



11:38 AM



Mark.2

Mar 6, 2021 12:13:16 PM



No. [Redacted] Redacted in original production [Redacted]
[Redacted] Redacted in original production [Redacted]

Original Message

From: Stephanie Benton

Sent: Saturday, March 6, 2021 9:19 AM

To: Mark.2

Subject:

Is [Redacted] staying? I'm trying to find a nurse.



Reply

Reply All

Forward



Exhibit

27

P.B. 07.17.21

exhibitsticker.com



Mark.2

Mar 6, 2021 12:13:16 PM



To: Mark.2

Subject: Re:

I will come.

Original Message

From: Mark.2

Sent: Saturday, March 6, 2021 9:31 AM

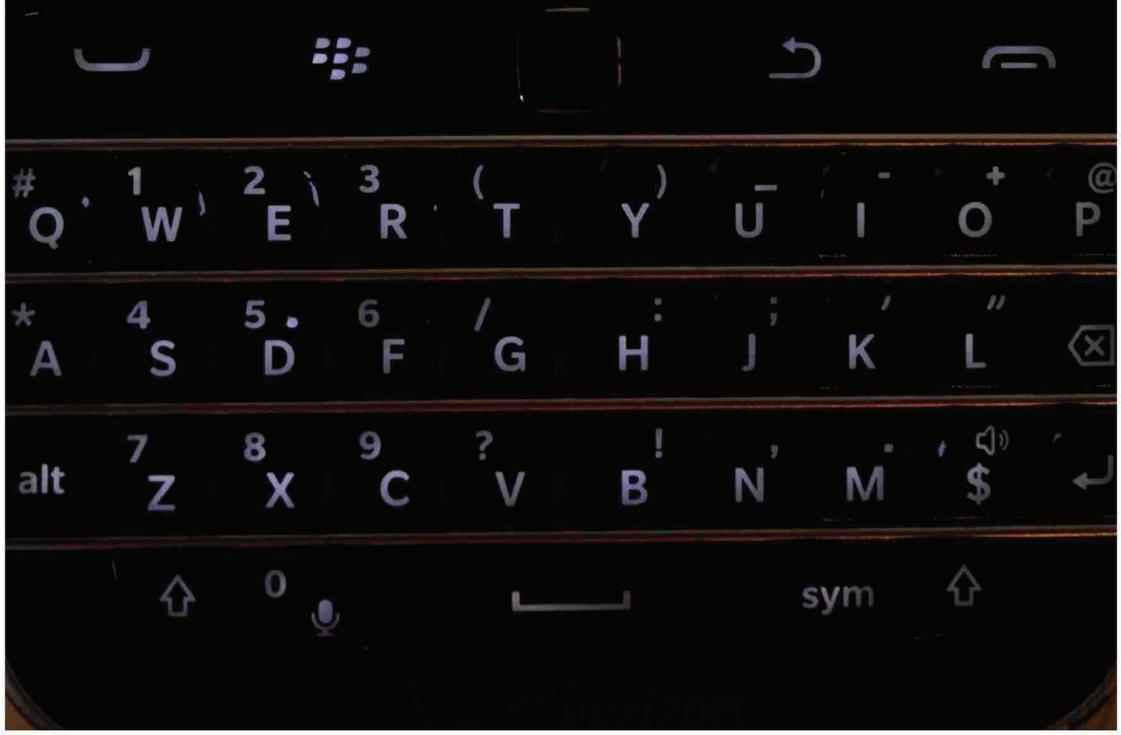
To: Stephanie Benton

Subject: Re:

No. [Redacted in original production]

Navigation bar with icons for Reply, Reply All, Forward, and a menu icon.

Reply Reply All Forward





Mark.2

Mar 6, 2021 12:13:16 PM



Original Message

From: Mark.2

Sent: Saturday, March 6, 2021 9:36 AM

To: Stephanie Benton

Subject: Re:

No not u.

Redacted in original production

Original Message

From: Stephanie Benton

Sent: Saturday, March 6, 2021 9:35 AM

To: Mark.2

Subject: Re:



Reply

Reply All

Forward





Mark.2

Mar 6, 2021 12:13:16 PM



EA #3 better?

Original Message

From: Stephanie Benton

Sent: Saturday, March 6, 2021 9:39 AM

To: Mark.2

Subject: Re:

Redacted in original production

Brittany is on call today. Want her now?

Original Message



Reply

Reply All

Forward





Mark.2

Mar 6, 2021 12:13:16 PM



Sent Saturday, March 6, 2021 9:12 AM

To: Mark.2

Subject: Re:

I called EA #3. She can do. I'm telling her to head there now.

Original Message

From: Mark.2

Sent: Saturday, March 6, 2021 9:40 AM

To: Stephanie Benton

Subject: Re:

EA #3 better?



Reply

Reply All

Forward





11:38 AM



Mark.2

Mar 6, 2021 12:13:16 PM



Original Message

From: [REDACTED]

Sent: Saturday, March 6, 2021 9:42 AM

To: Stephanie Benton

Subject: Re:

K

Original Message

From: Stephanie Benton

Sent: Saturday, March 6, 2021 9:42 AM

To: Mark.2



Reply

Reply All

Forward





Mark.2

Mar 6, 2021 12:13:16 PM



Plz see if u can get [redacted] and [redacted] on the phone with me together this morning.

Original Message

From: [redacted]

Sent: Saturday, March 6, 2021 9:43 AM

To: Stephanie Benton

Subject: Re:

[redacted] Redacted in original production [redacted]

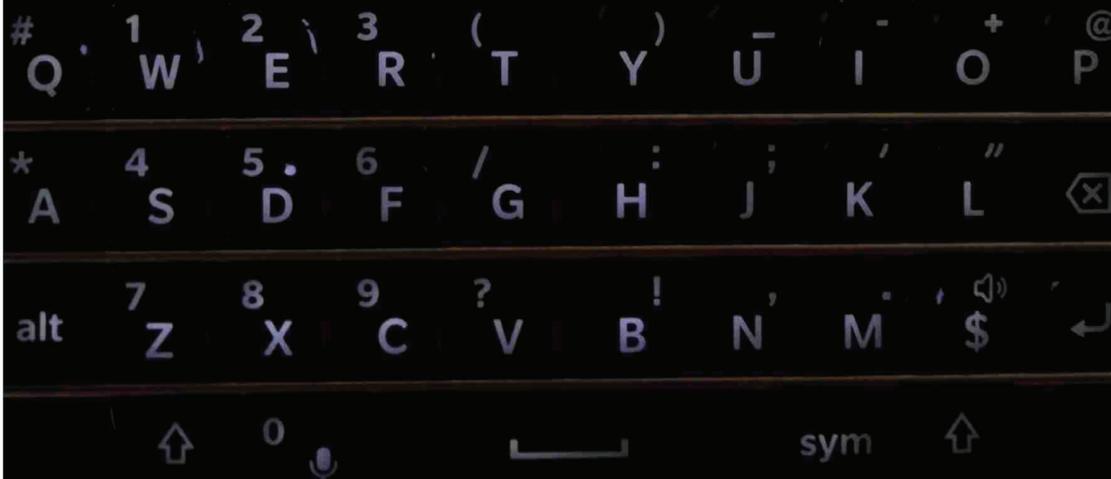
Original Message



Reply

Reply All

Forward





Mark.2

Mar 6, 2021 12:13:16 PM



To: Mark.2

Subject: Re:

I've called both and texted. Let u know.

Original Message

From: Mark.2

Sent: Saturday, March 6, 2021 10:04 AM

To: Stephanie Benton

Subject: Re:

Plz see if u can get [REDACTED] and [REDACTED] on the phone with me together this morning.



Reply

Reply All

Forward





11:39 AM



Mark.2

Mar 6, 2021 12:13:16 PM



Original Message

From: Mark.2

Sent: Saturday, March 6, 2021 10:47 AM

To: Stephanie Benton

Subject: Re:

Try them again

Original Message

From: Stephanie Benton

Sent: Saturday, March 6, 2021 10:14 AM

To: Mark.2



Reply

Reply All

Forward





Mark.2

Mar 6, 2021 12:13:16 PM



How about [REDACTED]

Original Message

From: Stephanie Benton

Sent: Saturday, March 6, 2021 10:49 AM

To: Mark.2

Subject: Re:

[REDACTED] said he's tied up with family stuff this am. They're coming back to me on a time that works.

Original Message



Reply

Reply All

Forward





Mark.2

Mar 6, 2021 12:13:16 PM



Sent: Saturday, March 6, 2021 11:04 AM

To: Mark.2

Subject: Re:

Tried her again. No answer.

Original Message

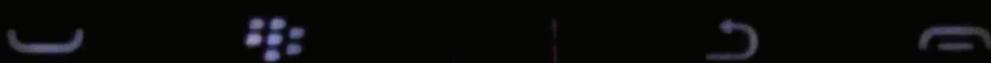
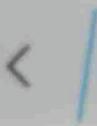
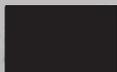
From: Mark.2

Sent: Saturday, March 6, 2021 10:51 AM

To: Stephanie Benton

Subject: Re:

How about





11:39 AM



Mark.2

Mar 6, 2021 12:13:16 PM



Original Message

From: Stephanie Benton

Sent: Saturday, March 6, 2021 11:57 AM

To: Mark.2

Subject: Re:

[Redacted] is skiing w family. Not avail until tonight.

Original Message

From: [Redacted]

Sent: Saturday, March 6, 2021 11:04 AM

To: Mark.2

Subject: Re:



Reply



Reply All



Forward





Mark.2

Mar 6, 2021 12:13:16 PM



Re:

Tell her reporter is writing now if she can any way call her during lunch [REDACTED] Amy Britain.....that it's inconceivable I forcibly hugged her 20 years ago and she never said anything to anyone and we're friends and then enemies and this never came up. Karen publically said Clinton solicited her why didn't she say me? the book is the only answer.

Original Message

From: Stephanie Benton



Reply

Reply All

Forward





Mark.2



Account: PIN Peer-to-Peer

Folder: Inbox

To

Stephanie Benton

Re:

Tell her reporter is writing now if she can any way call her during lunch [redacted] Amy Britain.....that it's inconceivable I forcibly hugged her 20 years ago and she never said anything to any [redacted] and we're friends and then



Reply



Reply All



Forward



11:36 PM

To: Stephanie Bento

Mar 6, 2021 12:13:05 PM

From: Mark.2

Sent: Saturday, March 6, 2021

9:31 AM

To: Stephanie Benton

Subject: Re:

Redacted in original production

Edit

Reply All

Forward

Exhibit

28

P.B. 07.17.21

exhibitster.com

11:36 PM

To: **Stephanie Bento**

Mar 6, 2021 12:13:05 PM

9:35 AM

To: Mark.2

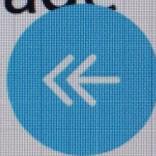
Subject: Re:

Redacted in original production

Original Message



Edit



Reply All



Forward



11:36 PM

To: **Stephanie Bento**

Mar 6, 2021 12:13:05 PM

Redacted in original production

Original Message

From: Stephanie Benton

Sent: Saturday, March 6, 2021



Edit

Reply All

Forward



11:37 PM

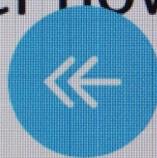
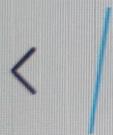
To: **Stephanie Bento**

Mar 6, 2021 12:13:05 PM

Subject: Re:

Redacted in original production

Brittany is on call today. Want her now?



11:37 PM

To: **Stephanie Bento**

Mar 6, 2021 12:13:05 PM

EA #3 better?

Original Message

From: Stephanie Benton

Sent: Saturday, March 6, 2021

9:39 AM

To: Mark.2



Edit



Reply All



Forward



11:37 PM

To: **Stephanie Bento**

Mar 6, 2021 12:13:05 PM

9:42 AM

To: Mark.2

Subject: Re:

I called **EA#3**. She can do. I'm telling her to head there now.



Edit



Reply All



Forward



11:37 PM

To: Stephanie Bento

Mar 6, 2021 12:13:05 PM

Subject: Re:

K

Original Message

From: Stephanie Benton

Sent: Saturday, March 6, 2021

9:40 AM



Edit



Reply All



Forward



11:37 PM

To: Stephanie Bento

Mar 6, 2021 12:13:05 PM

9:43 AM

To: Stephanie Benton

Subject: Re:

Redacted in original production



Edit



Reply All



Forward





← 161212 CUOMO [REDACTED]

CLIENT AREA LIGHTBOX CART

← 182 of 193 →

⊕ MORE INFO



Exhibit
29
8.07.12.01

← 161212 CUOMO [REDACTED]

CLIENT AREA LIGHTBOX CART

← 183 of 193 →

+ MORE INFO



← 161212 CUOMO [REDACTED]

CLIENT AREA LIGHTBOX CART

← 184 of 193 →

➕ MORE INFO



← 161212 CUOMO [REDACTED]

CLIENT AREA LIGHTBOX CART

← 185 of 193 →

+ MORE INFO





Exhibit

30

P.B. 07.17.21

exhibitsticker.com



Cuomo Accused of Unwanted Advance at a Wedding: 'Can I Kiss You?'

The young woman's account follows two separate accusations that Gov. Andrew Cuomo sexually harassed two female state employees.



By Matt Flegenheimer and Jesse McKinley

Published March 1, 2021 Updated March 16, 2021

Anna Ruch had never met Gov. Andrew M. Cuomo before encountering him at a crowded New York City wedding reception in September 2019. Her first impression was positive enough.

The governor was working the room after toasting the newlyweds, and when he came upon Ms. Ruch, now 33, she thanked him for his kind words about her friends. But what happened next instantly unsettled her: Mr. Cuomo put his hand on Ms. Ruch's bare lower back, she said in an interview on Monday.

When she removed his hand with her own, Ms. Ruch recalled, the governor remarked that she seemed "aggressive" and placed his hands on her cheeks. He asked if he could kiss her, loudly enough for a friend standing nearby to hear. Ms. Ruch was bewildered by the entreaty, she said, and pulled away as the governor drew closer.

"I was so confused and shocked and embarrassed," said Ms. Ruch, whose recollection was corroborated by the friend, contemporaneous text messages and photographs from the event. "I turned my head away and didn't have words in that moment."



Anna Ruch said she felt "uncomfortable and embarrassed" when Mr. Cuomo placed his hands on her face and asked to kiss her.

Exhibit

31

P.B. 07.17.21

exhibitsticker.com

Ms. Ruch's account comes after two former aides accused Mr. Cuomo of sexual harassment in the workplace, plunging his third term into turmoil as the governor's defenders and Mr. Cuomo himself strain to explain his behavior.

A spokesman for the governor did not directly address Ms. Ruch's account, referring to a general statement that Mr. Cuomo released on Sunday night in which he acknowledged that some things he had said "have been misinterpreted as an unwanted flirtation."

"To the extent anyone felt that way, I am truly sorry about that," the statement said.

Ms. Ruch's example is distinct from those of the former aides: A former member of the Obama administration and the 2020 Biden campaign, Ms. Ruch has never been employed by the governor or the state. But her experience reinforces the escalating concerns and accusations about Mr. Cuomo's personal conduct — a pattern of words and actions that have, at minimum, made three women who are decades his junior feel deeply uncomfortable, in their collective telling.

Exactly a year after the state's first confirmed coronavirus case — the dawn of a crisis that eventually propelled Mr. Cuomo to national Democratic stardom — the governor was silent on Monday, even as the fallout continued to shadow his beleaguered administration.

His accusers were not quiet, however: Charlotte Bennett, a former aide who accused Mr. Cuomo of sexual harassment, issued her first public statement since outlining her claims in a New York Times article, saying that the apology and attempted explanation issued by the governor on Sunday night was woefully inadequate.

"These are not the actions of someone who simply feels misunderstood," Ms. Bennett wrote. "They are the actions of an individual who wields his power to avoid justice."

Ms. Bennett also called on other women, if they had similar stories about Mr. Cuomo, to come forward. "If you choose to speak your truth, we will be standing with you," she said. "I promise."

At the same time, the initial stages of a pending investigation into Mr. Cuomo's actions were underway inside the offices of the state attorney general, Letitia James, who was evaluating options for an outside investigator.

In the statement released on Sunday evening, Mr. Cuomo addressed his behavior, including "some of my past interactions with people in the office," saying that he had often teased and bantered with his underlings, "being playful" in what he called "a very serious business."

That, he suggested, had been misconstrued.

"I now understand that my interactions may have been insensitive or too personal and that some of my comments, given my position, made others feel in ways I never intended," he said.

A lawyer for Ms. Bennett, Debra S. Katz, cast doubt on the governor's initial suggestion, released in a statement on Saturday night, that his relationship to Ms. Bennett was of a mentor to his employee, nearly four decades his junior.

"He was not acting as a mentor, and his remarks were not misunderstood by Ms. Bennett," said Ms. Katz, who specializes in harassment and employment discrimination and represented Christine Blasey Ford in the Supreme Court confirmation hearings of Brett M. Kavanaugh.

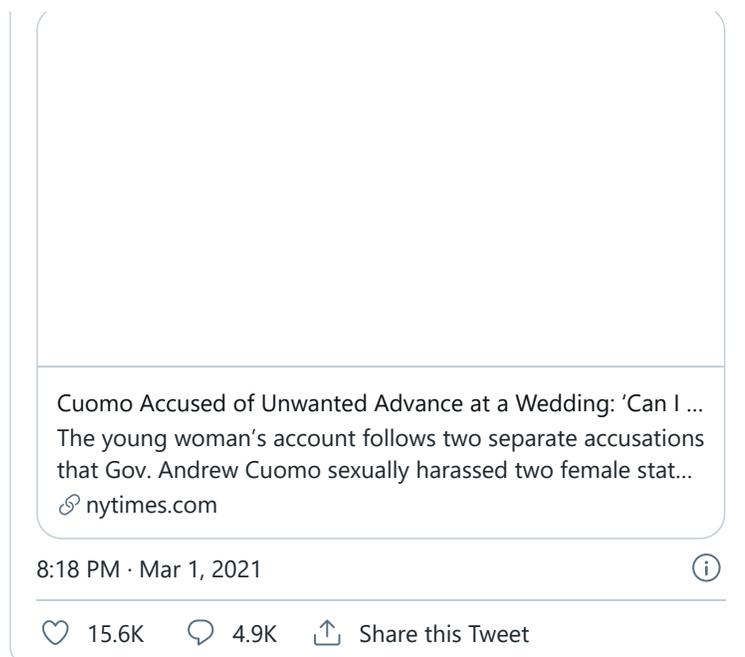
"He was abusing his power over her for sex," Ms. Katz said. "This is textbook sexual harassment."

Indeed, on Monday, Mr. Cuomo's contrition — a rarity in his decade-long tenure — was rejected by some other New York Democrats, including Mayor Bill de Blasio of New York, who said that the governor's statement was "not an apology."

"He seemed to be saying, 'Aw, I was just kidding around,'" Mr. de Blasio said. "Sexual harassment isn't funny. It's serious and it has to be taken seriously."

On Monday night, Representative Kathleen Rice, a former Nassau County district attorney, became the first Democrat in New York's congressional delegation to call for Mr. Cuomo to resign.





The political woes of Mr. Cuomo — already under fire for his handling of nursing homes in the pandemic and his abrasive approach to governance — deepened last week when Lindsey Boylan, a former top economic development official, posted a lengthy essay outlining a workplace environment where “sexual harassment and bullying is so pervasive that it is not only condoned but expected.”

She described a series of uncomfortable interactions with Mr. Cuomo, including an unsolicited kiss in 2018, which the governor has strenuously denied.

Then, on Saturday, Ms. Bennett recalled her own encounters with Mr. Cuomo in the spring, when she said the governor asked her personal questions, including whether she had slept with older men, whether she was monogamous, and whether she thought age mattered in relationships. Ms. Bennett is 25; the governor is 63.

The interactions, which Ms. Bennett described in a series of interviews with The Times, left her certain that the governor was suggesting a sexual relationship.

“I understood that the governor wanted to sleep with me,” Ms. Bennett told The Times, saying she felt scared and upset. “And was wondering how I was going to get out of it.”

For Ms. Ruch, the circumstances were different, her exchange with the governor taking place at a well-attended celebration far from any official setting. In fact, the episode’s highly visible nature made it all the more jarring, she suggested. She recalled Mr. Cuomo moving his hand to the small of her back — exposed in an open-back dress — within moments of their being introduced and shaking hands at the reception.

Ms. Ruch said that touch, on her bare skin, discomfited her. “I promptly removed his hand with my hand, which I would have thought was a clear enough indicator that I was not wanting him to touch me,” she said.

Instead, Ms. Ruch said, Mr. Cuomo called her “aggressive” and placed his hands on her cheeks.

“He said, ‘Can I kiss you?’” Ms. Ruch said. “I felt so uncomfortable and embarrassed when really he is the one who should have been embarrassed.” (A friend captured the exchange in a series of photographs taken on Ms. Ruch’s cellphone.)

Shaken, Ms. Ruch said, she later had to ask a friend if Mr. Cuomo's lips had made contact with her face as she pulled away. The governor had kissed her cheek, she was told.

"It's the act of impunity that strikes me," Ms. Ruch said. "I didn't have a choice in that matter. I didn't have a choice in his physical dominance over me at that moment. And that's what infuriates me. And even with what I could do, removing his hand from my lower back, even doing that was not clear enough."

Unnerved and baffled, Ms. Ruch said, she posed for a photograph with Mr. Cuomo afterward. Once the governor walked away, Ms. Ruch's friend approached her with a look of alarm.

"It was when my friend looked at me and said 'Are you OK?' with such genuine concern in her face that I realized how obviously inappropriate it was," Ms. Ruch said, "not only to me but to those around me as well."

In a text message a day or so later to the friend, Ms. Ruch wrote "I'm so pissed," referring to the governor as "this guy," with an epithet in that description.

After collecting herself later that night, Ms. Ruch said, she had hoped to speak with the governor before he left the reception and confront him about his behavior.

But by then, she said, she could not find him.

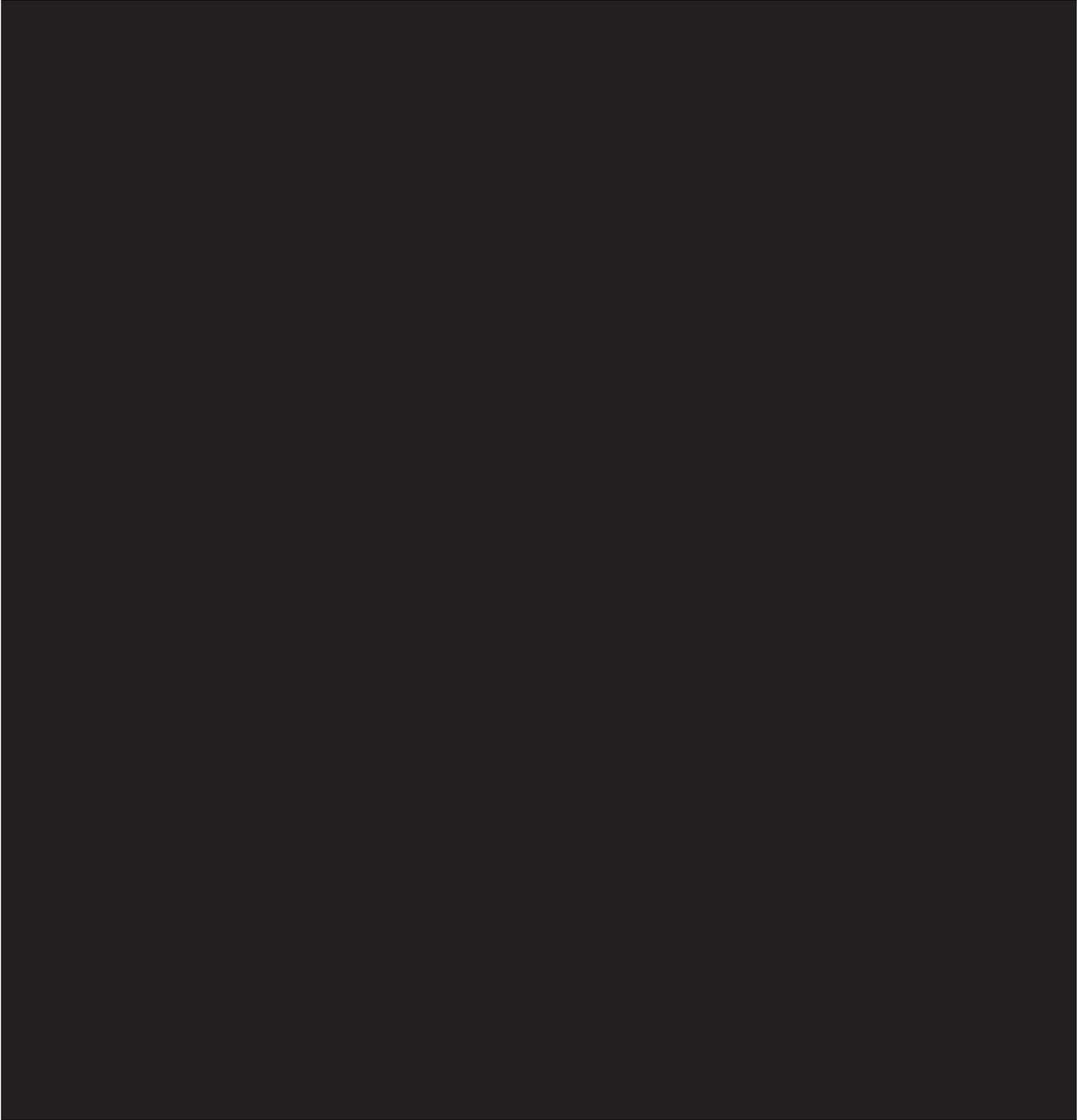
"I would have rather just said it that night," she said. "I wanted to say, 'That wasn't OK.'"

Matt Flegenheimer is a reporter covering national politics. He started at The Times in 2011 on the Metro desk covering transit, City Hall and campaigns. @mattfleg

Jesse McKinley is the Albany bureau chief. He was previously the San Francisco bureau chief, and a theater columnist and Broadway reporter for the Culture desk. @jessemckinley

A version of this article appears in print on , Section A, Page 1 of the New York edition with the headline: Wedding Guest Asserts Cuomo Unsettled Her

Governor Andrew M. Cuomo
[REDACTED] **September** [REDACTED] **2019**



Governor Andrew M. Cuomo
Wednesday, May 24, 2017

7:10 AM Interview with Fox 5's Rosanna Scotto and Greg Kelly

7:20 AM Interview with MSNBC's Joe Scarborough and Mika Brzezinski

7:35 AM Interview with CNBC's Becky Quick, Joe Kernan and Melissa Lee

7:50 AM Interview with ABC's Tim Fleisher

8:00 AM Interview with NBC's Michael Gargiulo and Darlene Rodriguez

8:15 AM Wheels up Westchester County Airport en route Buffalo Niagara International Airport

Aircraft: NYSP King Air
Passengers: Governor Andrew M. Cuomo
Dani Lever, Press Secretary
Abbey Fashouer, First Deputy Press Secretary
Lindsey Boylan, Chief of Staff and Executive Vice President, Empire State Development
Protective Services incl. Sr. Inv. V. Straface
State Purposes: The Governor flew from Westchester to Buffalo where he participated in a waterfront state improvement tour and made an economic development announcement.
Mixed Use: No
Reimbursed: No

9:30 AM Wheels down Buffalo Niagara International Airport

10:00 AM Buffalo Waterfront and State Improvement Tour

Location: Canalside
44 Prime Street
Buffalo, NY

11:40 AM Wheels up Buffalo Niagara International Airport en route Syracuse Hancock International Airport

Aircraft: NYSP King Air
Passengers: Governor Andrew M. Cuomo
Dani Lever, Press Secretary
Abbey Fashouer, First Deputy Press Secretary
Rose Harvey, Commissioner, Office of Parks, Recreation and Historic Preservation
Protective Services incl. Sr. Inv. V. Straface
State Purposes: The Governor flew from Buffalo to Syracuse to make an environmental announcement.
Mixed Use: No
Reimbursed: No

12:10 PM Wheels down Syracuse Hancock International Airport



1:00 PM Salmon River Land Acquisition & Fishing Announcement

Location: Salmon River Fish Hatchery
2133 County Route 22
Altmar, NY

2:30 PM Wheels up Syracuse Hancock International Airport en route Albany International Airport

Aircraft: NYSP King Air
Passengers: Governor Andrew M. Cuomo
Dani Lever, Press Secretary
Abbey Fashouer, First Deputy Press Secretary
Rose Harvey, Commissioner, Office of Parks, Recreation and Historic Preservation
Protective Services incl. Sr. Inv. V. Straface
State Purposes: The Governor flew from Syracuse to Albany to continue state business.
Mixed Use: No
Reimbursed: No

3:05 PM Wheels down Albany International Airport

###



Exhibit

34

P.R. 01-11-21

Andrew Cuomo New York May 17 COVID-19 Press Conference Transcript



Governor Andrew Cuomo: (00:00)

Happy Sunday. Glad to see you all here. Sunday crew. Hope you're getting overtime. Double overtime. Triple overtime. I'm on comp time. I have enough comp time to take off nine years now. I've added it up.

Governor Andrew Cuomo: (00:22)

Let's look at the facts today. Total hospitalization is down. Good news. Net changes down. Intubations is down and new COVID hospitalizations are down. So it's a good day across the plate. It is interesting And we've always been talking about this and we've been looking at this. It is interesting to see how the decline has actually been relatively flat. Remember, we always talked about, we knew how steep the incline was. What was the decline going to look like? What was the contour of the mountain going to look like?

Governor Andrew Cuomo: (01:02)

Look how long it takes on the way down compared to on the way up. That's why those spikes are dangerous. Once you have the spike, coming down from the spike is a prolonged period of time.

Exhibit

35

P.B. 07.17.21

Governor Andrew Cuomo: (01:16)

Number of deaths are down 139. At a different time and place, if I had that news to deliver, that would be incredibly shocking to people. Only in this environment is it not shocking and relative to where we were, it's good news.

Governor Andrew Cuomo: (01:41)

Again, we're right about where we were when we started. You just want to make sure we never go back to where we were. Question is reopening, not reopening or not. Everybody wants to reopen. Nobody wants to reopen more than I do. Question is how. We've said the five upstate regions are reopening. We say there's a dashboard with all the facts and data that are driving these decisions. There's been a shift in the Capital Region and in Western New York, where on the seven metrics on the metrics, they are now qualified for reopening. There is still a need to increase, tracing the number of people who are prepared to do tracing and that is a pure administrative function and we'll be working with both Capital Region and Western New York to get that tracing up. But that is a purely administrative function in the Capital District.

Governor Andrew Cuomo: (02:51)

We need 383 tracers. We need an additional 166 identified. Western New York, we need 521. We'd need an additional 352. We'll be talking to the regional heads today to find those additional personnel and get them trained and get them ready but that's the only function that has to be performed for those regions to open. And again, that's something that we anticipated and that's just administrative and working together with the regions. We can get that done. So, that's good news.

Governor Andrew Cuomo: (03:32)

Today's day 78. Day 78. 78 days, a long time or short time. You can argue both. When you shut down everything and you've gone through the trauma that we've gone through, 78 days is a long time and people are feeling it and they're feeling it in a number of ways. We've talked about it but I don't know that any of us have really explored the depths of the mental health issues that have been created inadvertently through these 78 days.

Governor Andrew Cuomo: (04:10)

We've been so anxious about the day-to-day and operationally oriented. We've been talking about hospitalizations, talking about deaths, talking about infection rates, but there's also a more subtle but very present mental health crisis that has been going on.

Governor Andrew Cuomo: (04:32)

Don't underestimate the trauma that this has created for people. Out of the blue comes this virus, something we've never seen before. You're living a science fiction movie. It's been incredibly anxiety producing, traumatic, disturbing, and we've felt and seen all along evidence that this is creating a significant mental health challenge for people.

Governor Andrew Cuomo: (05:06)

Look at some of these numbers now that people are reporting. The number of Americans who are reporting serious mental distress, up to 38%. doesn't even discriminate by age, right; 18 to 44. It's a multiple of what it's ever been and this is something that I think deserves more attention than it has gotten because it's very real.

Governor Andrew Cuomo: (05:36)

"How are you?" Is a simple question that we ask. "How are you, really?" Mental Health Coalition is working on a project. My brother-in-law Kenneth Cole, his daughter, my niece, Katie Cole, who is a tech genius, are working with the Mental Health Coalition and they have a website, How are you, really? And they ask people to answer that question and share their feelings and their thoughts. But not just, "How are you? How are you?" "I'm doing fine. Thank you." "How are you?" "I'm okay." "How are you?" "You know, pretty much all right. Getting by."

Governor Andrew Cuomo: (06:17)

Forget that answer. "How are you, really?" means let's get to a different depth in the question and different depth in the answer. "How are you, really?" You can't be fine, right? It's not a trite answer. We're going through hell. How are you when you're going through hell? Not good. That's what happens when you're going through hell, I'm not good. I'm anxious. I'm stressed. I'm nervous. I'm afraid. I'm afraid. I'm living a science fiction movie. I'm afraid. That's how I am. We're not comfortable talking about that, right? That's not the normal social back and forth. The, "How are you doing?" question is almost a throwaway. "How are you doing?" The expected response is, "Fine." It's almost a rhetorical question. "How are you doing?" "Fine. Good."

Governor Andrew Cuomo: (07:14)

"How are you doing, really?" And let's talk about it and let's be aware of it and government can do a lot and groups can do a lot. We can also do a lot in our own lives with our own families. I'm trying with my family on the telephone, the ones I have in person, "How you doing, really? Really, let's talk about this. I want you

to understand how I feel and the stress I feel and how are you doing really?" It sounds simple, but I think it can be very constructive individually. I know it's been helpful for me and this "How are you, really?" can actually provoke a good conversation, so I would suggest people look at it.

Governor Andrew Cuomo: (08:00)

For people who have issues, we have a support hotline where we've asked mental health professionals to volunteer their time to connect by FaceTime on the telephone. We've had a tremendous response. Use it. This is nothing to be ashamed of ever, in life, but especially now. Of course, there's going to be mental health issues. And of course, people are going to have stress that they need to work through and anxiety that they need to work through. Nothing to be ashamed of ever, but especially now. Also at headspace.com, that has been very helpful and we thank them for their support.

Governor Andrew Cuomo: (08:43)

On the reopening strategy, we've said all along that it's data driven and a big piece of the data driven strategy is the testing component. We've all been talking about this testing, especially diagnostic testing, which has been very important. In the beginning, the challenge was what is diagnostic testing? How do we ramp up diagnostic testing? This is a scale that this nation has never done before. How do we do it? How do we do it quickly? It involved the federal government, involved the state governments, FDA had to approve tests. We then had to get our labs up and running. We set our initial goal, March 13th. Seems like a lifetime ago but actually was just about a month, right? Over a month. 6,000 tests a day we were going to try to do and that sounded like a very ambitious goal.

Governor Andrew Cuomo: (09:35)

We then got the 10,000 tests a day, then got to 15,000 tests per day, 20,000 tests. I then met with the president and we talked about an institutional agreement between states and the federal government with the federal government would help with the supply chain and getting the materials to the national labs. The states would be responsible for organizing their labs. We said we were going to try to double our capacity at that time on April 21 or thereabouts. Everybody said, "Oh, you're being too aggressive. You can't do it. You can't do it." I said, "What can I tell you? That's who I am."

Governor Andrew Cuomo: (10:11)

We're at doubling the goal. We're now at 40,000 tests per day. So, that's May 17th. We started with about 6,000 tests. So we now have a really significant

number of tests that we can do, so much so that per capita, we are doing more than other countries, significantly more. Diagnostic tests by population, New York is 7.1. Italy is second, 4.9. Canada USA nationally is doing 3.3. We've doubled the national average. So thank you to the Department of Health team and everybody who's been working so hard to do that. When you compare us to other states in the nation, again were double the percentage, not raw numbers because...

Governor Andrew Cuomo: (11:03)

... [inaudible 00:11:00] the percentage, not raw numbers, because we're bigger than many states, but by percentage we're much, much higher, and this is a very big advantage for us, because testing originally was used to control the virus, now testing is really going to be very helpful in monitoring the virus, right? We're all talking about what is the spread of the virus when you increase economic activity? Well, how do you know what the spread of the virus is? Testing, testing, testing. Not only do we have a large capacity to process the tests, we also have put together a network of testing sites all across the state, and we have a new agreement with CVS, which has a tremendous network across this state, where they are going to be bringing on a testing capacity, so we thank them very much for that, but we have now 700 testing sites, okay? So we can do more tests, and we have 700 testing sites across the state, which means there is a testing site near you. So many sites that it doesn't fit on a map. That's how many sites. That's what a map looks like when you plot all the sites. It's meaningless, unless you like those blue things all over the state. So it's 700 testing sites. What's the new problem. The new problem is we have more sites and more testing capacity than we're using, okay? That's a good problem, but that is the next, from hurdle to hurdle, right, stone to stone? Yeah, I see it more like from hurdle to hurdle down the track. Now we have more testing capacity and more sites than we're actually using. We have drive in sites that can do 15 thousand per day, we're doing about five thousand per day. The more tests, the better for the state, the better for society, the better for your family, the better for you. Who can get a test today? Any individual who thinks they have a COVID symptom. COVID symptoms: coughing, sneezing, fever ... What else?

Speaker 2: (13:32)

A fever, you mentioned.

Governor Andrew Cuomo: (13:34)

Sneezing, coughing-

Speaker 2: (13:35)

Chest pain.

Governor Andrew Cuomo: (13:36)

Chest pain.

Speaker 2: (13:36)

Cough.

Governor Andrew Cuomo: (13:36)

Cough. Right?

Speaker 2: (13:38)

[crosstalk 00:13:37].

Governor Andrew Cuomo: (13:39)

Because COVID symptoms are basically like flu symptoms. If you think you have symptoms, get a test. Get a test. It's up to you. Any individual who has had contact with a person who you find out had COVID, right? You get that phone call " Oh, I was with you last night at a party. It turns out I tested positive for COVID." Okay, you now qualify for a test. You lose your sense of smell, you lose your sense of taste, that's a symptom of COVID. Any individual who is on quarantine, precautionary or mandatory, any healthcare worker, any nursing home worker, any first responder can go for a test today. Any essential worker who interacts with the public, food delivery personnel, a person working in a retail store, they're all eligible, and we're increasing it today, any individual who would return to work in phase one, construction, manufacturing, curbside retail, okay? But again, it's anyone who thinks they have COVID symptoms, so it's a tremendously large universe of people who can get tested, and all you have to do is to a website, find the testing site near you and get a test, and it is a fast and easy thing to do.

Governor Andrew Cuomo: (15:23)

Now, we've been working on this for a period of time, and first we had to get the testing capacity up, then we had to get the sites up, then we wanted to make it easy, then we increased eligibility, and we just don't have enough New Yorkers coming to be tested, so I've been asking people "Have you been tested?" "No." "Why not?" "Well ..." They can't say it's inconvenient, because we have 700 sites, they can't say they're not eligible, because if you have any symptoms you're eligible. There is a general proclivity where, and I don't mean any disrespect to

the medical profession, my sister's a doctor, but some people just don't like to go to the doctor and don't like to get tested. On a personal level, they love doctors, how can you not, but there's a reluctance to go to a doctor's office, which I understand. I am not good when it comes to this. I don't do the scheduled, all the scheduled check ins that I'm supposed to be doing, and it's sort of like " Do I really want to know? Do I really want to go and be poked, and prodded, and investigated, and have a test and then worry about what the test says?" Let's just be honest.

Governor Andrew Cuomo: (16:46)

So, I am not good at this, but this test is not an invasive test, there is no pain to this test, there is nothing about this test that should intimidate people from not taking this test. It is fast, it is easy. It is so fast and so easy that even a governor can take this test. That's how fast and easy it is, and for you doubting Thomas's, which is what you all are, gender neutral, because by profession you are doubting Thomas's, I'm going to show you how fast and easy it is to take a test and demonstrate why there should be no reluctance. This is [REDACTED], who is in the appropriate PPE ware. Nice to see you, Doctor.

[REDACTED]: (17:51)

[inaudible 00:17:53].

Governor Andrew Cuomo: (17:52)

You make that gown look good.

[REDACTED]: (17:54)

Head up a little bit.

Governor Andrew Cuomo: (17:55)

Head up.

[REDACTED]: (17:56)

Close your eyes.

Governor Andrew Cuomo: (17:57)

Close my eyes.

[REDACTED]: (17:58)

Okay.

Governor Andrew Cuomo: (17:58)

Why do I need to close my eyes? You can question the doctor, that's okay. Why do I need to close my eyes?

[REDACTED]: (18:04)

For comfort.

Governor Andrew Cuomo: (18:05)

Comfort.

[REDACTED]: (18:05)

It might make you tear a little bit.

Governor Andrew Cuomo: (18:06)

Okay. If I fall asleep-

[REDACTED]: (18:08)

Then we'll have you sit down.

Governor Andrew Cuomo: (18:09)

Okay.

[REDACTED]: (18:09)

Head up a little bit.

[REDACTED]: (18:09)

Okay.

Governor Andrew Cuomo: (18:09)

That's it?

[REDACTED]: (18:09)

Yeah.

Governor Andrew Cuomo: (18:20)

That's it.

[REDACTED]: (18:22)

That's all.

Governor Andrew Cuomo: (18:23)

Nothing else?

[REDACTED]: (18:24)

That's all.

Governor Andrew Cuomo: (18:26)

Told you. Thank you very much, Doctor. That is the whole test. I'm not in pain, I'm not in discomfort, closing my eyes was a moment of relaxation. There is no reason why you should not get the test, and you don't even have to be New York tough to take that test. You do have to be smart to get that test, and you have to be united, and you have to be disciplined for the period of time that you close your eyes, and you have to love yourself and love your family and love New York.

Governor Andrew Cuomo: (19:12)

Questions?

Press: (19:13)

Governor, is there any update on unemployment? We're still getting reports from people on a daily basis, even after the new website came out, saying that they haven't been called after 72 hours or there's some sort of glitch in the system. Is there any problem? Maybe that's a Melissa question, not yours?

Governor Andrew Cuomo: (19:29)

When you say maybe that's a Melissa question, are you saying, what are you trying to say?

Speaker 2: (19:33)

[crosstalk 00:19:34]-

Governor Andrew Cuomo: (19:33)

That I am not competent and knowledgeable to answer that question.

Press: (19:37)

Well, you defer those questions to her usually, so-

Governor Andrew Cuomo: (19:39)

Are you trying to say that you think maybe I don't have a command of the facts? Is that what you're implying?

Press: (19:45)

I'm saying that's her specialty.

Governor Andrew Cuomo: (19:45)

Okay.

Press: (19:45)

It's a compliment towards Melissa more than an insult to the Governor.

Governor Andrew Cuomo: (19:50)

Okay. All right. Well, that's a good thing to know, and you happen to be right, I don't know, so I will defer to Melissa.

Melissa: (19:57)

There has been tremendous progress with the unemployment system. We'll have another update middle of this week, but we're getting to a point where the only claims that are longer than three weeks old are either suspected fraud, not certified, or partial information, meaning the person that's applying has left out their social security number, some form of identification that's mandated by the federal government, so we actually feel very, very good about the progress that we've made, and the new system that we put into place has been incredible. The people, I've seen people tweeting that people who have applied last week have already gotten their money this past week, and so we have gotten through the backlog, and the people that are remaining, it's either certification issues, partial information issues, or suspected fraud, and so for those folks, we're trying to update the website to tell you what it is specifically that's holding you back in that pending status, and those updates should come in this week as well, but there's been tremendous progress in the unemployment system.

Melissa: (20:53)

I'd also note the New York Times reported this morning that there has been suspected fraud attempts on states on their unemployment insurance system, and so that speaks to also the need to make sure that as we're processing these claims we're making sure the people that are getting the money are actually the people that they say that they are, and not just jamming the money out the door so quickly that then at the end of this when this is all over you guys come to the Press Office and say "You gave out millions and millions of dollars to people who didn't believe it. Did you have a proper vetting system in place? Did you do what you need to do?" And so, we are maintaining a very careful balance of making sure that the people who are in need are getting the money that they need, and also being diligent and vetting people properly so that tax payer dollars don't fall into the wrong hands.

Press: (21:33)

How many are outstanding?

Melissa: (21:35)

We can give you a number middle of this week, but it's, we've got them batched into like pre middle of April, post middle of April, so we can break those down for you. I think we're going to have Roberta do a call tomorrow to go through all the numbers.

Governor Andrew Cuomo: (21:46)

Yeah, but just to reinforce a couple of those points, backlog is a claim that's more than three weeks old, is how we call backlog. The backlog has been finished. It doesn't mean everyone has gotten a check, but ...

Governor Andrew Cuomo: (22:02)

Doesn't mean everyone has gotten a check. But if you don't get a check, just because you apply, doesn't mean you necessarily automatically get a check. You have to meet certain criteria, which are in the federal bill for good reason. So, you filled out the application but there are questions, you didn't fill out the whole application, they're investigating something about what you said. But the backlog is done. Most of this is at the point is very well taken. And I said this. I said, "The pendulum swings in life, right?" Process the claims. Process the claims. Process the claims. I said, "Yeah, but just remember what's going to happen when the pendulum swings 30 days from now when somebody says, 'I have John Smith here who got an unemployment check and he didn't qualify. It was a fraud. Why didn't you check it before you authorized payment?'" That is going to happen. And that's why balances, yes, get the checks out the door as fast as you can. But make sure the person who's getting the check is actually eligible for the check. Because no one is in the business of shoveling money out of a window. And nobody wants to be taken advantage of. And these are tax dollars, and they have to be exercised diligently.

Governor Andrew Cuomo: (23:28)

So every state has gone through this. If you look at what we've done compared to the other states, it's not even close how many claims we have processed and how fast we have processed them. So the backlog is all gone. But we still have to make sure eligible people receive it. And you're starting to hear already, well, there was fraud in people who got it. So that's the ying and the yang. Mirina.

Mirina: (23:56)

So we know how many tests we're doing on average. But what's our actual max capacity? And what will the state do to better use our capacity to test inmates and nursing home residents who could be getting tested?

Governor Andrew Cuomo: (24:05)

We're at 40,000 today.

Mirina: (24:07)

That we're doing. What's the max capacity? Because the slide said that some of the drive through tests have a max of 15,000 that are only getting 5,000.

Governor Andrew Cuomo: (24:15)

Well, we're at 40,000 today, which meets our goal of saying we were going to double our ability to test, right? We were at 20. I met with the President. We said our goal is doubling. We've met the goal of doubling. We're now at 40,000.

Governor Andrew Cuomo: (24:35)

We want to test as many as we can possibly test. And what is the maximum testing capacity? You don't know yet. It's how many test kits can we get? How many vials can we get? How many reagents can we get? How many machines can we get? How many more labs can we get? How many more CVS can we get? How many more Rite Aids can we get? How many more doctors offices can we get? How many more hospital employees can we get? You calculate all of that, you'd be at a theoretical maximum.

Melissa DeRosa: (25:10)

And then [crosstalk 00:25:08], if I could just add to that. On the nursing home question, in addition to those 40,000 a day that you saw on this slide, we have reserved above and beyond that, 35,000 tests a day. A couple of days ago, I said it was 30,000. We're now up to 35,000 tests a day on top of that breakdown today that will just be dedicated to nursing home staff in order for them to meet the DOH mandate, and making sure that their staff is tested directly. [crosstalk 00:25:34].

Mirina: (25:32)

So the state can do as many as 75,000 tests a day?

Melissa DeRosa: (25:35)

That's through the commercial labs that you ship out of state. [crosstalk 00:25:38]

Governor Andrew Cuomo: (25:38)

Well, excuse me, one second. Jesse. Let me just make sure, you wanted to add something, doctor?

Robert Mujica: (25:42)

Combined between instate and out of state will be 80 to 90,000 a day.

Jesse: (25:46)

Governor, can we get some clarity on summer camps? There's been some questions as to whether or not those should open. Will they open? We're approaching summer vacation, obviously parents are concerned.

Governor Andrew Cuomo: (25:55)

Yeah, Rob. Do you know Melissa?

Robert Mujica: (25:57)

We were looking at summer camps and coming up with guidelines, right? With the new cases that were arising with children, we're looking at re-looking at those guidelines. Other states around us were also moving to open summer campus. They've also slowed down that process. We do have guidelines for childcare. But as far as camps where people were sleeping away, how you do that in the context of the new cases, we're re-looking at. So we don't have an answer yet on summer camps, but we're looking at open them. Their deadline close to when they generally open is in the end of June. So we will get guidance out and make a decision, way in time before that. But right now the public health concern is the first.

Jesse: (26:41)

So within the next couple weeks, we anticipate?

Robert Mujica: (26:41)

Yes.

Governor Andrew Cuomo: (26:42)

Yeah, but Jesse, also let's just stay with this for a second. We've been looking at summer camps just because they were always gatherings and they obviously had density and they were posing issues.

Governor Andrew Cuomo: (26:53)

This issue with this Kawasaki like syndrome is I think very important. We have about 120 cases now that we're investigating in New York. People say, Oh, that's the only 120 children. I don't believe it's only 120 children. I believe this is a syndrome that we are just discovering. And Dr. Zucker has had a couple of conversations with health people across the country. Already like 16 States are

saying, “Oh yeah, we see that also.” Five countries are saying, “We see that all.” I think the numbers are going to be much, much higher.

Governor Andrew Cuomo: (27:36)

And we need to know that as a society. We would told children are not affected. And we’ve been operating on that basis. And that’s one conversation with summer camps when you say children are not affected. If you now change your facts again, and you say, “Oh, children may be affected, not with the traditional COVID respiratory illness. But they may have this more serious inflammatory illness that could be a heart disease issue.” That’s a different set of facts, right? So respond to the facts. And it’s especially tricky here because the facts change.

Governor Andrew Cuomo: (28:14)

Do you want to add anything?

Dr. Zucker: (28:15)

The governor has covered the major issues. We need to make sure that we don’t do anything to harm any of these children. And the numbers keep rising. As the governor mentioned, 16 states. But we have over 120 cases here. But if you look across the country, it’s past 200.

Speaker 3: (28:29)

I’m sorry, Howard. Does that influence your thinking about school in the fall? I mean, if this is in fact attacking kids, at what point do you start to consider canceling school?

Governor Andrew Cuomo: (28:38)

You’re exactly right. You’re exactly right. And look, nobody knows. One thing we’ve realized as a society, there’s an assumption that somebody always knows the answer and they’re just not telling us. Sometimes nobody knows.

Governor Andrew Cuomo: (28:55)

I’m telling you, nobody knows about this virus. Nobody knows what the effect may be on children. I think we discovered this Kawasaki like situation. I don’t believe it’s only a hundred kids. I believe it’s only a hundred kids until you look. And I think that number’s going to go up. Good news about schools, the fall is a lifetime away as far as we’re concerned at this rate. Summer camps, it is relevant. So on the summer camps issue, on any of these children related issues, it’s really important for us to get the facts on is this just 120 kids and it’s an anomaly? Or is

that just the tip of the iceberg? And that represents thousands of kids who have had this reaction?

Speaker 4: (29:44)

Governor, what would you say to families who have suffered losses inside nursing homes? And they're looking for accountability. And they'd like to see justice. For example, I've recently interviewed a family, three siblings. They've had two nursing home losses within a few weeks of one another on two separate floors in the same facility here in Albany. They felt so much solace when you got up and talked about Matilda's law. They said, "Great, we're protected. Our loved ones are going to be okay because of Matilda's law." And then their loved ones passed away because they couldn't get the testing. So they're looking for accountability and they feel that they were failed. What's the comment to that?

Governor Andrew Cuomo: (30:23)

Yeah. The comment is this. And I have those conversations all day long with people who have lost people, right? We lost 139 people yesterday in hospitals. Who is accountable for those 139 deaths? Well, how do we get justice for those families who had 139 deaths? What is justice? Who can we prosecute for those deaths? Nobody. Nobody. Mother nature. God. Where did this virus come from? People are going to die by this virus. That is the truth. Best hospital system on the globe, I believe we have. Best doctors, best nurses who have responded like heroes, every medication, ventilators, the health system wants for nothing. We worked it out so we always had available beds. Nobody was deprived of a bed or medical coverage in any way.

Governor Andrew Cuomo: (31:33)

And still people died. Still, people died. Older people, vulnerable people are going to die from this virus. That is going to happen despite whatever you do. Because with all our progress as a society, we can't keep everyone alive. Despite what everything you do and older people are more vulnerable. And that is a fact. And that is not going to change. And look, to me, the really difficult conversations for me are "My son was 40 years old. It was not a senior citizen, did not have a comorbidity and got this virus because he was an essential worker and doing the right thing and had an aneurysm. I thought young people were fine. And he was doing the right thing as an essential worker." There's a randomness to this virus that is inexplicable. Why do people die? That's beyond this. Who's accountable? You can have a situation where every-

Governor Andrew Cuomo: (33:03)

You can have a situation where everyone did the right thing and everyone tried their best, and people still die.

Speaker 5: (33:09)

What you're saying, still, that if the mandates that are currently in place right now, that we've all just been talking about in here, were in place from the get go, they feel that their loved ones might still be here.

Governor Andrew Cuomo: (33:22)

Look, people rationalize death in different ways. I don't think there was any logical rationale to say, they would be alive today. I said, from day one, the fear is we overwhelm the hospital system, and then people die, because we couldn't get them the medical care. That was an accountable avoidable situation. That was Italy, by the way. People died in hallways, on gurneys in hospitals, because the doctors and the nurses were overwhelmed, and because they didn't have a ventilator, they didn't have a doctor available, and people died. That is a heartbreak, because then you say, "They didn't have to die."

Governor Andrew Cuomo: (34:22)

"If the doctor had gotten to my mother, my mother would have been alive." That's what we protect against, and we did it successfully. I now get criticized that I had an overcapacity of beds available. "Oh, you didn't need all those beds, as it turned out." I'll take that, I'm guilty. I increased the hospital capacity to an extent that we didn't even need. But you know what? Nobody died where we didn't do everything that we could. And that has been true from day one. It's true today, and it was true from day one. [crosstalk 00:35:06] We always have more capacity.

Speaker 6: (35:07)

Governor, a few days ago, you said that there would need to be broad-based testing, so that officials could then perform testing in the prison system. Now it appears a lot of those capabilities have come online. Can you please describe if there's a widespread plan to do [crosstalk 00:02:25]-

Governor Andrew Cuomo: (35:23)

We are testing in every congregate facility in the state.

Speaker 6: (35:29)

Is that with prisoners? [Crosstalk 00:02:30]-

Governor Andrew Cuomo: (35:30)

Prisoners, prisons, any congregate care facility in the state, nursing homes, top of the list.

Speaker 6: (35:40)

The only reason I bring that up is, our analysis shows that prisoners are being tested at a rate four times fewer than that of the general public. And there are still facilities that don't have any testing. Or sometimes somebody does test positive, and there are very few tests in a facility, and then very few tests are then performed there afterwards. Can you please comment on that?

Governor Andrew Cuomo: (36:00)

Who found that?

Speaker 6: (36:01)

A New York law journal.

Governor Andrew Cuomo: (36:03)

Used to survey prisons?

Speaker 6: (36:05)

That's according to state data, state data [crosstalk 00:36:08]-

Governor Andrew Cuomo: (36:07)

I don't understand. Do you know?

Speaker 8: (36:08)

We test prisoners at the same criteria that we test people outside of prisons. So the same criteria that's been applied outside of prison walls, if you're symptomatic, if you're known to have come in contact with somebody who is COVID-positive, that same rule applies within prisons. And we, luckily, have not seen outbreaks like we've seen in some of these other states, like Ohio, and in some of the other facilities that are non-state facilities. So if there is a reason or a need to expand the testing within the prisons, it's something that we're looking at, and we'll expand accordingly. [crosstalk 00:36:38]-

Speaker 6: (36:40)

[crosstalk 00:00:36:39]?-

Governor Andrew Cuomo: (36:41)

Yeah, But let me tell you something, I'll tell you why you can't be right. Because,

the test of the correction officers... We tested all the essential workers, the correction officers test well below the general public, in terms of infection rate. The people who work in the prisons test at a much lower infection rate than the general public. We can pull it up for you. But how, if you had a serious... We're testing nursing home staff, twice a week. Why? Because they're a canary in the coal mine for that nursing home. If you have a problem with COVID-19 in a nursing home, you're going to have it with the staff, also. So it's a way of looking at the problem in the general population. That's the nursing home staff theory. Also, the prison staff has the same theory. If you have a problem in a prison, you're going to have correction officers who test positive, because they can't avoid contact with the prison population. You're grabbing a cell, you're putting your hand on the counter. We've done extensive testing of all frontline personnel, at a higher percentage, because they're frontline personnel. The correction officers test way below the general public. So [Carry B. 00:00:38:06]. One more. Mark?

Mark: (38:09)

Governor, I just want to preface my comments with a take-off with Bernadette. With my mom, April 28th my mom passed away from, so that's why you hadn't seen me [crosstalk 00:05:23]-

Governor Andrew Cuomo: (38:22)

I'm sorry.

Mark: (38:23)

It's okay, it's a statistic now.

Governor Andrew Cuomo: (38:26)

I'm sorry, it doesn't matter what state.

Mark: (38:30)

Thank you. But this coming Thursday night is [inaudible 00:05:34]. You've talked about a mental health, talked about emotion, you talked about desire. There's a very important Jewish holiday coming up, Orthodox Jews, with 23 synagogues and in 18 localities, upstate from the Poughkeepsie, Kingston, Monticello bordered north. And they're really feeling the need to go out and observe one of the four major Jewish holidays. And they don't observe [Zoom 00:06:07]. That's not part of the Orthodox Jewish Community.

Mark: (39:10)

I know there's this whole separate problem downstate. But upstate, you get maybe 14, 15 people, you could set chairs apart. Is there any guidelines, any protocols that could be set through the health department, maybe, county health officials, or law enforcement coming to make sure that they're doing things the way they need to, that could allow this segment of the population at least observe this one holiday? [crosstalk 00:39:41] That is so important, it's called, [inaudible 00:06:42]. It's the hand me down left over from Mount Sinai. I just thought I'd-

Governor Andrew Cuomo: (39:47)

Yes.

Mark: (39:47)

... get it out, because it really would relieve a lot of stress and anxiety on this small segment and be safe, at the same time.

Governor Andrew Cuomo: (39:55)

Yeah. Two things, Mark, first, we're talking about the upcoming holiday. We're also talking about special provisions for Memorial Day celebrations, which are also coming up. And we're going to have guidance on that tomorrow, or by Tuesday. If we can circumscribe a ceremony, your number was 14, 15 people, social distanced, with safeguards, can we find a way to do a ceremony, a religious ceremony, or a ceremony that honors Memorial Day? I think we can. And that's what we're talking through, but we'll have an answer in the next day or two. And on your mother's passing, there's an Italian expression, "The two things in life that will never leave you, the eye of God and the love of a mother." She's still here.

Governor Andrew Cuomo: (40:57)

[crosstalk 00:40:57] Have a good day, guys. I have to go to work. Come tomorrow, I'm going to get my results. [crosstalk 00:41:03] No, I've been tested before. If I'm not here tomorrow, it means I tested positive. Otherwise, I'll see you here tomorrow.

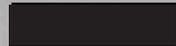
BlackBerry



12:12 PM



Mark.2



Account: PIN Peer-to-Peer

Folder: Inbox

To

Stephanie Benton

Melissa DeRosa

Richard "Rich" Azzopa

Peter Ajemian

Re:

"Karen Hinton is delusional or just lying. A hug 20 years ago that she never mentions? And then she comes to ny

to volunteer on his Governor's campaign, and they



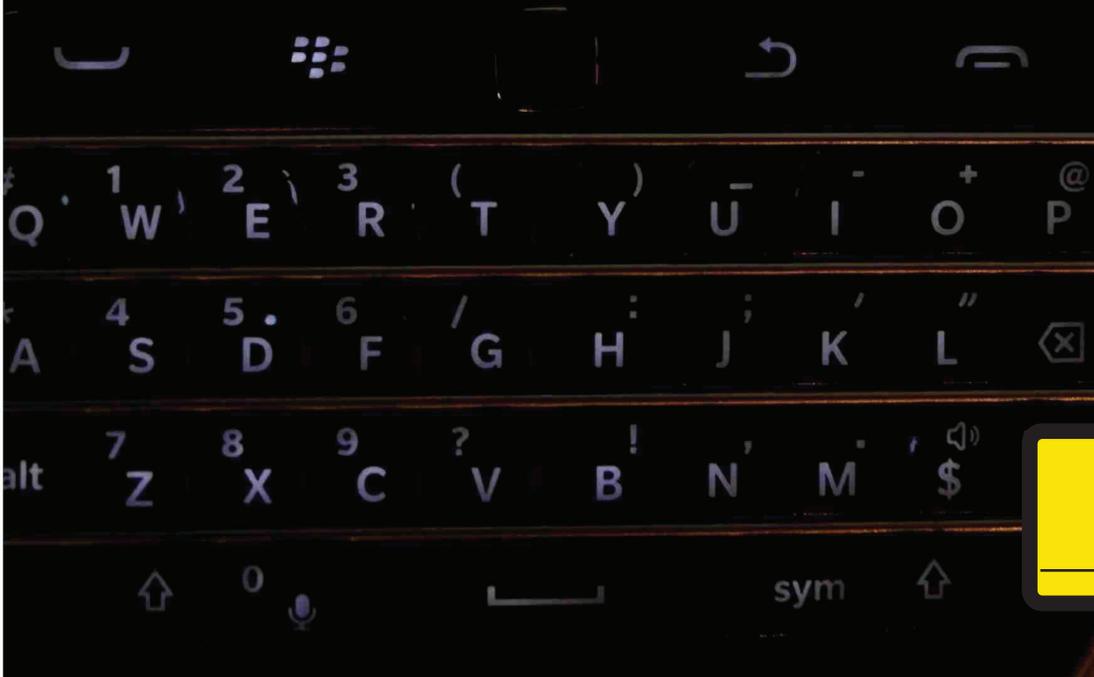
Reply



Reply All



Forward



Exhibit

36

P.B. 07.17.21

exhibitsticker.com

BlackBerry



12:12 PM



Mark.2

Mar 5, 2021 7:57:54 PM



ago that she never mentions? And then she comes to ny to volunteer on his Governors campaign, and they socialize for years at each others home, and her [REDACTED] works with the governor for years, she flacks for deblasio and attacks the governor daily, writes a thank you letter to the governor recently for helping with her healthcare, she writes a piece last week on "penius power" against the governor but never mentions it and now she announces she's writing a book and concocts this claim? How obvious can lack of credibility and self motivation be?

Original Message

From: 93510F95



Reply



Reply All



Forward



The Washington Post

Cuomo's behavior created 'hostile, toxic' workplace culture for decades, former aides say

By Amy Brittain, Josh Dawsey, Hannah Knowles and Tracy Jan

March 6, 2021 | Updated March 7, 2021 at 1:25 p.m. EST

New York Gov. Andrew M. Cuomo (D) listens to a question during a news conference on May 27 in Washington. (Salwan Georges/The Washington Post)

A former press aide of Andrew M. Cuomo says he summoned her to his dimly lit hotel room and embraced her after a work event in 2000, when Cuomo led the U.S. Department of Housing and Urban Development and she was a consultant for the agency. The woman, Karen Hinton, says she pulled away from Cuomo, but he pulled her back toward his body, holding her before she backed away and left the room.

Two male aides who worked for Cuomo in the New York governor's office say he routinely berated them with explicit language, making comments such as calling them "pussies" and saying, "You have no balls."

And three women, all of whom worked in the governor's office as young staffers in recent years, say Cuomo quizzed them about their dating lives. They say they did not view the encounters as propositions, but rather as part of an office culture they believed was degrading to young women.

The newest accounts of Cuomo's workplace behavior by former aides in interviews with The Washington Post come after several women have publicly accused the New York governor of inappropriate personal comments or unwelcome physical contact. The allegations have engulfed one of the country's top Democratic officials in crisis and put a sharp focus on the workplace culture he has fostered during his three decades in public office.

New York Gov. Andrew M. Cuomo (D) said on March 3 that he will continue to serve the people of New York amid sexual harassment allegations. (The Washington Post)

What Cuomo has touted as an "aggressive" style goes far beyond that behind the scenes, according to more than 20 people who have worked with him from the 1990s to the present. Many former aides and advisers described to The Post a

Exhibit

37

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toxic culture in which the governor unleashes searing verbal attacks on subordinates. Some said he seemed to delight in humiliating his employees, particularly in group meetings, and would mock male aides for not being tough enough.

The Post reached out to more than 150 former and current Cuomo staffers, stretching back to his time at HUD in Washington. Most did not respond. Among those who did, the majority spoke on the condition of anonymity, because they said they still fear his wrath and his power to destroy careers.

In a statement, Peter Ajemian, Cuomo's director of communications, vehemently denied Hinton's account of her encounter with Cuomo in a hotel room.

"This did not happen," he said. "Karen Hinton is a known antagonist of the Governor's who is attempting to take advantage of this moment to score cheap points with made up allegations from 21 years ago. All women have the right to come forward and tell their story — however, it's also the responsibility of the press to consider self-motivation. This is reckless."

Lawmakers and members of the media reacted to the allegations against New York Gov. Andrew M. Cuomo (D) on March 7. (Allie Caren/The Washington Post)

Rich Azzopardi, a senior Cuomo adviser, said in a separate statement that in his eight years in the governor's office, he "never heard him use coarse language" as attributed to him by former male aides.

Ajemian said the governor "works day and night" for the people of New York.

"There is no secret these are tough jobs, and the work is demanding, but we have a top tier team with many employees who have been here for years, and many others who have left and returned," he said in his statement. "The Governor is direct with employees if their work is sub-par because the people of New York deserve nothing short of excellence. "

In a news conference Wednesday, Cuomo denied touching women "inappropriately" but [apologized](#) if his interactions with women caused offense or pain. He pleaded for the public to wait for the results of a [state attorney general-led probe](#) into the claims by two former staffers who said he sexually harassed them.

“I never knew at the time that I was making anyone feel uncomfortable,” he said. “I never, ever meant to offend anyone or hurt anyone or cause anyone pain.”

Former aides said they were infuriated by Cuomo’s attempt to minimize what they described as a pervasive effort to intimidate staff.

In response to the denial of her account, Hinton said “attacking the accuser is the classic playbook of powerful men trying to protect themselves.” She said watching the news conference “drove me crazy” and Cuomo knew better, saying he was regularly flirtatious with women, what she viewed as part of a broader effort to manipulate those around him. “I really thought the flirt wasn’t about having sex,” she said. “It was about controlling the relationship.”

Added one woman who worked in his Albany office when she was in her 20s: “What this is is a systemic, intentional, hostile, toxic workplace environment that . . . perpetuates abusive treatment of people who don’t have power or resources.”

Longtime staffers described what they said is a Jekyll-and-Hyde aspect to Cuomo: charming one moment, raging with anger the next. With gallows humor, former Cuomo aides joke about their therapy bills from absorbing his rampages for so many years, according to three former administration officials.

“You didn’t know which Andrew you were going to get,” said one woman who had worked at HUD as a political appointee during Cuomo’s tenure as head of the agency.

She recalled one incident of Cuomo yelling at her in his office so loudly that colleagues came to check on her well-being. She said she cannot recall why he was so upset or the words he used but said: “I remember thinking it was pretty vicious and over the top, like if I had killed somebody. Not even my own parents had ever yelled at me the way he yelled at me.”

A demanding leader

As the eldest son of three-term New York governor Mario Cuomo (D), Andrew M. Cuomo emerged as his own political force in the 1990s, when he was appointed in 1997 by President Bill Clinton to a Cabinet position leading HUD after a stint as an assistant secretary at the agency.

Cuomo was viewed as an exacting leader whose drive and aggressiveness made things happen — from creating new local “community builder” positions at a time congressional Republicans demanded the agency downsize to bringing the [first sitting president](#) since Franklin D. Roosevelt to visit Indian Country.

Former political and career staff described Cuomo as a micromanager who frequently berated staff members publicly over small mistakes or disagreements. But they respected his work ethic. When staff members worked late into the night on projects, Cuomo would be there alongside them.

Jacqueline Pata, Cuomo’s deputy assistant secretary for Native American programs at HUD, said she had a close, strong working relationship with Cuomo for two years, during which she traveled with him to remote regions of Alaska. Pata said she never observed any inappropriate behavior, but she said he was demanding of aides and occasionally yelled when he was frustrated.

“He had great expectations, but everybody was clear about what those expectations were,” she said.

Other agency staff recall his outbursts differently. A HUD political appointee who worked closely with Cuomo told The Post that during meetings, staffers avoided the seats next to him, as though physical distance would somehow protect them from his wrath. She recalled that she saw women dissolve into tears and one man’s face turn beet red after Cuomo dressed them down.

“People were terrified of him,” the former appointee said. “You couldn’t forget it. Anyone who tells you they don’t remember is not telling the truth. Everybody got their turn, including me.”

He had contentious disputes with senior aides such as Hinton, who served as a communications official at the agency for 4½ years before moving in 1999 to California with her then-husband, who was there on a military deployment.

Hinton and Cuomo had a bad fight before she left the full-time position at the agency that ended in a screaming fit, she said, with each hurling profanities at the other.

Hinton said they argued frequently but inevitably made peace. So when Cuomo made a [December 2000 trip](#) to Los Angeles to promote a HUD program to

rehabilitate and resell foreclosed homes, she said she agreed to help arrange press coverage as a paid consultant for the agency.

The day went well, she said, with good media turnout. In the evening, Cuomo went back to his room in the hotel where they were both staying to eat dinner, she said.

Then she got a phone call from the HUD secretary. “Why don’t you come to my room and let’s catch up?” she recalled him saying.

Hinton — then 42, around the same age as Cuomo — said she initially did not think the request was unusual. Perhaps Cuomo wanted to smooth things over after her rocky departure and discuss press work for the following day, she thought.

But then Cuomo said: “Don’t let Clarence see you,” referring to Clarence Day, his longtime head of security, who regularly stood in the hallway outside Cuomo’s hotel suites. “Clarence will block any woman from coming into my room,” Cuomo said, according to her recollection. “He is very protective and didn’t want to raise any eyebrows.”

Hinton, who said she had known Day for years, said she found the request strange. But she said she nevertheless went upstairs to his room.

Day was at Cuomo’s door when she arrived. “He said, ‘Hey Karen, it’s good to see you,’ ” she recalled. (Day died at age 89 last October.)

When she went in, Hinton said the lights in the hotel room were dimmed. “I paused for a second,” she said. “Why are the lights so low? He never keeps the lights this low.”

She said she and Cuomo sat on opposite couches and talked about HUD, their time together in Washington and their lives, particularly her marriage at the time, which she said was struggling.

Cuomo asked whether she planned to leave her husband and a number of other personal questions, Hinton said.

“I said, ‘Well it’s tough out here in California. I miss Washington. I don’t connect with this place,’ ” she recalled.

Cuomo told her they needed to stay friends and help each other going forward, Hinton said.

At some point, Hinton said, she grew self-conscious that she had talked so much about her personal life and her marriage. She decided to leave. “I stand up and say, ‘It’s getting late, I need to go,’ ” she said. Cuomo stood up, walked over and embraced her, she recalled.

She described it as “very long, too long, too tight, too intimate.” “It’s not just a hug,” she added. Hinton said she pulled away.

“He pulls me back for another intimate embrace,” she said. “I thought at that moment it could lead to a kiss, it could lead to other things, so I just pull away again, and I leave.”

A decision to speak out

When asked if she viewed the encounter as harassment, Hinton did not explicitly describe it that way but said there was a “power dynamic” at play, even though she was a consultant at the time, not an employee. “It was the same to me,” she said, adding that she was concerned about “the personal and professional problems that could have been created.” She described Cuomo’s move as a “power play” for “manipulation and control.”

She said the two never discussed the episode. They remained in touch and socialized over the years, she said. Her second husband, Howard Glaser, worked for Cuomo at HUD and served as a top deputy to Cuomo in the governor’s mansion for five years.

In Cuomo’s 2014 memoir, “All Things Possible,” Cuomo thanks Hinton in the acknowledgments, writing that she is part of “my extended team, my second family.”

Since she worked for him at HUD, Hinton has publicly been both complimentary of Cuomo and sharply critical, particularly when she served as press secretary in 2015 and 2016 for New York Mayor Bill de Blasio (D), a staunch Cuomo rival.

Hinton said that, until recently, she had never considered telling her account publicly, because she had largely brushed off the encounter and was determined not to let it affect her career in the male-dominated world of politics.

Two people close to her, who spoke on the condition of anonymity to avoid being targeted by Cuomo, said Hinton described the episode to them after it happened.

One of them, a friend who has known Hinton since 1989, told The Post that she remembers it to this day as the “hotel room incident,” saying that Hinton told her the story “that day, or the very next day, at least.” Hinton found it upsetting and said she “really had to get out of there,” the friend said.

“She said she was really creeped out. It really freaked her out,” said the friend, who said she is a supporter of Cuomo and thinks he has been a good governor. “I don’t want him to have to resign over all this,” the friend said. “But the truth is the truth.”

Hinton originally told a Post reporter her account on Feb. 14, before three women came forward with detailed descriptions of inappropriate comments or unwelcome touching by the governor. (One of the women, Lindsey Boylan, had gone public on Twitter with broad claims in December.)

At the time when she described the episode to a Post reporter, Hinton said she was not prepared to share it publicly.

Hinton did not mention it in [an op-ed](#) she wrote for the New York Daily News in late February about her experience working for powerful male politicians such as Cuomo. But she said she decided to share the account for publication after the governor’s news conference on Wednesday, in part because she wanted to stand in solidarity with his accusers.

She is also planning to detail the episode in a memoir she is writing, she said.

In recent weeks, Hinton has voiced support on social media for the three women who have made claims about Cuomo’s behavior.

Boylan, a former New York economic development official, [said Cuomo harassed her](#) on multiple occasions, including one incident where he kissed her without her consent. He has denied her account.

Charlotte Bennett, a former executive assistant to Cuomo, told [the New York Times](#) and then [CBS](#) that the governor had asked her about her sex life, asked whether she had slept with older men and told her that he would be interested in relationships with women in their 20s.

Anna Ruch, a guest at a wedding Cuomo officiated in 2019, [described](#) an unwelcome encounter in which he touched her bare back and clasped her face; she posted [photos](#) of the moment.

In an interview with “CBS Evening News” anchor Norah O’Donnell, Bennett, 25, said Cuomo pressed her about being a sexual assault survivor and seemed to be gauging her interest in sleeping with him.

“I feel like people put the onus on the woman to shut that conversation down, and by answering, I was somehow engaging in that or enabling it, when in fact, I was just terrified,” Bennett told O’Donnell. “I didn’t feel like I had a choice. . . . He’s my boss. He’s everyone’s boss.”

Bennett’s attorney, Debra Katz, noted that Bennett’s experience came several years after Cuomo heralded legislative changes in New York — following the height of the #MeToo movement — related to sexual harassment law.

“He knows exactly what is against the law,” she said. “And he violated it with impunity.”

'The smartest person in the room'

Many of the former Cuomo aides and advisers who did agree to speak about their experiences working with him expressed deep fear about the potential for retribution, saying they believed he would track down those who talked to reporters.

Their accounts had striking similarities. Multiple staffers recounted verbal abuse and emotional manipulation, saying the governor was often consumed by rage and irritation toward them, only to be kind and charming in their next interactions. They found the sharp contrast to be deeply disorienting, with some saying it even drove colleagues to suffer emotional breakdowns.

“He can make you crazy, and then he can act like you’re the best person he has ever met,” said one person close to him.

Several former aides said Cuomo was tightly focused on minutiae — wanting to edit guest lists for events, PowerPoint slides, seating charts, travel itineraries and policy documents — and often grew apoplectic over bad news coverage.

He played staff members against each other, telling his senior aides they were failing and he needed to bring someone else in to improve operations, two officials said. Then he would subsequently say the replacement was failing. Cuomo would regularly tell staffers that he was going to lose reelection because

of them, or that they were awful at their job, or that they should be fired, former employees said.

One former official who had worked for several politicians said: “None of my experiences comes anywhere close to working for him.”

“He always has to be the smartest person in the room,” said another former aide who has worked for Cuomo in the governor’s office. “He will beat people down so he is the only person standing.”

Susan Del Percio, a Republican political strategist who was a special adviser to Cuomo in 2014 and 2015, said she could understand how some might have viewed the governor’s office as an abusive workplace — but said she did not and “just took it as: This is the way it is,” after decades in politics and government.

“He was an equal-opportunity yeller,” she said, adding: “People came out of there, men and women, just equally stunned and gobsmacked.”

The accounts of such behavior by Cuomo stretch back decades. Paul Feiner, now the town supervisor in Greenburgh, N.Y., said that when he was a Westchester County legislator in the late 1980s, he had a run-in with Cuomo about a transitional housing project that Cuomo wanted to build in the wealthy enclave. Feiner had proposed downsizing the project. He said Cuomo, who then ran a nonprofit development organization, called him and said: “I’m going to destroy your career and break every bone in your body.” Feiner said he ended up voting for the full project.

New York State Assemblyman Ron Kim (D) said he was on the receiving end of Cuomo’s temper last month after he gave an interview publicly criticizing the Cuomo administration’s handling of nursing home deaths linked to the [coronavirus](#) pandemic.

Kim said he was getting his young daughters ready for bath time when he got a call on his cellphone; it was an operator saying the governor was on the line.

“Mr. Kim, are you an honorable man?” was the first thing Cuomo said, according to Kim. During a 10-minute call, the governor threatened to destroy his career and reputation if he did not immediately issue a statement walking back his criticism, he recounted.

Kim said Cuomo was yelling so loudly that his wife could hear the governor through the phone and began shaking and crying. After Kim went public with his account of the call, Cuomo attacked Kim at a news conference, accusing him of improperly soliciting campaign donations. Azzopardi, Cuomo's senior adviser, [has said](#) he was in the room for the call and claims Kim is "lying," because he never heard anyone threaten to "destroy" anyone.

"I think it's all one interlinked pattern where he feels untouchable," Kim said. "Whether it's verbal or physical abuse, or threatening lawmakers or journalists for doing their jobs, it's come to a level where it's so normalized that he doesn't think twice about behaving that way."

'I was so embarrassed'

Former staffers said in interviews that Cuomo often wades into the dating lives of younger staffers, asking questions about who they are seeing, or if they are seeing anyone, or if he should set them up with others.

"He's stuck in a different time warp where these things are okay," one ally said, saying Cuomo did not see his behavior as problematic in the same way that others did.

A high-ranking HUD political appointee recalled a 2000 incident she characterized as so "inappropriate" that it has bothered her for more than two decades. She had only been on the job for about three weeks when she had a meeting scheduled with Cuomo and an official from the Treasury Department. She and the Treasury official were already at the conference table when Cuomo entered the room.

She stood to greet him, and she recalled Cuomo walking over — to hug her, then kiss her on the cheek.

"I remember being to this day mortified that he had done this to me in front of this official," the woman recalled. After the meeting ended and Cuomo left, the Treasury official turned to ask her how long she and Cuomo had been friends. She responded that she had just started the job.

The woman said she did not consider the kiss sexual and did not feel Cuomo was coming on to her. Instead, she said she felt the move was "more like a power trip" designed to establish himself as dominant in front of the Treasury official.

“I was so embarrassed, because of course I felt like he was thinking, ‘She was just brought on to be a squeeze,’ ” she said. “It completely diminished me, of course, in the eyes of this person. I have no doubt about that.”

Azzopardi said that seating in HUD meetings was assigned. He added that Cuomo has routinely kissed both men and women on the cheek. “It is his usual custom,” he wrote in an email.

More recently, one young female staffer who worked for Cuomo in the governor’s office said he suggested during a group meeting that a male staffer should date her.

She said she viewed the comment as part of a larger pattern of a hostile workplace known for angry outbursts and blame-shifting by senior staff that left her with crippling anxiety and questioning her self-worth.

“I would cry so hard that I would see stars,” she said.

A second female staffer who worked for him in recent years, when she was in her 20s, said she does not recall Cuomo ever saying her name, though she made sure to introduce herself. He referred to her as “honey” or “sweetheart,” she said. The woman said he asked her whether she had a boyfriend but never pressed her about her sex life.

A third woman who worked as an entry-level staffer several years ago said Cuomo asked her once or twice about her dating life and whether she was seeing someone. “It made me uncomfortable, but I didn’t feel like it was a proposition,” she said.

“I think it was very normalized, . . . the way people related to one another, the sense that you were expected to look and behave in a certain way, be playful in a certain way,” she added. “It was sort of that hard-to-put-your-finger-on-it culture.”

She said she changed her clothing style over time, opting for tighter dresses and higher heels — the clothing worn by others who seemed to have the approval of the governor and senior staff.

“I felt that I was there, in part, to be eye candy,” she said.

Still, some staffers expressed shock at the sexual harassment allegations — particularly the allegation that Cuomo kissed Boylan without her consent.

“It was a terrible place to work, easily the worst you’d ever imagine,” one former official said. “I still have nightmares about it. But I didn’t think he was that kind of guy at all.”

Cuomo aides noted that a majority of his senior staff are women.

Melissa DeRosa, who serves as the governor’s top aide, came to his defense during his news conference Wednesday, saying the Cuomo administration had a strong record of supporting women’s rights.

“We’ve promoted each other, and we’ve supported one another,” she said. “And I don’t think that this diminishes any of that.”

Michael Scherer, Alice Crites and Amy B Wang contributed to this report.



Date: Monday, March 1 2021 08:35 PM
Subject: Re: Privileged.
From: Stephanie Benton [REDACTED]@exec.ny.gov >
To: Judith Mogul [REDACTED]@exec.ny.gov >; Melissa DeRosa [REDACTED]@exec.ny.gov >;
Jefrey Pollock [REDACTED]@globalstrategygroup.com >; Josh Vlasto [REDACTED]@gmail.com >; Christopher Cuomo
CC: [REDACTED]@gmail.com >; Dani Lever [REDACTED]@gmail.com >; Linda A Lacewell (dfs.ny.gov)
[REDACTED]@dfs.ny.gov >;

[REDACTED]
[REDACTED]

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Judith Mogul
Sent: Monday, March 1, 2021 8:33 PM
To: Melissa DeRosa
Cc: Jefrey Pollock; Stephanie Benton; Josh Vlasto; Christopher Cuomo; Dani Lever; Linda A Lacewell (dfs.ny.gov)
Subject: Re: Privileged.

Is there a dial in?

Sent from my iPhone

On Mar 1, 2021, at 8:22 PM, Melissa DeRosa [REDACTED]@exec.ny.gov > wrote:

we are on for 830

From: Jefrey Pollock [REDACTED]@globalstrategygroup.com >
Sent: Monday, March 01, 2021 7:17 PM
To: Stephanie Benton; Melissa DeRosa; 'Josh Vlasto'; Christopher Cuomo; Dani Lever
Cc: Judith Mogul; Linda A Lacewell (dfs.ny.gov)
Subject: Re: Privileged.

I need to feed [REDACTED] but happy to do a call tonight after 8 or 830 or so.

Jefrey Pollock
President
D [REDACTED]
M [REDACTED]
My pronouns: he, him, his

From: Stephanie Benton [REDACTED]@exec.ny.gov >
Sent: Monday, March 1, 2021 7:15:46 PM
To: Jefrey Pollock [REDACTED]@globalstrategygroup.com >; Melissa DeRosa [REDACTED]@exec.ny.gov >; 'Josh Vlasto'
[REDACTED]@gmail.com >; Christopher Cuomo [REDACTED]@gmail.com >; Dani Lever [REDACTED]@gmail.com >
Cc: Judith Mogul [REDACTED]@exec.ny.gov >; Linda A Lacewell (dfs.ny.gov) [REDACTED]@dfs.ny.gov >

Subject: Re: Privileged.

[EXT EMAIL]

New one. Watch out for a call to happen soon please and thank you.

For the Governor to say at a press conference tomorrow:

Let me address recent complaints made by several women about my behavior in the work place.

First, let me be clear. I've never touched anyone inappropriately. I've never made inappropriate advances. And I never intended or believed I ever made a person feel uncomfortable. But I understand that is not what this is about.

Sexual harassment is a question of what a person perceives and feels as "unwelcome and uninvited", not necessarily what another person does or intends.

I apologize deeply to anyone who felt my actions made them feel uncomfortable. I fully understand it wasn't my intention but their feeling and perception that is relevant. I understand Charlotte Bennett perceived me to be making unwanted advances. That was not my intention at all, but quite the opposite.

Ms. Bennett had told me about her experiences as a victim of sexual assault. She told me that she wanted to set up a not for profit organization to advance survivors' rights, and I said I applauded her efforts and that I would be helpful. She asked me to help her on a speech to her alma mater which she believed had whitewashed her allegations. I told her I would and I did. We discussed possible strategies to have the alma mater right their wrong, and for her to achieve justice against her abuser, as she felt her abuser had not been held accountable. Ms. Bennett said to me that she had wanted to join the administration, in part, because of our efforts to stop universities from covering up sexual assault on campuses.

Ms. Bennett reportedly said her initial impression was that I was trying to mentor her, and she was right. To the extent she felt that impression changed, I apologize, because that was not my intention and it never did. I applaud her efforts and her commitment. My only intention was to be supportive and constructive.

To be totally clear, I never inappropriately touched Ms. Bennett nor intended any advances. In retrospect, I should have never engaged in conversations with Ms. Bennett. I should have referred her to someone who was in an appropriate position to be of assistance to her. And again, I apologize to Ms. Bennett for making her feel uncomfortable in any way.

I believed the people I work with on a daily basis were more comfortable with me and my personality and we had a more informal relationship. I understand now that for some, I was wrong.

There is no doubt that some people misinterpreted my behavior and that is on me.

I understand that for some, my customary behavior may be too familiar and forthcoming. I do pat some men and women on the cheek of the face on occasion. I do greet people hello or say goodbye with a hug or a kiss. I do kiss women hello or goodbye. I do kiss men hello or goodbye. I often greet staff, friends and colleagues this way. I did an event in Queens the other day – I hugged the Assemblymembers and the pastors. That is my usual custom. I have a picture hanging in my office kissing Al Gore. I've kissed Speaker Carl Heastie and Senate Leader Andrea Stewart Cousins hello. I kiss some reporters hello. You can go online and find pictures of me kissing and hugging hundreds of people. At least prior to COVID. If I ever get a sense that people are standoffish I respect that.

At work sometimes I am playful and make jokes that I think are funny. I realize now, some people do not find them funny. I do, on occasion, tease people in a good natured way and I do use nicknames. I call Robert Mujica the Sphinx. I call [REDACTED], I say Dr. Malatras is not really a doctor, I call Beth Bethesda. I do it in public and in private. You have seen me do it at briefings hundreds of times. I have teased people about getting married or not getting married, I've teased men about their dress. Upon reflection, I sometimes refer to women I work with as "honey". I mean it only as a term of endearment, but I see how it could be interpreted as patronizing. I mean no offense.

I understand that in today's environment that type of behavior may not be considered appropriate by all. Customs change and the level of sensitivity has changed and that what might have been usual custom in the past is now found by some to be insensitive or too personal. I understand the norms have changed. I want to be hyper vigilant and exemplify that change.

I've always treated women with the utmost respect and never intended anything else. I have three young daughters and I am sensitive to how they are treated and I would never want anyone to treat my daughter with less than total respect.

I've asked the Attorney General to engage an independent professional firm to review any allegations.

In the meantime, I want to take additional action. I'm going to bring in a private firm to train all my staff, myself included, as to the highest standards of appropriate workplace interaction.

I also want to engage a firm that will be available to any employee who wants to make a complaint but

may feel uncomfortable going through formal government channels.

I understand that life evolves and behavior evolves and I want my government to illustrate the best practices and the highest level of professionalism.

I'm confident that when people understand the facts of this situation, post the AG's review, they will understand the full context for my behavior. Again, I never touched anyone inappropriately, made advances inappropriately, or intended to make anyone feel my behavior was inappropriate. Again, to the extent I did make people feel uncomfortable, I apologize and I will learn from this and be the better for it.

We will do this and we will attend to the important work of the state. We are at a critical juncture with COVID and vaccinations and rebuilding. To my political adversaries, who would like to score political points during this time, I ask them to wait for the results of the Attorney General's report so that we have facts on which to base an opinion. I also ask them to fulfill their public duty, there is much work to do in the meantime and I will not be distracted from that work. We have important decisions to make and I will fight for what is in the best interest of the people of the State of New York.

From: Jeffrey Pollock [REDACTED]@globalstrategygroup.com >
Sent: Monday, March 01, 2021 5:37 PM
To: Melissa DeRosa; Stephanie Benton; 'Josh Vlasto'; Christopher Cuomo; Dani Lever
Cc: Judith Mogul; Linda A Lacewell (dfs.ny.gov)
Subject: RE: Privileged.

This is not for email. We should either discuss this or something else, but this is not editable.

From: Melissa DeRosa [REDACTED]@exec.ny.gov >
Sent: Monday, March 1, 2021 5:09 PM
To: Stephanie Benton [REDACTED]@exec.ny.gov >; Jeffrey Pollock [REDACTED]@globalstrategygroup.com >; 'Josh Vlasto' [REDACTED]@gmail.com >; Christopher Cuomo [REDACTED]@gmail.com >; Dani Lever [REDACTED]@gmail.com >
Cc: Judith Mogul [REDACTED]@exec.ny.gov >; Linda A Lacewell (dfs.ny.gov) [REDACTED]@dfs.ny.gov >
Subject: Re: Privileged.

[EXT EMAIL]

+some people

this would be for presser tomorrow

From: Stephanie Benton
Sent: Monday, March 01, 2021 5:04 PM
To: Jef Pollock@globalstrategygroup.com ; 'Josh Vlasto'
Cc: Judith Mogul; Linda A Lacewell (dfs.ny.gov); Melissa DeRosa
Subject: Re: Privileged.

Plus Linda and M

From: Stephanie Benton
Sent: Monday, March 01, 2021 5:02 PM
To: Jef Pollock@globalstrategygroup.com ; 'Josh Vlasto'
Cc: Judith Mogul
Subject: Privileged.

Draft.

For the Governor to say at a press conference tomorrow:

Let me address recent complaints made by several women about my behavior in the work place.

First, let me be clear. I've never touched anyone inappropriately. I've never made inappropriate advances. And I never intended or believed I ever made a person feel uncomfortable. But I understand that is not what this is about.

Sexual harassment is a question of what a person perceives and feels as "unwelcome and uninvited" and if a person feels that way, despite the intent, that is wrong.

I've worked with hundreds of men and women over the years and no one ever told me that I made them

feel uncomfortable.

But I understand that's not the point either.

I apologize deeply to anyone who felt my actions made them feel uncomfortable. I fully understand my intention was irrelevant and that their feeling and perception is all that is relevant. I understand Charlotte Bennett perceived me to be making unwanted advances. That was not my intention at all, but quite the opposite. Ms. Bennett had told me about her experiences as a victim of sexual assault. She told me that she wanted to set up a not for profit organization to advance survivors' rights, and I said I applauded her efforts and that I would be helpful. She asked me to help her on a speech to her alma mater which she believed had whitewashed her allegations. I did. We discussed possible avenues to force the alma mater to right their wrong, and for her to achieve justice against her abuser, as she felt her abuser had not been held accountable. Ms. Bennett said to me that she wanted to join the administration, in part, because of our efforts to stop universities from covering up sexual assault on campuses. Ms. Bennett repeatedly said her initial impression was that I was trying to mentor her, and she was right. To the extent she felt that impression changed, I apologize, because that was not my intention. I applaud her efforts and her commitment. My only intention was to be supportive and constructive. To be totally clear, I never inappropriately touched Ms. Bennett nor intended any advances. However, again, it is her perception that matters. In retrospect, I should have never engaged in conversations with Ms. Bennett. I should have referred her to someone who was in an appropriate position to be helpful. And again, I apologize to Ms. Bennett for making her feel uncomfortable in any way.

There is no doubt that my usual custom is to try to bring levity and distraction to the stress of the workplace. How I act in private is how I act in public. I do tease people. I do joke around. I do try to be personable and friendly. I do try to show people I appreciate and like them. I understand as Governor, people can feel intimidated by the position and I always try to keep that in mind.

I believed the people I work with on a daily basis were more comfortable with me and my personality and we had a more informal relationship. I understand now that for some, I was wrong. While no one ever said to me I made them feel uncomfortable, I understand that is also irrelevant.

There is no doubt people misinterpreted my behavior and that is on me.

In addition, situations without context can be misleading. The press reported that I told a female reporter at the New York State Fair, while eating a sandwich, that "you have to eat the whole sausage". They inferred a sexual innuendo. In truth, visiting Gianelli's sausage stand at the State Fair is a political custom. I have done it for many years. I had brought my daughters to the Fair and told them before the event that as a sign of respect, it was important that they finish the entire sandwich to show that they enjoyed it. In fact, after we purchased the sandwiches we sat down at a table and myself and my

daughters finished our entire sandwiches. It was not just a political gesture; the sandwich was also excellent. However, what I said to my daughters is the same statement I had made to the reporter. There was no inference beyond that.

In my conference room, I have many artifacts, gifts from my father, Bill Clinton, Ted Kennedy, and others. I have done hundreds of tours in the conference room and I always show a cigar box that was given to me by Bill Clinton. There is no inference beyond the obvious, it is a memento from my eight years in the Clinton administration.

Melissa DeRosa is a topflight professional and probably the most qualified person I have ever served with. We are friends and have worked together for ten years. We go to meetings, events, and to dinner on many occasions. Our relationship is professional, collegial and as true friends. To suggest anything else demeans women in the work place. I have gone to dinners with all prior Secretaries – Steve Cohen, [REDACTED], Larry Schwartz – and no one has raised any inferences.

I understand that my customary behavior may be too familiar and forthcoming. I do greet people hello or say goodbye with a hug or a kiss. I do kiss women hello or goodbye. I do kiss men hello or goodbye. I often greet staff, friends and colleagues this way. I did an event in Queens the other day – I hugged the Assemblymembers and the pastors. That is my usual custom. I have a picture hanging in my office kissing Al Gore. I've kissed Speaker Carl Heastie and Senate Leader Andrea Stewart Cousins hello. I kiss some reporters hello. You can go online and find pictures of me kissing and hugging hundreds of people. At least prior to COVID. If I ever get a sense that people are standoffish I respect that.

At work sometimes I am playful and make jokes that I think are funny. I realize now, some people do not find them funny. I do, on occasion, tease people in a good natured way and I do use nicknames. I call Robert Mujica the Sphinx. I call [REDACTED], I say Dr. Malatras is not really a doctor, I call Beth Bethesda. I do it in public and in private. You have seen me do it at briefings hundreds of times. I have teased people about getting married or not getting married, I've teased men about their dress. I mean no offense. Upon reflection, I sometimes refer to women I work with as "honey". I mean it only as a term of endearment, but I see how it could be interpreted as patronizing.

I understand that in today's environment that type of behavior may not be considered appropriate. Customs change and the level of sensitivity has changed and that what might have been usual custom in the past is now found by some to be insensitive or too personal. I understand the norms have changed. I want to be hyper vigilant and exemplify that change.

I've always treated women with the utmost respect and never intended anything else. I have three young daughters and I am sensitive to how they are treated and I would never want anyone to treat my daughter with less than total respect.

I've asked the Attorney General to engage an independent professional firm to review any allegations. In the meantime, I want to take additional action. I'm going to bring in a private firm to train all my staff, myself included, as to appropriate workplace interaction. I also want to engage a firm that will be available to any employee who wants to make a complaint but may feel uncomfortable going through formal government channels.

I understand that life evolves and behavior evolves and I want my government to illustrate the best practices and the highest level of professionalism.

We will do this and we will attend to the important work of the state. We are at a critical juncture with COVID and vaccinations and rebuilding. To my political adversaries, who would like to score political points during this time, I ask them to wait for the results of the Attorney General's report so that we have facts on which to base an opinion. I also ask them to fulfill their duty, there is much work to do in the meantime and I will not be distracted from that work. We have important decisions to make and I will fight for what is in the best interest of the people of the State of New York.

I'm confident that when people understand the facts of this situation, post the AG's review, they will understand the full context for my behavior. Again, I never touched anyone inappropriately, made advances inappropriately, or intended to make anyone feel my behavior was inappropriate. Again, to the extent I did make people feel uncomfortable, I apologize and I will learn from this and be the better for it.



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

SUBPOENA DUCES TECUM
THE PEOPLE OF THE STATE OF NEW YORK
GREETINGS

TO: The Honorable Andrew M. Cuomo
Governor of New York State
Capitol Building
Albany, NY 12224

YOU ARE HEREBY COMMANDED, under Executive Law § 63(8) and N.Y. Civil Practice Law and Rules § 2302(a), and/or other statutes, to deliver and turn over to the Special Deputies to the First Deputy Attorney General, on **the 5th day of April, 2021, at 9:30 a.m.**, or any agreed upon adjourned date or time, at One Liberty Plaza, 38th Floor, New York, New York 10006, all documents and information requested in the attached Schedule in accordance with the instructions and definitions contained therein.

TAKE NOTICE that the Attorney General deems the documents and information commanded by this Subpoena to be relevant and material to an investigation and inquiry undertaken in the public interest.

TAKE FURTHER NOTICE that Your disobedience of this Subpoena, by failing to deliver the documents and information requested in the attached Schedule on the date, time and place stated above or on any agreed upon adjourned date or time, **may subject You to penalties and other lawful punishment** under § 2308 of the New York Civil Practice Law and Rules and other statutes.

Exhibit

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P.B. 07.17.21

exhibitsticker.com

WITNESS, The Honorable Letitia James, Attorney General of the State of New York, this 24th day of March, 2021.

By: 

Joon H. Kim
Jennifer Kennedy Park
Abena Mainoo
Special Deputies to the
First Deputy Attorney General
@ag.ny.gov
@ag.ny.gov
@ag.ny.gov

By: /s/ Anne L. Clark

Anne L. Clark
Yannick Grant
Special Deputies to the
First Deputy Attorney General
@ag.ny.gov
@ag.ny.gov

SCHEDULE

A. General Definitions and Rules of Construction

1. “All” means each and every.
2. “Any” means any and all.
3. “And” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Subpoena all information or Documents that might otherwise be construed to be outside of its scope.
4. “Communication” means any conversation, discussion, letter, email, call, text message, instant message, memorandum, meeting, note or other transmittal of information or message, whether transmitted in writing, orally, electronically or by any other means, and shall include any Document that abstracts, digests, transcribes, records or reflects any of the foregoing.
5. “Concerning” means, directly or indirectly, in whole or in part, relating to, referring to, describing, evidencing or constituting.
6. “Custodian” means any Person or Entity that, as of the date of this Subpoena, maintained, possessed, or otherwise kept or controlled such Document.
7. “Document” is used herein in the broadest sense of the term and means all records and other tangible media of expression of whatever nature however and wherever created, produced or stored (manually, mechanically, electronically or otherwise), including without limitation all versions whether draft or final, all annotated or nonconforming or other copies, electronic mail (“email”), instant messages, text messages, Blackberry or other wireless device messages, voicemail, calendars, date books, appointment books, diaries, books, papers, files, notes, confirmations, accounts statements, correspondence, memoranda, reports, records, journals, registers, analyses, code (*e.g.*, C/C++/C#, SQL, JavaScript), algorithms, code repositories (*e.g.*, GitHub), commit messages, audit logs, data or databases (*e.g.*, Oracle, postgres or other SQL or non-SQL systems), plans, manuals, policies, telegrams, faxes, telexes, wires, telephone logs, telephone messages, message slips, minutes, notes or records or transcriptions of conversations or Communications or meetings, tape recordings, videotapes, disks, and other electronic media, microfilm, microfiche, storage devices, press releases, contracts, agreements, notices and summaries. Any non-identical version of a Document constitutes a separate Document within this definition, including without limitation drafts or copies bearing any notation, edit, comment, marginalia, underscoring, highlighting, marking, commit messages, or any other alteration of any kind resulting in any difference between two or more otherwise identical Documents. In the case of Documents bearing any notation or other marking made by highlighting ink, the term Document means the original version bearing the highlighting ink, which original must be produced as opposed to any copy

thereof.

8. “Entity” means without limitation any corporation, company, limited liability company or corporation, partnership, limited partnership, association, or other firm or similar body, or any unit, division, agency, department, or similar subdivision thereof.
9. “Identify” or “Identity,” as applied to any Document means the provision in writing of information sufficiently particular to enable the Attorney General to request the Document’s production through subpoena or otherwise, including but not limited to: (a) Document type (letter, memo, etc.); (b) Document subject matter; (c) Document date; and (d) Document author(s), addressee(s) and recipient(s). In lieu of identifying a Document, the Attorney General will accept production of the Document, together with designation of the Document’s Custodian, and identification of each Person You believe to have received a copy of the Document.
10. “Identify” or “Identity,” as applied to any Entity, means the provision in writing of such Entity’s legal name, any d/b/a, former, or other names, any parent, subsidiary, officers, employees, or agents thereof, and any address(es) and any telephone number(s) thereof.
11. “Identify” or “Identity,” as applied to any natural person, means and includes the provision in writing of the natural person’s name, title(s), position(s), any aliases, place(s) of employment, telephone number(s), email address(es), mailing addresses and physical address(es).
12. “Person” means any natural person, or any Entity.
13. “Sent” or “received” as used herein means, in addition to their usual meanings, the transmittal or reception of a Document by physical, electronic or other delivery, whether by direct or indirect means.
14. “Subpoena” means this subpoena and any schedules or attachments thereto.
15. The use of the singular form of any word used herein shall include the plural and vice versa. The use of any tense of any verb includes all other tenses of the verb.

B. Particular Definitions

1. “Complainant” means Jessica Bakeman, Charlotte Bennett, Lindsey Boylan, Brittany Commisso, Karen Hinton, Ana Liss, Alyssa McGrath, Anna Ruch, and any other individual who has made any Complaints known to You, any other member of the Executive Chamber, or the public. For the avoidance of doubt, to the extent additional allegations come to light following the issuance of this Subpoena, individuals who make such allegations should be included in the definition of “Complainant.”

2. “Complaint” means any and all complaints, allegations, comments, accusations, or other statements of workplace misconduct, sexual harassment, sex- or gender-based misconduct, or other behavior or comments of a sexual, abusive or otherwise inappropriate or uncomfortable nature, whether made formally or informally.
3. “County Executive” means any chief executive of New York, and all other officials, employees, personnel, and agents of the counties in the State.
4. “Executive Chamber” means the Executive Chamber of the State of New York, including but not limited to Governor Andrew M. Cuomo, and all other officers, directors, supervisors, personnel, employees, secretaries, interns, fellows, agents, contractors, consultants, representatives, and attorneys of the Executive Chamber, or any other Persons associated with or acting on behalf of the foregoing, or acting on behalf of any predecessors, successors, or affiliates of the foregoing at any point during the relevant time.
5. “Executive Office” means any office within the New York State government in which employees and officers work directly with, work under the control of, answer to or maintain direct contact with the Governor. This includes offices in Albany, Manhattan, and anywhere else in New York State.
6. “Governor’s Mansion” means the official residence of the Governor, also known as the New York State Executive Mansion.
7. “New York Attorney General” or “Attorney General” means the New York State Office of the Attorney General, including Letitia James.
8. “Respondent,” “You,” “Your,” or “Governor” means Andrew M. Cuomo, New York State Governor, either in an official or individual capacity.
9. “State” or “New York” means the State of New York.
10. “State Legislature” means the New York State Assembly, including but not limited to its members, employees, personnel, and agents.

C. Instructions

1. Preservation of Relevant Documents and Information; Spoliation. You are reminded of Your obligations under law to preserve Documents and information relevant or potentially relevant to this Subpoena from destruction or loss, and of the consequences of, and penalties available for, spoliation of evidence. No agreement, written or otherwise, purporting to modify, limit or otherwise vary the terms of this Subpoena, shall be construed in any way to narrow, qualify, eliminate or otherwise diminish Your aforementioned preservation obligations. Nor shall You act, in reliance upon any such agreement or otherwise, in any manner inconsistent with Your preservation obligations under law. No agreement

purporting to modify, limit or otherwise vary Your preservation obligations under law shall be construed as in any way narrowing, qualifying, eliminating or otherwise diminishing such aforementioned preservation obligations, nor shall You act in reliance upon any such agreement, unless a Special Deputy to the First Deputy Attorney General confirms or acknowledges such agreement in writing, or makes such agreement a matter of record in open court.

2. Possession, Custody, and Control. The Subpoena calls for all responsive Documents or information in Your possession, custody or control. This includes, without limitation, Documents or information possessed or held by You on any devices, whether personally owned or supplied to You by Your employer or held by Your employees, agents, representatives, or consultants or Persons from whom You could request Documents or information. If Documents or information responsive to a request in this Subpoena are in Your control, but not in Your possession or custody, You shall promptly Identify the Person with possession or custody and notify that Person of the Person's obligation to preserve such Documents and provide them to You for production.
3. Documents No Longer in Your Possession. If any Document requested herein was formerly in Your possession, custody or control but is no longer available, or no longer exists, You shall submit a statement in writing under oath that: (a) describes in detail the nature of such Document and its contents; (b) Identifies the Person(s) who prepared such Document and its contents; (c) Identifies all Persons who have seen or had possession of such Document; (d) specifies the date(s) on which such Document was prepared, transmitted or received; (e) specifies the date(s) on which such Document became unavailable; (f) specifies the reason why such Document is unavailable, including without limitation whether it was misplaced, lost, destroyed or transferred; and if such Document has been destroyed or transferred, the conditions of and reasons for such destruction or transfer and the Identity of the Person(s) requesting and performing such destruction or transfer; and (g) Identifies all Persons with knowledge of any portion of the contents of the Document.
4. No Documents Responsive to Subpoena Requests. If there are no Documents responsive to any particular Subpoena request, You shall so state in writing under oath in the Affidavit of Compliance attached hereto, identifying the paragraph number(s) of the Subpoena request concerned.
5. Format of Production. You shall produce Documents and information responsive to this Subpoena in the format requested by the Office of the New York State Attorney General, as set out in Attachments 1 and 2 or as otherwise agreed upon.
6. Databases. To the extent that any data responsive to the requests herein is maintained in an electronic repository of records, such as a detailed transcription report, such information should be produced by querying the database for responsive information and generating a report or a reasonably usable and exportable electronic file (for example, *.csv and/or *.xls formats) for review. If

it is not possible to export data in this format, You must make the database available to the undersigned for meaningful inspection and review of the information.

7. Existing Organization of Documents to be Preserved. Regardless of whether a production is in electronic or paper format, each Document shall be produced in the same form, sequence, organization or other order or layout in which it was maintained before production, including but not limited to production of any Document or other material indicating filing or other organization. Such production shall include without limitation any file folder, file jacket, cover or similar organizational material, as well as any folder bearing any title or legend that contains no Document. Likewise, all Documents that are physically attached to each other in Your files shall remain so attached in any production; or if such production is electronic, shall be accompanied by notation or information sufficient to indicate clearly such physical attachment.
8. Manner of Compliance – Custodians/Search Terms/Technology-Assisted Review. Prior consultation with the Special Deputies to the First Deputy Attorney General is required concerning selection of custodians for document searches (whether electronic or otherwise) or for use of search term filters, predictive coding or other forms of technology-assisted review. The Office of the Attorney General reserves the right to approve, disapprove, modify or supplement any proposed list of custodians, search terms, and/or review methodology. The selection or use of custodians, search term filters, and/or technology-assisted review in no way relieves You of Your obligation to fully respond to these requests for Documents or information.
9. Document Numbering. All Documents responsive to this Subpoena, regardless of whether produced or withheld on ground of privilege or other legal doctrine, and regardless of whether production is in electronic or paper format, shall be numbered in the lower right corner of each page of such Document, without disrupting or altering the form, sequence, organization or other order or layout in which such Documents were maintained before production. Such number shall comprise a prefix containing the producing Person's name or an abbreviation thereof, followed by a unique, sequential, identifying document control number.
10. Privilege Placeholders. For each Document withheld from production on ground of privilege or other legal doctrine, regardless of whether a production is electronic or in hard copy, You shall insert one or more placeholder page(s) in the production bearing the same document control number(s) borne by the Document withheld, in the sequential place(s) originally occupied by the Document before it was removed from the production.
11. Privilege. If You withhold or redact any Document responsive to this Subpoena on ground of any privilege or other legal doctrine, You shall submit with the Documents produced a statement in writing under oath, stating: (a) the document control number(s) of the Document withheld or redacted; (b) the type of

Document; (c) the date of the Document; (d) the author(s) and recipient(s) of the Document; (e) the general subject matter of the Document; and (f) the legal ground for withholding or redacting the Document. If the legal ground for withholding or redacting the Document is attorney-client privilege, You shall indicate the name of the attorney(s) whose legal advice is sought or provided in the Document.

12. Your Production Instructions to Be Produced. You shall produce a copy of all written or otherwise recorded instructions prepared by You concerning the steps taken to respond to this Subpoena. For any unrecorded instructions given, You shall provide a written statement under oath from the Person(s) who gave such instructions that details the specific content of the instructions and any Person(s) to whom the instructions were given.
13. Cover Letter, Index, and Identifying Information. Accompanying any production(s) made pursuant to this Subpoena, You shall include a cover letter that shall at a minimum provide an index containing the following: (a) a description of the type and content of each Document produced therewith; (b) the paragraph number(s) of the Subpoena request(s) to which each such Document is responsive; (c) the Identity of the Custodian(s) of each such Document; and (d) the document control number(s) of each such Document. As further set forth in Attachment 2, information must also be included in the metadata and load files of each production concerning the identity of each Document's custodian, as well as information identifying the particular Document requests and/or information to which each document is responsive.
14. Affidavit of Compliance. A copy of the Affidavit of Compliance provided herewith shall be completed and executed by all natural persons supervising or participating in compliance with this Subpoena, and You shall submit such executed Affidavit(s) of Compliance with Your response to this Subpoena.
15. Identification of Persons Preparing Production. In a schedule attached to the Affidavit of Compliance provided herewith, You shall Identify the natural person(s) who prepared or assembled any productions or responses to this Subpoena. You shall further Identify the natural person(s) under whose personal supervision the preparation and assembly of productions and responses to this Subpoena occurred. You shall further Identify all other natural person(s) able to competently testify: (a) that such productions and responses are complete and correct to the best of such person's knowledge and belief; and (b) that any Documents produced are authentic, genuine and what they purport to be.
16. Continuing Obligation to Produce. This Subpoena imposes a continuing obligation to produce the Documents and information requested. Documents located or created, and information learned, acquired or created, at any time after Your response is due shall be promptly produced at the place specified in this Subpoena.

17. No Oral Modifications. No agreement purporting to modify, limit or otherwise vary this Subpoena shall be valid or binding, and You shall not act in reliance upon any such agreement, unless a Special Deputy to the First Deputy Attorney General confirms or acknowledges such agreement in writing, or makes such agreement a matter of record in open court.
18. Time Period. Unless otherwise specified, the time period covered by this Subpoena shall be from January 1, 2013 forward.

D. Documents to Be Produced

1. Any and all Documents related to any Complaints against You, including investigations thereof.
2. Any and all Communications with or about a Complainant.
3. Any and all Documents reflecting Communications between You and Executive Chamber senior staff including, but not limited to, Communications between You and Richard Azzopardi, Stephanie Benton, Melissa DeRosa, Jill DesRosiers, Beth Garvey, Judith Mogul, or Annabel Walsh.
4. Any and all Documents concerning a Complainant's attendance at an event, appointment, or meeting at which You were or would be present, including any at the Executive Offices or the Governor's Mansion.
5. Any and all Documents concerning Communications with the media and public statements about the Complainants or Complaints concerning You.
6. Any and all Documents relating to how to respond to Complaints concerning You, including the nature of any investigations to be conducted about such Complaints.
7. Any and all Documents concerning Communications with County Executives and members of the State Legislatures about Complaints concerning You, including their positions or views about whether You should resign.
8. Any and all Documents concerning retention or deletion of records within the Executive Chamber, including but not limited to Communications between members, use of Blackberry instant messaging ("PINs"), and other means of

communication.

9. Any and all Documents sufficient to identify the earliest Blackberry PIN Communication that is currently retained between You and each current or former member of the Executive Chamber including, but not limited to, Richard Azzopardi, Stephanie Benton, Beth Garvey, Melissa DeRosa, Jill DesRosiers, Judith Mogul, and Annabel Walsh.

10. A list of all Your electronic devices used for any Communication related to the Executive Chamber or Complainants, whether personally owned or supplied to you by the Executive Chamber or the State, including, but not limited to, any Blackberry or iPhone device.

11. A list of all Your email addresses or phone numbers used for any Communication related to the Executive Chamber or Complainants.

ATTACHMENT 1

Electronic Document Production Specifications

Unless otherwise specified and agreed to by the Office of Attorney General, all responsive documents must be produced in LexisNexis® Concordance® format in accordance with the following instructions. Any questions regarding electronic document production should be directed to the Special Deputy to the First Deputy Attorney General whose email address appears on the subpoena.

1. Concordance Production Components. A Concordance production consists of the following component files, which must be produced in accordance with the specifications set forth below in Section 7.
 - a. ***Metadata Load File.*** A delimited text file that lists in columnar format the required metadata for each produced document.
 - b. ***Extracted or OCR Text Files.*** Document-level extracted text for each produced document or document-level optical character recognition (“OCR”) text where extracted text is not available.
 - c. ***Single-Page Image Files.*** Individual petrified page images of the produced documents in tagged image format (“TIF”), with page-level Bates number endorsements.
 - d. ***Opticon Load File.*** A delimited text file that lists the single-page TIF files for each produced document and defines (i) the relative location of the TIF files on the production media and (ii) each document break.
 - e. ***Native Files.*** Native format versions of non-printable or non-print friendly produced documents.
2. Production Folder Structure. The production must be organized according to the following standard folder structure:
 - data\ (contains production load files)
 - images\ (contains single-page TIF files, with subfolder organization)
 \0001, \0002, \0003...
 - native_files\ (contains native files, with subfolder organization)
 \0001, \0002, \0003...
 - text\ (contains text files, with subfolder organization)
 \0001, \0002, \0003...
3. De-Duplication. You must perform global de-duplication of stand-alone documents and email families against any prior productions pursuant to this or previously related subpoenas.

4. Paper or Scanned Documents. Documents that exist only in paper format must be scanned to single-page TIF files and OCR'd. The resulting electronic files should be pursued in Concordance format pursuant to these instructions. You must contact the Special Deputy to the First Deputy Attorney General whose email address appears on the subpoena to discuss (i) any documents that cannot be scanned, and (ii) how information for scanned documents should be represented in the metadata load file.
5. Structured Data. Before producing structured data, including but not limited to relational databases, transactional data, and xml pages, you must first speak to the Special Deputy to the First Deputy Attorney General whose email address appears on the subpoena. Structured data is data that has a defined length and format and includes, but is not limited to, relational databases, graphical databases, JSON files, or xml/html pages.
 - a. Relational Databases
 1. Database tables should be provided in CSV or other delimited machine-readable, non-proprietary format, with each table in a separate data file. The preferred delimiter is a vertical bar "|". If after speaking with the Special Deputy to the First Deputy Attorney General and it is determined that the data cannot be exported from a proprietary database, then the data can be produced in the proprietary format so long as the Office of the Attorney General is given sufficient access to that data.
 2. Each database must have an accompanying Data Dictionary.
 3. Dates and numbers must be clearly and consistently formatted and, where relevant, units of measure should be explained in the Data Dictionary.
 4. Records must contain clear, unique identifiers, and the Data Dictionary must include explanations of how the files and records relate to one another.
 5. Each data file must also have an accompanying summary file that provides total row counts for the entire dataset and total row counts.
 - b. Compression
 1. If Documents are provided in a compressed archive, only standard lossless compression methods (e.g., gzip, bzip2, and ZIP) shall be used. Media files should be provided in their original file format, with metadata preserved and no additional lossy encoding applied.

6. Media and Encryption. All documents must be produced on CD, DVD, or hard-drive media. After consultation with the Special Deputy to the First Deputy Attorney General, Documents may also be produced over a secure file transfer protocol (FTP) or a pre-approved cloud-based platform (e.g., Amazon Web Services S3 bucket). All production media must be protected with a strong, randomly generated password containing at least 16 alphanumeric characters and encrypted using Advanced Encryption Standard with 256-bit key length (AES-256). Passwords for electronic documents, files, compressed archives and encrypted media must be provided separately from the media.

7. Production File Requirements.

a. ***Metadata Load File***

- Required file format:
 - ASCII or UTF-8
 - Windows formatted CR + LF end of line characters, including full CR + LF on last record in file.
 - .dat file extension
 - Field delimiter: (ASCII decimal character 20)
 - Text Qualifier: þ (ASCII decimal character 254). Date and pure numeric value fields do not require qualifiers.
 - Multiple value field delimiter: ; (ASCII decimal character 59)
- The first line of the metadata load file must list all included fields. All required fields are listed in Attachment 2.
- Fields with no values must be represented by empty columns maintaining delimiters and qualifiers.
- **Note:** All documents must have page-level Bates numbering (except documents produced only in native format, which must be assigned a document-level Bates number). The metadata load file must list the beginning and ending Bates numbers (BEGDOC and ENDDOC) for each document. For document families, including but not limited to emails and attachments, compound documents, and uncompressed file containers, the metadata load file must also list the Bates range of the entire document family (ATTACHRANGE), beginning with the first Bates number (BEGDOC) of the “parent” document and ending with the last Bates number (ENDDOC) assigned to the last “child” in the document family.
- Date and Time metadata must be provided in separate columns.
- Accepted date formats:
 - mm/dd/yyyy
 - yyyy/mm/dd
 - yyymmdd

- Accepted time formats:
 - hh:mm:ss (if not in 24-hour format, you must indicate am/pm)
 - hh:mm:ss:mmm
- b. ***Extracted or OCR Text Files***
- You must produce individual document-level text files containing the full extracted text for each produced document.
 - When extracted text is not available (for instance, for image-only documents) you must provide individual document-level text files containing the document’s full OCR text.
 - The filename for each text file must match the document’s beginning Bates number (BEGDOC) listed in the metadata load file.
 - Text files must be divided into subfolders containing no more than 500 to 1000 files.
- c. ***Single-Page Image Files (Petrified Page Images)***
- Where possible, all produced documents must be converted into single-page tagged image format (“TIF”) files. See Section 7.E below for instructions on producing native versions of documents you are unable to convert.
 - Image documents that exist only in non-TIF formats must be converted into TIF files. The original image format must be produced as a native file as described in Section 7.E below.
 - For documents produced only in native format, you must provide a TIF placeholder that states “Document produced only in native format.”
 - Each single-page TIF file must be endorsed with a unique Bates number.
 - The filename for each single-page TIF file must match the unique page-level Bates number (or document-level Bates number for documents produced only in native format).
 - Required image file format:
 - CCITT Group 4 compression
 - 2-Bit black and white
 - 300 dpi
 - Either .tif or .tiff file extension.
 - TIF files must be divided into subfolders containing no more than 500 to 1000 files. Where possible documents should not span multiple subfolders.
- d. ***Opticon Load File***
- Required file format:
 - ASCII
 - Windows formatted CR + LF end of line characters
 - Field delimiter: , (ASCII decimal character 44)
 - No Text Qualifier

- .opt file extension
- The comma-delimited Opticon load file must contain the following seven fields (as indicated below, values for certain fields may be left blank):
 - ALIAS or IMAGEKEY – the unique Bates number assigned to each page of the production.
 - VOLUME – this value is optional and may be left blank.
 - RELATIVE PATH – the filepath to each single-page image file on the production media.
 - DOCUMENT BREAK – defines the first page of a document. The only possible values for this field are “Y” or blank.
 - FOLDER BREAK – defines the first page of a folder. The only possible values for this field are “Y” or blank.
 - BOX BREAK – defines the first page of a box. The only possible values for this field are “Y” or blank.
 - PAGE COUNT – this value is optional and may be left blank.
- **Example:**
 ABC00001,,IMAGES\0001\ABC00001.tif,Y,,2
 ABC00002,,IMAGES\0001\ABC00002.tif,,,,
 ABC00003,,IMAGES\0002\ABC00003.tif,Y,,1
 ABC00004,,IMAGES\0002\ABC00004.tif,Y,,1

e. ***Native Files***

- Non-printable or non-print friendly documents (including but not limited to spreadsheets, audio files, video files and documents for which color has significance to document fidelity) must be produced in their native format.
- The filename of each native file must match the document’s beginning Bates number (BEGDOC) in the metadata load file and retain the original file extension.
- For documents produced only in native format, you must assign a single document-level Bates number and provide an image file placeholder that states “Document produced only in native format.”
- The relative paths to all native files on the production media must be listed in the NATIVEFILE field of the metadata load file.
- Native files that are password-protected must be decrypted prior to conversion and produced in decrypted form. In cases where this cannot be achieved the document’s password must be listed in the metadata load file. The password should be placed in the COMMENTS field with the format Password: <PASSWORD>.
- You may be required to supply a software license for proprietary documents produced only in native format.

ATTACHMENT 2
Required Fields for Metadata Load File

FIELD NAME	FIELD DESCRIPTION	FIELD VALUE EXAMPLE¹
DOCID	Unique document reference (can be used for de-duplication).	ABC0001 or ###.#####.###
BEGDOC	Bates number assigned to the first page of the document.	ABC0001
ENDDOC	Bates number assigned to the last page of the document.	ABC0002
BEGATTACH	Bates number assigned to the first page of the parent document in a document family (<i>i.e.</i> , should be the same as BEGDOC of the parent document, or PARENTDOC).	ABC0001
ENDATTACH	Bates number assigned to the last page of the last child document in a family (<i>i.e.</i> , should be the same as ENDDOC of the last child document).	ABC0008
ATTACHRANGE	Bates range of entire document family.	ABC0001 - ABC0008
PARENTDOC	BEGDOC of parent document.	ABC0001
CHILDDOCS	List of BEGDOCs of all child documents, delimited by ";" when field has multiple values.	ABC0002; ABC0003; ABC0004...
DOCREQ	List of particular Requests for Documents to be Produced in the subpoena	1; 2; 3 . . .
INTERROG	List of particular Requests for Information or interrogatories in the subpoena	1; 2; 3 . . .
COMMENTS	Additional document comments, such as passwords for encrypted files.	

¹ Examples represent possible values and not required format unless the field format is specified in Attachment 1.

NATIVEFILE	Relative file path of the native file on the production media.	.\Native_File\Folder\...\BEGDOC.ext
SOURCE	For scanned paper records this should be a description of the physical location of the original paper record. For loose electronic files this should be the name of the file server or workstation where the files were gathered.	Company Name, Department Name, Location, Box Number...
CUSTODIAN	Owner of the document or file.	Firstname Lastname, Lastname, Firstname, User Name; Company Name, Department Name...
FROM	Sender of the email.	Firstname Lastname < FLastname @domain >
TO	All to: members or recipients, delimited by ";" when field has multiple values.	Firstname Lastname < FLastname @domain >; Firstname Lastname < FLastname @domain >; ...
CC	All cc: members, delimited by ";" when field has multiple values.	Firstname Lastname < FLastname @domain >; Firstname Lastname < FLastname @domain >; ...
BCC	All bcc: members, delimited by ";" when field has multiple values	Firstname Lastname < FLastname @domain >; Firstname Lastname < FLastname @domain >; ...
SUBJECT	Subject line of the email.	
DATERCVD	Date that an email was received.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd
TIMERCVD	Time that an email was received.	hh:mm:ss AM/PM or hh:mm:ss
DATESENT	Date that an email was sent.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd

TIMESENT	Time that an email was sent.	hh:mm:ss AM/PM or hh:mm:ss
CALBEGDATE	Date that a meeting begins.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd
CALBEGTIME	Time that a meeting begins.	hh:mm:ss AM/PM or hh:mm:ss
CALENDDATE	Date that a meeting ends.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd
CALENDTIME	Time that a meeting ends.	hh:mm:ss AM/PM or hh:mm:ss
CALENDAR DUR	Duration of a meeting in hours.	0.75, 1.5...
ATTACHMENTS	List of filenames of all attachments, delimited by ";" when field has multiple values.	AttachmentFileName.; AttachmentFileName.doc x; AttachmentFileName.pdf; ...
NUMATTACH	Number of attachments.	1, 2, 3, 4...
RECORDTYPE	General type of record.	IMAGE; LOOSE E- MAIL; E-MAIL; E-DOC; IMAGE ATTACHMENT; LOOSE E-MAIL ATTACHMENT; E- MAIL ATTACHMENT; E-DOC ATTACHMENT
FOLDERLOC	Original folder path of the produced document.	Drive:\Folder\...\...\
FILENAME	Original filename of the produced document.	Filename.ext
DOCEXT	Original file extension.	html, xls, pdf
DOCTYPE	Name of the program that created the produced document.	Adobe Acrobat, Microsoft Word, Microsoft Excel, Corel WordPerfect...
TITLE	Document title (if entered).	
AUTHOR	Name of the document author.	Firstname Lastname; Lastname, First Name; FLastname
REVISION	Number of revisions to a document.	18

DATECREATED	Date that a document was created.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd
TIMECREATED	Time that a document was created.	hh:mm:ss AM/PM or hh:mm:ss
DATEMOD	Date that a document was last modified.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd
TIMEMOD	Time that a document was last modified.	hh:mm:ss AM/PM or hh:mm:ss
FILESIZE	Original file size in bytes.	128, 512, 1024...
PGCOUNT	Number of pages per document.	1, 2, 10, 100...
IMPORTANCE	Email priority level if set.	Low, Normal, High
TIFFSTATUS	Generated by the Law Pre-discovery production tool (leave blank if inapplicable).	Y, C, E, W, N, P
DUPSTATUS	Generated by the Law Pre-discovery production tool (leave blank if inapplicable).	P
MD5HASH	MD5 hash value computed from native file (a/k/a file fingerprint).	BC1C5CA6C1945179FE E144F25F51087B
SHA1HASH	SHA1 hash value	B68F4F57223CA7DA358 4BAD7ECF111B8044F86 31
MSGINDEX	Email message ID	

AFFIDAVIT OF COMPLIANCE WITH SUBPOENA

State of _____ }
County of _____ }

I, _____, being duly sworn, state as follows:

1. I am employed by Respondent in the position of _____
_____;
2. Respondent’s productions and responses to the Subpoena of the Attorney General of the State of New York, dated _____, 20_____ (the “Subpoena”) were prepared and assembled under my personal supervision;
3. I made or caused to be made a diligent, complete and comprehensive search for all Documents and information requested by the Subpoena, in full accordance with the instructions and definitions set forth in the Subpoena;
4. Respondent’s productions and responses to the Subpoena are complete and correct to the best of my knowledge and belief;
5. No Documents or information responsive to the Subpoena have been withheld from Respondent’s production and response, other than responsive Documents or information withheld on the basis of a legal privilege or doctrine;
6. All responsive Documents or information withheld on the basis of a legal privilege or doctrine have been identified on a privilege log composed and produced in accordance with the instructions in the Subpoena;
7. The Documents contained in Respondent’s productions and responses to the Subpoena are authentic, genuine and what they purport to be;
8. Attached is a true and accurate record of all persons who prepared and assembled any productions and responses to the Subpoena, all persons under whose personal supervision the preparation and assembly of productions and responses to the Subpoena occurred, and all persons able competently to testify: (a) that such productions and responses are complete and correct to the best of such person’s knowledge and belief; and (b) that any Documents produced are authentic, genuine and what they purport to be; and

9. Attached is a true and accurate statement of those requests under the Subpoena as to which no responsive Documents were located in the course of the aforementioned search.

Signature of Affiant

Date

Printed Name of Affiant

* * *

Subscribed and sworn to before me this _____ day of _____, 20__.

_____, Notary Public

My commission expires: _____