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IN THE MATTER OF INDEPENDENT INVESTIGATION
UNDER NEW YORK STATE EXECUTIVE LAW
SECTION 63 (8)

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July 7, 2021
10:58 a.m.

****HIGHLY CONFIDENTIAL****

VIDEO-RECORDED DEPOSITION of MATTHEW MCGRATH,
taken pursuant to Subpoena, via Zoom, before
Fran Insley, a Notary Public of the States of
New York and New Jersey.

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

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ALSO PRESENT:

DAVID ROTHSTEIN, Videographer

oOo

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THE VIDEOGRAPHER: Good morning. We are going on the record at 10:58 a.m. on July 7th, 2021.

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Please turn off all cellphones or place them away from the microphones as they can interfere with the deposition audio. Audio and video recording will continue to take place unless all parties agree to go off the record.

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This deposition is being held remotely. This is media unit number one of the video-recorded deposition of Matthew McGrath in the Matter of Independent Investigation under New York State Executive Law Section 63 (8).

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My name is David Rothstein from the firm Veritext New York, and I am the videographer. The court reporter is Fran Insley from the firm Veritext New York. I am not related to any party in this action, nor am I financially interested in the outcome.

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Counsel and all present will now please state their appearances and

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affiliations for the record. If there are any objections to the proceeding, please state them at the time of your appearance, beginning with the noticing attorney.

MS. CLARK: I'm Anne Clark. I'm with the law firm of Vladeck Raskin & Clark, but appearing today as a Special Deputy to the First Deputy Attorney General.

MR. WEAVER: Andrew Weaver from the law firm of Cleary, Gottlieb, Steen & Hamilton, appearing today as a Special Assistant to the First Deputy Attorney General, State of New York.

MS. LEE: Soo Jee Lee, also from Cleary Gottlieb, appearing today as a Special Assistant to the First Deputy attorney general.

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

M A T T H E W M C G R A T H ,

having been first duly sworn by the Notary Public, was examined and testified as follows:

1 McGrath - Highly Confidential

2 EXAMINATION BY

3 MS. CLARK:

4 Q. Good morning, Mr. McGrath, and thank
5 you for being with us today. As we said at the
6 beginning, my name is Anne Clark. I am with
7 the law firm called Vladeck Raskin & Clark.
8 But I'm here today because I have been
9 appointed a Special Deputy to the First Deputy
10 Attorney General. And you met also or heard
11 them introduce themselves, Mr. Weaver and
12 Ms. Lee.

13 I'm going to have to read through
14 some stuff at the beginning and then we'll get
15 to some questions.

16 The New York Attorney General has
17 appointed the law firms of Vladeck Raskin &
18 Clark and Cleary, Gottlieb, Steen & Hamilton to
19 conduct an independent investigation under New
20 York Executive Law, Section 63 (8), into
21 allegations of sexual harassment brought
22 against Governor Andrew Cuomo, as well as the
23 surrounding circumstances, and you're here
24 today pursuant to subpoena issued in connection
25 with this investigation.

1 McGrath - Highly Confidential

2 As you saw at the outset, this is
3 being video-recorded. And you've just been
4 placed under oath. That means that you have to
5 testify accurately and truthfully as if you
6 were in a court of law before a judge and jury.
7 Do you understand that?

8 A. Yes, I do.

9 Q. At the end I will give you an
10 opportunity, if you wish, you can make a brief
11 sworn statement. You're not required to but
12 you can, and I'll remind you at the end if
13 there's anything you want to put on the record.

14 A. Yes.

15 Q. I have to tell you that although
16 this is a civil investigation, the New York
17 Attorney General's Office has criminal
18 enforcement powers. So you have the right to
19 refuse to answer a question if answering the
20 question would incriminate you. If you fail to
21 answer a question, it can be used against you
22 in a civil proceeding, not in any criminal
23 proceedings.

24 As you can see, we have a court
25 reporter present virtually, and she needs to

1 McGrath - Highly Confidential
2 take down everything that we're saying and it's
3 even harder when it's over video. So in order
4 to get a clean record, there are a few ground
5 rules. One is when I ask you a question, you
6 have to give a verbal response; if you shake
7 your head or say "uh-huh," she can't really
8 take that down.

9 A. Understood.

10 Q. The hardest thing to do is for us
11 each to wait until the other has stopped
12 speaking. I will do my very best to make sure
13 you have stopped giving your answer before I
14 ask my next question. And I've asked that you,
15 even if you think you know where my question is
16 heading, let me get the whole question out
17 before you start answering. And if you don't
18 know the answer to a question, you can just say
19 so. If you don't understand a question, let me
20 know and I'll try to rephrase it in a way that
21 makes sense. Do you understand all that so
22 far?

23 A. Yes, I do.

24 Q. If at any point you need a break,
25 just let me know. If there's a question

1 McGrath - Highly Confidential
2 pending, I want you to answer that question
3 first, but then we can take a break at any
4 point.

5 A. Okay.

6 Q. Is that okay with you?

7 A. Yes, it is.

8 Q. I need you to confirm, are you alone
9 right now in the room you're in?

10 A. Yes, I am.

11 Q. And I need you to confirm that
12 you're not using any technology to create a
13 recording of your own through any recording
14 device, your screen?

15 A. No, I'm not.

16 Q. Okay. And I need to confirm if
17 you're not alone. Is anyone listening in?

18 A. No, nobody is listening in.

19 Q. Then I just need to advise you that
20 under Executive Law 63 (8), the provision under
21 which we are conducting this investigation, it
22 prohibits you from revealing anything about
23 what we ask you or what you say during your
24 testimony today. So if anyone later asks you
25 what did we talk about, you should get in touch

1 McGrath - Highly Confidential
2 with one of us, because that's something that
3 we take seriously.

4 A. Understood.

5 Q. Are you currently taking any
6 medication that would affect your ability to
7 testify accurately and truthfully?

8 A. No.

9 Q. Do you have any other reason why you
10 can't give full, complete, accurate testimony
11 today?

12 A. No.

13 Q. If you could state your name, date
14 of birth and current home and business
15 addresses for the record, please.

16 A. You need spelling of the name as
17 well?

18 Q. The court reporter would probably
19 appreciate that, so sure.

20 A. Matthew McGrath, M-A-T-T-H-E-W,
21 McGrath, M-C capital G-R-A-T, as in Thomas, H.

22 Q. Date of birth?

23 A. ██████████.

24 Q. And what are your current home and
25 business addresses?

1 McGrath - Highly Confidential

2 A. My current home address is [REDACTED]
3 [REDACTED].

4 And my business address is [REDACTED],
5 [REDACTED]

6 Q. Have you ever given testimony in any
7 sort of proceeding before?

8 A. Quite often, yes.

9 Q. Under what circumstances have you
10 given testimony?

11 A. I'm an administrator at my current
12 job, which is we employ union employees. I've
13 been sued a few times by the union, which is
14 just kind of comes with my current job. And I
15 worked for eight years in the Bureau of Code
16 Enforcement, so I was deposed multiple times
17 for cases that made it to litigation, whether
18 it be through landlords and tenants, or whether
19 it be through the City pursuing negligent
20 landlords.

21 Q. And in your current position, all
22 the testimony has been in union grievances?

23 A. Yes. Yes, there have been two
24 occasions this year where I've been deposed
25 through union -- through a notice of claim

1 McGrath - Highly Confidential
2 filed by the union and I needed to supply a
3 deposition based on a specific incident.

4 Q. And you said in some of them there's
5 been accusations relating to you; is that
6 correct?

7 A. No, no. I'm the maintenance
8 superintendent at a job that employees 25 union
9 maintenance people. And, you know, NYCHA -
10 this is Troy's version of NYCHA, so I'm
11 constantly trying to get my staff to provide
12 people that are needy the best possible
13 housing, and you run into, you know, pretty
14 obvious type -- obvious stuff where you have
15 people that are making not a lot of money
16 having to do redundant work over and over and
17 over again; sometimes they lose their ability
18 to care and it's my job to make sure that they
19 always do.

20 Q. And did you do anything to prepare
21 for today's testimony?

22 A. No.

23 Q. You were sent a binder that should
24 have arrived. Ah, no, you weren't sent, you
25 downloaded, I'm sorry.

1 McGrath - Highly Confidential

2 A. I have some zip files that I
3 received as of this morning, yes.

4 Q. If you could open document number 1
5 in the zip file.

6 A. Yep.

7 Q. And do you recognize this document
8 as the subpoena that you received from our
9 office?

10 A. Yes, it is. I received it via
11 e-mail.

12 Q. And did you read the subpoena?

13 A. I did.

14 Q. And you understand that the
15 testimony you're giving today is being taken
16 pursuant to the subpoena; is that right?

17 A. Yes.

18 Q. You can turn away from that.

19 THE COURT REPORTER: I'm sorry. Are
20 you marking that as an exhibit?

21 MS. CLARK: I'm sorry. Let's mark
22 as Exhibit 1. We will get you copies of
23 those, if Soo Jee hasn't yet.

24 (Whereupon Exhibit 1 was marked for
25 identification.)

1 McGrath - Highly Confidential

2 Q. Could you just give us a little
3 overview of your educational background?

4 A. I have a Bachelors of Science in
5 Criminology, Psychology and Sociology. I
6 also -- and so I went to Southern Connecticut
7 State for four years. I took my job with Code
8 Enforcement on a fluke that I took a test and
9 passed it, and rather than wait until I
10 graduated to get a job, I was already in the
11 New York State Retirement by taking that job.
12 I finished my education online at Excelsior
13 College while I was working full time and
14 obtained my Bachelors.

15 Q. And what were the years that you
16 attended college in Connecticut?

17 A. 2004 through 2008.

18 Q. And when did you finish your degree
19 with Excelsior?

20 A. 2011.

21 Q. And you mentioned what you currently
22 do. What's the entity that employs you
23 currently?

24 A. The Troy Housing Authority.

25 Q. Is that a state or a city or county

1 McGrath - Highly Confidential

2 entity?

3 A. We're state employees but we're
4 funded by HUD. I'm in the New York State
5 Retirement system, and I've been able to carry
6 that over from the city of Troy where I worked
7 previously, but our subsidies come from HUD.

8 Q. When did you join the Troy Housing
9 Authority?

10 A. 2015.

11 Q. And I think you said you're a
12 maintenance supervisor?

13 A. I was a building inspector when I
14 was at the City. I came to the Housing
15 Authority as a building inspector. Shortly
16 after that I was promoted to an asset manager.
17 Shortly after that I was promoted to
18 maintenance superintendent.

19 Q. Maintenance superintendent, I'm
20 sorry. What do you do as a maintenance
21 superintendent?

22 A. I'm responsible for all of the
23 service contracts. I'm the owner's
24 representative on all the construction
25 endeavors, planning. I am responsible for

1 McGrath - Highly Confidential
2 every elevator, fire alarm system, sprinkler
3 system. I'm essentially a director of
4 facilities who also oversees the actual
5 maintenance program that will be employed on
6 1,200 units.

7 Q. And in your position with the Troy
8 Housing Authority, do you interact with any
9 state entities?

10 A. No, not often. New York State Homes
11 and -- NC, what is it? New York State Homes
12 and Community Renewal, they worked with us on
13 the revitalization of the Martin Luther King
14 projects. I believe the person's name was [REDACTED]
15 [REDACTED] that we dealt with often on that. But
16 never more than New York State Homes and
17 Community Renewal. That's basically they're
18 hand in hand with what we do, but other than
19 that, no other state entities.

20 Q. And during the time you worked at
21 the Troy Housing Authority, have you had any
22 second jobs or part-time jobs?

23 A. I worked part time, I was a personal
24 trainer at Orange Theory Fitness for a period
25 of years. Before that I was a personal trainer

1 McGrath - Highly Confidential
2 at Vent Fitness, and before that I was the
3 defensive coordinator at Hudson Valley
4 Community College.

5 Q. Do you still work part time as a
6 personal trainer?

7 A. No, I've since left --

8 Q. When was the last time you worked
9 part time as a personal trainer?

10 A. March -- the last time I worked was
11 March 15th, 2020.

12 Q. And are you planning to start up
13 again now that gyms are reopening?

14 A. No. I left my second job so I could
15 be more available for [REDACTED].

16 Q. And before the Troy Housing
17 Authority, you worked for the City of Troy; is
18 that correct?

19 A. I worked for the City of Troy in the
20 Bureau of Code Enforcement.

21 Q. What does the Bureau of Code
22 Enforcement handle for the City of Troy?

23 A. We enforce the New York State
24 building codes, property maintenance code, fire
25 prevention codes and the specific municipal

1 McGrath - Highly Confidential
2 ordinances of the City of Troy.

3 Q. What years did you work for the City
4 of Troy?

5 A. 2008 through 2015.

6 Q. And what were your particular
7 responsibilities during that time?

8 A. To inspect, notate and possibly
9 ticket negligent landlords for not complying
10 with the New York State Building Code, Fire
11 Code, Fire Prevention Code or specific
12 municipal ordinances.

13 Q. And why did you leave the city to go
14 work for the Troy Housing Authority?

15 A. Preference.

16 Q. What about your preference was it?

17 A. If you're familiar with New York
18 State, cities like the City of Troy were
19 industrial cities and the tax base cannot
20 support for much longer. I didn't feel it was
21 run very well when I was there. I thought that
22 code enforcement was missing its mark. The
23 Executive Director of the Troy Housing
24 Authority was previously the Deputy Mayor of
25 the City of Troy, who I became close with just

1 McGrath - Highly Confidential
2 from a shared perspective on work. I took a
3 civil service test to become an asset manager
4 at the Troy Housing Authority. When that list
5 was canvassed, I saw an opportunity to advance
6 my career.

7 Q. And you started at the City of Troy
8 before you had completed your undergraduate
9 degree; is that correct?

10 A. Correct.

11 Q. So is that the first real full-time
12 job you had?

13 A. Yes, you could say that. Well, I
14 actually -- I came home from college and I
15 started to work for the Parks Department, and
16 just because my -- I knew a bunch of people and
17 they set me up with a summer job, 15 bucks an
18 hour, and I was mowing all the city lawns.
19 During that time I developed a pretty good
20 reputation in the Parks Department and I had
21 already taken a test for the Grade 9 Housing
22 Code Technician. When I passed that, the then
23 Deputy Mayor [REDACTED] reached out to me and
24 gauged my interest if I'd like to work full
25 time, and I selected to.

1 McGrath - Highly Confidential

2 Q. And did you know [REDACTED] at that
3 point?

4 A. Only -- [REDACTED] is a six-term City
5 Councilman in District 2, where I actually work
6 now. Only through [REDACTED]. But I can -- you
7 know, I've never received any promotion because
8 I knew someone. It's always been based on
9 work.

10 Q. Is [REDACTED] still on the city
11 council in Troy?

12 A. No, [REDACTED] lives in [REDACTED]
13 [REDACTED]

14 Q. When did he leave the city council?

15 A. It had to be winter or spring of
16 2019. He resigned due to something I'd rather
17 not talk about unless asked.

18 Q. We'll see if we come back to that.

19 A. You know, there's -- it's a
20 Googleable thing. It's just still a sore
21 subject within [REDACTED] because of the way it
22 was taken.

23 Q. Can you tell me just sort of a
24 general topic? I'm not [crosstalk] --

25 A. Yes. [REDACTED] is a 66 -- now a

1 McGrath - Highly Confidential

2 66-year-old man that grew up on [REDACTED] in
3 the City of Troy, and if I can familiar, that
4 would be the equivalent of growing up in Harlem
5 in New York City. He unfortunately had a lapse
6 in judgment, and was on the phone with somebody
7 who we don't know who he was on the phone with,
8 he uttered a racial slur. That was taken to
9 the umpteenth degree. The person who relayed
10 the voicemail to the press is still yet to be
11 identified. And, honestly, the reason it's
12 still a sore subject is [REDACTED] raised -- [REDACTED]
13 [REDACTED] was a Republican councilman in an
14 all-black neighborhood, and he won six times,
15 and that was because he raised that
16 neighborhood. So that was a very frustrating
17 thing to go through. It was a lapse in
18 judgment, obviously, to use the word and to say
19 the word, but a lot of people that were
20 implants in the city that I have known as my
21 city for 35 years had a lot of opinions, and
22 they didn't know the man, so it was very
23 frustrating.

24 Q. Now, what is your current marital
25 status?

1 McGrath - Highly Confidential

2 A. I'm separated [REDACTED]
3 [REDACTED].

4 Q. [REDACTED]
5 [REDACTED]

6 A. We were separated [REDACTED]
7 [REDACTED]
8 [REDACTED]

9 Q. And when did you marry Alyssa
10 McGrath?

11 A. [REDACTED]

12 Q. And how long had you been together
13 with her before you got married?

14 A. Three years.

15 Q. Did you say three years?

16 A. Three years, yes.

17 Q. And my understanding, correct me if
18 I'm wrong, is that you have [REDACTED] with
19 Ms. McGrath; is that correct?

20 A. Yes.

21 Q. [REDACTED]

22 A. [REDACTED]

23 Q. And I don't want to pry too much
24 into this, but have you and Ms. McGrath worked

25 [REDACTED]

1 McGrath - Highly Confidential

2 A. No.

3 Q. What's the current arrangement?

4 A. [REDACTED]

5 [REDACTED]

6 Q. Do you have any personal
7 relationships with anyone who currently or
8 recently worked in the Executive Chamber other
9 than Ms. McGrath?

10 A. Alyssa's friend was a girl, Brittany
11 Damino. I know of her. I don't have a
12 personal relationship with her. She was just
13 Alyssa's friend.

14 Q. When you say you know of her, have
15 you socialized with her at all?

16 A. Yeah, yeah. When Alyssa and I were
17 together I socialized with Brittany and her
18 then husband at the time, [REDACTED],
19 somewhat often.

20 Q. Have you -- when's the last time you
21 saw Brittany Commisso?

22 A. Last summer, after I had moved --
23 well, late -- early fall last year 2020, Alyssa
24 and Brittany were dining on Broadway at a
25 restaurant about two blocks away from my house,

1 McGrath - Highly Confidential
2 and I was out for a walk with [REDACTED] and ran
3 into them.

4 Q. And when's the last time you saw
5 [REDACTED] ?

6 A. At the Victoria pool the summer
7 before Alyssa and I separated, so 2018.

8 Q. Was Ms. McGrath working at the
9 Executive Chamber before you separated?

10 A. Briefly. I believe she gained her
11 employ on like March or April of 2019, and then
12 we soon separated after that.

13 Q. And what is your understanding of
14 how she came to work in the Executive Chamber?

15 A. Through Brittany. Brittany got her
16 the job. Brittany knew somebody who got her
17 the job. And I think [REDACTED] at the
18 time worked for the county and I'm sure her
19 name was passed along or her application was
20 moved up.

21 Q. And did you have any understanding
22 as to what Ms. McGrath's responsibilities were
23 in the chamber?

24 A. My understanding was that at first
25 she worked -- the name escapes me, but she was

1 McGrath - Highly Confidential
2 assigned to work for a younger guy. Like I
3 said, I forget his name. He was a redheaded
4 guy. And she worked normal clerk work: setting
5 up meetings, answering the phone, scheduling,
6 taking calls, screening calls.

7 Q. You said at first. Did you
8 understand her responsibilities to change?

9 A. Yes -- well, I know that she was
10 then moved to work for a woman named Kelly, and
11 she then worked for Joe Rabito, but it was
12 while working for Joe Rabito that she was often
13 covering in Governor Cuomo's office as doing
14 the same job, screening calls, meetings and of
15 that sort. And then my understanding is now
16 she works for Larry Schwartz.

17 Q. So has Ms. McGrath told you about
18 her work in the Chamber after the two of you
19 physically separated?

20 A. We had several [REDACTED]
21 [REDACTED] over the last two years, so I've been
22 with her for periods of months at a time
23 attempting [REDACTED] and then it wouldn't
24 work out for one reason or another.

25 Q. Do you recall any of the specific

1 McGrath - Highly Confidential
2 months that you guys were back to together?

3 A. Oh, yeah. We were -- so we
4 separated in May 2019. Late August through
5 late October was the first of -- first
6 [REDACTED]. The second came from
7 March 2020 to late April 2020. So early
8 March 2020 through late April 2020. And then
9 the last one was late June through late August
10 of 2020.

11 Q. And in between the [REDACTED]
12 [REDACTED] did she tell you anything about what
13 was going on at work?

14 A. I'm trying to -- yes. I was
15 always -- I was informed of her work often, and
16 it was -- you know, Alyssa felt important
17 working there and I don't think she had felt
18 very important at previous jobs, and I think
19 that, you know, she finally had a passion for
20 work.

21 Q. So she told you positive things
22 about working for the Chamber?

23 A. Yes.

24 Q. Did she ever complain about any
25 aspect of her work?

1 McGrath - Highly Confidential

2 A. No.

3 Q. Did she ever tell you anything about
4 when she assisted the Governor?

5 A. Yes.

6 Q. What did she tell you about the
7 times that she assisted the Governor?

8 A. Never anything that was -- never
9 anything that coincided with what I've read.
10 Alyssa was -- you know, you have to understand
11 that the way that we ended, she has been on,
12 you know, somewhat of a mission to kind of dig
13 at me for a period of time now, so when the
14 first [REDACTED], there was, you
15 know, a lot of borderline adoration for
16 Governor Cuomo. She often talked about how
17 handsome she thought he was and how handsome
18 his brother Chris was, referred to him as the
19 Love Gov. At times, you know, when she was
20 working front chair in the office she would
21 often kind of brag about how she gets to pick
22 out his suits and his ties and that type of
23 stuff, so -- and, you know, I understood -- I
24 wasn't really biting at it because I understood
25 that it was more so being thrown at me to get a

1 McGrath - Highly Confidential
2 rise out of me, but that's why when I read the
3 article I was -- my eyebrows went up.

4 Q. And she was making those comments
5 during which period? Was that the August to
6 October 2019 period or...?

7 A. There's a group of girls on that
8 floor that were -- that very quickly got very
9 close and very quickly bonded on being like
10 kind of in the group of Cuomo. And so pretty
11 much throughout. She wasn't even working for
12 him yet during the first [REDACTED]
13 [REDACTED] That was when she was first working
14 for -- and his name escapes me. I know [REDACTED]
15 [REDACTED] was another person that she was working
16 for, [REDACTED] But at the time it was
17 she had a positive relationship with her
18 co-workers, she had a positive -- she said
19 nothing but positive things about the Governor,
20 was defensive about him, you know. With all
21 things aside, I have not [REDACTED] the
22 Governor, so -- and I obviously wasn't going to
23 pick at her, that's her boss, but it's not like
24 it was a mutual adoration. And she was more
25 times than not in the position of defense when

1 McGrath - Highly Confidential
2 political issues would come up, and we would
3 discuss it, and I would, you know, take issue
4 with certain things and she would be defensive
5 of the Governor.

6 Q. You said there was a tight group of
7 women. Who were the group of women you're
8 referring to?

9 A. Alyssa, Brittany Damino, Lauren
10 Grasso and [REDACTED], whose last name I don't
11 know.

12 Q. And what did you know about how
13 tight that group was or what their relationship
14 was?

15 A. I know that they had a -- I know
16 that they were somewhat of a [REDACTED]
17 club in a way. I know Lauren Grasso was [REDACTED]
18 [REDACTED] and she was providing more
19 than enough advisement to Alyssa how to handle
20 our situation. I know that since Alyssa and I
21 have separated, Brittany Damino and [REDACTED]
22 [REDACTED] have also separated. And they were in
23 quite a few group chats, and that became the
24 new circle of friends I would say.

25 Q. And how were you aware of the group

1 McGrath - Highly Confidential

2 chats?

3 A. I had -- I was separated from a
4 woman who was going clearly out of her way all
5 the time to show me how important she was. So
6 the group chats were -- it was just a constant
7 bonding on working for the Executive Chamber,
8 and at one time -- I don't have proof of this,
9 but at one time I remember Alyssa, Lauren
10 Grasso, Brittany Damino and this [REDACTED] being
11 in a group chat titled Cuomo's Hoes.

12 Q. How did you become aware of that?

13 A. And again, this is going back, but I
14 think Alyssa just told it to me. I think she
15 just -- I haven't really gone through phones,
16 I'm not the type of person to do that, but I
17 remember, you know, pretty vividly being like
18 so that's what you're saying, okay, I guess.

19 Q. When did Ms. McGrath tell you about
20 that?

21 A. I would assume it was during the
22 first [REDACTED] That was when,
23 you know, she had really made some friends
24 there and had taken to that group of girls.

25 Q. And did she tell you who named this

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2 group chat?

3 A. No. I --

4 Q. Did you ever --

5 A. No, I'm sorry.

6 Q. Go ahead.

7 A. No, she did not tell me and I
8 wouldn't really know who came up with the name.

9 Q. And did you ever see any of the
10 specific chats in this group chat?

11 A. I don't recall if I've seen them or
12 not. All I recall at this point is the vivid
13 memory of that being said and, you know.

14 Q. You recounted some things that were
15 happening during the first [REDACTED]
16 [REDACTED]. Did Ms. McGrath talk to you about her
17 work in the Chamber during the second and third

18 [REDACTED]
19 A. Yes. During the second and third
20 [REDACTED] were during the Covid
21 period, which lent itself, I think, to those
22 [REDACTED] where you're stuck at
23 home, you know, it was an opportunity for us to
24 possibly [REDACTED] over spending a lot of time
25 with [REDACTED]. I left the gym. But I know at

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2 Q. What sort of things did she say
3 during the second or third [REDACTED]
4 [REDACTED] that made you think that there was
5 borderline attraction?

6 A. It was more so like just constant
7 comments about him being handsome, and his
8 brother being handsome, and how so many women
9 want to date him now because of -- I remember
10 during Covid, you know, Governor Cuomo really
11 stood out across the country as somebody that
12 was really undertaking Covid on a ground level.
13 So he was kind of the face of it. And I know
14 he was getting a lot of publicity at the time.
15 And I remember her, you know, talking to me
16 about how many women were in love with him and
17 then again the Love Gov thing, you know. Never
18 once was it ever said to me that oh, I feel
19 very uncomfortable with him leering at me, I
20 feel -- in fact, quite the opposite. I
21 remember when -- during the first
22 [REDACTED], I kind of just made the
23 assumption, I was like I'm sure that all the
24 guys there are probably looking you up and
25 down, and she's like, yeah, but, you know, that

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2 is what it is, that's -- you know what I mean?
3 It's not like it was a -- I never sensed she
4 was uncomfortable or, I don't know, felt
5 violated.

6 Q. You said to her, I assume the guys
7 are looking you up and down. Did you ever make
8 any comment to her or suggestion to her that
9 the Governor might be one of the people looking
10 her up and down?

11 A. Yeah, yeah, she -- so the one thing
12 that I read, she had mentioned that he -- they
13 bonded over something with Italian and he had
14 mentioned Bella to her, okay, where I took --
15 the only reason that I felt the need to send my
16 e-mail was that if the Governor is saying Bella
17 to Alyssa made her uncomfortable, then I would
18 have to revisit my Instagram, because [REDACTED]
19 [REDACTED] comments Bella under every single woman
20 I know's pictures, including [REDACTED], and
21 that did creep [REDACTED] out. So it was a --
22 you know, I thought that was a little bit of a
23 contradiction, I'm sorry.

24 Q. During any of your [REDACTED]
25 [REDACTED] or otherwise, did you ever say

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2 anything to her suggesting that the Governor
3 was having her work with him because of her
4 appearance or anything along those lines?

5 A. I might have never -- I'm sure I
6 never said it but, you know, I'd be lying if I
7 said I didn't assume it sometimes.

8 Q. And why did you assume that?

9 A. Because of how carbon copy a lot of
10 the women that work on the second floor of the
11 Governor's Mansion are. You know, Alyssa and
12 Brittany and Lauren, I mean, they all -- if I
13 take my glasses off and I'm just looking at a
14 row, I would just kind of see the same person
15 straight across the board. And me just
16 personally, that was my own interpretation, I
17 thought it was something that I would assume
18 that -- you know, I'm not saying -- I'm not
19 saying they're farming them, but I'm saying it
20 didn't hurt.

21 Q. And what similarities did you think
22 that these women had?

23 A. Size, weight, hair color, the way
24 they dress.

25 Q. And what about the way they dressed?

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2 A. Alyssa -- after Alyssa accused the
3 Governor of staring down her shirt, she had to
4 remove quite a few pictures from her own
5 Instagram and Facebook that -- I'm not friends
6 with her, but I know for a fact she had
7 pictures all over her social media of low-cut
8 shirts. That's what I'll leave it at.

9 Q. And are you saying that all the
10 women that you listed, Brittany and Lauren also
11 wore low-cut things to work?

12 A. I know Brittany truthfully to be an
13 extremely flirty person. Once -- over time
14 what I've gotten to know of this Lauren Grasso
15 is I don't believe her to be completely purely
16 motivated, and -- I mean as -- Alyssa and I
17 have distanced a lot after the last
18 [REDACTED], so we're talking -- her
19 and I have not had like real discussion since
20 last year. But I do remember, you know, once
21 Alyssa started working at the Governor's
22 office, [REDACTED] -- and this is after
23 we separated [REDACTED]

24 [REDACTED]
25 [REDACTED] And I was always kind of

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2 the impression that that was to fit in there;
3 that was, you know, the Melissa DeRosas of the
4 world, and she was around a woman like Melissa
5 DeRosa, and I'm sure in her mind she felt the
6 need to kind of play the part.

7 Q. Did you know Melissa DeRosa?

8 A. I don't know her but Alyssa spoke
9 about her often, just for her -- she said she
10 was a little bit rude, but that's probably to
11 be expected, but it was more so her clothes and
12 appearance and stuff like that.

13 Q. And what did Alyssa say about
14 Melissa DeRosa's appearance and clothes?

15 A. Just expensive. Talked about like
16 how expensive the shoes she wore and stuff like
17 that. Like I guess some shoes have like a red
18 bottom and that means they're expensive.

19 Q. And I think you said that the more
20 you got to know Ms. Grasso, you thought her
21 motives weren't entirely pure. What did you
22 mean by that?

23 A. Lauren Grasso -- so when Alyssa and
24 I separated, we -- it was a very toxic
25 relationship. We had some very ugly arguments

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2 that I'm really not proud of the way I acted in
3 at this point, and -- but I can acknowledge
4 that it was a very ugly relationship. And at
5 one point we had an argument that ended us face
6 to face and -- like forehead to forehead. And
7 Alyssa right after ran into the garage, got on
8 the phone with Lauren Grasso, and about five
9 minutes later I had the [REDACTED] at my house, and
10 she had filed a [REDACTED] against me saying
11 [REDACTED]. And I remember at the time --
12 I knew the [REDACTED] I started -- I was a Division
13 II middle linebacker. I'm still 205 pounds. I
14 don't know how to put it. [REDACTED]
15 [REDACTED]
16 [REDACTED] And I
17 remember at the time thinking how bogus it was,
18 but I know it was Lauren Grasso that advised
19 her to do that. As far as I was concerned,
20 that was a no-go.

21 Q. And when was that incident?

22 A. April of 2019.

23 Q. And did you think that Ms. Grasso
24 was giving Ms. McGrath advice later on about
25 your relationship with her?

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2 A. Oh, I'm positive. Much of the --
3 much of the information and threats that Alyssa
4 threw at me in the early part of our separation
5 I was, you know -- I was positive beyond having
6 it in writing myself that she was obtaining a
7 lot of information from Ms. Grasso.

8 Q. And did Ms. McGrath ever tell you
9 anything about Ms. Grasso's relationship with
10 the Governor?

11 A. No, no.

12 Q. And were you aware of Alyssa working
13 for the Governor on weekends?

14 A. Yes.

15 Q. What did you know about that?

16 A. I knew that during the period of
17 Covid, Alyssa would go in on, she would go in
18 on Saturdays, and it was her and sometimes the
19 Governor would be in, sometimes he wouldn't be
20 in. I know that she used to talk to his mother
21 when his mother would call, and she used to say
22 really sweet things about his mother. And it
23 was also during that time of overtime that I
24 believe they were trying to [REDACTED]

25 [REDACTED] a guy by the name of

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2 [REDACTED] Then I think that, you know, she was --
3 the overtime gave her an opportunity to be in
4 the building alone with some of the state
5 police officers and stuff like that and kind of

6 [REDACTED]

7 Q. So to just make sure I understand,
8 you're saying that Ms. Grasso was sort of
9 trying to [REDACTED]
10 the [crosstalk] --

11 A. I don't remember if it was Lauren
12 Grasso doing it. I remember during the period
13 of all the Covid and the overtime, her
14 relationship with the Governor must have been
15 close enough that she -- people were trying to
16 [REDACTED], who was a state
17 police person, I guess, but -- and I don't -- I
18 just remember at the time finding it peculiar,
19 that's all.

20 Q. Why did you find it peculiar?

21 A. Interoffice dating's inappropriate.

22 Q. What's that?

23 A. Interoffice dating is inappropriate.

24 Q. And do you know if Ms. McGrath ever
25 traveled with the Governor?

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2 A. No, I'm unaware.

3 Q. Was there ever a time where Alyssa
4 told you that she wanted to leave the Executive
5 Chamber to work for a different state agency?

6 A. Never once.

7 Q. Did she ever tell you about
8 following [REDACTED] to another part of the
9 government?

10 A. [REDACTED] was the first person
11 that I think she worked for. I think that was
12 the first person. I know she had a positive
13 relationship with him. I know that he had
14 asked to -- I know he had expressed to her that
15 he wanted to take her with him where he was
16 getting moved to. I believe at the time the
17 understanding was that it was more beneficial
18 for Alyssa's career if she were to stay and
19 work more closely with the Governor and the
20 people around him.

21 Q. Do you know whether it was Alyssa's
22 decision not to follow him or somebody else's?

23 A. Alyssa has never expressed to me
24 that she applied or wanted to go elsewhere and
25 was told no outside of when she was working for

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2 Joe Rabito. But she was often called to cover
3 the desk, and Joe would complain that he
4 doesn't have his assistant, essentially, but at
5 the same time would say but if the Governor
6 wants you, the Governor wants you.

7 Q. And you made some references to the
8 things that you read about Alyssa's
9 allegations.

10 A. Yes.

11 Q. Where have you read such things?

12 A. New York Times and New York Post,
13 Twitter.

14 Q. And if could you look at document
15 number 6.

16 A. Is this the last one? I'm sorry.
17 Oh, no, 6. Yep, the New York Times.

18 MS. CLARK: We will mark this as an
19 exhibit.

20 (Whereupon Exhibit 2 was marked for
21 identification.)

22 Q. Is that the article that you read?

23 A. Yes, I read this one. It took me a
24 little while. I initially didn't read anything
25 for probably the first two months, and then

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2 when I finally had the stomach to read it, I
3 did.

4 Q. Before it was published, did Alyssa
5 tell you that she had spoken to the press?

6 A. No. I was in Florida when I first
7 started reading some stuff about this, and I
8 chose at that time not to say anything to her
9 even though I was beginning to suspect it might
10 have something to do. Right before this
11 article came out, Alyssa called me and said,
12 you know, there's going to be something in the
13 paper and I just need you to kind of have my
14 back on this, and this was I kind of had to do
15 it to keep my job. That was the conversation
16 we had.

17 Q. Did she say what she meant by I kind
18 of had to do this to keep my job?

19 A. No, and I didn't elaborate and I
20 didn't ask for what -- at that point I took a
21 very standoffish, supportive approach at that
22 time, which was more so being done because we
23 have ██████ and I don't know if she had the
24 foresight to see what this could bring on ██████
25 which was where a lot of frustration on my end

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2 with this was drawn from.

3 Q. And what concerns do you have about
4 what effects this might have on [REDACTED] ?

5 A. I'm more than familiar with New York
6 State and the politics and the -- how brutal it
7 can be. And when I read the article and
8 additionally knowing what I knew through
9 several [REDACTED], after reading
10 the article it confirmed and I got -- which was
11 what essentially prompted me to send the
12 e-mail, is that it's concerning to me the
13 length -- the depth that this was gone to and I
14 don't -- and I'm just -- frankly, I find the
15 Governor to be a person that I -- unless I knew
16 I had a 100 percent strong backing, I'm not
17 making an accusation against the Governor,
18 because I find him to be a person that's at the
19 end of his career, and it's unblemished, and if
20 you're going to make an accusation, it better
21 be correct because you're going to fight it
22 'til the death.

23 Q. Did you ever have any experiences
24 interacting with the Governor or dealing with
25 the Governor?

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2 A. No.

3 Q. Do you know anybody else who's had
4 any run-ins with the Governor?

5 A. No.

6 Q. You said you were down in Florida
7 and you started hearing things or reading
8 things. What were the first things that you
9 were reading where you started thinking this
10 might --

11 A. The groping allegation.

12 Q. Was that the first time you read
13 something that you thought might relate to
14 Alyssa?

15 A. Well, you know, for lack of a
16 better -- I mean, Alyssa -- Alyssa, yeah, I
17 thought it might have been her that was groped
18 because, you know, I knew -- I knew how
19 inappropriately close that relationship felt to
20 me like it was getting in that, you know,
21 she -- within a period or short period of time
22 she was now working front desk and she was
23 preferred to be working front desk, and I also
24 know, you know, that Alyssa has been motivated
25 by a lot of different things since our

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2 separation, and I just didn't put it past her
3 to possibly get into a -- like a secretive
4 physical relationship with somebody at work.
5 And the I got -- after reading the article
6 about the groping I pretty much deduced that
7 wasn't her, and, frankly, because the girl
8 chose to remain anonymous. As you can see,
9 Alyssa has no problem getting her face out
10 there.

11 Q. And you just made a reference to the
12 things that had been motivating her since your
13 separation. What are you referring to?

14 A. ██
15 ██

16 Q. And you said when you read the
17 article -- you actually read the article about
18 the groping, you didn't think it was Alyssa.
19 Why once you read the article -- oh, only
20 because it was anonymous or was there any
21 [crosstalk] --

22 A. The person remained anonymous.
23 Because I -- you know, having been with the
24 person for several years, she wouldn't have
25 the -- she wouldn't have the -- she wouldn't

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2 remain anonymous if it was her.

3 Q. What makes you say that -- I mean, I
4 know later she spoke to the press, but at the
5 time when you read this, when you read it had
6 the articles come out yet about Alyssa yet?

7 A. No.

8 Q. So what made you think at that point
9 that if something happened to her she wouldn't
10 remain anonymous?

11 A. Because, you know, in my experience
12 with her, she's an attention seeking person.

13 Q. When you read the article about the
14 groping, did you ask Alyssa anything about it?

15 A. No.

16 Q. And how did you first hear about
17 the -- so you said Ms. McGrath gave you a
18 heads-up that something was coming out. Did
19 anyone else tell you anything about it?

20 A. No. But I work literally one mile
21 away from where Alyssa lives, if not even a
22 shorter distance. It's actually on my way to
23 several of the sites that I have to manage. So
24 I began noticing that she wasn't at work right
25 after I read the groping incident, and because

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2 I would see her car home. And without asking,
3 I started to deduce on my own that she was
4 somehow involved with it at minimum, and then
5 she called me and, you know, my concern from
6 the minute she called me right up until now is
7 ██████████. That's concerning. But I took a
8 standoff approach just -- it wouldn't have
9 benefited me in that moment to say, you know, I
10 don't believe you or this or that. I just
11 chose to take a supportive approach and try and
12 be as mature as I could to keep the situation
13 calm.

14 Q. And between the time that Alyssa
15 called you and the time you ultimately read the
16 article, did anyone else tell you anything
17 about?

18 A. Yes. My good friends didn't say
19 anything. My friends who are kind of dumbos
20 sent me the article. I didn't read it, but I
21 had a lot of people reaching out to me locally
22 about it, asking me my opinion, and for a very
23 long time my opinion on it was just no comment.

24 Q. Did anyone from the Executive
25 Chamber ever reach out to you?

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2 A. No.

3 Q. So when was it -- you said it was a
4 couple of months later. When was it that you
5 read the article?

6 A. It had to be sometime -- I think I
7 finally got around to reading it mid-April.

8 Q. And having waited reading it for a
9 while, what made you decide to read it at that
10 point?

11 A. I don't know. Emotions that wore
12 off. You know, initially I was frustrated at
13 the concept of, you know, somebody who I was
14 with for a very long time being harassed. And
15 so I thought that that was the best mind set to
16 take for, you know, [REDACTED] and supportive
17 approach. So for a long time I chose not to
18 read the article. But I think that was a
19 subconscious -- you know when you read this,
20 you're not going to agree with what's said.
21 And then when I finally did come around to read
22 it, I confirmed what I thought.

23 Q. And given what you've said, I think
24 I know what your answers might be, but I just
25 want to go through some of the things in the

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2 article. Did Ms. McGrath ever tell you about
3 the Governor looking down her shirt?

4 A. No.

5 Q. Did she ever tell you about the
6 Governor asking her if she spoke Italian?

7 A. Yes. Not in so many words, but I
8 know that she would talk about he sings in
9 Italian and he does speak Italian and, you
10 know, Alyssa is a Utica Italian. And I don't
11 say that derogatory. I just mean that there's
12 a very cultured Italian community there. So I
13 think there was an initial bond on the Italian.
14 So I don't remember that in exact words, but
15 I'm going to say it probably, yeah.

16 Q. Does Alyssa speak Italian?

17 A. No.

18 Q. Did she ever tell you that the
19 Governor spoke directly to her in Italian?

20 A. Yes, but it was more like he sings
21 in Italian. There was never like he said this
22 in Italian to me. It was more like a he's
23 around the office, he speaks Italian, his
24 mother's an old Italian lady, and how cute.

25 Q. And did she ever tell you that the

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2 Governor jokingly called her and a colleague
3 Mingle Mommas?

4 A. No. In fact, the first time I heard
5 of that is on the Paul Vandenburg show here.
6 It's a morning show on A.M. radio.

7 Q. And do you have any knowledge as to
8 who the colleague was that Ms. McGrath says was
9 called a Mingle Momma with her?

10 A. I'm assuming Brittany Damino.

11 Q. Did Alyssa ever tell you about any
12 photographs she took with the governor?

13 A. I've seen a few.

14 Q. And where have you seen them?

15 A. Next to her bed. She had a little
16 millage [ph] done up with all of her accolades
17 from the Chamber, and she had like a nametag.
18 And then there was the infamous picture that
19 was the cover photo on her Facebook of her and
20 Brittany with the Governor, the one that was
21 all over Twitter. That was on a -- like a
22 pinboard next to her bed.

23 Q. When did she put this pinboard up?

24 A. I don't remember. After the 2019
25 Christmas party. That's when it was taken.

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2 Q. Other than the nametag and the
3 photos with the Governor, was there anything
4 else on the pinboard?

5 A. She had a handwritten card thanking
6 her for her service, I think from the Governor,
7 on the refrigerator. It was not on the board.
8 But I remember there were a lot of -- there
9 were a lot of -- the State, apparently, and I
10 know the State has a seal. I'm not familiar
11 with what it actually is, but there were a lot
12 of things with the State seal that were like
13 official that she had received, you know,
14 because of her position or access.

15 Q. I'm going to ask you to look at some
16 photographs. If you look at the tab 2.

17 A. Okay.

18 Q. Is this a photograph that you've
19 seen before?

20 A. No.

21 Q. If you could look at tab 3. Is that
22 a photograph you've seen before?

23 A. No, that's not -- in fact when I
24 went through these this morning, I've never
25 seen that one.

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2 MS. CLARK: Please mark these as
3 exhibits.

4 (Whereupon Exhibits 3 and 4 were
5 marked for identification.)

6 Q. Tab 4, have you ever seen that
7 photograph before?

8 (Whereupon Exhibit 5 was marked for
9 identification.)

10 A. That's the one she had next to her
11 bed and was her cover photo on Facebook.

12 Q. Were there any other photographs of
13 her and the Governor on this pinboard?

14 A. No.

15 Q. And you saw this photo at tab 4,
16 which we'll mark as an exhibit, sometime
17 shortly after the 2019 holiday party?

18 A. Yes.

19 Q. What was your reaction when you saw
20 this photo?

21 A. I think I see a woman that's done
22 okay since her separation and seems pretty
23 proud of herself and happy with her current
24 working situation.

25 Q. Did Ms. McGrath say anything to you

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2 about this photograph?

3 A. No. No, she never said anything
4 about it to me.

5 Q. Did you ever ask her anything about
6 this photograph?

7 A. No.

8 Q. I'm sorry, I didn't hear the last
9 part.

10 A. No, I didn't ask her anything about
11 it. It was something that I just chose to
12 ignore.

13 Q. Do you recognize the other person in
14 the photograph?

15 A. Brittany Damino and Governor Andrew
16 Cuomo.

17 Q. Did Ms. McGrath ever tell you that
18 the Governor had taken a selfie with
19 Ms. Commisso?

20 A. No.

21 Q. Have you ever seen that photograph?

22 A. No, I haven't.

23 Q. So you made reference to sort of
24 reaching out. At some point did you contact
25 the Governor or his office about Alyssa

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2 McGrath?

3 A. I, in response, and it was a lapse
4 in judgment and it's what landed me here, but
5 if all I'm doing is telling the truth, I don't
6 mind. We're in a divorce. There have been a
7 lot of dirty tricks played by my ex, a lot of
8 character slander on my end, and long story
9 short, I'm dating a very nice girl, I've been
10 seeing a very nice girl. [REDACTED]
11 [REDACTED] and her [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]. And in response to that -- it was
16 very frustrating for me that Alyssa amped up
17 her negative treatment of me and our divorce
18 after she called me and asked me to have her
19 back on this, because I was left to assume,
20 when she asked me that, it was like, "Hey, I'm
21 gonna say some stuff, you might know it's BS,
22 but can you keep your mouth shut?" And it
23 wasn't in exact words, that was my
24 interpretation of it, knowing what I know. And
25 so in a lapse in judgment, but ultimately it is

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2 what it is, I e-mailed both the AG and I
3 e-mailed the tip line for the governor's
4 office. And I've spoken with his attorneys.
5 They reached out to me.

6 Q. We're going to go through each of
7 those in a second. When you talked about her
8 allegations being BS, is that because of what
9 you've already described in terms of how she
10 talked about working there or is it anything
11 else?

12 A. It falls directly in line with a
13 pattern of behavior that I've seen Alyssa
14 exhibit over a long period of time. You know,
15 what I didn't mention earlier, when I talk
16 about the [REDACTED], is I have plenty of
17 photographs. [REDACTED] in
18 our relationship and I have photographs to show
19 that. And so to know that and know that I have
20 the photographs of that, to still go to the
21 length of [REDACTED] kind of reminds
22 me of this, where it's like it was okay with me
23 right up until it's not, and now it's not, if
24 that makes any sense.

25 Q. Were there any other [REDACTED]

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[REDACTED]

Q. [REDACTED]

[REDACTED]

A. Correct, yeah. It was unfounded, obviously, but it was a dirty trick.

Q. Anything else that you makes you disbelieve the things that Ms. McGrath told to the New York Times?

A. Her family has an extremely litigious history. [REDACTED]

[REDACTED]

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2 [REDACTED]

3 [REDACTED] So as far
4 as I'm concerned, there's a little dishonesty
5 in the bunch.

6 Q. [REDACTED]
7 [REDACTED], were you guys married at the
8 time?

9 A. Yeah, we were married. [REDACTED]
10 [REDACTED]
11 [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED] [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 Q. [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 A. [REDACTED] [REDACTED]
25 not entirely, because I know we argued about

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2 it, because I said exactly what I just said to
3 you. Because, you know, since our separation
4 Alyssa has matured in ways of, you know, being
5 on time and stuff like that, or so I think.
6 Before that she was an extremely hard person to
7 motivate. She didn't work for much of the time
8 that we were together, which, you know, I have
9 a big finan -- which is why I always worked two
10 jobs, because I was essentially supporting us
11 and her. [REDACTED]

12 [REDACTED] [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED]
18 [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED]
20 [REDACTED]

21 Q. Now, you talked about reaching out
22 to various places. And one I think was the --
23 you texted the Executive Chamber of the
24 Governor's office?

25 A. No, there was a -- it was the tip

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2 line to the Governor's office, and there's like
3 a reference link or something, and I did it via
4 that.

5 Q. I'm going to ask you to look at tab
6 8.

7 A. Yes.

8 Q. It might not look as it looked when
9 you went to the site, but is this how you
10 contacted the State?

11 A. Yes.

12 (Whereupon Exhibit 6 was marked for
13 identification.)

14 Q. And that's your address and phone
15 number there, and e-mail address, towards the
16 bottom of the first side?

17 A. Yeah, yeah.

18 Q. And if you look at the end of the
19 second page, it says, "I have information
20 contradicting the allegations recently made by
21 one of the Governor's current aides." That's
22 something that you wrote?

23 A. Yes.

24 Q. Did you send in anything else in
25 about making reference to the Cuomo's Hoes

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2 group chat?

3 A. No. The first time I discussed that
4 is with you guys in this deposition.

5 Q. And at the time when you sent that
6 about the information, what information were
7 you intending to share with the Governor's
8 office at that time?

9 A. More or less that it's pretty --
10 it's contradictory that not only did she never
11 communicate to me what that she was
12 uncomfortable or being harassed, she
13 communicated both attraction and, you know,
14 complete loyalty to the Governor.

15 Q. And after you sent that in, did
16 anyone get in touch with you?

17 A. Jennifer Parks, and then I don't
18 know what -- she said it when we spoke, but I
19 just didn't remember her name, Andrew Cuomo's
20 attorney.

21 Q. Was that Mitra Hormozi?

22 A. No. There was maybe another one.

23 Q. Beth Garvey?

24 A. Possibly.

25 Q. When did the person whose name you

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2 don't remember reach out to you?

3 A. Can I look at my phone?

4 Q. Sure.

5 A. Mid-June. It's not showing up on my
6 contact, but mid-June.

7 Q. And did you speak to the Governor's
8 attorney?

9 A. For 24 minutes. And I told them, at
10 the beginning of the conversation, that I was
11 still choosing to kind of not want to get
12 involved. They asked me some questions just
13 more or less could I confirm -- they asked me
14 some questions about Brittany Damino and, you
15 know, I'm not answering those; you know what I
16 mean? So it was a pretty brief conversation
17 but, yeah, I spoke to them for a short period
18 of time.

19 Q. What questions did they ask you
20 about Brittany?

21 A. They asked me if -- basically if she
22 had, for lack of -- I don't remember how it was
23 phrased, but it was like did she have any
24 issues, and, you know, I think everybody has
25 issues and it's unfair for me to talk about

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2 somebody else's.

3 Q. Did they ask you questions about
4 Alyssa?

5 A. They did, yeah, and -- I basically
6 communicated that to them that although I
7 wanted to remain uninvolved, this was
8 concerning to me because I found -- I found
9 many portions of the article to be peculiar to
10 me.

11 Q. And what information -- did you
12 share with them any of the information you've
13 shared with us today?

14 A. Maybe that her -- on her
15 relationship with the Governor, that her
16 relationship with the governor was positive at
17 all times, yeah. They asked me a lot of same
18 stuff as here: Did she ever communicate being
19 uncomfortable; did she ever communicate this;
20 and it was more yes/no answers on that. And I
21 told them that was as far as I go.

22 Q. And you checked your phone. What
23 was the area code of the phone number?

24 A. ██████████

25 Q. So anything that you told them that

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2 you haven't talked to us about yet?

3 A. No, no. This is the most I've
4 talked about it. I've tried to be as tight-
5 lipped as I possibly could for as long as I
6 could.

7 Q. And you also, I think -- did you
8 reach out to the sort of tip line for this
9 investigation?

10 A. The AG's office, yes.

11 Q. And is that when Jennifer Kennedy
12 Park called you?

13 A. (Unintelligible).

14 THE COURT REPORTER: We lost you for
15 a second, Mr. McGrath.

16 THE WITNESS: Sorry.

17 Q. Mr. McGrath, we just had a technical
18 glitch and you froze, so we didn't hear any of
19 that answer.

20 A. Can you hear me now?

21 Q. Yes, now I can hear you. Was that
22 when Ms. Kennedy Park reached out to you?

23 A. She did. She called me the
24 following morning, like 10 o'clock in the
25 morning. [REDACTED]

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2 ██████████, so it wasn't convenient because I
3 had that coming up at like 10:30. So we set a
4 time later in the day for 3:30 to talk and I
5 just ignored the call.

6 Q. And after reaching out to provide
7 information, why did you decide not to speak to
8 her at that point?

9 A. Because we have ██████████, and I think
10 that if -- if she -- if her honesty in this is
11 the slightest amount called into question
12 because of the -- I was really shocked that she
13 was the person that chose to put her name and
14 face in the paper and talk about the fact she
15 was divorced, referenced the fact she had a
16 ██████████, and then supplied the allegations
17 that she supplied. I did not think that what
18 she said rose to the level of needing to get
19 your face and name and personal life into the
20 paper. And, you know, that's the concerning
21 part to me.

22 Q. And since this has come out in the
23 press, have you spoken to Alyssa at all about
24 her going public with this?

25 A. No. I've sent some text messages,

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2 but, you know, if they're ever referenced, you
3 have to understand, we're in the middle of
4 divorce proceedings. I need to say the right
5 thing at all times. I can't go low, I can't
6 say you're full of crap or anything like that.
7 It was my text messages to her were nobody
8 should have to deal with anything like that in
9 the workplace, you know. I'm sure you're going
10 through a rough time let me know what I could
11 do. Let me know if you need groceries type of
12 thing. If there's press on the lawn and you
13 need me to take [REDACTED], I'm more than happy to
14 take [REDACTED], even if it's not one of my days.
15 Just attempt, you know. Alyssa's recorded me
16 often, often. In the lowest moment of my life
17 she recorded me and I didn't know it until it
18 was further used against me later on, so. I
19 have to be very careful what I say to her.

20 Q. And these are recordings that have
21 come up in the context of your divorce
22 proceedings?

23 A. Yeah. I -- last -- late February,
24 last March, I -- you know, divorce is tough and
25 [REDACTED] know a lot, is tough,

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2 and [REDACTED], and I was
3 doing -- I got a little bit low and I was
4 hanging around with some people I probably
5 shouldn't have been hanging out with. Some bad
6 things happened. I called [REDACTED] mother, who
7 I thought would be the one person I could talk
8 to about the things, and when that
9 [REDACTED] didn't work out she sent
10 me the recording to prove that she had it.
11 She's done that often.

12 Q. And any of the recordings where
13 she's talking about the Governor at all?

14 A. No, no. No, she would never record
15 herself. She'd only record you.

16 Q. You described reaching out to the
17 Governor's office through this tip line and to
18 our investigation. Have you reached out to
19 anyone else about Alyssa's allegations?

20 A. No. People have reached out to me.
21 People have reached out to me. I don't know --
22 there's a girl, I think her name is [REDACTED] that
23 these girls grew up with, and my understand --
24 and this is just my understanding; I've never
25 seen it, I can't confirm it. My understanding

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2 is that Brittany Damino apparently had a closer
3 relationship with the Governor, and
4 apparently - and this is like, again, this is
5 told to me - there's a text message out there
6 where he says, "He only flirts with Alyssa to
7 get me mad."

8 Q. And this was told to you by someone
9 named ██████████

10 A. It was actually -- so it was told to
11 me -- my girlfriend -- like I said, my
12 girlfriend ran in similar circles back then, so
13 they, you know, six degrees of separation. My
14 girlfriend told me that somebody she knows said
15 that, and that was the first she heard about
16 the Cuomo's Hoes group chat as well, like
17 that's not -- I don't believe I'm the only
18 person that knows about that. And I can tell
19 you that, locally, I've had people come to me
20 that said they have heard about this being
21 talked about in hair salons, and people -- you
22 know, locally, it's tough when you're in New
23 York City and, you know, I live here and a lot
24 of people here know her, and it was not
25 received that well. At one point during that

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2 e-mail I was -- [REDACTED]
3 [REDACTED]
4 [REDACTED]. Now -- so which immediately prompted me
5 to text my bosses at the gym and say I need it
6 confirmed that [REDACTED], and they -- so
7 when I said that, my boss, [REDACTED], was
8 like, "Well, she's having quite an accusatory
9 year." And that's how it's been received
10 locally is like.

11 Q. And you said your girlfriend ran in
12 similar circles. Did she work at the Executive
13 Chamber at any point?

14 A. No, no, no. My girlfriend's family
15 owns [REDACTED]. She's never worked
16 in government.

17 Q. When you said similar circle, what
18 circle did she run in with [unintelligible] --

19 A. Holy Names Girls, Albany. Alyssa
20 went to Holy Names. And Albany, CVA, LaSalle,
21 that's kind of a -- the private schools all
22 gotta do the dances together and stuff like
23 that, so they all kind of run together.

24 Q. And you said people have been
25 reaching out to you. What other people have

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2 been reaching out to you other than --

3 A. Just close friends. Close friends
4 of kind of -- and I'm not going to throw
5 anybody's names in there. But I've had close
6 friends reach out to me who have just -- I've
7 had close friends reach out to me and say they
8 feel bad for me because she referenced -- they
9 thought it was inappropriate that she
10 referenced the divorce and having [REDACTED],
11 like to bring those parts up, I've had people
12 reach out, like "What is she doing?" So.

13 Q. Has anyone reached out to you who
14 works in the Chamber, even like in a lower
15 level job, just to share information or ask you
16 questions?

17 A. No, no, no, I don't -- I doubt
18 anybody there would reach out to me.

19 Q. And you talked about having read the
20 article about the Governor groping someone. Do
21 you understand who is alleging that the
22 Governor groped them?

23 A. Brittany.

24 Q. And did anyone tell you it was
25 Brittany or did you just figure it out?

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2 A. No, but what I know of Brittany is
3 that [REDACTED]
4 [REDACTED]
5 [REDACTED]. So she's not always been
6 [REDACTED] or anybody who's
7 going to get her where she's gotta go, 'cause
8 [REDACTED] while he
9 was running for mayor.

10 Q. Did you ever hear Brittany talking
11 about working in the Chamber?

12 A. Not much, not much. You know,
13 not -- we didn't spend a lot of time together.
14 You got to remember, Alyssa only started
15 working there and then we got separated how
16 many months later. It's not like we were
17 double dating. I don't think she was very
18 proud that she was seeing me again during those
19 [REDACTED], because [REDACTED]
20 [REDACTED]
21 [REDACTED],
22 [REDACTED] and then we spent
23 much of the next two years trying to get back
24 together. So it was always something she
25 really wasn't talking about.

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2 Q. Before Alyssa joined the Chamber,
3 Brittany was there for a while, right?

4 A. A period is my understanding, yeah.

5 Q. Did she ever talk about her time in
6 Chamber during that time period?

7 A. No, no, you know -- the most I heard
8 about that place was from Alyssa, you know,
9 Alyssa, 'cause that was the person I spent time
10 with and we would talk about our jobs.

11 Q. Did you ever hear Brittany talk
12 about working with the Governor, anything with
13 the Governor?

14 A. No.

15 Q. And you said that someone talked to
16 you about a text message that supposedly is out
17 there about Brittany. Has anyone told you
18 anything else about information about regarding
19 Brittany and the Governor?

20 A. No, no -- I mean -- no, it's more so
21 been, you know, [REDACTED]

22 [REDACTED] so I think a
23 lot of people read the article and kind of sent
24 it to me, like "What do you think about this?"

25 You know what I mean? I think people were just

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2 reaching out to me, like you know the person,
3 how do you feel about this, something.

4 Q. And you said someone sent you the
5 article and you said [REDACTED]
6 [REDACTED]. Did you mean Alyssa or
7 Brittany or...?

8 A. I mean -- yeah, yeah, yeah. I mean,
9 they're flirty girls. They're flirty girls. I
10 mean, [REDACTED]

11 [REDACTED]. [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 Q. Have you ever met the Governor?

24 A. No.

25 Q. Did you ever attend any events that

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2 the Governor was at?

3 A. Never once.

4 Q. Have you ever talked to anyone else
5 about how the Governor interacted with any
6 other women?

7 A. No. I mean, I -- I'll say I
8 thought the -- I thought the pictures -- the
9 pictures I've seen are inappropriate, though.
10 That's inappropriate. This is the Governor of
11 New York State. He shouldn't be putting his
12 hands on women like that in front of any
13 camera. That being said, the two girls who are
14 smiling ear to ear in the picture who, you
15 know, some months later are saying I'm mad that
16 he leered at my boobs, I don't get that.

17 Q. Did you ever talk to anyone or have
18 any interactions with Charlotte Bennett?

19 A. No. I don't even know who that is.

20 Q. Do you know Lindsey Boylan at all?

21 A. No.

22 Q. After stuff came out about Alyssa or
23 any of these other stories, did anyone tell you
24 about knowing about the Governor engaging in
25 any inappropriate conduct with anyone else?

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2 A. No, no.

3 Q. I think you said that Alyssa said
4 that Melissa DeRosa could be a little rude.
5 Did she tell you anything else about how
6 Melissa DeRosa treated people in Chambers?

7 A. She was a mean boss, that's my
8 understanding. She was a boss that would like
9 raise her voice at people, which there are
10 some. I mean, put it -- everything Alyssa told
11 me about Melissa DeRosa I could deduce from
12 watching her on TV for five minutes.

13 Q. When you say watching her on TV for
14 five minutes, what things have you watched her
15 on TV for?

16 A. Sitting first chair to the Governor,
17 her responses to questions. When I watch the
18 press conferences and she responds, she often
19 responds in a condescending way. And so if she
20 talks to the press that way, I can only imagine
21 how she talks to the people that work under
22 her.

23 Q. And you said for a period of time
24 Alyssa worked for someone named Kelly. Was
25 that Kelly Cummings?

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2 A. If she was -- is she a director of
3 operations?

4 Q. Yes.

5 A. Yeah, that was Kelly, yeah.

6 Q. And did Alyssa tell you anything
7 about what kind of boss Ms. Cummings was?

8 A. Yeah. She said she cursed like a
9 sailor and screamed all the time. But it was
10 never at Alyssa, but she was -- my
11 understanding of the entire environment there
12 is that everybody that was a department head
13 was under great stress to have to, you know,
14 produce and deadlines and just kind of trickled
15 down to the people that were in charge of doing
16 the documents and stuff like that. I think
17 it's normal.

18 Q. Did Alyssa tell you anyone ever
19 yelled at her?

20 A. No, no. I think one time she told
21 me she had a mess up at work, but I don't even
22 remember what it was about. But I remember at
23 one point her saying I did something wrong
24 today accidentally. Like it was a glitch on a
25 spreadsheet or something like that, I think.

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2 Q. Have you talked to anyone about
3 having reached out to us or the Governor's
4 office?

5 A. My mom and dad, my brother, sister,
6 girlfriend, grandmother and my divorce
7 attorney. People at work know a little bit
8 what's going on, but that was my entire purpose
9 for getting annoyed about the personal service
10 was that everybody here already kind of knows
11 what's going on and I would have really liked
12 to avoid somebody coming into my office and
13 personally serving me a subpoena.

14 Q. Have you ever spoken to any
15 reporters?

16 A. No, no, not at all.

17 MS. CLARK: Andrew, is there any
18 questions that you have?

19 MR. WEAVER: No, Anne. Nothing
20 further, thanks.

21 Q. We're about to wrap up. Is there
22 anything you want to clarify or add?

23 A. No, I -- the only thing -- the only
24 thing that I want to clarify is that if I
25 had -- when I read the article and saw the

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2 extent, with the photograph in the paper, and
3 after the pho -- you know, the photographs and
4 the paper, and the lack of the wedding ring
5 talk and have [REDACTED] talk, I thought that
6 the article was more of like an autobiography
7 on her than it was about the allegations of
8 sexual harassment. And that's what my -- you
9 know -- and then after having known that she
10 was kind of purposely trying to play this up in
11 a way to get a rise out of me as like we're
12 separated, look how good I'm doing, all these
13 powerful men want me in their office, da, da,
14 da, da; so then to see her do that, and then
15 that phone call where she asked me to have her
16 back and kind of had to do this for my job, I
17 -- I was just a little -- if you had to do it
18 for your job is one thing; going into the paper
19 and having your face in the paper and talking
20 about your marital status and talking about
21 [REDACTED] as far as I was concerned, that
22 is -- that's so many blocks away from
23 allegations of sexual harassment, I don't know
24 how that makes it in there.

25 Q. Any other sort of statement you want

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2 to make on the record before we wrap up?

3 A. No. I have zero photographs of any
4 text conversations that I spoke about here, so
5 I would not be prepared to swear that they
6 exist. I remember them, but I don't -- you
7 know what I mean? So I don't want to throw
8 something out there that then I'm asked to
9 supply proof on. I don't have it. I can tell
10 you that I have a very good memory. I hope you
11 can see that. I remember a lot of dates, times
12 and I'm not making up a lot of what I heard
13 during this time, which was why I felt this to
14 be -- which is why I said I have contradictory
15 information.

16 Q. Well, I want to thank you for taking
17 the time. I know you didn't want to do this.

18 A. No, it's fine. I spoke with my --
19 my biggest -- my reasoning for not wanting to
20 do this is I did not want to appear vindictive
21 or petty in my own divorce proceedings and do
22 anything that would reflect poorly on me in a
23 ██████████. After speaking with my divorce
24 attorney, there's no down side to telling the
25 truth and that's been echoed from pretty much

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2 everybody who I've talked to recently.

3 Q. Well, again I want to thank you.

4 We're done now. There might be something that

5 comes up later where we have a question for

6 you. We might reach out to you just for

7 something along those lines. If you learn of

8 anything that you think we should know about,

9 you should feel free to get back in touch with

10 us, but otherwise I think we are finished.

11 A. Okay. Thank you.

12 THE VIDEOGRAPHER: We are off the

13 record at 12:24 p.m. and this concludes

14 today's testimony given by Matthew

15 McGrath. The total number of media units

16 was one and will be retained by Veritext

17 New York.

18 (Time noted: 12:24 p.m.)

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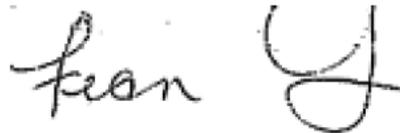
C E R T I F I C A T E

I, FRAN INSLEY, hereby certify that the Deposition of MATTHEW MCGRATH was held before me on the 7th day of July, 2021; that said witness was duly sworn before the commencement of testimony; that the testimony was taken stenographically by myself and then transcribed by myself; that the party was represented by counsel as appears herein;

That the within transcript is a true record of the Deposition of said witness;

That I am not connected by blood or marriage with any of the parties; that I am not interested directly or indirectly in the outcome of this matter; that I am not in the employ of any of the counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of July, 2021.



FRAN INSLEY