn't?

2 A. This one. You know, media
3 appearances that were being planned or
4 solicited for accusers. He should know about
5 the level of interest in the stories, where it
6 was coming from.

7 Q. Are there any other examples?

8 A. Not that I can think of
9 specifically.

10 Q. Two texts after that, you wrote:

11 "You need to trust me, Lis, and
12 Jef more."

13 I assume you mean Lis Smith and
14 Jef Pollock?

15 A. Yes.

16 Q. (Reading): "Not these other
17 people."

18 Who are the other people you're
19 referring to?

20 A. There was this big -- you know,
21 there was this expanding universe of lawyers
22 and lawyer types. And -- no disrespect.

23 Q. No offense taken.

24 A. I'm a lawyer also. The -- but
25 the -- my point was this: I was very

1 concerned that this was being handled the
2 right way with the right sensitivity. And I
3 don't know why Josh isn't on there because
4 that -- you know, he was very much, I thought,
5 important in understanding the right way for
6 this to be.

7 And I was very, very -- I am, to
8 this moment, very, very worried about the
9 implications of this. And this goes to my
10 sensitivity.

11 Q. Did Mr. Vlasto ever convey to you
12 that he could no longer be involved in
13 advising you or the group or Governor Cuomo
14 about the allegations of sexual harassment?

15 A. He never advised me.

16 Q. Or advised the governor or be
17 part of the group of people who were advising
18 the governor?

19 A. Never. He was very involved all
20 along. I believe at one point they were going
21 to have his firm become the governor's PR
22 representative. And I don't know what
23 happened with that, but Josh Vlasto was very
24 involved, and involved in every level of
25 strategy starting at the beginning.

1 Because, as I said, I believe he
2 had some kind of connection to Lindsey Boylan.
3 And I know that he felt some sense of guilt
4 about it.

5 Q. When was the last time you spoke
6 to Mr. Vlasto about the allegations of sexual
7 harassment and surrounding circumstances?

8 A. A while ago. Months.

9 Q. March, April?

10 A. Maybe.

11 Q. Do you have an understanding
12 as -- well, why haven't you been communicating
13 with Mr. Vlasto?

14 A. Because once this process started
15 to escalate and people were getting subpoenas,
16 the guidance kept being, you know,
17 don't -- don't get in the way of it.

18 Q. And you just made a reference
19 earlier to Mr. Vlasto's -- the firm at which
20 he works potentially being retained in
21 connection with these allegations.

22 Do you have any understanding as
23 to why that didn't happen?

24 A. No. I don't know that it didn't
25 happen. I don't know. I don't know if it

1 happened or it didn't.

2 Q. You don't know one way or the
3 other?

4 A. I believe it did not happen. I
5 don't know why.

6 Q. Okay. And then after you
7 wrote -- then you wrote:

8 "We are making mistakes we can't
9 afford."

10 And then she wrote:

11 "We heard last night.

12 "We all did a call."

13 What did you understand

14 Ms. DeRosa to be talking about?

15 A. I'm not sure. I think a piece
16 coming out or something like that.

17 Q. And was this the Albany Times
18 Union piece?

19 A. I'm not sure. I mean, all I know
20 is that this was another -- this was another
21 event where I wasn't in the loop.

22 Q. You mean you were not on the call
23 that's being referred to?

24 A. Yeah.

25 Q. And then you wrote:

1 "This will be a step back. Not a
2 huge one."

3 What were you referring to?

4 A. Sounds like my reckoning of some
5 article that came out.

6 Q. Do you think this was in
7 reference to the allegations of groping that
8 were made against the governor?

9 A. No.

10 Q. You don't think this was a
11 reference to that Times Union article?

12 A. I'm not sure, but I was very
13 concerned about the allegations.

14 Q. And why are you certain that this
15 is not in reference to that article?

16 A. I'm not certain. I don't believe
17 it is, but it could be. But that is not how I
18 felt about the allegations.

19 Q. How did you feel about the
20 allegations that the governor had groped
21 someone in the executive mansion?

22 A. Devastated.

23 Q. Did you convey that to Governor
24 Cuomo?

25 A. Yeah.

1 Q. And what did he say?

2 A. "Didn't happen."

3 Q. Did he say anything had happened
4 between him and the woman who had alleged that
5 she was groped by him?

6 A. No, nothing physical. You know,
7 nothing inappropriate, I guess, is the
8 umbrella term.

9 Q. Did he ever discuss whether he
10 had touched her in any way?

11 A. No. No, not in any romantic way
12 or anything like that.

13 Q. Did he discuss touching her in a
14 nonromantic way?

15 A. Not that I remember specifically.
16 But he may have, because with some of these
17 allegations, he would try to understand it and
18 be like, "Well, I" -- "I hug her all the
19 time." Or, you know, we -- "I hug everybody
20 who's there."

21 This -- you know, that kind of
22 thing. I don't remember it specifically with
23 her, though, no.

24 Q. Did Governor Cuomo ever discuss
25 in your presence or with you conversations he

1 might have had of a sexual nature or sexual
2 content with the woman who accused him of
3 groping her?

4 A. No, I never spoke to him about it
5 specifically.

6 Q. Were you part of any
7 conversations where that was addressed?

8 A. No, I think I read about it.

9 Q. Okay. If you go down in the text
10 messages, Ms. DeRosa says:

11 "No interview.

12 "Not talking to press.

13 "That is update."

14 Did you understand that to be
15 about the woman who had alleged that the
16 governor groped her?

17 A. No. I just remember that I was
18 trying to understand what was happening, and
19 increasingly they were not including me.

20 Q. So what did you understand this
21 to be about, "No interview. Not talking to
22 press"?

23 A. Some -- I don't know. I don't
24 understand it specifically. I would imagine
25 it's something to do with one of the accusers.

1 Q. You don't know which one?

2 A. I don't.

3 Q. And then you wrote, I think:

4 "Whew.

5 "Doesn't make sense, though.

6 "I am told lawyer got calls from
7 two people saying she has problems with
8 story.

9 "And that [REDACTED] may want to
10 talk about her."

11 Who did you get that information
12 from?

13 A. A journalist. But if you want to
14 understand the whole thing, I'll tell you.

15 Q. I was just -- that was my next
16 question. You anticipated. Go for it.

17 A. So starting with the text before
18 it, I didn't understand why any accuser
19 wouldn't give an interview or why they
20 wouldn't do the interview with the six.

21 I mean, I didn't understand why
22 that would've gone away. It didn't make sense
23 to me from a journalist's perspective, unless
24 they had a booking issue or couldn't get
25 everybody together at the same time.

1 It didn't make sense why the
2 Albany Times Union would let that go. It's
3 such a powerful mechanism for having people
4 understand. You know, having numbers of
5 people coming and telling their story is very
6 powerful. So there's that.

7 Then I got a call from a
8 journalist who said that he had heard this
9 about it -- about -- that Kaitlin -- and I
10 don't say this with any judgment, but that she
11 had been a [REDACTED] -- in a [REDACTED], and that
12 the [REDACTED] -- you know, not surprisingly, there
13 was some bad blood and that he might talk.

14 And I asked, you know, like, how
15 do we know? And her lawyer was, like, some
16 guy on a billboard or something like that.
17 And I just -- it seemed -- it seemed shady to
18 me that -- you know, I would pass along
19 information when I got it, you know, because
20 they were in the dark all the time.

21 They never knew that this other
22 complaint was coming back. They'd say there
23 were no more complaints and then there was
24 another complaint. So if I heard that one was
25 coming, or I heard something about the nature

1 of it, I would tell them, "This is what I'm
2 being told about this." I thought that was
3 the only responsible thing to do.

4 But very often I didn't believe
5 it. You know what I mean? Like, just because
6 I hear something about you doesn't mean it's
7 true. So I would qualify things like that
8 almost always on the phone. And sometimes
9 these would reflect secondary or iterations or
10 reiterations of a point that was a little
11 shorthanded. And that's what was going on
12 there.

13 Q. Did you speak to anyone on the
14 phone about the information you learned from
15 the journalist about the woman who had accused
16 the governor of groping her?

17 A. My recollection is that yes and
18 that I didn't buy it, that I didn't think
19 that -- it just didn't -- didn't feel right.
20 Didn't feel right.

21 Q. All right. What part didn't you
22 buy?

23 A. I don't -- I didn't buy that the
24 [REDACTED] knew something and was going to
25 come out and talk. It just sounded to me like

1 that's what you say when your ■ is involved
2 in something, you know, to make yourself
3 relevant. Like, that's -- that's -- was my
4 suspicion.

5 And I'm actually a little
6 surprised they even put it in writing, because
7 ordinarily I would say that to someone.

8 Because my concern is once I write it to you,
9 you are going to forget how I meant it, and
10 you may now send it to somebody else.

11 And you may repeat it to somebody
12 else. And you may add context that I never
13 gave you or suggested to you. I like to
14 control what I'm going to tell somebody.

15 Q. Is that why you told Ms. DeRosa
16 to delete the thread now?

17 A. Yeah, delete it. You know,
18 delete it.

19 Q. But going back to the text
20 message where it said, "I am told lawyer got
21 calls from two people" --

22 A. Right.

23 Q. -- who did you understand the two
24 people were?

25 A. I didn't know. Not -- not like

1 journalists, you know, that -- this was just
2 stink, you know, this was stink. And, you
3 know, to my earlier suggestion, nobody, to
4 my -- no, nobody from the governor's office
5 ever said anything about this accuser or any
6 of the other ones.

7 I would have been all over it.
8 There was no, "Hey, here's a friendly piece
9 about smearing the accusers." I wouldn't
10 participate in it. I didn't want to see it.
11 I was constant in my insistence on that. So I
12 would --

13 Q. To -- so what you're saying is,
14 to your knowledge, no one in the chamber
15 conveyed negative information about any of the
16 complainants to the press. Is that right?

17 A. I've never read anything that was
18 a hit piece on one of the accusers. I've
19 never seen it offered up by anyone that says
20 they're a friend of Andrew on television.

21 And I was never part of anything
22 like that, and I never heard that anybody was
23 going to do anything like that.

24 Q. How -- what do you know about how
25 Ms. Boylan's personnel file got provided to

1 the press?

2 A. I don't. I don't know how it got
3 to her press. I also don't know that that
4 qualifies in what I'm talking to you about.

5 Q. How is that different than what
6 you're talking about?

7 A. Because I think that too often we
8 see in these situations that when you allege
9 something, all of a sudden, we start looking
10 at you as a person. And I don't think that's
11 right.

12 If there was some kind of
13 transaction or some kind of dynamic of
14 something, then fine, that's going to be
15 relevant to the consideration. But, you know,
16 we all know what can happen in these
17 situations about how the accuser now becomes a
18 target.

19 And I don't buy it and I don't
20 believe in it. And I didn't want that for my
21 brother. I wanted him to respect this process
22 and let it play out.

23 Q. So I'm trying to understand how
24 releasing Ms. Boylan's personnel file to the
25 press would not fit in to the --

1 A. I didn't -- I don't know that
2 that happened and I had nothing to do with it
3 and I would never be in favor it.

4 MR. KIM: What did you
5 think -- sorry. What did you think the
6 was going to go say?
7 Something positive about her?

8 THE WITNESS: No. Why would he
9 say something positive?

10 MR. KIM: So how -- how was this
11 not conveying the -- conveying
12 information about someone who
13 potentially has something negative to
14 say about the accuser?

15 THE WITNESS: Because it was just
16 informational that I had heard this. I
17 never followed up on it. Nobody else
18 ever followed up on it.

19 MR. KIM: But Melissa may very
20 well have --

21 THE WITNESS: I know -- I know
22 she did not, because I had subsequent
23 conversations --

24 MR. KIM: Were you forwarding it
25 to her so that she didn't follow up on

1 it? Were you sending it -- giving her
2 this information so that she wouldn't
3 follow up on it?

4 Q. Presumably there's a chance
5 you're sending it to her so she knows.

6 THE WITNESS: I was relaying
7 information that I gotten in real time
8 from a journalist. I was not doing it
9 with any expectation of action. And I
10 know for a fact there was no action.

11 In fact, I later learned that
12 there had been another iteration of
13 this. That there might be a recording
14 or something like that of this. And I
15 told them to stay away from it and just
16 focus on the process.

17 And I've always been consistent
18 on that and I would never be any other
19 way and I would never be part of any
20 other way.

21 MR. KIM: Wouldn't the best way
22 to make sure that they stay away from it
23 is not to actually convey this
24 information?

25 THE WITNESS: Not necessarily.

1 MR. KIM: How -- how does
2 conveying the information --

3 THE WITNESS: Because there was a
4 lot of speculation often when
5 accusations would come up. And my
6 feeling is if I can have an influence on
7 what I believe or don't believe, that --
8 that is helpful.

9 Look, all I can tell you is this,
10 Counselor: I had absolutely no interest
11 in seeing anything malicious or negative
12 said about any of the people making an
13 accusation. My belief is that that
14 would only hurt my brother. And it
15 would hurt the women involved obviously.

16 But I've never had any other
17 interest. I've never done anything
18 else. Anybody you interview, if they're
19 asked anywhere near the right question
20 will say that I was on the opposite side
21 of any effort like that, ever. And I
22 maintain that.

23 MS. CLARK: You said that later
24 there was some other iteration with the
25 recording.

1 What was the recording?

2 THE WITNESS: I don't really
3 know. It didn't come from me, but that
4 there may have been some type of -- you
5 know, discussion or people who knew
6 something who were saying something
7 about the situation. And I dismissed
8 it. I said, "What are you" -- "Who
9 cares? Who cares?"

10 MS. CLARK: Sorry, I didn't --

11 MR. KIM: I've heard that since
12 this time, the [REDACTED] is saying
13 things that are negative about her.

14 THE WITNESS: I don't know that
15 to be true.

16 BY MS. KENNEDY PARK:

17 Q. The -- the recording that you're
18 referring to, who is the recording of?

19 A. I don't know. I -- I kind of,
20 like, half heard this. It's not a focus of
21 mine. It's not something I find relevant.

22 Q. But it has some relation to the
23 complainant who has alleged the governor
24 groped her?

25 A. I believe so. I don't know

1 anything about it.

2 Q. Okay. And you think in the
3 course of answering Mr. Kim's question, or
4 Ms. Clark's question, you said that you were
5 absolutely sure that Ms. DeRosa did not reach
6 out to the complainants [REDACTED]. Did you
7 say that?

8 A. Yeah. I asked her.

9 Q. And what did she say?

10 A. No. I don't know anything about
11 this. I don't know anybody related to it.

12 Q. Does that mean she didn't reach
13 out after that?

14 A. That's what she says.

15 Q. Okay. Has Melissa DeRosa ever
16 told you a lie?

17 A. I don't know.

18 MR. KIM: Who told you about this
19 recording?

20 THE WITNESS: I don't remember
21 honestly. Again, Joon, it's not
22 something that is -- it's not a
23 possibility for me. It's -- it's just
24 not the right thing to do. And I really
25 do believe you have to give some

1 deference to the fact that it hasn't
2 been done.

3 I've never heard of a situation
4 where there's any kind of concerted
5 effort to have something happen and
6 nothing like it happens at all. Now,
7 this isn't just my reckoning. The
8 record clearly reflects this and it
9 really matters to me. That's why I'm
10 being expansive in my answers about it.

11 BY MS. KENNEDY PARK:

12 Q. In the text message chain about
13 this, after you wrote:

14 "And that [REDACTED] may want to
15 talk about her."

16 And you wrote:

17 "I know" -- "And I know this."

18 A. Mm-hmm.

19 Q. Why --

20 A. I didn't hear it form someone --
21 you know, nobody told me -- this was told to
22 me by somebody, as opposed to I heard this
23 from Josh. I heard this from this one. I
24 heard this from that one. There was always a
25 game of telephone going on with them.

1 Q. I see. Okay. And then the texts
2 continue on the next page. And then on
3 March 11 you see there's a text message at the
4 top. And if you flip through your blown up
5 packet, you can get a better view of it.

6 A. Yes.

7 Q. And there's a text message
8 Melissa DeRosa sends to you, and says:

9 "I just got this from [REDACTED]. I
10 heard from a person familiar that Beth
11 called the Albany police yesterday and
12 pushed them to open a criminal
13 investigation."

14 Did you speak to anybody about
15 the criminal investigation being opened in
16 Albany regarding the complainant who said the
17 governor groped her?

18 A. No.

19 Q. Okay. Did you -- after you got
20 this text message, did you speak to Ms. DeRosa
21 about the text message?

22 A. No, not that I recall.

23 Q. Have you ever spoken to the
24 governor about a criminal investigation being
25 done by --

1 A. Yes.

2 Q. -- being done by the Albany

3 police?

4 A. Sorry, Counsel.

5 Q. That's okay.

6 A. Yes.

7 Q. And what was your discussion with

8 Governor Cuomo?

9 A. Just about how he felt about it.

10 Q. What did he say?

11 A. That there was no possibility of
12 there being a criminal charge here or anything
13 like that. And I was ...

14 MS. KIRSHNER: Andrew.

15 (Handing.)

16 THE WITNESS: Oh, thank you.

17 "Andrew." I get that all the time.

18 MS. KIRSHNER: You've been talking
19 for a long time.

20 A. That was his take.

21 Q. And then the next text message in
22 the chain is on the 12th of March. And you
23 wrote: "Read this."

24 And there's a long recitation
25 that appears to be something Governor Cuomo

1 might say. What is that text message?

2 A. These were thoughts from my
3 brother given to me that he wanted to make
4 sure that the team had. This was already
5 the -- what was being with worked with in the
6 universe of possibility of what to say within
7 the team.

8 As I remember, this had come off
9 him not liking what was happening on the phone
10 call in terms of the urgency that he thought
11 the situation demanded. And he asked me to
12 call him and I spoke to him. And he was just
13 saying, Look, these are the points. These are
14 the points.

15 Q. Okay. So there was some sort of
16 statement being prepared for the governor.

17 A. Andrew was exerting so much
18 pressure to answer that I was -- not that I
19 really mattered that much, but I was very much
20 against. Any idea of litigating this, I
21 think, was and is a mistake. The pressure was
22 so constant that eventually the response was,
23 So write it up, gov. You know, Give us what
24 you want to say. Let's see it.

25 And this happened consistently

1 throughout where drafts would be done. Op-ed,
2 this is what I'm going to say, this is what's
3 going to come out, this is what I'm going to
4 write.

5 And this was part of that
6 dynamic. This never came out to my
7 understanding. Nothing ever did.

8 Q. So why don't we look at what's at
9 Tabs 24 and 25 and 26. And we'll mark them as
10 the next exhibit.

11 (Exhibit 17, E-mails including
12 Christopher Cuomo Tabs 24-26, marked for
13 identification, as of this date.)

14 A. (Document review.)

15 Okay.

16 Q. Are these similar? What you were
17 talking about, having the governor draft up
18 what he would say.

19 A. Yes. In sum and substance, but I
20 don't know that they all came from him. He
21 could also ask one of the other people on his
22 team to advance this. You know, in a way I
23 was doing that with the texts, that he wanted
24 these ideas put into the mix. And that's what
25 I think these are also, At least in part.

1 Q. I see. So for 24, 25, and 26,
2 you're not sure if any of these came from the
3 governor, but what's in your text message to
4 Ms. DeRosa, that came from the governor. In
5 substance.

6 A. Yeah, I know -- I know that just
7 because I had that conversation. I don't -- I
8 don't think any of these e-mails are from me,
9 or to me directly.

10 Q. And -- you're included in them if
11 you want to look at the to line?

12 A. Right. But, I mean, if it was
13 about you, you were first. You know -- you
14 know what I mean? Like, you were -- it would
15 be just to you, other people would be CCed,
16 you know. This was just a courtesy putting me
17 on these.

18 Q. And you said nothing like this
19 ever came out, but can you look at what is
20 at -- we'll have to give it to you in a
21 different document.

22 MS. KENNEDY PARK: Can I have
23 someone's binder with Tab 27, please?

24 THE WITNESS: I don't have a 27.

25 MS. KENNEDY PARK: You don't.

1 And I'm going to give you a 27. We'll
2 redact that out later. We'll mark this
3 as the next exhibit and maybe we can
4 give --

5 MS. KIRSHNER: That' okay.

6 (Exhibit 18, Transcription of
7 Governor Cuomo's conference call with
8 media, dated March 12, 2021, marked for
9 identification, as of this date.)

10 BY MS. KENNEDY PARK:

11 Q. Okay. So this is a --

12 A. Governor's conference call with
13 the media.

14 Q. -- a transcript that we've
15 prepared of Governor Cuomo's conference call
16 on March 12.

17 A. Okay.

18 Q. You see, he -- he does make a
19 statement about the allegations.

20 A. Yeah, I didn't remember this.

21 Q. Okay. Does that refresh your
22 memory about what the context was for your
23 text message with Ms. DeRosa and the draft
24 documents we just looked at?

25 A. No, because it was an ongoing

1 constant dialogue of things that he wanted to
2 say, and this is not that. This is not where
3 his head was and is about what he thinks the
4 best way to respond in this situation is.
5 This is just a nod to what is simply true,
6 which is people put a politician in power.
7 They get to remove you unless for cause.

8 That is one point, but that is
9 not his main point. His main point that he
10 wants to do is to take on what he believes
11 these allegations are really about. And I
12 have been very consistent in my feeling that
13 you don't talk about the accusers involved,
14 and you don't talk about the allegations. And
15 point -- point for point, you defer to
16 process.

17 Q. And when you say that the
18 governor wants to "take on what these
19 allegations are really about," are you
20 referring to earlier when you told me that
21 Governor Cuomo conveyed to you that he thought
22 that these allegations were part of political
23 animus against him?

24 A. Yes.

25 Q. And has the governor ever

1 conveyed to you how the woman who has accused
2 him of groping her has political animus
3 towards him?

4 A. No.

5 Q. Have you been a part of any
6 conversation where it was discussed with the
7 political animus of the woman who groped --
8 alleges the governor groped her might be?

9 A. No, I have not.

10 Q. Okay. So how does she fit into
11 Governor Cuomo's narrative about what these
12 allegations are all about?

13 A. That's for him to answer.

14 Q. Have you been a part of any
15 discussions with him about how she fits into
16 that narrative?

17 A. No. I don't participate, nor
18 would I participate, in anything where my
19 brother is going to litigate this directly
20 about the women involved. I don't think it's
21 right, I don't think it's helpful, and I think
22 the process has to play out.

23 Q. There's a line in the transcript
24 that we were just looking at together. I --
25 yep. Which is on the very first page of the

1 transcript in the fourth box that begins with
2 "let me make a statement."

3 A. Uh-huh?

4 Q. You see there's a sentence that
5 says:

6 "I won't speculate about people's
7 possible motives, but I can tell you, as
8 a former attorney general who's gone
9 through this situation many times, there
10 are often many motivations for making an
11 allegation."

12 What was your perspective on
13 including that in the governor's
14 statement?

15 A. I had none.

16 Q. Were you consulted, or discussed,
17 or part of any conversations about that
18 sentence?

19 A. No.

20 Q. Were you part of any
21 conversations with Governor Cuomo about the
22 possible motives of the women making
23 allegations?

24 A. Yes.

25 Q. That we -- the ones we've just

1 discussed, the political animus?

2 A. Yes.

3 Q. Okay. Were you part of any
4 discussions with Governor Cuomo about the
5 possible motive for the woman who accused him
6 of groping her?

7 A. Ask me that again?

8 Q. Were you part of any
9 conversations with Governor Cuomo about the
10 possible motive for the woman who alleged he
11 has groped her?

12 A. Yes.

13 Q. And tell us about that.

14 A. My brother speculates that it
15 could be about money, that the divorce didn't
16 give her the money that she felt she needed,
17 and that this could be an act of desperation.

18 Q. And what did the governor convey
19 to you about what he understands about her
20 financial situation?

21 A. Just what I said.

22 Q. That she may need money?

23 A. Because the divorce settlement --
24 or whatever, however it was resolved -- as a
25 function of that.

1 Q. Did he tell you who he got that
2 information from?

3 A. No.

4 Q. Did you ever discuss the possible
5 motive for the woman who alleges the governor
6 groped her with members of the senior staff
7 and the consultings -- consultants?

8 A. No, not that I have any
9 recollection of. Again, that is not a
10 relevant discussion for me. Okay? I'll
11 listen to it, you guys want to talk about it,
12 go ahead. But I'm not going to stay on for
13 long. And it -- it doesn't matter.

14 Just tell the truth, get in front
15 of it, act like a leader, respect the
16 process -- ask for process, respect the
17 process. And then you do what you want to do.
18 And they take my advice or they don't take my
19 advice. He takes my advice or he doesn't take
20 my advice.

21 Q. I understand your perspective on
22 it. What I'm trying to understand is:

23 Do you remember anything that any
24 member of Governor Cuomo's senior staff or the
25 consultants said about the possible motive for

1 the woman who accused him of groping her?

2 A. I don't specifically remember
3 anybody talking about it.

4 Q. Do you remember anyone generally
5 talking about that topic?

6 A. No, I remember them being
7 surprised by this and believing that she liked
8 the governor.

9 Q. And do you remember who conveyed
10 to you that they believed the woman who
11 accused the governor of groping her liked the
12 governor?

13 A. Well, Stephanie Benton. And I'm
14 not sure who else. Maybe Melissa.

15 Q. Do you remember anything else
16 about what -- what Ms. Benton said?

17 A. Yes. I remember her saying that
18 there was, in fact, a -- a dynamic where
19 Kaitlin wanted to work more, and needed money
20 and volunteered to work weekends with Andrew.

21 Q. Anything else Ms. Benton said?

22 A. That's what I remember.

23 Q. Was there any discussion you were
24 a part of where it was -- there was a --
25 strike that.

1 Were you part of any discussion
2 in which -- whether staff members from the
3 executive chamber should continue to come to
4 the executive mansion?

5 A. No.

6 Q. Anyone either generally or
7 specifically?

8 A. Not that I can recall.

9 Q. Were you part of any conversation
10 in which the woman you understand to be
11 Kaitlin was discussed and there was a
12 discussion that she should no longer come to
13 the executive mansion?

14 A. No, not specifically.

15 Q. Okay. Do you recall that there
16 was --

17 A. Wait. Hold on a second. Sorry.

18 Q. No, please.

19 A. I vaguely remember there being
20 some discussion about what happens now. You
21 know, she came out with the complaint, but I
22 think she was still working.

23 THE WITNESS: Bless you. Bless
24 you. If you don't do it every time it
25 doesn't count. You don't really mean

1 it.

2 A. She was still working. And I do
3 remember that, but it, you know, like, that
4 was not relevant to me. I think that was with
5 Stephanie and Melissa.

6 Q. Do you remember before the Times
7 Union article about the groping allegations
8 came out there being any discussion about
9 changing the way staff came to the executive
10 mansion? Who came, who didn't come, when they
11 came, why they came?

12 A. No.

13 Q. Okay. Do you remember being part
14 of discussions about a Ronan Farrow article --

15 A. Yes.

16 Q. -- related to Governor Cuomo?

17 A. Sorry -- yes.

18 Q. That's okay. What do you
19 remember about the Ronan Farrow article?

20 A. They were very concerned and it
21 kept moving. What they thought it was about
22 was moving, when it was coming out was moving.

23 Q. And what was the ultimate result?

24 A. He wrote an article.

25 Q. Okay. And did you discuss that

1 article with anyone?

2 A. Yes, after the fact. I mean,
3 again, it was just, when Ronan Farrow writes
4 something, people in the media are going to
5 talk about it.

6 Q. Did you discuss the Ronan Farrow
7 article with Governor Cuomo?

8 A. Yes.

9 Q. Tell us about that discussion.

10 A. Just asking him, you know, how
11 he -- how he felt about it, what was in it.
12 And him asking me what did I think the impact
13 of it was.

14 Q. Can you tell us the substance of
15 the conversation?

16 A. He said that he didn't think the
17 article was fair, that she was being propped
18 up and -- you know, that's it.

19 Q. The "she" you're referring to,
20 who's she --

21 A. I'm sorry. Lindsey Boylan.

22 Q. Let's look at the text messages
23 again that are between you and Ms. DeRosa.

24 A. Mm-hmm.

25 Q. So if you look on March 13.

1 A. Mm-hmm.

2 Q. At the very top you say:

3 "Biaggi all but admitted they
4 wanted to cancel him."

5 What was that about?

6 A. Ms. Biaggi saying on TV that they
7 wanted Andrew out. They wanted him cancelled.

8 Q. Was there any discussion you were
9 part of with Governor Cuomo about allegations
10 Ms. Biaggi had made about her interactions
11 with the governor?

12 A. I have never, to -- to my memory,
13 discussed Ms. Biaggi with Andrew.

14 Q. Were you part of any discussions
15 with his senior staff or his consultants about
16 Ms. Biaggi?

17 A. I remember hearing Melissa say
18 that she didn't like Biaggi, Biaggi didn't
19 like her, and Biaggi didn't like Andrew. And
20 that she was being opportunistic.

21 Q. Anything else?

22 A. That's all I remember.

23 Q. If you go down a few texts on
24 March 13, you write:

25 "If Ronan has nothing better --

1 better than Boylan, that's a great
2 sign."

3 A. Yeah.

4 Q. What did you mean by that?

5 A. The concern was that Ronan always
6 has more people. You know, I mean, that's
7 part of his currency as a journalist, is that
8 people come to him to expand understandings.
9 I know he has his critics. But, to me, that's
10 when he's at his best.

11 So the assumption was he must
12 have new people if he's waiting so long to
13 have written about this. And then he didn't.
14 So, what the context is specifically is: I
15 had heard that all he was writing -- the only
16 person he was writing about was Lindsey
17 Boylan.

18 So that means that he didn't find
19 more people to complain that, once again, I
20 would have to experience this team being
21 shocked that there was another person. Which
22 was this never ending cycle that was very hard
23 for a family member. That was the context.

24 Q. And then there's a dial-in
25 circulated, and it's:

1 "To discuss Ronan convo."

2 What do you remember about that
3 call?

4 A. I don't even know that I was on
5 it.

6 Q. The allegations that are in the
7 Ronan Farrow piece about Ms. Boylan, do you
8 remember them being additional allegations
9 Ms. Boylan made about her interactions with
10 the governor in that piece?

11 A. I don't recall.

12 Q. Okay. You don't remember any
13 conversation with anyone about additional
14 allegations she made in the Ronan piece?

15 A. No, I don't recall.

16 Q. Okay. And then on March 15
17 you -- she wrote to you:

18 "Did you get any more intel?"

19 And you wrote:

20 "Story not ready for tomorrow."

21 She wrote:

22 "Can you talk?"

23 What was that about?

24 A. They didn't know when the Ronan
25 piece was coming out. So I just asked people,

1 Did you hear about when the Ronan piece -- we
2 do this with him all the time. It's a really
3 good device that he has, that his people let
4 you know that something's coming, but they
5 don't tell you when.

6 You know, so that there's this --
7 this constant speculation game. It's really
8 effective in driving interest for his
9 articles.

10 Q. Who did you get the information
11 from? That the piece wasn't ready for --

12 A. I called a fellow journalist who
13 works with Ronan a lot. And I didn't want to
14 contact Ronan directly. I know him. He's --
15 he's been good to me. He's been on my show.

16 But I didn't want to -- I didn't
17 want to push up on him like that. It's not
18 right.

19 Q. Did you --

20 A. So I -- and I was told nothing's
21 coming right away.

22 Q. Did you tell anyone at CNN that
23 you were contacting people who had been on
24 your show to ask them about articles being
25 written about your brother?

1 A. I never did.

2 Q. You never did what?

3 A. I never did that.

4 Q. I thought you just told me you
5 contacted someone who had been on your show to
6 find out if Ronan Farrow --

7 A. Ronan. I'm sorry. Ronan Farrow
8 had been on my show.

9 Q. I see. I had misunderstood. So
10 who did you contact to find out if the -- when
11 the Ronan Farrow article might be coming out?

12 A. Another journalist.

13 Q. And did you tell anyone at CNN
14 that you were contacting journalists about
15 whether the Ronan Farrow piece about your
16 brother would be coming out?

17 A. No, not specifically.

18 Q. Generally?

19 A. No, that's not something that
20 would be out of the ordinary.

21 Q. Okay. Did you tell -- it
22 wouldn't be out of the ordinary?

23 A. To call other reporters about
24 when reporting is coming out?

25 Q. Right. For you to make calls on

1 behalf of the executive chamber or behalf of
2 your brother to learn information, is that out
3 of the ordinary?

4 A. Well, I didn't see it that way.

5 Q. How did you see it?

6 A. I wanted to know.

7 Q. And why did you want to know?

8 A. Because there was going to be an
9 article about my brother. So I'm interested.
10 I wasn't going to call the person writing it.
11 I wasn't going to try to influence any of the
12 stories. And we know that that's true because
13 you would have read about it had I. It's not
14 exactly a loyalty-based business.

15 If I had tried to influence any
16 of the reporting at CNN or anywhere else, I
17 guarantee you you people would know, and so
18 would a lot of others. So the idea of one
19 reporter calling another to find out about
20 what's coming down the pipe is completely
21 business-as-usual.

22 Q. Let's turn to Tab 30.

23 MS. KIRSHNER: I'm sorry. Which
24 tab?

25 A. 30?

1 Q. 30. 3-0. What is this?

2 A. I don't know. I don't -- I mean,
3 it's me reaching out to them about something
4 that I had seen or someone had sent me, and I
5 was asking what I'm asking.

6 Q. This is -- that -- what you're
7 sending is someone sent to you [REDACTED]

8 [REDACTED] Is
9 that right?

10 A. Oh, that may be true. I don't --
11 I don't know. I don't remember.

12 Q. Why don't you look at the second
13 page. The text says:

14 " [REDACTED] ,

15 [REDACTED]

16 [REDACTED]

17 [REDACTED] "

18 A. Oh, yes. Yes. I think that's
19 what it was about. But I didn't know if these
20 were the real documents or not. People put
21 out fake things all the time that look so
22 legit. And I wanted to make sure -- you know,
23 I always want to make sure about that stuff.
24 You know, you've got to just -- you've got to
25 get things right.

1 Q. Why did you want to make sure it
2 was real?

3 A. I wanted to make sure it wasn't
4 fake because it was being circulated.

5 Q. And what were you going to do if
6 it was fake?

7 A. Tell them not to pay attention.
8 Well, I -- I wasn't going to tell them to do
9 anything. I was asking them, Do you know
10 about this? Because I had seen this from
11 several different people involved in the
12 ambit. And I didn't even know if it was real.

13 Q. And what did they tell you? The
14 senior staff of the executive chamber and the
15 consultants, what did they tell you?

16 A. I don't remember but I -- I
17 definitely wound up learning that it was true.

18 Q. Okay.

19 A. And I didn't know until that
20 point. I mean, yes, I had heard that
21 something happened to her in college, and that
22 she was assaulted. I mean, I knew that. But
23 I didn't know the depth and what it meant to
24 her and what -- you know, where it had come
25 from, and what she had done already to deal

1 with it in ways that people, you know, don't
2 want to do.

3 So, to me, I was very affected by
4 the realities of Charlotte Bennett's
5 situation. She's unlike anybody else involved
6 in this situation in my estimation. And I got
7 the sense that -- that I just -- I wasn't sure
8 that that was shared.

9 That this wasn't just somebody
10 saying something happened or referring to
11 something. There was depth to this. And it
12 needed to be appreciated and respected. And,
13 you know, was that shared? Yeah. By some.

14 Q. Did you have any conversations
15 with anyone in the executive chamber or the
16 consultants about how to potentially use the
17 fact that [REDACTED]
18 [REDACTED]?

19 A. Never. On the contrary. My
20 conversations was -- were not to lump
21 Charlotte Bennett in, which was the
22 temptation, which went to my conversations
23 about you need to marshal your facts and know
24 who you're talking about and treat people the
25 right way here. And that this situation had

1 to be given tremendous deference and respect.

2 Q. I understand that was your
3 perspective. My question was:

4 Were you involved in any
5 conversations in which anyone in the executive
6 chamber or the consultants discussed --

7 A. Never.

8 Q. -- [REDACTED]

9 [REDACTED]

10 [REDACTED]?

11 A. Once again, sorry to jump the
12 question.

13 No.

14 Q. No one ever raised, in any
15 conversation you were a part of, [REDACTED]

16 [REDACTED]?

17 A. No.

18 Q. [REDACTED]

19 [REDACTED]

20 A. No.

21 Q. Or anyone -- this text says:

22 "[REDACTED]"

23 Is that language that was used by
24 people in the executive chamber?

25 A. I never heard it and I don't

1 agree with it. And I don't believe it to be
2 true.

3 MS. KENNEDY PARK: I don't have
4 any more questions about that, but --

5 MR. KIM: Then why are you
6 forwarding this.

7 THE WITNESS: I wasn't forwarding
8 it. I was asking, Is it fake? Like, I
9 couldn't believe that it existed. Like,
10 this has never been told to me before.

11 You know what I'm saying, Joon?
12 This had never been shared with me about
13 how --

14 MR. KIM: The question is have
15 you seen this? Is it fake? Presumably
16 a natural reading of this is, check this
17 out.

18 THE WITNESS: No. The natural --
19 that may be you.

20 MR. KIM: That's a reading of it.

21 THE WITNESS: No disrespect. My
22 actual reading of it was shock. Shock
23 that the situation, the context, the
24 history. Look, these are not good
25 answers for my brother that I'm giving

1 and Madeline Cuomo did about the [REDACTED]

2 [REDACTED]?

3 A. Nothing as far as I know.

4 Q. Did they look into it?

5 A. I don't know.

6 Q. Did they discuss it with your --
7 with Governor Cuomo?

8 A. I have no idea.

9 Q. Were you part of any conversation
10 with the governor, his senior staff, or his
11 consultants about how he could have hired
12 someone into the chamber who was a sexual
13 assault survivor?

14 A. No.

15 MS. KENNEDY PARK: I'm going to
16 move past March 15 unless you have more
17 questions.

18 Q. Okay. You can put the binders
19 aside. Were you a part of any conversations
20 with Governor Cuomo about a complainant named
21 Alyssa McGrath?

22 A. Not by name.

23 Q. I'll describe for you her. She
24 is someone who works -- works in the executive
25 chamber and alleges, among other things, that

1 the governor looked down her blouse?

2 A. I'm vaguely familiar with it.

3 Q. Okay. And what do you recall
4 about discussions you had with Governor Cuomo
5 about that complainant?

6 A. Nothing.

7 Q. You didn't talk to him? You
8 don't remember him denying it, him saying it's
9 true, anything?

10 A. No.

11 Q. What about with the --

12 A. Well, that's not fair. I
13 apologize.

14 Q. Sure, go ahead. Please.

15 A. He said that he never did
16 anything that he believes was inappropriate.
17 So, in as much as that, he never said it to me
18 specifically about this allegation.

19 Q. You never specifically discussed
20 with him Ms. McGrath's allegation?

21 A. Not that I recall.

22 Q. Okay. What about with the senior
23 staff or consultants, did you discuss her with
24 them?

25 A. No.

1 Q. Are there any complainants that
2 you discussed with Governor Cuomo that I
3 haven't asked you about today?

4 A. I don't think so.

5 Q. When was the last time you were
6 on one of these group calls with the senior
7 staff and consultants strategizing?

8 A. A while ago.

9 Q. And by "a while ago," when is
10 that?

11 A. Months -- a couple months.

12 Q. Around the time of the
13 appointment of Mr. Kim and Ms. Clark, or
14 shortly thereafter?

15 A. I don't know exactly.

16 Q. What was the last conversation
17 like that that you remember?

18 A. I don't -- I don't have any
19 specific recollection of what the last call
20 was.

21 Q. Okay. What's the last
22 conversation you had with Governor Cuomo about
23 the allegations of sexual harassment against
24 him?

25 A. I mean, I guess I would -- I

1 would count that the last time I saw him in
2 person I discussed, you know, what was going
3 to happen going forward. And it was a
4 conversation about the permutations of
5 political outcomes.

6 But it wasn't about the accusers
7 and it wasn't about the complaints per se, but
8 it was about what's going to happen next. You
9 know, they're going to write the report, and
10 you are going to write your report. It's
11 going to come out. Then what? You know, and
12 how long until the legislature? What about
13 their report? And what about this other
14 report?

15 You know, it was that, about me
16 trying to get my hands around how much I have
17 to not tell my mother over the course of the
18 next few months.

19 Q. In that conversation with
20 Governor Cuomo, did you or he discuss what you
21 thought the report might say?

22 A. No, not -- not the last time I
23 saw him. I don't think so.

24 Q. Are there any occasions in which
25 you've discussed with Governor Cuomo what he

1 thought the report might say?

2 A. Yes.

3 Q. Tell us about that.

4 A. The Governor -- my brother

5 believes that it's going to be a severe

6 condemnation of him in every way possible.

7 Q. And when did he convey that to
8 you?

9 A. You know, pretty much from the
10 beginning of the process, that this is going
11 to be very badly. That's what the goals and
12 aims are here.

13 Q. Who -- whose goals and aims?

14 A. Yours, counsel's, the AG, most of
15 the media. Many members of his own party.

16 Q. I think I asked you this, but I
17 want to be sure:

18 Are there any other --

19 MR. CLAYMAN: You have two more
20 minutes.

21 MS. KENNEDY PARK: I know, I have
22 one last question.

23 Q. Are there any other
24 allegations -- I asked you about complainants,
25 but are there any other allegations of conduct

1 that was inappropriate or that may have been
2 of a sexually harassing nature that you've
3 discussed with Governor Cuomo that I have not
4 asked you about today?

5 A. Not that I can think of.

6 MS. KENNEDY PARK: Ms. Clark,
7 Mr. Kim?

8 MS. CLARK: In talking to your
9 brother about what he expects the report
10 to be, has he discussed with you how he
11 intends to respond if the report comes
12 out as he expects?

13 THE WITNESS: Yes.

14 MS. CLARK: What has he said?

15 THE WITNESS: That he intends on
16 being very active and taking on whatever
17 he believes is unfair.

18 MS. CLARK: And his -- has he
19 said any -- anything more specific about
20 what he intends to do to be very active?

21 THE WITNESS: No, I think it
22 depends on what you guys say in the
23 report and what he thinks about why you
24 said it.

25 MS. CLARK: And have you had any

1 discussions with Melissa DeRosa about
2 how -- what the response might be to the
3 report if the -- the chamber doesn't
4 like the contents?

5 THE WITNESS: Not that I can
6 recall. I mean, it's really -- I think
7 Andrew is very much keeping his own
8 counsel. Is that accurate? I mean, he
9 has lawyers. But I don't know that he's
10 looking to his lawyers really for advice
11 on politically -- what he feels he needs
12 to say and do.

13 MS. CLARK: Do you know if he's
14 still talking to any of the group of
15 advisors, Steve Cohen, Lis Smiths of the
16 world about how to respond?

17 THE WITNESS: I don't know. I
18 don't know.

19 MS. KENNEDY PARK: Mr. Kim?

20 So as I told you at the
21 beginning, I was going to offer you at
22 the conclusion of our examination an
23 opportunity to make a brief statement
24 while you're under oath.

25 Would you like that opportunity,

1 or would you like a break to consider
2 that with your counsel?

3 THE WITNESS: No. I have no
4 statement to make.

5 MS. KENNEDY PARK: Okay. All
6 right.

7 THE WITNESS: Other than to, you
8 know -- thank you for the consideration.
9 I appreciate your thoroughness, and I
10 hope that you don't see it as a sign of
11 disrespect that I relay what my brother
12 believes about the process.

13 MS. KENNEDY PARK: No disrespect
14 taken. And thank you for being with
15 here -- with us today. Thank you for
16 doing it on very short notice and
17 turnaround.

18 I'll just remind you of what I
19 had told you at the very beginning,
20 which is that because this investigation
21 is being done under Executive Law 63(8),
22 that law makes it a misdemeanor for you
23 to discuss with anyone the contents of
24 what you discussed with us here today,
25 including the questions we've asked you

1 here today.

2 Do you understand that?

3 THE WITNESS: Yes.

4 MS. KENNEDY PARK: Thank you.

5 THE WITNESS: No questions, no
6 content.

7 MS. KENNEDY PARK: Thank you. We
8 can close the -- the testimony.

9 THE VIDEOGRAPHER: The time now
10 is 3:36 p.m. This concludes Media 4 of
11 4 of today's investigation.

12 (Time noted: 3:36 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

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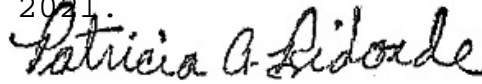
COUNTY OF NASSAU)

I, PATRICIA A. BIDONDE, a Notary
Public within and for the State of New
York, do hereby certify:

That CHRISTOPHER CUOMO, 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 20, 2021.



PATRICIA A. BIDONDE
Stenographer
Registered Professional Reporter
Realtime Certified Reporter