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HIGHLY CONFIDENTIAL - WITNESS 6/29/21

-----x  
The Matter of Independent Investigation  
Under New York State Executive Law  
Section 63(8)  
-----x

VIDEOTAPE DEPOSITION VIA ZOOM OF:  
WITNESS 6/29/21  
THURSDAY, JUNE 29, 2021  
10:01 a.m.

VIRTUAL ZOOM INVESTIGATION before  
ERICA L. RUGGIERI, a Certified Shorthand  
Reporter, Certified Realtime Reporter,  
Registered Professional Reporter, and  
Notary Public for the States of New Jersey  
and New York.

REPORTED BY:  
ERICA RUGGIERI: CCR, CRR, RPR  
JOB NO. 4673692

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

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BY: JENNIFER KENNEDY-PARK, ESQ.

JOON H. KIM, ESQ.

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A P P E A R A N C E S : (CONT'D)

FREEMAN NOOTER & GINSBERG

Attorneys for Witness 6/29/21

75 Maiden Lane, Ste 503

New York, New York 10038-4810

(212) 608-0808

BY: LOUIS M. FREEMAN, ESQ.

NADJIA LIMANI, ESQ.

ALSO PRESENT:

MARC FRIEDMAN, Videographer

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THE VIDEOGRAPHER: Good morning. We are going on record at 10:01 a.m. on Tuesday, June 29, 2021. Please silence your cell phone, computer tones or any other electronic devices you have near you. Audio and video recording will continue to take place unless all parties agree to go off the record.

This is media unit number one of the video recorded deposition of Witness 06/29/2021 in The Matter of Independent Investigation Under New York State Executive Law 63(8).

My name is Marc Friedman and I am the certified video legal specialist. Your court reporter today is Erica Ruggieri and we're from the firm Veritext Legal Solutions.

This deposition is being held via remote video conference. All counsel consent to this remote

1  
2 video arrangement and waive any  
3 objections to this manner of  
4 recording. If there are any  
5 objections to this court reporter  
6 swearing in the witness remotely  
7 and this remote video arrangement,  
8 please state them now.

9 Hearing no objection would  
10 counsel now state on the record  
11 their appearances and affiliations  
12 beginning with the noticing  
13 attorney.

14 MS. CLARK: Hi, this is Anne  
15 Clark. I'm with the law firm of  
16 Vladeck, Raskin & Clark appearing  
17 today as Special Deputy to the  
18 First Deputy Attorney General.

19 MS. KENNEDY-PARK: Good  
20 morning, Ms. Witness. I'm Jennifer  
21 Kennedy-Park from the law firm  
22 Cleary Gottlieb Steen & Hamilton,  
23 but for today's deposition I'm also  
24 appearing as a Special Deputy to  
25 First Deputy Attorney General.

1

2

MS. MILLER: Good morning. My  
name is Emily Miller. I'm also  
with the law firm of Vladeck,  
Raskin & Clark and working with  
Anne and Jennifer in our capacity  
as we have been appointed by the  
Attorney General.

3

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11

MR. FREEMAN: Good morning.  
My name is Louis Freeman and I am  
representing Witness 6/29/2021.

12

13

THE VIDEOGRAPHER: Any other  
appearances?

14

15

MS. CLARK: That's it. That  
should be it.

16

17

18

THE VIDEOGRAPHER: Will the  
court reporter please swear in our  
witness and we can proceed.

19

\* \* \*

20

21

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23

WITNESS 6/29/2021, called as a  
witness, having been duly sworn by a  
Notary Public, was examined and  
testified as follows:

24

EXAMINATION BY

25

MS. CLARK:

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. Good morning, Ms. Witness.  
3 Thank you for being with us today.  
4 I'll introduce myself again. I'm  
5 Anne Clark, one of the people  
6 appointed as a Special Deputy to the  
7 First Deputy Attorney General and I  
8 just have to run through a few  
9 things before we get started.

10 The New York Attorney General  
11 has appointed -- the New York  
12 Attorney General has appointed the  
13 law firms of Vladeck, Raskin & Clark  
14 and Cleary Gottlieb to conduct an  
15 independent investigation under New  
16 York Executive Law Section 63(8)  
17 into allegations sexual harassment  
18 brought Governor Andrew Cuomo as  
19 well as the surrounding  
20 circumstances. And you are here  
21 today pursuant to a subpoena in  
22 connection with this investigation.

23 As you saw we are being video  
24 recorded today and you are also  
25 under oath, which as an attorney I'm

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 sure you know means that you must  
3 testify fully and truthfully just as  
4 if you were in a court of law  
5 sitting before a judge and jury.

6 At the end I'll remind you  
7 that if you want to make any brief  
8 sworn statement, you can do so but  
9 we will ask you to hold off till the  
10 end of today to do so.

11 This is a civil investigation  
12 but we have to let you know that the  
13 New York Attorney General's office  
14 also has criminal enforcement  
15 powers. Therefore, you have the  
16 right to refuse to answer a question  
17 if answering the question would  
18 incriminate you. If you fail to  
19 answer a question on that basis, it  
20 can be used against you in a court  
21 of law, in any civil but not any  
22 criminal proceeding.

23 You are appearing today with  
24 your attorney and you can certainly  
25 consult with your attorney about any



1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           privilege issues.

3                       We have a court reporter  
4           present in addition to the  
5           videographer so it is important that  
6           we do what we can to make her life  
7           easier.   Such as if we are reading  
8           from something, as I was just doing,  
9           try not to do it so fast.

10                      Even more important is that we  
11           not talk at the same time, it's hard  
12           for her to take down two people  
13           speaking at once so I will do my  
14           very best to wait until you are  
15           finished speaking before I ask my  
16           next question and I'll ask that you  
17           let me get my whole question out  
18           even if you know where it's heading.  
19           I know it's even harder during this  
20           video deposition to not step on each  
21           other.

22                      I also ask that you give a  
23           verbal response.   If you nod or  
24           shake your head or say uh-huh, that  
25           doesn't reflect well on the record.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 If you don't understand one of  
3 my questions let me know and I will  
4 try to rephrase it in a way that  
5 makes sense.

6 If at any time while we are  
7 speaking you want to clarify an  
8 earlier answer, either you remember  
9 something or you remember you got  
10 something wrong, just let me know  
11 and we can clarify that on the spot.

12 If you need breaks at any  
13 point, let me know, I might want to  
14 get to a certain point in the  
15 questioning before we take a break  
16 but as long as there's no question  
17 pending we can certainly take  
18 breaks.

19 Now I need to confirm that --  
20 I know you are in an office with  
21 Mr. Freeman. Is there anyone else  
22 in the office with the two of you?

23 A. Yes.

24 Q. Who else is present?

25 A. Nadjia Limani.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. Who is that?

3 A. She's an associate with my  
4 attorney.

5 Q. And I need you and your  
6 counsel to confirm that you are not  
7 doing anything to record this  
8 deposition. The only recording  
9 that's taking place is the one that  
10 Veritext is doing. Is that  
11 accurate?

12 MR. FREEMAN: It's accurate as  
13 far as I'm concerned. I don't know  
14 if you need the witness to answer.

15 Q. Ms. Witness, are you  
16 recording this in any fashion?

17 A. I am not.

18 Q. We also want to direct you  
19 that you are not to allow anyone  
20 else to listen in via phone line or  
21 some other manner during today's  
22 proceedings and that during breaks  
23 you are not to communicate with  
24 anyone other than your counsel about  
25 what is happening in this room.

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2                   Under New York Executive Law  
3           Section 63(8) the provision under  
4           which we are doing the investigation  
5           it prohibits you and your counsel  
6           from revealing anything about what  
7           we ask you or what you have shared  
8           with us to anyone. So if anyone  
9           asks you to disclose what was  
10          covered during today, let your  
11          attorney know and Mr. Freeman will  
12          let us know but you should not share  
13          that information.

14                   Are you taking any medication  
15          that would affect your ability to  
16          testify accurately and truthfully  
17          today?

18                   A.     No.

19                   Q.     Are you aware of any other  
20          reason why you can't give accurate  
21          and truthful testimony today?

22                   A.     No.

23                   Q.     Have you had any alcohol  
24          today?

25                   A.     No.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. I always smile when I ask  
3 that this early in the morning. But  
4 you never know.

5 Could you please state your  
6 name, date of birth and current home  
7 and business addresses for the  
8 record?

9 A. Sure. Witness 6/29/2021,  
10 date of birth Trooper #1 . My home  
11 address is Trooper # [REDACTED] [REDACTED] [REDACTED]  
12 Trooper #1 [REDACTED] [REDACTED], that's  
13 Trooper #1 [REDACTED] [REDACTED] [REDACTED]

14 My business address is  
15 Executive Chamber, New York State  
16 Capitol, room 214, Albany, New York  
17 12224.

18 Q. Have you ever given  
19 testimony before today?

20 A. Yes.

21 Q. In what sort of proceedings  
22 have you given testimony?

23 A. I have given testimony in a  
24 criminal proceeding.

25 Q. And what was your -- were

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 you a --

3 A. The witness. As the  
4 witness.

5 Q. And how long ago was that?

6 A. That was 2015. As well as  
7 in a retrial 2018 I believe.

8 Q. Did that criminal trial  
9 relate in any way to your work in  
10 New York State.

11 A. It related to my work for  
12 the New York State Senate.

13 Q. And what was the nature of  
14 the proceeding or what was the --

15 A. It was a criminal  
16 prosecution of Senator Dean G.  
17 Skelos.

18 Q. Were you called by the  
19 prosecution or the defense in that  
20 case?

21 A. Prosecution.

22 Q. Have you ever testified in  
23 any depositions or any other  
24 proceedings other than that criminal  
25 trial?

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2           A.     I did once testify in a  
3           deposition also in my role at the  
4           New York State Senate. This would  
5           have been 2005 related to a  
6           copyright dispute.

7           Q.     And other than  
8           conversations with your attorney,  
9           did you do anything to prepare for  
10          today's testimony?

11          A.     No.

12          Q.     And have you spoken to  
13          anyone other than your attorney  
14          about testifying today?

15          A.     I have spoken with Chamber  
16          counsel, Paul Fishman, Mitra  
17          Hormozy.

18          Q.     Have you discussed the  
19          substance of your testimony with  
20          them?

21          A.     No.

22          Q.     What did you discuss with  
23          them?

24          A.     The fact of my testifying  
25          today.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. Now, you were sent some  
3 binders which should be in an  
4 envelope. Do you have that handy?

5 A. Yes.

6 Q. Can you take that out of  
7 its envelope now?

8 A. I'm going to need to use a  
9 blow torch.

10 Q. I was about to say that the  
11 folks at Cleary -- okay, don't cut  
12 yourself?

13 A. Ceremonial scissors.

14 MS. MILLER: Marc or Erica,  
15 could you please share host  
16 privileges with me so that I can  
17 screen share the exhibits as well?

18 THE VIDEOGRAPHER: Sure.

19 Screen share enabled.

20 Q. I think there's one set for  
21 you and one for your attorney.

22 MR. FREEMAN: That was going  
23 to be my question.

24 Q. I would ask you to look at  
25 the document behind tab 1.



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 (Exhibit 1, Testimony

3 subpoena, marked for

4 identification, as of this date.)

5 Q. And is this the testimony  
6 subpoena you received from our  
7 office?

8 A. Yes.

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

12 A. Yes.

13 Q. And while you've got the  
14 book handy, if you turn to tab 2.

15 (Exhibit 2, Subpoena for  
16 document production, marked for  
17 identification, as of this date.)

18 Q. And do you recognize this  
19 to be a subpoena that we served on  
20 you for documents?

21 A. Yes.

22 Q. And did you read the  
23 subpoena when you got it?

24 A. I did.

25 Q. And were you the person who

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           gathered all the documents that were  
3           sent to us by your counsel?

4           A.     Yes.

5           Q.     What did you do to gather  
6           documents?

7           A.     I reviewed my personal  
8           documents, so the papers and  
9           notebooks that were within my  
10          control and my personal cell phone I  
11          searched for any relevant e-mails, I  
12          gave my counsel access to my private  
13          e-mail accounts and I gave them  
14          access to all text messages as well.

15          Q.     Do you have any home  
16          computers that you ever do anything  
17          work related on?

18          A.     No.

19          Q.     If you could turn to tab 3.

20                   (Exhibit 3, Preservation  
21          Notice, marked for identification,  
22          as of this date.)

23          Q.     And do you recognize this  
24          document, Ms. Witness?

25          A.     Yes.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. What is this?

3 A. This is a Preservation  
4 Notice that we distributed to all  
5 Executive Chamber employees.

6 Q. And how did it come about  
7 that you drafted this document?

8 A. We had made a referral to  
9 the Attorney General pursuant to  
10 Section 63(8) and it was -- I  
11 actually can't recall whether or not  
12 it was at the request of the  
13 Attorney General's office or whether  
14 we did it on our own at this point.

15 Q. And prior to March 1st,  
16 2021, did you or were you aware of  
17 anyone else taking any steps to  
18 preserve documents relating to  
19 sexual harassment allegations  
20 against the Governor?

21 A. There was not a formal  
22 preservation order or any ongoing  
23 investigation but certainly as it  
24 related to the potential for certain  
25 complaints I think there were

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           individuals undertaking the  
3           preservation of any relevant records  
4           in the context of potential  
5           litigation.

6           Q.     And what, if anything, did  
7           you do to preserve your own  
8           documents at that point?

9           A.     Most of my documents are  
10          e-mails, notes. I do not have a  
11          habit of deleting any e-mails or any  
12          notes. My e-mail retention for the  
13          Chamber has not had any automatic  
14          deletion rules applied. So I was,  
15          as far as I was concerned,  
16          preserving all relevant documents at  
17          all times all along.

18          Q.     Did you have any auto  
19          delete settings on your personal  
20          folder?

21          A.     No.

22          Q.     At any point did you learn  
23          that any of the devices you used  
24          were automatically deleting any  
25          electronic data?

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2           A.     Yes.

3           Q.     When did you learn that?

4           A.     I believe it was at some  
5 point early in March we became aware  
6 from Harold Moore that the  
7 Chamber-issued iPhones had been  
8 delivered to us with an automatic  
9 deletion of text messages after  
10 30 days.

11          Q.     And at that point did you  
12 or did Mr. Moore do something to  
13 change that setting?

14          A.     Since we did not have  
15 access to all of the devices  
16 ourselves there's no ability for us  
17 to remotely apply a different  
18 setting. It required that we  
19 instruct employees to themselves  
20 change the setting on their iPhone.

21          Q.     And at that point did you  
22 change the setting on your iPhone?

23          A.     I did not.

24          Q.     You did not?

25          A.     I did not.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. Did Mr. Moore change or  
3 somebody else change the setting on  
4 your iPhone at that point?

5 A. No.

6 Q. So did your device, your  
7 iPhone, continue to delete text  
8 messages more than 30 days old?

9 A. I believe that it did.

10 Q. And why didn't you change  
11 the setting on your iPhone when  
12 Mr. Moore came to you with this  
13 information?

14 A. I am issued a Chamber  
15 iPhone. I find it very difficult to  
16 use and rarely use it. At the time  
17 that I sent out the notification to  
18 all other employees my iPhone was  
19 dead in a pocket of a winter coat  
20 that was in my car where it remained  
21 for I think several weeks.

22 Q. At any point -- at some  
23 later point did you or did somebody  
24 change the settings on your work  
25 iPhone?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. Yes.

3 Q. When did that happen?

4 A. I cleaned out my car after  
5 budget so about April 1st, April  
6 2nd, located the phone, charged it  
7 and changed the setting at that  
8 point.

9 Q. And your personal phone,  
10 what kind of phone is that?

11 A. It's also an iPhone.

12 Q. And why did you find the  
13 work iPhone more difficult to deal  
14 with than your personal iPhone?

15 A. The iPhone that is issued  
16 by Chamber is an iPhone 8. It takes  
17 on average an hour every morning to  
18 refresh the inbox where you have to  
19 constantly refresh the inbox to get  
20 to that day's messages. It's very  
21 cumbersome to use. And so I relied  
22 more heavily on the Chamber-issued  
23 BlackBerry that gives me my e-mails  
24 in real-time.

25 Q. So you have a Chamber

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 iPhone and a Chamber BlackBerry?

3 A. Yes.

4 Q. Do you ever use your  
5 personal phone for work-related  
6 e-mails or texts?

7 A. Never, you know,  
8 intentionally for work-related  
9 e-mails. Occasionally someone will  
10 send something work related to my  
11 personal Yahoo or gmail account  
12 which I loop back to my Executive  
13 Chamber e-mail. I do use the  
14 personal cell phone for sometimes  
15 work-related text messages.

16 MS. CLARK: Emily, you can  
17 take this exhibit down.

18 Q. And did you check your  
19 personal iPhone to make sure it  
20 wasn't auto deleting text messages?

21 A. Yes. It has never had any  
22 auto delete for any messages.

23 Q. And for your BlackBerry,  
24 those text messages or text system  
25 you referred to as PINs?



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. Correct. There is no SMS  
3 text messaging on the BlackBerries.

4 Q. And do you know for how  
5 long, if at all, the PINs were  
6 preserved on your BlackBerry. Did  
7 they have an auto delete function?

8 A. No. Only if you apply an  
9 auto delete yourself which I had  
10 never applied on my device.

11 Q. So how far back did your  
12 PINs going on your work issued  
13 BlackBerry?

14 A. I believe they did not go  
15 back to the beginning of when I  
16 started with the Chamber. I was  
17 issued a new BlackBerry as the  
18 device stopped holding a charge  
19 maybe September or so of 2020 and I  
20 was issued a new BlackBerry at that  
21 point. But I believe that I had  
22 every PIN sent or received from the  
23 date that I had been issued the new  
24 device.

25 Q. I'm going to step back. If

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 you could just describe for us your  
3 post high school educational  
4 history, please.

5 A. Sure. I received a  
6 bachelor of arts from Mary Baldwin  
7 College in Stanton, Virginia. A JD  
8 from Albany Law School. And I have  
9 worked ever since either for the  
10 state or in private practice as an  
11 attorney.

12 Q. What year did you get your  
13 JD?

14 A. 2004.

15 Q. And from 2004 until when  
16 you joined the Executive Chamber if  
17 you could just briefly tell us what  
18 each job was that you had.

19 A. Sure. Starting in  
20 September of 2004 I worked for the  
21 New York State Senate. I held  
22 various roles within the Majority  
23 Counsel's Office. I also for a  
24 brief period in 2009-2010 worked in  
25 the Minority Counsel's office as

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 there had been a leadership change

3 in the Senate.

4 I was an associate at Wilson  
5 Elser Moskowitz Edelman & Dicker for  
6 about 15 months. And then I  
7 rejoined the Senate. So  
8 February 2011 I came back to work  
9 for the Senate as first assistant  
10 counsel. I became counsel to the  
11 Senate in 2013, June of 2013 and  
12 stayed there as counsel until late  
13 December 2017.

14 At that point I joined State  
15 University of New York as their  
16 general counsel. So January of 2018  
17 until I joined the Executive Chamber  
18 in September of 2019 I served as  
19 general counsel for SUNY.

20 Q. And in any of those roles  
21 before you joined the Chamber did  
22 you ever deal with discrimination or  
23 harassment-related issues?

24 A. Yes.

25 Q. In what roles did you deal

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           with discrimination or  
3           harassment-related issues?

4           A.     Well, certainly there were  
5           from time to time various laws  
6           proposed, more legislation proposed  
7           related to the discrimination or  
8           harassment.   So I would have  
9           reviewed those prior to passage in  
10          the Senate.   We also had certain  
11          obligations as a university under  
12          Title 9.   So discrimination,  
13          particularly on the basis of sex,  
14          you know, had a significant role in  
15          my work at SUNY.

16          Q.     And who did you report to  
17          when you worked at SUNY?

18          A.     To the Board of Trustees as  
19          well as to the chancellor.

20          Q.     And who was chancellor at  
21          the time?

22          A.     ██████████ ██████████ .

23          Q.     How did you come to work as  
24          GC at SUNY?

25          A.     I had heard that they were

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           looking potentially to make some  
3           changes in their counsel's office  
4           and ██████████ ██████████ reached out to  
5           me to see if I might be interested  
6           and started the process directly  
7           with her.

8                   Q.     And why did you decide to  
9           leave SUNY to join the Executive  
10          Board?

11                  A.     It seemed at the time that  
12          it would be good, a good fit for my  
13          skill set dealing with legislation  
14          again other than, you know,  
15          tangentially seemed like a shift  
16          that I wanted to make at that time  
17          in my career.

18                  Q.     And how did you come to get  
19          the role in the Executive Chamber?

20                  A.     Alphonso David, who had  
21          been counsel to the Governor,  
22          recommended me.

23                  Q.     And what had been your  
24          interactions with Mr. David prior to  
25          that point, if any?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. We worked very closely when  
3 I was with the State Senate. When  
4 matters of great importance are  
5 negotiated it's typically done with  
6 the counsel to the Governor, counsel  
7 to the Senate and, you know, counsel  
8 or the equivalent policy or physical  
9 person for the assembly as well. So  
10 we worked very closely on the budget  
11 and on major initiatives that were  
12 enacted from the time that he  
13 started there like 20 -- 2014, 2015.

14 Q. At the time that Mr. David  
15 recommended you for a role in the  
16 Executive Chamber was there an open  
17 position you were looking to fill?

18 A. Yes. He was about to  
19 depart to go to the Human Rights  
20 Campaign. And so it was his role  
21 that they were looking to fill.

22 Q. And what was his role at  
23 the time?

24 A. Counsel to the Governor.

25 Q. And when was Mr. David

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           going to be leaving to join the  
3           Human Rights Campaign?

4           A.       When we first spoke it was  
5           June and he was looking to leave in  
6           August.

7           Q.       And when did he actually  
8           leave?

9           A.       I believe it was sometime  
10          around August of 2019.

11          Q.       And you started, I think  
12          you said, September of 2019?

13          A.       Yes.

14          Q.       Did you interview with  
15          anyone before being offered the  
16          role?

17          A.       I wouldn't say I  
18          interviewed per se. I did meet with  
19          Melissa Derosa.

20          Q.       And what did the two of you  
21          discuss?

22          A.       We discussed the role and  
23          also my thoughts for the office as  
24          well as, you know, the way that the  
25          position was going to be split. At

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           the time, you know, Alphonso was  
3           counsel to the Governor, they wanted  
4           to split the role into two different  
5           positions. So there would be a  
6           counsel to the Governor because that  
7           is a constitutional office and there  
8           would be, you know, some other role  
9           which was the role that I was  
10          positioned to take that would relate  
11          mostly to the legislation and policy  
12          initiatives that the Governor wanted  
13          to pursue.

14                 Q.     And at the time you spoke  
15                 with Ms. Derosa did you know who was  
16                 going to fill the position of  
17                 counsel to the Governor?

18                 A.     When we spoke it was not  
19                 clear yet who was going to be in  
20                 that position.

21                 Q.     And who ultimately was  
22                 placed in that position?

23                 A.     ██████████ ██████████.

24                 Q.     And what was your title  
25                 when you joined?



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. Special counsel to the  
3 Governor and senior advisor.

4 Q. And I know you said that  
5 Ms. Derosa spoke to you about the  
6 role. Was it focused on legislation  
7 and policy when you started?

8 A. Yes.

9 Q. And to whom did you report  
10 when you were special counsel and  
11 senior advisor?

12 A. To Melissa.

13 Q. Did [REDACTED] [REDACTED] also report  
14 to Ms. Derosa?

15 A. I don't know specifically  
16 what her conversations were with  
17 Melissa. I was led to believe that  
18 she was reporting also to Melissa.

19 Q. And what areas did she  
20 cover if you were handling  
21 legislation and policy?

22 A. She dealt with litigation,  
23 any of the sort of FOIL, regulatory  
24 matters within the agencies and  
25 appointments.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. And did you have anyone who  
3 reported up to you when you were  
4 special counsel?

5 A. Yes. So the idea was that  
6 the counsel's office would have dual  
7 reporting responsibilities to both  
8 [REDACTED] and I and would report to  
9 [REDACTED] on those matters within her  
10 portfolio and would report to me on  
11 legislation and policy initiatives.

12 Q. And were there any -- how  
13 many people were reporting to the  
14 two of you directly?

15 A. It was about 14 attorneys  
16 and six or so support staff.

17 Q. And were any of the  
18 attorneys assigned to just your area  
19 or just her area or did they all  
20 report to both of you?

21 A. Eventually we brought, we  
22 each brought in or each selected a  
23 deputy that would assist just, you  
24 know, one or the other of us.

25 Q. Who was your deputy?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. [REDACTED] [REDACTED]

3 Q. And what was her role  
4 before she became your deputy?

5 A. She was general counsel to  
6 the Trial Lawyers Association.

7 Q. Did you work with her  
8 before?

9 A. Yes.

10 Q. Where had you worked with  
11 her?

12 A. In the State Senate.

13 Q. And who was [REDACTED] [REDACTED]  
14 deputy?

15 A. [REDACTED] [REDACTED]

16 Q. And where did -- when you  
17 joined the Chamber, was there any  
18 talk about how long you were  
19 expected to stay or you -- any sort  
20 of commitment you had to make,  
21 anything along those lines?

22 A. No. I do think that  
23 there's obviously an expectation  
24 when you start a session that you  
25 will finish it. But beyond that

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 there was no commitment.

3 Q. And when you were special  
4 counsel and senior advisor where  
5 were you located -- was your office  
6 located?

7 A. Room 214 of the capital.

8 Q. That's your current office  
9 as well?

10 A. Yes.

11 Q. And where is that in  
12 relation to where the Governor's  
13 office is?

14 A. It's in the same corridor  
15 but not in the same suite of  
16 offices. The Governor's suite is  
17 secure. And a trooper is required  
18 to buzz you in to where he sits and  
19 where Melissa sits. I'm in a sort  
20 of connected string of offices that  
21 includes state operations director,  
22 Kelly Cummings. At one time, you  
23 know, Jill DesRosiers and [REDACTED] and  
24 [REDACTED] offices.

25 Q. And you said you were

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           responsible for legislation and  
3           policy. You know, what was sort of  
4           your day-to-day responsibilities  
5           during the time that you were  
6           special counsel?

7           A. Day-to-day review bills,  
8           make recommendations about signing  
9           or reviewing bills, negotiating  
10          chapter amendments, drafting new  
11          initiatives, you know, whatever  
12          research was required of me as far  
13          as what existing initiatives were,  
14          you know, were occurring at  
15          different state agencies and what  
16          other states were doing on various  
17          topics.

18          Q. And at some point did your  
19          role change?

20          A. Yes.

21          Q. When did your role within  
22          the Chambers change?

23          A. When [REDACTED] departed in  
24          March I became acting counsel to the  
25          Governor.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. And do you know whose  
3 decision it was that you would  
4 become acting counsel?

5 A. No.

6 Q. And did you have discussion  
7 with anyone as to why you were being  
8 appointed acting counsel rather than  
9 counsel to the Governor?

10 A. I had a conversation with  
11 Melissa and I requested to be named  
12 acting counsel.

13 Q. Why did you request to be  
14 made acting counsel?

15 A. I had previously expressed  
16 to Melissa that I did not want to  
17 necessarily continue with the  
18 Chamber after the conclusion of  
19 session in June and I thought it was  
20 best to not be named counsel and  
21 necessitate selection of a new  
22 counsel that quickly.

23 Q. Did you tell Ms. Derosa why  
24 you were not necessarily planning on  
25 staying past the end of the session

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           in June?

3           A.       That was a continuation of  
4           a conversation we had in December.

5           Q.       So let's go back to  
6           December.  What conversation did you  
7           have with Ms. Derosa in December  
8           about how long you wanted to stick  
9           around?

10          MR. FREEMAN:  I'm going to  
11          object to relevancy here.

12          MS. CLARK:  Mr. Freeman, it's  
13          done like a deposition so you can  
14          raise any privilege issues but  
15          otherwise we are going to ask the  
16          questions we are going to ask and  
17          you get to make objections.

18          MR. FREEMAN:  I understood.  
19          However, I wanted you to know what  
20          I was thinking.

21          Q.       Ms. Witness, what was your  
22          conversation with Ms. Derosa in  
23          December?  And this is December of  
24          2020, isn't it?

25          A.       Correct.  The conversation

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 was that the job special counsel was  
3 very demanding and that I would be  
4 looking for other opportunities at  
5 the conclusion of session.

6 Q. And in what way was the job  
7 demanding?

8 A. The time commitment.

9 Q. In any other way?

10 A. That's enough.

11 Q. Well, even if that is  
12 enough, were there any other ways in  
13 which you found the job of special  
14 counsel to be demanding?

15 A. Certainly it's very  
16 intellectually stimulating. I don't  
17 find that to be too taxing. ■ ■■■■

18 ■■■■ ■■■■ ■■■■■■ ■■■■■■.

19 Eventually I would like to have  
20 alive as well. It was mostly the,  
21 you know, the time commitment.

22 Q. And what, if anything, did  
23 Ms. Derosa say to you in December  
24 when you told her that because of  
25 the demands of the job you did not



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 want to stay past June?

3 A. That she understood.

4 Q. So when [REDACTED] [REDACTED] left you  
5 had another conversation with  
6 Ms. Derosa about that?

7 A. Yes.

8 Q. And what did Ms. Derosa say  
9 when you only -- said you only  
10 wanted to remain acting counsel at  
11 that point?

12 A. She said fine, whatever you  
13 want.

14 Q. And when you became acting  
15 counsel, how did your  
16 responsibilities change, if at all?

17 A. I assumed responsibility  
18 for all of the litigation, FOIL,  
19 appointments, agency regulatory  
20 matters that had previously been  
21 going to either [REDACTED] or [REDACTED] for  
22 resolution.

23 Q. And was anyone brought in  
24 to assume your responsibilities for  
25 legislation or policy?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. No.

3 Q. What happened to those  
4 responsibilities?

5 A. I kept them.

6 Q. So you were -- the role  
7 that had -- when Alphonso David was  
8 there did he do all of it?

9 A. Yes.

10 Q. And so essentially when you  
11 became acting counsel you had all  
12 the responsibilities that Mr. David  
13 had when he had the role?

14 A. Yes.

15 Q. Are you still planning to  
16 leave the Chamber shortly?

17 A. That's still the plan, yes.

18 Q. Do you have an exit date  
19 set yet?

20 A. I do not.

21 Q. Has anyone talked to you  
22 about, since we are at June 29th,  
23 has anyone spoken to you about  
24 staying past the end of this session  
25 in June?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. No.

3 Q. What date do you currently  
4 have in mind for your departure?

5 A. I don't at this moment have  
6 a specific date in mind.

7 Q. And is there a reason why  
8 you are not leaving at the end of  
9 the session as you originally  
10 planned?

11 A. Numerous other events  
12 occurred from March on and we are  
13 honestly looking at this one day at  
14 a time.

15 Q. And when you refer to the  
16 various other events, are you  
17 referring to the various  
18 investigations?

19 A. Yes.

20 Q. And has Ms. Derosa ever  
21 spoken to you about the need for you  
22 to stay on past the end of June?

23 A. No.

24 Q. Has anyone else from the  
25 Chamber spoken to you about that?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. No.

3 Q. Have you lined up your next  
4 job yet?

5 A. No.

6 Q. During the time that you  
7 were special counsel how often did  
8 you interact with the Governor?

9 A. It varied widely.

10 Q. And what was sort of the  
11 range of the variation?

12 A. It could be every day for a  
13 period of days or weeks or you could  
14 go, you know, a month without  
15 hearing from him.

16 Q. And during the time you  
17 were special counsel did you ever --  
18 strike that.

19 During the time you were  
20 special counsel did you meet with  
21 the Governor in person?

22 A. Yes.

23 Q. How often did you meet with  
24 him in person?

25 A. Again it varied widely.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. If you were communicating  
3 with him and you weren't in person  
4 with him what means of communication  
5 did the Governor use?

6 A. He used PINs, he used text  
7 messages or he used phone calls.

8 Q. And in terms of your  
9 meetings with the Governor did you  
10 ever meet with him one-on-one during  
11 the time you were special counsel?

12 A. Yes.

13 Q. How often did you meet with  
14 him one-on-one?

15 A. I would say it was fairly  
16 rare to meet with him one-on-one.  
17 Maybe ten, maybe slightly less than  
18 ten times one-on-one.

19 Q. During the times that you  
20 met one-on-one with the Governor how  
21 -- did he behave in a professional  
22 manner, did he ever do anything that  
23 you thought was not typical for an  
24 office setting?

25 A. No.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. When you met with him not  
3 one-on-one who were the other people  
4 you would be meeting with the  
5 Governor?

6 A. Again that varied widely.

7 Q. During the time that you  
8 have been acting counsel has the  
9 frequency of your interactions with  
10 the Governor changed?

11 A. I would say no. I don't  
12 believe that the frequency has  
13 necessarily changed. I think, you  
14 know, we still go, you know, periods  
15 of time without speaking or meeting  
16 but we, you know, communicate fairly  
17 regularly.

18 Q. Since December of 2020 had  
19 you met with the Governor one-on-one  
20 at any point?

21 A. No.

22 Q. When you joined the  
23 Chambers did you receive any  
24 training on policies and procedures?

25 A. I received an orientation

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           binder.

3           Q.       And what was in that -- did  
4           anyone go over the binder with you  
5           or did they just hand you the binder  
6           or something else?

7           A.       There was a training. I  
8           was required to complete ethics  
9           training when I joined which I did.  
10          The orientation took a period of  
11          about three hours and I believe that  
12          I attended some of that orientation,  
13          maybe ten, 15 minutes and then got  
14          called away for a meeting and did  
15          not resume the in-person training.

16          Q.       Did you ever complete the  
17          in-person training?

18          A.       I never completed the  
19          in-person training.

20          Q.       When you joined was any of  
21          the training you received related to  
22          sexual harassment?

23          A.       Can you repeat that. You  
24          broke up a little bit.

25          Q.       Yeah, I'm sorry. One of us

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 froze. I'm not sure which it was.  
3 When you joined, was any of the  
4 training you received relating to  
5 sexual harassment?

6 A. I did not complete the  
7 in-person training. I believe that  
8 the orientation binder contained  
9 materials related to sexual  
10 harassment.

11 Q. Did you review the  
12 materials in the binder that you  
13 were given?

14 A. Not in September, no.

15 Q. Did you at some later  
16 point?

17 A. Yes.

18 Q. When did you review them?

19 A. I reviewed them maybe  
20 November but I completed the  
21 required trainings in December of  
22 2019.

23 Q. So when you say you  
24 reviewed them in November, November  
25 of 2019?



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. Correct.

3 Q. And then you said you  
4 completed the required training in  
5 December. That's the required  
6 sexual harassment training?

7 A. Correct.

8 Q. And in what format was that  
9 training?

10 A. It was a printed out  
11 PowerPoint presentation.

12 Q. And who gave you the  
13 printed out PowerPoint presentation?

14 A. It was given to me by my  
15 assistant.

16 Q. And what did you have to do  
17 to complete that training?

18 A. Review the materials and  
19 sign an accompanying attestation  
20 form.

21 Q. And did you have to give  
22 the attestation form to anyone?

23 A. Yes. I gave it back to my  
24 assistant.

25 Q. Do you know what, if

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 anything, she did with it?

3 A. I believe she gave it to  
4 Lauren Grasso.

5 Q. What was Ms. Grasso's  
6 position?

7 A. Lauren is our office  
8 administrator.

9 Q. And is she responsible for  
10 any sort of EEO matters or?

11 A. I believe that Lauren is  
12 responsible for making sure that  
13 people do the mandated trainings.

14 Q. Did you do any sexual  
15 harassment training in 2020?

16 A. No.

17 Q. Have you done any sexual  
18 harassment training in 2021?

19 A. Yes.

20 Q. When did you do it in 2021?

21 A. I did it this past week.

22 Q. And what format was this  
23 training?

24 A. I completed it on the  
25 web-based statewide learning

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           management system.

3           Q.     And did you have to do any  
4           attestation after doing the  
5           web-based training?

6           A.     No.

7           Q.     Did you have to click on  
8           any buttons or anything while you  
9           were going through the training so  
10          that anyone could be tracking  
11          whether you did it or anything along  
12          those lines?

13          A.     You have to advance -- you  
14          have to advance the screen so you  
15          are clicking through the training  
16          but I don't believe that there were  
17          any, you know, check this box here  
18          required.

19          Q.     Were you given any notices  
20          about the need to complete training  
21          in 2020?

22          A.     Not that I recall.

23          Q.     And in the trainings you  
24          took in 2019 and a week ago, did  
25          those trainings cover state law on

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 sexual harassment?

3 A. Yes.

4 Q. And did those trainings  
5 cover policies that applied within  
6 the Executive Chamber?

7 A. Yes.

8 Q. And what is your  
9 understanding from the training as  
10 to what sort of conduct violates the  
11 Executive Chamber policy?

12 A. Harassment or  
13 discrimination of any kind violates  
14 the policy.

15 Q. And do you have any  
16 understanding from the training as  
17 to what sort of conduct would  
18 constitute harassment that would  
19 violate the policy?

20 A. Subjecting anyone to  
21 inferior terms or conditions of  
22 employment based on any protected  
23 status.

24 Q. And did you -- from the  
25 training or otherwise do you have

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           any understanding as to what the  
3           process is for reporting any issues  
4           of harassment or discrimination?

5           A.     Yes.  It is required to be  
6           reported either to a supervisor or  
7           to GOER, the Governor's Office of  
8           Employee Relations.

9           Q.     And do supervisors have any  
10          particular reporting  
11          responsibilities with respect to  
12          harassment or discrimination?

13          A.     Yes, supervisors are  
14          required to report to GOER.

15          Q.     And did the training cover  
16          retaliation?

17          A.     Yes.

18          Q.     And what is your  
19          understanding of what the policy is  
20          regarding retaliation?

21          A.     That retaliation or -- that  
22          retaliation is not tolerated and  
23          retaliation is any adverse  
24          job-related action, whether or not  
25          job related for any complainant.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. During your time in  
3 Chambers have you had any  
4 responsibilities either as acting  
5 counsel or as special counsel for  
6 handling complaints of sexual  
7 harassment?

8 A. As a supervisor, as special  
9 counsel, I did have a number of  
10 employees who reported to me. I had  
11 an obligation to report but at no  
12 point were any complaints made to  
13 me.

14 Q. And as either special  
15 counsel or acting counsel would your  
16 sort of area of responsibility  
17 include dealing with any sexual  
18 harassment complaints made by  
19 somebody who is not part of your  
20 team?

21 A. Yes. As acting counsel  
22 certainly I would expect that if  
23 there was a concern and if it were  
24 brought to me, that I would provide  
25 advice as counsel as to the

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           appropriate steps to take and  
3           undertake those directly, if  
4           necessary.

5           Q.     And am I understanding you  
6           correct that if a complaint is made  
7           to GOER, that GOER then  
8           investigates?

9           A.     Correct.

10          Q.     Is there anyone in --  
11          within the Chambers who is  
12          responsible for investigating  
13          complaints of sexual harassment?

14          A.     No.

15          Q.     Have you been responsible  
16          for addressing any sexual harassment  
17          complaints as either special counsel  
18          or acting counsel?

19          A.     Yes.

20          Q.     And how many times?

21          A.     Twice. Once with respect  
22          to the complaint by Brittany  
23          Commisso and separately with respect  
24          to the complaint from Alyssa  
25          McGrath.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. Any other times?

3 A. No.

4 Q. We will get to those later  
5 then.

6 If you could open your book to  
7 tab 4, which will become Exhibit 4.

8 (Exhibit 4, EEO handbook 2020,  
9 marked for identification, as of  
10 this date.)

11 Q. Do you recognize this  
12 document?

13 A. Yes.

14 Q. What is this?

15 A. This is the EEO handbook.

16 Q. This one is dated May 2020.  
17 When did you -- first of all, have  
18 you ever seen this document before?

19 A. Yes.

20 Q. When had you first seen it?

21 A. Probably around March of  
22 2020 -- 2021, sorry.

23 Q. Do you know how, if at all,  
24 this new version or the May 2020  
25 version was circulated to employees



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 after it was created?

3 A. I don't believe that it was  
4 circulated. I don't recall it being  
5 circulated. I know that it is  
6 posted on the Intranet.

7 Q. And did you ever review any  
8 prior versions of the EEO handbook?

9 A. Yes. This was in the  
10 orientation binder from, you know,  
11 2019.

12 Q. I ask you to turn to page  
13 11 and just read to yourself, we  
14 don't need it read out loud, the  
15 sexual harassment section that  
16 continues through to page 13.

17 (Witness reviews document.)

18 A. Okay.

19 Q. Okay. Thank you. By the  
20 way, do you know who drafted this  
21 policy?

22 A. The Governor's Office of  
23 Employee Relations.

24 Q. And the section you just  
25 read, pages 11 through 13, is that

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           your understanding of what the  
3           governing policy is within the  
4           Executive Chamber?

5           A.     Yes.

6           Q.     And is it your  
7           understanding that it encompasses  
8           conduct that is not necessarily of  
9           an explicitly sexual nature?

10          A.     Correct.

11          Q.     And is it your  
12          understanding that it encompasses  
13          conduct that does not have to be  
14          severe or pervasive to be unlawful?

15          A.     Yes.

16          Q.     And is it your  
17          understanding that a person subject  
18          to such harassment does not have to  
19          tell the person engaging in the  
20          conduct that the conduct is  
21          unwelcome?

22          A.     Yes.

23          Q.     Has this been your  
24          understanding of what the policy is  
25          throughout your time in Chamber?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. The statutory change  
3 eliminating severe and pervasive  
4 from the statute took effect I  
5 believe sometime in 2020.

6 Q. Other than the severe or  
7 pervasive, did the rest of what is  
8 on page 11 to 13 comport with what  
9 you understood to be the policy  
10 throughout your time?

11 A. Correct.

12 Q. And on page 13 it talks  
13 about the complaint procedure. And  
14 were you aware of this reporting  
15 obligation, which you testified to a  
16 few minutes ago as well, as being  
17 the policy throughout the time that  
18 you were within the Chamber?

19 A. Yes.

20 Q. On page 13 it also talks  
21 about sexual harassment of  
22 nonemployees. And it says that  
23 people who are performing work under  
24 contract as well as interns,  
25 clients, vendors are all protected

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           from sexual harassment. Was that  
3           your understanding as well?

4           A.     Yes.

5           Q.     If you could turn to page  
6           41, at the bottom of the page,  
7           continuing onto 42. It says in  
8           part, "A supervisor who has received  
9           a report of workplace discrimination  
10          has a duty to report it to GOER or  
11          in accordance with the employee  
12          agency's policy even if the  
13          individual who complained requests  
14          that it not be reported."

15          Was that your understanding of  
16          the policy throughout your time in  
17          the Chamber?

18          A.     Yes.

19          Q.     And this says to report to  
20          GOER or in accordance with the  
21          employee agency's policy. Did the  
22          Executive Chamber have any policy  
23          for reporting it to some entity or  
24          some person other than GOER?

25          A.     No.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. If you can flip back to  
3 page 39 and read to yourself 39 to  
4 40, the retaliation section to  
5 yourself and just let me know when  
6 you are done.

7 (Witness reviews document.)

8 A. Okay.

9 Q. And has this been your  
10 understanding of the policy  
11 regarding retaliation throughout  
12 your time in Chamber?

13 A. Yes.

14 Q. And I believe you testified  
15 before we looked at the policy it's  
16 your understanding that it goes  
17 beyond just employment-related  
18 actions, correct?

19 A. Yes.

20 Q. And the definition states  
21 in part, "Retaliation can be any  
22 action more than trivial that would  
23 have the effect of dissuading a  
24 reasonable person from making or  
25 supporting an allegation of

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 discrimination."

3 Has that been your  
4 understanding of the definition of  
5 retaliation?

6 A. Yes. That's the definition  
7 in the policy.

8 Q. And it also states on page  
9 39 that actionable retaliation by an  
10 employer can occur after the  
11 individual is no longer employed by  
12 that employer. This can include  
13 giving an unwarranted negative  
14 reference for a former employee.

15 Was that your understanding  
16 throughout your time in Chamber of  
17 something that can constitute  
18 retaliation?

19 A. Yes.

20 Q. You can put that aside.

21 MS. CLARK: Emily, you can  
22 take that down.

23 Q. Prior to December of 2020,  
24 were you aware of any allegations of  
25 potential sexual harassment against

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Governor Cuomo?

3 A. No.

4 Q. Now from the timing I'm  
5 assuming that -- did you ever work  
6 in Chambers with Lindsey Boylan?

7 A. No.

8 Q. Did you ever work with her  
9 in any other place?

10 A. No.

11 Q. Have you ever met Lindsey  
12 Boylan?

13 A. Not that I recall.

14 Q. Prior to December of 2020,  
15 had you ever heard any Chambers  
16 employees talking about Ms. Boylan?

17 A. Prior to December of 2020,  
18 no.

19 Q. When was the first time  
20 anyone spoke to you at all about  
21 Ms. Boylan?

22 A. In maybe 2018 I had a  
23 conversation with Jim Malatras based  
24 on Lindsey Boylan tweeting about a  
25 toxic work environment based on an

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 inability to have children in the  
3 Chamber and Jim had given some  
4 tweets, not referencing Lindsey by  
5 name, but referring back to that,  
6 you know, he was a parent also in  
7 Chamber and it was fine from his  
8 perspective.

9 Q. [REDACTED]  
10 [REDACTED]  
11 [REDACTED]

12 A. [REDACTED]  
13 [REDACTED]  
14 [REDACTED]

15 Q. [REDACTED]  
16 [REDACTED]  
17 [REDACTED]

18 A. [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 Q. And in which category do  
6 you place the Executive Chamber?

7 A. I'd place it in the  
8 category of a demanding job.

9 Q. Other than Mr. Malatras  
10 saying that he had been a parent in  
11 the Chamber and hadn't had issue,  
12 did the two of you say anything else  
13 about Ms. Boylan at the time she  
14 tweeted about difficulty of having  
15 children in Chamber?

16 A. No.

17 Q. Do you know how old  
18 Mr. Malatras's children were when he  
19 worked in Chamber?

20 A. I believe roughly around

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. Did you have any other

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           conversations with anyone about  
3           Ms. Boylan prior to December of  
4           2020?

5           A.     No.

6           Q.     I'm going to ask you to  
7           look at tab 5, which will be  
8           Exhibit 5.

9                     (Exhibit 5, Chat/text group  
10           text, marked for identification, as  
11           of this date.)

12          Q.     I have to break out my  
13          glasses.

14                     (Witness reviews document.)

15          A.     Okay.

16          Q.     Do you recognize this  
17          document? I know you didn't produce  
18          it but...

19          A.     No.

20          Q.     It appears to be some sort  
21          of chat or text group text that  
22          includes Melissa Derosa, you,  
23          Stephanie Benton, Jim Malatras, Rich  
24          Azzopardi, et cetera, et cetera?

25          A.     Yes.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. At some point there's a  
3 reference to Lindsey, the Trump  
4 shout out. Do you understand that  
5 was a reference to Lindsey Boylan.  
6 That's on page 1071?

7 A. It appears to be.

8 Q. And then the next page  
9 actually references her name. And  
10 at the bottom it looks like you  
11 wrote, "Where is her kid? Why is  
12 she out at a party? Isn't she a  
13 mom?" Is that something that you  
14 wrote?

15 A. I don't remember it but it  
16 certainly appears I did.

17 Q. Do you have any  
18 recollection of what you meant by  
19 that?

20 A. I don't.

21 Q. Do you recall any instances  
22 where you criticized any fathers for  
23 being out at parties?

24 A. I certainly don't.

25 MS. CLARK: You can take that

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 down, Emily.

3 Q. Prior to December 2020 did  
4 you ever hear anyone talk about  
5 whether any employees had ever made  
6 any complaints about Lindsey Boylan?

7 A. No.

8 Q. Prior to December of 2020  
9 were you part of any conversations  
10 in which anyone talked about  
11 releasing any personnel records  
12 related to Ms. Boylan or any other  
13 records relating to her employment?

14 A. No.

15 Q. Prior to December of 2020  
16 had you ever heard that Lindsey  
17 Boylan believed that the Governor  
18 had engaged in sexually harassing  
19 conduct toward her?

20 A. No.

21 Q. When did you first learn  
22 that Ms. Boylan was alleging that  
23 the Governor had engaged in  
24 harassing or discriminatory conduct?

25 A. When I saw the tweets.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. And which tweets -- which  
3 is the first tweet that you saw?

4 A. I don't recall  
5 specifically.

6 Q. Why don't we look at tab 6.  
7 (Exhibit 6, Lindsey Boylan  
8 tweets, marked for identification,  
9 as of this date.)

10 Q. And these are some tweets  
11 by Ms. Boylan that start on  
12 December 5th, then there's several  
13 on December 8th and finally some on  
14 December 13th.

15 So why don't you read them to  
16 yourself and let me know which were  
17 the first ones you became aware of.

18 (Witness complies.)

19 A. Okay.

20 Q. Which of the tweets that  
21 you first recall becoming aware of?

22 A. I think the toxic team  
23 environment starting on December  
24 5th.

25 Q. How did you -- did you see

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           it on Twitter yourself or did  
3           somebody bring it to your attention  
4           or something else?

5           A.     I think I saw it.

6           Q.     Were you following  
7           Ms. Boylan on Twitter?

8           A.     No.  No, I believe a  
9           reporter re-tweeted.

10          Q.     Do you recall which  
11          reporter re-tweeted it?

12          A.     I don't.  I follow multiple  
13          reporters to keep on top of the  
14          news.

15          MS. CLARK:  Why don't we take  
16          a ten-minute break.  So come back  
17          at 11:25.

18          THE WITNESS:  Okay.

19          THE VIDEOGRAPHER:  The time is  
20          11:16 a.m.  We are going off the  
21          record.  This will end media unit  
22          one.

23          (Whereupon, there is a recess  
24          in the proceedings.)

25          THE VIDEOGRAPHER:  The time is

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 11:27 a.m. We are back on the  
3 record. This will be the start of  
4 media unit number two.

5 Q. Before the break you said  
6 that you saw Ms. Boylan's tweet  
7 probably re-tweeted by an attorney  
8 -- by a reporter. Did you discuss  
9 the tweets with anyone when you saw  
10 them?

11 A. I don't recall specifically  
12 discussing them, no.

13 Q. Were you involved in  
14 December of 2020 at all in  
15 responding to tweets that Ms. Boylan  
16 was sending out?

17 A. No.

18 Q. Were you involved at all in  
19 any investigation to determine if  
20 anything that Ms. Boylan was saying  
21 in December of 2020 was accurate?

22 A. No.

23 Q. Were you part of any  
24 discussions with anyone about  
25 whether any investigations should be

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           undertaken to determine whether  
3           Ms. Boylan's tweets were accurate or  
4           needed further inquiry?

5           A.     No.

6           Q.     Did you talk to anyone to  
7           determine whether anyone else felt  
8           that they had been harassed by the  
9           Governor in December of 2020?

10          A.     No.

11          Q.     In December of 2020, did  
12          you learn about any interactions --  
13          strike that.

14                 Before December of 2020 were  
15          you aware of any interactions  
16          between Charlotte Bennett and the  
17          Governor?

18          A.     Could you clarify any  
19          interactions?

20          Q.     Sure. Let me do a better  
21          question. Prior to December of  
22          2020, were you aware that Charlotte  
23          Bennett had raised any concerns  
24          about any interactions with the  
25          Governor?



1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2           A.     No.

3           Q.     In December of 2020 did you  
4           learn that Charlotte Bennett had  
5           raised concerns about her  
6           interactions with the Governor?

7           A.     Not that I recall.

8           Q.     When -- were you aware of  
9           Charlotte Bennett raising any  
10          concerns about the Governor's  
11          conduct prior to the story in The  
12          New York Times about featuring  
13          Ms. Bennett?

14          A.     I became aware immediately  
15          prior to the publication of the  
16          story in The New York Times.

17          Q.     And who told you about it?

18          A.     Peter Ajemian asked me to  
19          get on a phone call with Jesse  
20          McKinley from The New York Times  
21          based on Charlotte's concerns but  
22          Jesse McKinley in that conversation  
23          outlined the specifics.

24          Q.     And prior to hearing about  
25          it from Jesse McKinley had you heard

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 any of the specifics about

3 Ms. Bennett's concerns?

4 A. No.

5 Q. Prior to this call you had

6 with Peter Ajemian and Jesse

7 McKinley did Judy Mogul ever tell

8 you about her conversations with

9 Charlotte Bennett?

10 A. Not that I recall.

11 Q. Did Ms. Mogul ever tell you

12 that she found Ms. Bennett to be

13 credible?

14 MR. FREEMAN: When?

15 Q. At any point.

16 A. Yes.

17 Q. When did she say that to

18 you?

19 A. After the conversation with

20 The New York Times reporter Judy

21 relayed in a subsequent call her

22 interactions with Charlotte.

23 Q. And at that time she said

24 she found Ms. Bennett to be

25 credible?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. I don't know that she used  
3 those specific words but it was my  
4 impression and understanding that  
5 she found her account credible.

6 Q. We will come back to  
7 Ms. Bennett and that call.

8 In December of 2020, did you  
9 hear anything more about any details  
10 regarding Ms. Boylan's allegations?

11 A. No. In December of 2020  
12 more I think detail came out in  
13 subsequent tweets.

14 Q. And when more detail came  
15 out did you talk with anyone in  
16 Chambers about the detail of  
17 Ms. Boylan's allegations?

18 A. No.

19 Q. Did you talk to anyone  
20 outside Chambers about the  
21 additional detail about Ms. Boylan's  
22 allegations?

23 A. No.

24 Q. And did there come a time  
25 when you were aware of Ms. Boylan

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           posting a more detailed account on  
3           Medium?

4           A.     Yes.

5           Q.     How did you learn of that?

6           A.     From Melissa Derosa.

7           Q.     And what did Ms. Derosa say  
8           to you?

9           A.     She had relayed that in the  
10          course of another meeting that was  
11          currently in progress she  
12          interrupted and said that there was  
13          a bigger issue to deal with.

14          Q.     And what did she -- how did  
15          she describe the issue?

16          A.     She said that Lindsey  
17          Boylan has published a post on  
18          Medium outlining her harassment by  
19          the Governor.

20          Q.     And who was in this meeting  
21          other than you and Ms. Derosa in  
22          which Ms. Derosa said something  
23          bigger came out?

24          A.     The Governor, Steve Cohen,  
25          myself, Judy Mogul, Robert Mujica.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 I believe that Linda Lacewell was on  
3 the phone, and I think that's it.

4 Q. What was the original topic  
5 for the meeting?

6 A. Nursing homes.

7 Q. And when Ms. Derosa said  
8 that Ms. Boylan had published a  
9 detailed account, did she have a  
10 copy of the piece?

11 A. She had a copy on her  
12 laptop.

13 Q. And did she share the  
14 contents in some fashion?

15 A. I believe she shared it --  
16 she shared that laptop with the  
17 Governor and I and several others  
18 pulled up the article ourselves on  
19 our own devices.

20 Q. So am I correct in saying  
21 that everybody sort of took a few  
22 minutes to read it right then and  
23 there?

24 A. Yes.

25 Q. Where did this meeting take

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 place?

3 A. It was at the Executive  
4 Mansion.

5 Q. After everybody read the  
6 article was there discussion about  
7 it?

8 A. Yes.

9 Q. Who said what?

10 A. There was a conversation  
11 where Judy Mogul was speaking with  
12 the Governor about the content of  
13 the article to ascertain any --

14 Q. I'm sorry, that last part  
15 broke up. You said to ascertain.

16 A. Any factual accuracies with  
17 what had been posted.

18 Q. So did she go through each  
19 allegation in the -- in the article  
20 with the Governor?

21 A. I was not in the same room  
22 for the entire conversation but I  
23 believe that she went through  
24 several of the points while I was  
25 present.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. And why weren't you present  
3 for the entire conversation?

4 A. I was in the other room.

5 Q. Let me back up. In the  
6 Executive Mansion who was -- who was  
7 where in the mansion when this  
8 meeting was taking place?

9 A. We had been having a  
10 meeting that the Governor, Melissa  
11 had been present for part of the  
12 meeting. Steve, Linda, Judy,  
13 Robert, myself related to responding  
14 to nursing home inquiries and  
15 Melissa came -- had left the room at  
16 some point, came back into the room.  
17 I believe that Judy and the Governor  
18 and Melissa left the room for a  
19 period of time. We remained  
20 stationary to see if we were going  
21 to resume the other meeting. When  
22 it became apparent we were not going  
23 to resume other meeting the  
24 individuals remaining at the table  
25 migrated into the other room.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. And which room did the  
3 meeting start in and which room did  
4 you migrate into?

5 A. From the dining room to  
6 what they call the library. They  
7 are adjoining but they have pocket  
8 doors.

9 Q. And when you migrated to  
10 the library what conversation were  
11 you present for?

12 A. Where Judy was discussing  
13 with the Governor the article and  
14 whether or not there were any  
15 factual inaccuracies in the article.

16 Q. And do you recall any  
17 particular allegations that  
18 Ms. Mogul asked the Governor about?

19 MR. FREEMAN: I'm going to  
20 object based on privilege.

21 Q. Do you recall anything else  
22 that was said after you rejoined the  
23 meeting in the library?

24 MR. FREEMAN: Same objection.

25 Q. How long did the meeting



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 last from the time Ms. Derosa  
3 advised everybody of the Medium  
4 article?

5 A. Maybe a half hour.

6 Q. After the meeting ended did  
7 you speak with anyone else about it?

8 A. I did speak with [REDACTED]  
9 [REDACTED] when I returned to the capital.

10 Q. And what did the two of you  
11 discuss?

12 A. We made sure she had seen  
13 the Medium article so that she would  
14 know what else was happening in the,  
15 you know, our environment.

16 Q. Were there any  
17 conversations with [REDACTED] [REDACTED] about  
18 it?

19 A. No.

20 Q. Did you speak to anyone  
21 else after meeting about the  
22 article?

23 A. I don't recall specifically  
24 discussing the article, no.

25 Q. Did you discuss

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           Ms. Boylan's allegations with anyone  
3           after the article came out other  
4           than what you've already testified  
5           to or been directed not to testify.

6           A.     At several points later the  
7           article continued to come up in  
8           various press inquiries.  So, you  
9           know, from time to time we would  
10          have to address concerns with --  
11          that had been raised again in the  
12          Medium article as it related to  
13          press responses.

14          Q.     And were you involved with  
15          press responses to Ms. Boylan's  
16          allegations while you were still in  
17          the role of special counsel?

18          A.     Yes.

19          Q.     When did you first become  
20          involved in dealing with press  
21          responses with regard to  
22          Ms. Boylan's allegations?

23          A.     With respect to the initial  
24          posting and the initial meeting at  
25          the mansion a press response was

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 discussed.

3 Q. And so when was the meeting  
4 in the mansion about the initial  
5 posting?

6 MR. FREEMAN: I'm sorry, I  
7 didn't hear. Initial what?

8 Q. When you say the initial  
9 postings, do you mean the initial  
10 tweets back in December?

11 A. No. The public --

12 Q. The Medium?

13 A. The Medium piece.

14 Q. Prior to the article were  
15 you involved in any press responses  
16 to Ms. Boylan's allegations?

17 A. No, not that I recall.

18 Q. In December of 2020 were  
19 you involved at all in any  
20 discussions anyone in the Executive  
21 Chamber about releasing any  
22 documents relating to Ms. Boylan's  
23 employment?

24 A. With respect to releasing  
25 documents, no.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. Were you part of any  
3 discussion about Ms. Boylan's  
4 personnel file or documents relating  
5 to her employment back in December  
6 of 2020?

7 A. Yes.

8 Q. What discussions were you  
9 involved with back in December of  
10 2020?

11 A. I was asked whether I could  
12 locate some of Alphonso David's  
13 files by Linda Lacewell.

14 Q. By Linda Lacewell?

15 A. Yes.

16 Q. And did she tell you what  
17 the purpose was?

18 A. I believe she did.

19 Q. What did she say to you?

20 A. I believe that -- let me  
21 back up. My recollection is she  
22 asked for Alphonso David's files and  
23 through the course of that  
24 conversation revealed she was  
25 looking for a personnel file related

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 to Lindsey Boylan.

3 Q. And did she tell you what  
4 information she thought was in that  
5 file?

6 A. No.

7 Q. Did she tell you what, if  
8 anything, she planned to do with the  
9 file if you could locate it?

10 A. No.

11 Q. Did you ask her?

12 A. No.

13 Q. And at that time did  
14 Ms. Lacewell work for the Executive  
15 Chamber?

16 A. She did not work for the  
17 Executive Chamber but she had been  
18 deployed. We were dealing with  
19 another COVID surge and she was back  
20 present in Albany and working on,  
21 you know, various matters to bring  
22 additional bandwidth into Chamber.

23 Q. And was she working on  
24 anything other than COVID response  
25 when she was brought back into

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 Chamber?

3 A. Yes. I believe that she  
4 was also involved in interviewing  
5 and hiring for various positions  
6 within Chamber.

7 Q. And when she asked you to  
8 try to locate Alphonso David's file  
9 on Lindsey Boylan, prior to that  
10 were you aware of her having any  
11 involvement in addressing Lindsey  
12 Boylan's tweets or anything along  
13 those lines?

14 A. I don't believe I was  
15 specifically aware, no.

16 Q. Were you able to locate  
17 Mr. David's file?

18 A. Yes.

19 Q. Where did you find them?

20 A. They were in a storage room  
21 that we have on that first floor --  
22 or second floor of the Capitol.

23 Q. And do you recall when  
24 Ms. Lacewell made this request of  
25 you in relation to Ms. Boylan's

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           various tweets of December 5th, 8th,  
3           13th?

4           A.     I believe it was on the  
5           13th.

6           Q.     And I'd ask you to turn to  
7           tab 8.

8                     (Exhibit 8, Personnel records  
9           re: Alphonso David, marked for  
10          identification, as of this date.)

11          Q.     And do you recognize these  
12          documents?

13          A.     Yes.

14          Q.     What are these?

15          A.     These are personnel records  
16          that were in a file that was  
17          contained in Alfonso's confidential  
18          file box.

19          Q.     On some of these such as  
20          the first page it says, I spoke with  
21          ESD, looks like official 2 and ESD  
22          official 2 and various things were  
23          handwritten. Did it look like that  
24          when you found it in Mr. David's  
25          office?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. I did not see the file at  
3 the time that I initially located  
4 the box but in my subsequent review  
5 it relates to this matter. The  
6 document that I viewed did not have  
7 these markings on it.

8 Q. You said you found a box.  
9 You found a box of Mr. David's  
10 confidential documents, is that what  
11 you found?

12 A. Yes.

13 Q. And did you go through the  
14 box or did you just give the box to  
15 somebody else?

16 A. I looked quickly through  
17 the box to see if there was a file  
18 labeled Lindsey Boylan or Lindsey or  
19 Boylan but did not find one. But  
20 someone else was able to locate it.

21 Q. Who -- so did you invite  
22 somebody else in to go through the  
23 box or did you hand the box to  
24 somebody? What happened?

25 A. Linda was with me. We



1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           looked in the box. I didn't see it.  
3           I said I don't think it's in here.  
4           Melissa Derosa came in my office and  
5           she located a blank file that I  
6           think was the one she was looking  
7           for.

8           Q.       And when Ms. Derosa came in  
9           to locate the file, did she say  
10          what, if anything, she was going to  
11          do with the file?

12          A.       No.

13          Q.       Did she then take the file?

14          A.       Yes.

15          Q.       When is the first time you  
16          saw the, these documents or some  
17          version of them that didn't have the  
18          handwriting on them?

19          A.       I believe later, you know,  
20          March at some point as we were  
21          involved in document production.

22          Q.       At any point did you learn  
23          -- strike that.

24                    Did you speak to -- did you  
25          ever speak to Alphonso David about

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 what was in these files?

3 A. No.

4 Q. Did you ever speak to  
5 Camille Varlack, one of the authors,  
6 about this -- these matters?

7 A. No.

8 Q. One of the other memos is  
9 from Julia Kupiec, did you ever  
10 speak to her about this?

11 A. No.

12 Q. At some point did you ever  
13 hear from anyone that these  
14 documents had been shared with  
15 members of the press?

16 A. I saw press accounts that  
17 referred to personnel records.

18 Q. And prior to seeing the  
19 press accounts had you heard  
20 anything about that?

21 A. No.

22 Q. After you saw the press  
23 accounts did you speak with anyone  
24 in Chambers about that issue?

25 A. At any time?

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2           Q.     At any time.

3           A.     Yes.

4           Q.     Who in Chambers did you  
5 speak with?

6           A.     I spoke with Judy and Linda  
7 and I believe some of our press  
8 folks as well related to later media  
9 inquiries that we received.

10          Q.     Who were the press people  
11 you spoke with?

12          A.     I think Peter Ajemian and  
13 possibly Rich Azzopardi.

14          Q.     Did you speak to anyone who  
15 was not in the Chambers about these  
16 memos?

17          A.     Are you considering Linda  
18 part of Chamber for purposes of this  
19 conversation?

20          Q.     You already mentioned her  
21 but did you speak to, for example,  
22 Steve Cohen about any of these  
23 documents?

24          A.     I believe that there were  
25 -- there were several conversations

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           about larger press stories that  
3           discussed further the release of  
4           these documents and it's possible a  
5           larger group was part of that call.

6           Q.     Did you speak to anyone  
7           else outside of Chambers that would  
8           have been part of either a specific  
9           conversation or one of these larger  
10          conversations?

11          A.     I don't believe so.

12          Q.     Did anyone tell you how it  
13          came to be that these memos in some  
14          form or another got to people in the  
15          press?

16          A.     Yes.

17          Q.     Who told you and what were  
18          you told?

19          A.     Judy Mogul, she outlined  
20          for me the procedure that she had  
21          been part of with Linda and Melissa  
22          and Rich related to immediately  
23          prior to releasing these records.

24          Q.     And what did she tell you  
25          about that?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. That she had consulted with  
3 Michael Volforte from GOER and I  
4 believe she had also consulted  
5 Alphonso David.

6 Q. And did either Ms. Mogul or  
7 anyone else tell you why the memos  
8 were provided to members of the  
9 press?

10 A. No.

11 Q. And is it your  
12 understanding -- strike that.

13 Did anyone tell you whether  
14 the Governor was consulted as part  
15 of the process of determining  
16 whether these memos would be  
17 provided to members of the press?

18 A. No.

19 Q. Did anyone tell you whether  
20 any members of the press had  
21 requested documents such as these?

22 A. Yes.

23 Q. What were you told?

24 A. I recall Judy telling me  
25 that reporters had requested the

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 documents.

3 Q. And did she tell you how  
4 the reporters knew to request the  
5 documents?

6 A. No. I don't think she  
7 specifically told me that.

8 Q. Did she tell you -- did she  
9 or anyone else tell you whether any  
10 reporters had made a formal FOIL  
11 request for the documents?

12 A. I believe that there was  
13 not a formal FOIL. I don't know if  
14 I knew that from Judy or from  
15 another -- from one of our press  
16 folks.

17 Q. What were you told Michael  
18 Volforte of GOER was consulted about  
19 with regard to these documents?

20 A. Volforte.

21 Q. Volforte, sorry.

22 A. Whether there was any  
23 confidentiality that attaches to a  
24 personnel record.

25 Q. Do you know whether he was

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 asked -- shown the documents or  
3 asked about these specific  
4 documents?

5 A. I don't.

6 Q. And what was your  
7 understanding as to whether there  
8 was any confidentiality that  
9 attaches to personnel records?

10 A. A personnel record is not  
11 statutorily confidential or private.

12 Q. And do you know if this --  
13 these memos were part of  
14 Ms. Boylan's personnel file or  
15 something else?

16 A. The memos were in the  
17 counsel to the Governor's  
18 confidential file box. I do not  
19 believe that Alphonso was in the  
20 practice of maintaining personnel  
21 records typically so I know they  
22 were in a file.

23 Q. And the memos say on them  
24 attorney-client privileged  
25 communications, some of them say

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           intra-agency communication. Did you  
3           have any discussion with anyone as  
4           to whether -- as to why documents  
5           that were labeled attorney-client  
6           privileged communication were shared  
7           with members of the press?

8           A.     No.

9           Q.     Do you know if anyone spoke  
10          to Mr. Volforte as to whether  
11          releasing these documents might be  
12          considered retaliation under the  
13          policy or the law?

14          A.     I don't.

15          Q.     Did you have any discussion  
16          when you learned about the  
17          disclosure of these records as to  
18          whether it could be considered  
19          retaliation?

20          A.     Yes.

21          Q.     Who did you discuss that  
22          with?

23          A.     Linda and Judy.

24          Q.     When did you first have  
25          that discussion?



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. In response to later press  
3 inquiries.

4 Q. And that was in March?

5 A. At some point in March I  
6 believe, yes.

7 Q. Did Ms. Mogul or anyone  
8 else tell you that as part of the  
9 process of determining to release  
10 these records to the press that  
11 anyone had considered whether it  
12 could be considered to be  
13 retaliation?

14 A. Yes.

15 Q. What were you told?

16 MR. FREEMAN: I'm going to  
17 object on privilege.

18 Q. Did anyone tell you whether  
19 anyone considered any of the alleged  
20 complaints made about Ms. Boylan  
21 related at all to any form of  
22 discrimination or harassment?

23 A. No.

24 Q. Do you know whether the EEO  
25 policy that we went over has any

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 guidelines about keeping complaints  
3 of discrimination or harassment  
4 confidential?

5 A. Yes.

6 Q. And what does the policy  
7 say with regard to that?

8 A. That complaints should be  
9 kept confidential.

10 Q. In fact, if you turn back  
11 to Exhibit 4. If you look at page  
12 41. Under Confidentiality it says,  
13 "Breaches of confidentiality may  
14 constitute retaliation which is a  
15 separate and distinct category of  
16 discrimination."

17 Do you know whether anyone  
18 spoke to Mr. Volforte about that  
19 part of the policy before  
20 determining to release these records  
21 regarding Ms. Boylan?

22 A. I don't.

23 Q. Turning back to the -- to  
24 tab 8 of the documents. Do you know  
25 who redacted certain names and wrote

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           in descriptions in their place?

3           A.     No.

4           Q.     Did anyone tell you why the  
5           names of other individuals were  
6           redacted from this document?

7           A.     Yes.

8           Q.     Who told you?

9           A.     Judy Mogul.

10          Q.     What did she say to you?

11          A.     That there were redactions  
12          made to protect privacy of  
13          complaining individuals.

14          Q.     And did you have any  
15          discussion with Ms. Mogul or anyone  
16          else as to why these names were  
17          redacted but records from  
18          Ms. Boylan's file were released to  
19          the press?

20                 MR. FREEMAN:  Objection,  
21                 privilege.

22          Q.     Prior to anyone from  
23          Chambers providing these documents  
24          to the press in December of 2020,  
25          were these documents publicly

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 available?

3 A. Can you clarify publicly  
4 available?

5 Q. Let me frame it a different  
6 way. Prior to mid-December 2020 do  
7 you know if there were copies of  
8 these documents anywhere other than  
9 the file in Mr. David's office?

10 A. I believe there were.

11 Q. Where were the other  
12 copies?

13 A. I believe that Julia had  
14 her own copies of her memo.

15 Q. Were you aware as to  
16 whether Ms. Kupiec had shared her  
17 memos with anyone outside of her  
18 office, outside the counsel's  
19 office?

20 A. Had I heard or was I aware  
21 that she had?

22 Q. Were you aware -- do you  
23 know whether she had kept her files,  
24 copies of her memos in the file in  
25 her office or whether she had shared

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           them outside of the counsel's  
3           office?

4           A.     I believe she had shared  
5           outside of the counsel's office.

6           Q.     And do you know with whom  
7           she had shared them?

8           A.     With Rich Azzopardi.

9           Q.     And do you know when she  
10          first shared her copies with Rich  
11          Azzopardi?

12          A.     My understanding is it was  
13          at the same time as we located the  
14          other hard copy file.

15          Q.     So is it your understanding  
16          that prior to mid-December of 2020  
17          Ms. Kupiec had not shared her copies  
18          outside of counsel's office?

19          A.     I have no personal  
20          knowledge one way or another.

21          Q.     If you could look at tab 9.

22                 (Exhibit 9, Wall Street  
23          Journal article 3/11/2021, marked  
24          for identification, as of this  
25          date.)

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. This is a Wall Street  
3 Journal article dated March 11th of  
4 2021. Were you involved in  
5 responding to any press inquiries  
6 prior to this article.

7 (Witness reviews document.)

8 A. I don't believe so but the  
9 order that inquiries come in and the  
10 order they are published is not  
11 necessarily consecutive.

12 Q. Was addressing this issue  
13 of the release of Ms. Boylan's  
14 personnel records the first time you  
15 got involved in responding to a  
16 press inquiry regarding any of these  
17 harassment allegations?

18 A. No.

19 Q. Oh, that's right, you  
20 talked about Ms. Bennett before that  
21 so we will come back to that.

22 On the last page there's a  
23 statement attributed to you  
24 regarding the personnel records that  
25 starts with "Certain limited

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           exceptions."

3                     Do you see that?

4                     A.     Yes.

5                     Q.     Did you draft that  
6           statement?

7                     A.     Yes.    In consultation with  
8           several other individuals.

9                     Q.     That was going to be my  
10          next question.   Who else was  
11          involved in drafting this statement?

12                    A.     Peter Ajemian, Linda  
13          Lacewell, Judy Mogul, Melissa Derosa  
14          and I think Rich Azzopardi.

15                    Q.     And it starts, "With  
16          certain limited exceptions as a  
17          general matter it is within a  
18          government entity's discretion to  
19          share redacted employment records."

20                    What were the limited  
21          exceptions you were referring to?

22                    A.     There are statutory  
23          confidentiality provisions applied  
24          in certain employment contexts and  
25          in certain personnel files.   An

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           example, you know, which recently  
3           repealed was Section 50A of the  
4           Civil Rights law that protected law  
5           enforcement personnel records for  
6           instance.

7           Q.       And what did you mean by  
8           saying that it's within a government  
9           entity's discretion to share  
10          redacted employment records?

11          A.       The FOIL statute has many  
12          permissive disclosure provisions.  
13          So there are -- the general premise  
14          of FOIL is that records are  
15          generally available unless an  
16          exemption protects them.  There is  
17          an exemption for the protection of  
18          personal privacy, which can be  
19          interpreted by an agency in a  
20          discretionary manner.  You can  
21          release redacted records or you may  
22          withhold the entire record.  It's  
23          within the entity's discretion.

24          Q.       And do you know what  
25          factors, if any, are considered by



1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           the Chambers in deciding how to  
3           exercise that discretion?

4           A.     It's a very fact-specific  
5           inquiry.  You know, what is the  
6           requester's purpose and what is the  
7           record and what is the personal  
8           privacy interest impacted by sharing  
9           either, you know, a full record  
10          versus a redacted record versus no  
11          record.

12          Q.     And do you know what  
13          factors were considered in  
14          exercising the discretion to release  
15          Ms. Boylan's documents?

16          A.     No.

17          Q.     Can you name any members of  
18          the media who specifically asked for  
19          the records?

20          A.     No.

21          Q.     So in your statement you  
22          referred to including instances when  
23          members of the media asked for such  
24          public information.  Did anyone  
25          working on this statement tell you

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 that any members of the media had  
3 specifically asked for this  
4 information?

5 A. Yes.

6 Q. Who told you that they  
7 have?

8 A. I was told by Judy, you  
9 know, with the understanding that  
10 she had personal knowledge of that.

11 Q. And it refers to the  
12 statement when the media asked for  
13 such public information. What did  
14 you mean by public information?

15 A. Employment records are  
16 records of a government entity, and  
17 the presumption is that all of a  
18 government entity's records are  
19 available under FOIL.

20 Q. And during the time you've  
21 been in Chambers were you aware of  
22 any other instances when an  
23 employee's personnel records were  
24 released?

25 A. I am not.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. Did anyone tell you of any  
3 instances prior to your arrival when  
4 the Chambers exercised their  
5 discretion to release any personnel  
6 records?

7 A. No.

8 Q. Do you know whether the  
9 Chambers never opposed any media  
10 requests or denied any media  
11 requests for personnel records?

12 A. I don't.

13 Q. Your statement also refers  
14 to for the purpose of correcting  
15 inaccurate or misleading statements.  
16 What was that a reference to?

17 A. To Ms. Boylan's tweets.

18 Q. What did you believe were  
19 inaccurate or misleading in her  
20 statements?

21 A. Can you please tell me  
22 which tab were her tweets.

23 Q. It's tab 6.

24 A. I think there were a couple  
25 particularly concerning tweets that

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           she had issued, one of which would  
3           be on December 5th where she  
4           indicated that she did not sign  
5           whatever they told me to sign when I  
6           left. And then also on  
7           December 13th she talks about her  
8           work being very good. And then also  
9           on December 5th she talks about that  
10          she tried to quit three times before  
11          it stuck.

12                 Q.     Is that it?

13                 A.     Yes.

14                 Q.     So where she wrote she  
15          didn't sign whatever they told her  
16          to sign when she left, how, if at  
17          all, did the memos that were  
18          released to the press address that  
19          point?

20                 A.     There was no nondisclosure  
21          agreements signed or unsigned or no  
22          acknowledgment signed or unsigned in  
23          the records released.

24                 Q.     Correct me if I'm wrong.  
25          Didn't you testify that Mr. David

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           did not maintain the personnel file,  
3           he had a file with these memos. Do  
4           you know whether there were any  
5           other files maintained by anyone in  
6           the Chambers of other documents  
7           relating to Ms. Boylan?

8           A.     I don't.

9           Q.     So how did releasing these  
10          memos about Ms. Boylan disprove that  
11          she signed any nondisclosure or  
12          other agreement when she left?

13          A.     I don't think we were  
14          attempting to prove it to a degree  
15          that you are looking for. I think  
16          that we were attempting to  
17          demonstrate that there was not an  
18          unsigned nondisclosure agreement in  
19          the file.

20          Q.     And did you do anything to  
21          determine whether there was any  
22          personnel file or other files that  
23          might have any paperwork relating to  
24          Ms. Boylan that did or didn't have a  
25          nondisclosure agreement in it?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. Did I investigate myself,  
3 no.

4 Q. Do you know if anyone else  
5 did?

6 A. I don't believe that at the  
7 time that there were attempts to  
8 secure any other files.

9 Q. And since you were part of  
10 the process under which the files  
11 were released, who told you that one  
12 of the supposedly inaccurate and  
13 misleading statements that the  
14 release was designed to counteract  
15 was this one about not signing  
16 anything?

17 A. I believe that was relayed  
18 to me by either Judy or Linda.

19 Q. And then you said another  
20 supposedly inaccurate or misleading  
21 tweet that the release was designed  
22 to address was on December 13th  
23 talking about her work being very  
24 good. Who told you that one of the  
25 reasons for releasing the file

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           related to the tweets on  
3           December 13th?

4           A.     It was part of that same  
5           conversation I believe that was  
6           either Linda or maybe Melissa.

7           Q.     And do you know whether  
8           anything in the memos that were  
9           released talked about Ms. Boylan's  
10          substantive job performance?

11          A.     Not in those records, no.

12          Q.     Were there any other  
13          records that had anything like  
14          performance evaluations or anything  
15          along those lines?

16          A.     I'm not certain.

17          Q.     Did anyone explain to you  
18          how, if at all, the memos that were  
19          released addressed Ms. Boylan's  
20          tweet that talked about her work  
21          being very good?

22          A.     Could you repeat that  
23          question?

24          Q.     Did anyone who was involved  
25          in the process leading to the

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           release of the records explain to  
3           you how they believed that the  
4           release of the records addressed  
5           Ms. Boylan's tweet about her work  
6           being very good?

7           A.     No.

8           Q.     And then the third one you  
9           mentioned is on December 5th where  
10          it says, "I tried to quit three  
11          times before it stuck." Who told  
12          you that that was one of the  
13          statements that the Chamber was  
14          seeking to address in releasing  
15          Ms. Boylan's records?

16          A.     Again, I don't believe I  
17          have a specific recollection of who  
18          made that statement but it was in a  
19          conversation with Melissa, Linda,  
20          Judy.

21          Q.     And to your knowledge, is  
22          there anything in those memos that  
23          talks about whether or not  
24          Ms. Boylan had talked about or tried  
25          to quit on any prior occasions?



1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2           A.     No.

3           Q.     At any point did anyone  
4           tell you whether, in fact,  
5           Ms. Boylan had said she quit on any  
6           prior occasions?

7           A.     At any point?

8           Q.     At any point.

9           A.     Yes.

10          Q.     Who told you about that?

11          A.     Melissa Derosa.

12          Q.     And when did she tell you  
13          about that?

14          A.     Sometime several weeks  
15          later.

16          Q.     Several weeks --

17          A.     After the discussion  
18          related to the press inquiry at  
19          issue.

20          Q.     And what did Ms. Derosa  
21          tell you?

22          A.     She stated that Lindsey did  
23          attempt several times -- let me  
24          rephrase that. She stated that  
25          often Lindsey would storm out of the

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           building announcing loudly to  
3           everyone in the vicinity that she  
4           was quitting but that would -- she  
5           would always show up the next day.

6           Q.     And did Ms. Derosa tell you  
7           whether she had ever asked  
8           Ms. Boylan to stay when Ms. Boylan  
9           announced that she was quitting?

10          A.     Yes. I believe that she  
11          had in one instance asked her to  
12          continue with -- I think she had  
13          either -- either a reporter had  
14          obtained the text message or Melissa  
15          had -- Melissa had relayed her  
16          recollection of the text message.

17          Q.     What text message are you  
18          referring to?

19          A.     A text message where she  
20          said something to the effect of  
21          please, you know, you are a great  
22          member of the team or something  
23          similar, in an effort to, you know,  
24          assuage whatever issue was ongoing.

25          Q.     And did Ms. Derosa tell you

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           what had led to any communications  
3           that Ms. Boylan announced when she  
4           was quitting?

5           A.     No.

6           Q.     Did she tell you that one  
7           of them followed any sort of  
8           arguments with Ms. Derosa?

9           A.     I don't know that that was  
10          the specific genesis of her  
11          quitting, no. I don't recall.

12          Q.     When you spoke to  
13          Ms. Derosa and she talked about the  
14          times that Ms. Boylan stormed out  
15          and said she was quitting, did you  
16          ask Ms. Derosa why, at that point  
17          why personnel records were released  
18          to counteract a statement about her  
19          quitting before that was apparently  
20          true?

21          A.     I don't recall specifically  
22          what I said.

23          Q.     Did Ms. Derosa offer any  
24          justification for using that tweet  
25          on December 5th as a justification

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           to release Ms. Boylan's records if  
3           she knew that, in fact, Ms. Boylan  
4           had tried to quit before or had  
5           announced she was quitting before?

6           A.     She reiterated her  
7           understanding that it's a very  
8           different fact scenario for a  
9           candidate for public office to act  
10          as if they were forced out by  
11          whether it's a hostile work  
12          environment or unlawful  
13          discrimination versus resigning upon  
14          being confronted with complaints of  
15          their own harassment of  
16          subordinates.

17          Q.     Did Ms. Derosa then justify  
18          the release of the file in part  
19          because Ms. Boylan was complaining  
20          that she had been subjected to  
21          harassment or discrimination?

22          A.     No.

23          Q.     At any point did Ms. Derosa  
24          say that the release of the records  
25          was in part because -- to counteract

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           Ms. Boylan's claim that the Governor  
3           had engaged in harassing behavior  
4           toward her?

5           A.     No.

6           Q.     In any of these later  
7           conversations did Ms. Derosa tell  
8           you whether she had spoken to the  
9           Governor about releasing  
10          Ms. Boylan's files before it was  
11          done?

12          A.     No.

13          Q.     In your work with  
14          Ms. Derosa since you've been in  
15          Chambers, do you know whether it's  
16          her practice to consult with the  
17          Governor before issuing any  
18          significant information to the  
19          press?

20          A.     I don't.

21          Q.     Prior to the Lindsey Boylan  
22          allegations were you involved in  
23          dealing with responses to the press  
24          on other matters with Ms. Derosa?

25          A.     Yes.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. And on what sorts of  
3 issues?

4 A. Any legislative issues, any  
5 policy issue, since, you know,  
6 coming into Chamber in August of  
7 2019, I have worked on thousands of  
8 different press responses and  
9 statements.

10 Q. If you could turn to tab  
11 10.

12 MS. KENNEDY-PARK: Anne,  
13 before you do that may I ask a  
14 question?

15 MS. CLARK: Absolutely.

16 MS. KENNEDY-PARK: Ms.  
17 Witness, you told Ms. Clark that  
18 you didn't specifically recall what  
19 you said to Ms. Derosa in the  
20 conversation that related to the  
21 release of Ms. Boylan's personnel  
22 file. Do you remember generally  
23 what you said in that conversation?

24 THE WITNESS: I think I -- I  
25 think I made her clarify her

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           statement to make sure that I  
3           understood it. And then I think I  
4           left it alone.

5           MS. KENNEDY-PARK: And why  
6           were you seeking clarification?

7           THE WITNESS: To make sure I  
8           had an understanding of the facts.

9           MS. KENNEDY-PARK: Were you  
10          concerned?

11          THE WITNESS: In what sense?

12          MS. KENNEDY-PARK: Were you  
13          concerned about the facts that the  
14          personnel file of Lindsey Boylan  
15          had been released?

16          THE WITNESS: In that moment?

17          MS. KENNEDY-PARK: Yes.

18          THE WITNESS: No.

19          MS. KENNEDY-PARK: In any  
20          other moment did you have that  
21          concern?

22          THE WITNESS: No.

23          MS. KENNEDY-PARK: And then  
24          you said Ms. Boylan gave her  
25          explanation and then you, I think

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 you said left it there, is that  
3 what you said?

4 THE WITNESS: I think I left  
5 the conversation there with  
6 Melissa's clarification as the last  
7 word.

8 MS. KENNEDY-PARK: And so is  
9 that because Ms. Derosa's  
10 clarification had satisfied you?

11 THE WITNESS: It had  
12 clarified, yes.

13 MS. KENNEDY-PARK: And what  
14 did it clarify?

15 THE WITNESS: I think it  
16 clarified that she believed that  
17 statement was misleading  
18 irrespective of the fact that she  
19 had stormed out of the office on  
20 multiple prior occasions.

21 MS. KENNEDY-PARK: Thank you.

22 Q. If you turn to tab 10.

23 (Exhibit 10, E-mails, marked  
24 for identification, as of this  
25 date.)



1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2           Q.     If you go down to the page  
3           that's stamped 634, there is an  
4           e-mail from Peter Ajemian that has a  
5           slightly different version of the  
6           statement but talking about it's  
7           within the government entity's  
8           discretion to share redacted  
9           personnel records.  And above that  
10          Mr. Ajemian writes, "My  
11          recommendation is to break it up and  
12          have the first part for Mike  
13          Volforte if he would be willing in  
14          the second part from Chamber," and  
15          then he forwards it again and says,  
16          "Here's a tweaked version.  Beth,  
17          will Volforte agree this is accurate  
18          should these statements start coming  
19          from Mitra?"

20                 You mentioned Mr. Volforte was  
21          with GOERs.  What was his position  
22          with GOERs?

23                 A.     He's director of the  
24          Governor's Office of Employee  
25          Relations.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. So you didn't respond  
3 regarding the question about  
4 Volforte. Did you speak with  
5 Mr. Volforte as to whether he agreed  
6 that statement was accurate?

7 A. Yes.

8 Q. And what did you say to him  
9 and what did he say to you?

10 A. I read the statement to  
11 him. He concurred with the  
12 statement. I think the rest of our  
13 conversation related to whether or  
14 not he thought it was advisable for  
15 GOER to speak on behalf of the  
16 administration or --

17 Q. What did you and he say  
18 about that?

19 A. He felt that the office  
20 should continue to be neutral and  
21 that objectively his office is not  
22 independent of the Governor and  
23 would not provide any real  
24 independence from our office in  
25 speaking publicly about the matter

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           even if he were to do so.

3           Q.     And what did you understand  
4           him to mean when he said that his  
5           office is not independent of the  
6           Governor?

7           A.     He's appointed by the  
8           Governor and serves at the pleasure  
9           of the Governor.

10          Q.     Do you know who  
11          Mr. Volforte reports directly to?

12          A.     All agency heads report to  
13          the director of state operations.

14          Q.     And who is that?

15          A.     Kelly Cummings.

16          Q.     And who does Ms. Cummings  
17          report directly to?

18          A.     Melissa Derosa.

19          Q.     And does Ms. Derosa report  
20          directly to the Governor?

21          A.     Yes.

22          Q.     Did you speak to  
23          Mr. Ajemian about your conversation  
24          with Mr. Bill Volforte?

25          A.     I believe I did.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. And what did you say, what  
3 did Mr. Ajemian say?

4 A. I don't recall specifically  
5 the conversation.

6 Q. Do you recall generally  
7 what was said between you and  
8 Mr. Ajemian?

9 A. I think I relayed some of  
10 Mike's concerns and said that I  
11 would be fine issuing the statement.

12 Q. And what were the concerns  
13 that you expressed?

14 A. I was relaying Mike's  
15 concerns --

16 Q. Oh, Mike's concerns. I  
17 thought you said my concerns.  
18 Sorry.

19 A. Right, sorry.

20 Q. And do you recall what  
21 Mr. Ajemian said in response to the  
22 concerns that Mr. Volforte  
23 expressed?

24 A. I don't think he had any  
25 specific reaction, no.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. Did you speak with  
3 Mr. Volforte as to whether the  
4 release of the file could have been  
5 considered retaliatory?

6 A. At that time, no.

7 Q. At any later point, did  
8 you?

9 A. No.

10 Q. If you could turn to tab  
11 12.

12 (Exhibit 12, E-mails, marked  
13 for identification, as of this  
14 date.)

15 Q. Another series of e-mails.  
16 This one is on March 14, 2021. On  
17 the first page toward the bottom  
18 there's an e-mail from Melissa  
19 Derosa to Peter Ajemian, Linda  
20 Lacewell, Jef Pollock, copying you,  
21 Stephanie Benton and various other  
22 people. Who is Jeffrey Pollock?

23 A. He's a political  
24 consultant.

25 Q. One of the people cc'd in

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 addition to you is Lis Smith. Who  
3 is she?

4 A. She's also a political  
5 consultant, you know, more focused  
6 on communications.

7 Q. Also right after her is  
8 Josh Vlasto. Who is he?

9 A. He also works for a  
10 consulting firm and focuses  
11 primarily on communications.

12 Q. And a few paragraphs below  
13 that it says -- there's a paragraph  
14 that starts from Rich Azzopardi,  
15 senior advisor to the Governor and  
16 talks about Ms. Boylan and her  
17 lawyers and members of the press  
18 reaching out to former members of  
19 the Chamber and saying those former  
20 members of the Chamber called to let  
21 various staff people know and convey  
22 they were upset by the outreach.

23 Back in December of 2020 were  
24 you aware of any alleged outreach by  
25 Ms. Boylan or anyone else to former

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 members of Chamber?

3 A. Not in December, no.

4 Q. When did you first learn  
5 about any such alleged outreach?

6 A. Sometime sort of in this  
7 window of, you know, early to  
8 mid-March.

9 Q. Who told you about the  
10 alleged outreach?

11 A. I don't recall  
12 specifically.

13 Q. Was Mr. Azzopardi one of  
14 them?

15 A. I really don't have a  
16 specific recollection of when or how  
17 I came to know that.

18 Q. Did anyone -- do you recall  
19 anyone telling you which former  
20 members of Chambers supposedly  
21 called the Chamber saying that they  
22 were upset?

23 A. Not specifically, no.

24 Q. In December 2020 were you  
25 aware of any members of Chamber

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 reaching out to current or former  
3 employees in regard to Ms. Boylan's  
4 tweets?

5 A. Yes.

6 Q. What were you aware of in  
7 December of 2020?

8 A. I was aware that there was  
9 concern about a number of  
10 individuals who were also, you know,  
11 former employees or formerly  
12 affiliated with Chamber who were,  
13 you know, liking or re-tweeting --

14 Q. I'm sorry, you broke up for  
15 a second. You said who were liking  
16 or re-tweeting?

17 A. Lindsey's series of tweets  
18 in December.

19 Q. And do you recall who any  
20 of the people were who were liking  
21 or re-tweeting her tweets in  
22 December?

23 A. I remember hearing the name  
24 Kaitlin [REDACTED].

25 Q. Any other names?



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. No, I don't think so.

3 Q. And did you discuss with  
4 anyone as to what, if anything,  
5 should or would be done in response  
6 to [REDACTED] Kaitlin or anyone else  
7 re-tweeting or liking Ms. Boylan's  
8 tweets?

9 A. I did at some point  
10 subsequent to that have a  
11 conversation with Judy Mogul.

12 Q. And what did the two of you  
13 discuss?

14 A. We -- I think we were  
15 talking about a number of different  
16 issues that were ongoing in the  
17 office and the topic had come up  
18 that she was communicating with  
19 [REDACTED], which was her current  
20 employer.

21 Q. We will come back to that.  
22 Did Ms. Mogul share with you any  
23 other former employees that there  
24 was any concern about any statements  
25 they were making or might make in

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           the future?

3           A.     No.

4           Q.     Turning back to tab 12.  On  
5           the first page you write in response  
6           to Melissa Derosa's e-mail, "We  
7           don't have to make news with that  
8           answer.  It can be spun as  
9           retaliatory."

10                  What were you referring to?

11           A.     I don't know.  This thread  
12           is hard to follow.

13                  Okay, I think I have the  
14           thread now.

15           Q.     Okay.  So what were you  
16           referring to when you said we don't  
17           have to make news with that answer,  
18           it can be spun as retaliatory?

19           A.     So if you go to the very  
20           last page of this attachment is the  
21           first draft of the answer on the  
22           subject of Melissa.  The very last  
23           page.  Yeah.

24                  So this answer said, would  
25           have us being on the record in

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           July 2018 talking about behavior  
3           that Lindsey engaged in that while  
4           factual was not documented in any of  
5           those records and would be at this  
6           juncture in March in my view  
7           furthering Lindsey's complaints that  
8           she had already made to this  
9           reporter that weaken the personnel  
10          file in the first instance was  
11          retaliatory.

12                 Q.       And was this sort of  
13          mid-March time period the first time  
14          you started talking to people about  
15          whether the way Chambers responded  
16          to allegations could be considered  
17          retaliatory?

18                 A.       I don't know whether or not  
19          this was the first but we were by  
20          this point clearly in a different  
21          posture with respect to Lindsey.

22                 Q.       And why were you in a  
23          different posture at this point?

24                 A.       The Attorney General  
25          inquiry had commenced, had been

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           appointed. She had further outlined  
3           her complaints from December and  
4           clearly outlined a pattern of  
5           conduct which put her more squarely  
6           in the shoes of being a complainant  
7           as opposed to where in December she  
8           had a series of tweets that started  
9           with general negative statements  
10          about the workplace, general  
11          statements about the Governor, the  
12          lack of diversity in his office, his  
13          sort of genuineness and  
14          truthfulness, right. So those  
15          series of tweets progressed.

16                 The Medium piece crystallized  
17          her complaints publicly at which  
18          point our responses to her by law  
19          needed to shift and that's what this  
20          e-mail is reflecting.

21                 Q. At the time the personnel  
22          files were released in December  
23          of 2020 it was after Ms. Boylan had  
24          used the phrase sexual harassment or  
25          something along those lines,

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           correct?

3           A.     Correct.

4           Q.     Had anyone asked you back  
5           in 2020, would you have raised any  
6           concerns back then about  
7           retaliation?

8           A.     I honestly can't say.

9           Q.     On tab 13.

10                   (Exhibit 13, E-mails, marked  
11           for identification, as of this  
12           date.)

13           Q.     A little later but it looks  
14           like it's still on how to respond to  
15           press at this time. There's an  
16           e-mail from Peter Ajemian to Melissa  
17           Derosa, et al. on March 14th, at  
18           9:55 p.m. Says, "Yes on W Beth -  
19           two min."

20                   Do you recall having a  
21           conversation with Peter Ajemian that  
22           evening?

23           A.     Not specifically, no.

24           Q.     Do you recall anything  
25           about your conversation with him

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           that evening?

3           A.     No.

4           Q.     And you respond a few  
5           minutes later saying in part,  
6           "Anyway we slice this we can make  
7           the retaliation claim here and we  
8           should just leave it alone."

9                     What was your concern here?

10          A.     So based on this e-mail I  
11          believe Melissa still wanted to send  
12          her original -- based on -- based on  
13          my e-mail here I believe what was  
14          happening was Melissa wanted to  
15          submit her original answer.

16          Q.     And did you have any  
17          discussions with Ms. Derosa about  
18          your concerns that issuing her  
19          version would be considered  
20          retaliation?

21          A.     It's possible that, you  
22          know, in between this series of  
23          e-mails that we were all on the  
24          phone. It's clear from Peter's  
25          e-mail that we were discussing and I

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           may have relayed my concerns to  
3           Peter, we may have discussed them as  
4           a bigger group. I can't -- I can't  
5           recall specifically.

6           Q.     Do you recall any  
7           conversations that Ms. Derosa was  
8           part of in which she explained why  
9           she wanted to release her version  
10          despite your concerns about  
11          retaliation?

12          A.     Melissa believed that  
13          Lindsey's continued sort of reliance  
14          on her narrative, which was that she  
15          left the Chamber, you know, without  
16          any misgivings about her work were  
17          mere, you know, factual inaccuracies  
18          that could be corrected. And that  
19          this was any other press inquiry or  
20          any other press story where there is  
21          inaccurate information or  
22          information that's not perfectly  
23          clear or doesn't, you know, portray  
24          the administration in the best  
25          light, the normal protocol is to get

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           that corrected, get the true facts  
3           into the news story. And it was  
4           clear she viewed this as any other  
5           news story.

6           Q.     Did you explain to her how  
7           actions that might be perfectly  
8           lawful or normal in some  
9           circumstances can become retaliatory  
10          in other circumstances?

11          A.     Yes.

12          Q.     Did she accept your  
13          explanation?

14          A.     To be quite honest, I don't  
15          recall where the story actually  
16          landed and what the statement was.  
17          I'd need to see the final.

18          Q.     If you turn to tab 14.

19                   (Exhibit 14, E-mails, marked  
20                   for identification, as of this  
21                   date.)

22          Q.     There's a reference at the  
23          top in an e-mail from you to a large  
24          group of people that you spoke to  
25          Melissa earlier. I think she agrees



1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           we shouldn't give news to this story  
3           if there isn't any and this  
4           statement keeping it to prior  
5           statements can create a new exposure  
6           re: retaliation. And you write,  
7           "Note her tweets re: civil suits."

8                         What was the reference to her  
9           tweets re: civil suits?

10                        A.     I don't -- I don't know  
11           looking at it now.

12                        Q.     If you turn to tab 15.  
13                                (Exhibit 15, E-mails, marked  
14           for identification, as of this  
15           date.)

16                        Q.     This is the next day.  
17           Another chain of people. If you  
18           could turn to page 3094, which is a  
19           text -- an e-mail from you back on  
20           March 14th. You start by saying  
21           this is new, we haven't said it and  
22           I'm not sure our records reflect  
23           this.

24                                Is that referring again to the  
25           statement Ms. Derosa wanted to make

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           about Ms. Boylan supposedly  
3           bypassing senior staff, et cetera?

4           A.     Yes.

5           Q.     And you write, "It's  
6           completely relevant but can also  
7           look like we are inventing facts to  
8           suit us."

9                     What were you concerned about  
10           there?

11           A.     Look, this is a very  
12           fact-specific type of claim and  
13           inquiry.  And because we have  
14           certain records that we had already  
15           released that didn't reflect this to  
16           come out now and make new assertions  
17           about her poor performance, failure  
18           to follow protocols, et cetera, all  
19           100 percent accurate and true could  
20           look as if they were invented to  
21           suit the moment and discredit  
22           Lindsey.  This is why, you know,  
23           personnel records and performance  
24           evaluations are important to be kept  
25           contemporaneously.  We did not have

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           contemporaneous records and  
3           therefore my recommendation was we  
4           not use this new piece of  
5           information.

6           Q.     And in the next paragraph  
7           you write in part, "We are just  
8           pushing back on an anecdote you  
9           acknowledged to all of us earlier is  
10          true."

11                     What were you referring to  
12          there?

13          A.     Let's see, if we go back to  
14          the last page of tab 14 OOAG03213.

15          Q.     That's the part about the  
16          allegation that -- a convo in which  
17          Melissa screamed at her on the  
18          phone?

19          A.     Yes.

20          Q.     And so Ms. Derosa had  
21          admitted to you and others that that  
22          anecdote was true?

23          A.     Yes.

24          Q.     You then continue, "We are  
25          just creating new liability for a

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 retaliation claim that is ultimately  
3 Gov's personally."

4 What did you mean there?

5 A. In 2018 the legislature  
6 enacted Section 17(a) of the public  
7 officers law. That provision is an  
8 exception to the general rule of  
9 indemnification for state officers  
10 or employees when the claim relates  
11 to sexual harassment in a judgment,  
12 final judgment for sexual  
13 harassment, which as I understand  
14 it, could include retaliation  
15 related to sexual harassment.

16 Q. You continue, "So his  
17 lawyers should weigh in." Who are  
18 you referring to when you say his  
19 lawyers?

20 A. His personal attorneys.  
21 Rita Glavin and Sharon Nelles.

22 Q. And do you know if anyone  
23 ever shared this issue with his  
24 personal lawyers?

25 A. I did from time to time

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           have conversations with his personal  
3           attorney about my concern on this.

4           Q.     And so you were keeping  
5           them apprised about actually what  
6           could be potentially viewed as  
7           retaliatory?

8           A.     You know, I don't have a  
9           specific recollection of calling  
10          Rita about this particular incident  
11          but I know I have expressed a  
12          concern to her.

13          Q.     And did Ms. Derosa tell you  
14          whether she was talking to the  
15          Governor about his view on how to  
16          respond to these allegations?

17          A.     No.

18          Q.     In the next paragraph you  
19          write, "It's purely our discretion  
20          to release records or disclose so  
21          motive is what carries this.  What  
22          did you mean by the "so motive is  
23          what carries this"?

24          A.     That it would be a factual  
25          inquiry about what the specific

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           intent behind the addition of this  
3           information was.

4           Q.       And then you again talk  
5           about is anecdote false? No. It's  
6           true. And you said it was true, so  
7           it's just us taking a shot at her.

8                     What did you mean by "us  
9           taking a shot at her"?

10          A.       The statement that she  
11          proposed providing, did not contest  
12          the accuracy of the anecdote.

13          Q.       And you said this is  
14          something that carries -- that  
15          creates significant risk. Is that  
16          referring again to the risk of a  
17          potential retaliation claim?

18          A.       I thought there was  
19          significant exposure based on the  
20          answer she wanted to give that was  
21          new and different from any existing  
22          claim, yes.

23                     MS. CLARK: I think this would  
24                     be a good time to take a lunch  
25                     break but before we do that, Jen,

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           did you want to jump in with  
3           anything?   Okay, maybe we don't  
4           have her.

5                     Why don't we go off the record  
6           and we can talk about how long we  
7           need for a lunch break.

8                     THE VIDEOGRAPHER:   Standby.  
9           The time is 12:58 p.m. Eastern  
10          Standard Time.   We are going off  
11          the record and this will end media  
12          unit number two.

13                    (Luncheon recess taken at  
14          12:58 p.m.)

15  
16  
17  
18  
19  
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21  
22  
23  
24  
25

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A F T E R N O O N S E S S I O N

3 (Time noted: 1:46 p.m.)

4 WITNESS 6/29/2021, resumed and  
5 testified as follows:

6 THE VIDEOGRAPHER: The time is  
7 1:46 p.m. We are back on the  
8 record and this will be the start  
9 of media unit number three.

10 Counsel.

11 MS. CLARK: Thank you.

12 EXAMINATION BY (Cont'd.)

13 MS. CLARK:

14 Q. Ms. Witness, did anyone  
15 ever share with you a draft of a  
16 letter expressing support for the  
17 Governor and making any criticisms  
18 of Lindsey Boylan?

19 A. No.

20 Q. Did anyone ever share with  
21 you, either give you a copy or read  
22 to you, any draft of any statement  
23 just expressing support for the  
24 Governor after Ms. Boylan made  
25 allegations?



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. Yes.

3 Q. And did you -- actually  
4 were you given a copy or did someone  
5 read it to you or something else?

6 A. It was read to me.

7 Q. Who read it to you?

8 A. Alphonso David.

9 Q. And when did Mr. David --  
10 was this by telephone?

11 A. Yes.

12 Q. I assume he had called you?

13 A. Yes.

14 Q. When did he call you to  
15 read you this statement?

16 A. I could not say with  
17 specificity. Sometime I think post  
18 the Medium piece. So sometime in  
19 that, you know, sort of however many  
20 day period. I think it was before  
21 the Charlotte Bennett complaint  
22 became public.

23 Q. Other than reading you the  
24 text of the statement, what did  
25 Mr. David say to you when he called

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 you about this?

3 A. He prefaced it by saying  
4 that there was desire to do  
5 something proactive in support and  
6 asked if he could, you know, count  
7 on me to be part of the effort and I  
8 said it depends on the statement.  
9 Specifically at which point he read  
10 me the statement.

11 Q. And what do you recall the  
12 statement said?

13 A. You know, I was listening  
14 at that point very, you know,  
15 carefully for any, you know, sort of  
16 negative treatment about Lindsey  
17 and, you know, didn't hear anything  
18 negative or even, you know, a  
19 backhanded, you know, anything even  
20 with a backhanded reference to  
21 complaints by her. But I think it  
22 was a defense of the Governor and  
23 the work that the office had done  
24 and to be honest it sounded fine to  
25 me as it was read.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. What did you say to  
3 Mr. David after he read you the  
4 statement?

5 A. I said that sounds fine.  
6 I, you know, would obviously need to  
7 see a final before, you know, making  
8 sure that what you read me is  
9 actually what I'm signing my name  
10 to.

11 Q. What, if anything, did he  
12 say?

13 A. He said, okay, I'll be back  
14 in touch and we never spoke about it  
15 again.

16 Q. And did he ever send you a  
17 copy of it?

18 A. No.

19 Q. Did he ever tell you who  
20 else had agreed to sign onto it?

21 A. I don't think so.

22 Q. Did he tell you whether he  
23 was signing onto it?

24 A. That was certainly my  
25 impression. I don't know if he

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 specifically said that.

3 Q. Did he or anyone else ask  
4 you to make calls to anyone to get  
5 people to sign onto a statement like  
6 that?

7 A. No.

8 Q. Did you reach out at any  
9 point to any former employees to  
10 find out if they were aware of any  
11 instances of sexual harassment, any  
12 ex-employees?

13 A. No.

14 Q. Did anyone ever ask you to  
15 reach out to talk to any  
16 ex-employees to see if they either  
17 had experiences or knew of somebody  
18 that had experiences that might come  
19 forward after Ms. Boylan did?

20 A. No.

21 Q. After Ms. Boylan published  
22 the Medium piece did you talk to any  
23 of the women who worked in Chambers  
24 that worked directly with the  
25 Governor, briefers, the executive

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           assistants, people like that to see  
3           if any of them had any experiences  
4           that made them uncomfortable with  
5           the Governor?

6           A.       Not in the form of an  
7           inquiry as you captioned it but  
8           there did come a time where we had,  
9           I'd say we, either Judy or myself  
10          spoke with many different groups of  
11          individuals to make them aware that,  
12          you know, either Judy or myself, I  
13          think at this point we had retained  
14          Chamber counsel, Mitra and Paul and  
15          we said Mitra or Paul would be  
16          available if anyone had concerns or  
17          questions. This would have been,  
18          you know, after the referral had  
19          been made to the Attorney General.

20          Q.       So it was after Charlotte  
21          Bennett's allegations had come out?

22          A.       Yes.

23          Q.       Was it after you had  
24          learned about issues with Brittany  
25          Commisso?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. I think prior.

3 Q. Which groups of employees  
4 did you speak with?

5 A. I spoke with the schedulers  
6 and briefers. I spoke with my staff  
7 and I spoke with the Chamber  
8 operations staff and I think the  
9 constituency group.

10 Q. And in any of those  
11 meetings did anyone raise any  
12 concerns?

13 A. No.

14 Q. After you and Ms. Mogul  
15 held those meetings did anyone reach  
16 out to you to privately express any  
17 concerns?

18 A. I don't think so.

19 Q. Did Ms. Mogul tell you  
20 whether anyone reached out to her  
21 and asked during these meetings to  
22 express any concerns?

23 A. No.

24 Q. I'm going to turn to  
25 Charlotte Bennett. Did you ever

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 work with Ms. Bennett?

3 A. Yes. Yes, I did.

4 Q. And what were the occasions  
5 in which you worked with  
6 Ms. Bennett?

7 A. In her role as a briefer  
8 she often had to get -- sorry, I'm  
9 plugging in.

10 In her role as a briefer she  
11 would compile information that would  
12 go to the Governor every night in a  
13 book and it would include background  
14 memos, news clippings, sometimes  
15 talking points for meetings. So I  
16 interacted with her on several  
17 different matters on various topics,  
18 you know, related to legislation or  
19 issues I was working on for him.

20 Q. How did you find -- what  
21 was your opinion of her based on the  
22 interactions you had with her?

23 A. They were really pretty  
24 limited but she always seemed  
25 pleasant and cheerful and often, you

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           know, her job involved e-mailing me  
3           several times, sometimes calling and  
4           texting multiple times to get me to  
5           respond if I was busy and she was  
6           always very pleasant and cordial and  
7           professional in those interactions.

8           Q.     And did you ever observe  
9           her interact with the Governor?

10          A.     No.

11          Q.     Now I think you said, and  
12          correct me if I'm wrong, that the  
13          first involvement you had regarding  
14          her allegations was on a phone call  
15          with Mr. Ajemian to a reporter from  
16          The New York Times?

17          A.     Yes.

18          Q.     And prior to getting on the  
19          phone had anyone told you anything  
20          about Ms. Bennett's allegations?

21          A.     No.

22          Q.     So how did it come about  
23          that you were on a phone call with  
24          Peter Ajemian and -- I wrote down  
25          the name of the reporter and I



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 misplaced it so?

3 A. Jesse McKinley.

4 Q. Jesse McKinley.

5 A. So I got a phone call from  
6 Peter at about 8:30 in the morning  
7 the day that the story came out and  
8 what he relayed was that there was a  
9 story that they had just learned  
10 about related to allegations of  
11 sexual harassment and he needed  
12 someone to be on the phone with him  
13 and asked if I would do it.

14 Q. And presumably you agreed?

15 A. Yes.

16 Q. How long did the phone call  
17 last?

18 A. Probably about half an hour  
19 or so.

20 Q. To your knowledge, did  
21 Mr. Ajemian record this  
22 conversation?

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

25 Q. Did you record it?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. No.

3 Q. What do you recall was said  
4 by each of the three of you on that  
5 call?

6 A. Mostly the reporter spoke.  
7 He went through a lot of, you know,  
8 detail that his reporting had  
9 revealed.

10 Q. I'm sorry, could you  
11 just --

12 A. Just trying to get clarity  
13 on certain things or --

14 Q. Sorry to interrupt but you  
15 broke up. So you froze for a  
16 minute. So you said he went through  
17 various details and then I lost you  
18 after that.

19 A. Various details his  
20 reporting had revealed. So, you  
21 know, everything that was in the  
22 story I think, you know, start to  
23 finish. And then Peter asked some  
24 clarifying questions. I probably  
25 asked one or two clarifying

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           questions where dates weren't clear.  
3           But that was really the substance.  
4           He was asking for a response from  
5           the Governor's office and, you know,  
6           needed to get that right away  
7           because the plan was to publish  
8           later that day.

9           Q.     Do you recall any of the  
10          clarifying questions Mr. Ajemian  
11          asked?

12          A.     Not specifically, no.

13          Q.     Did the reporter share any  
14          allegations that didn't wind up in  
15          the story?

16          A.     I think there was some  
17          additional detail that didn't  
18          ultimately make it into the final  
19          story.    Just, again, I don't know  
20          specifically.   I could not point to  
21          anything now but I have a vague  
22          recollection there may have been  
23          more detail in what he went through.

24          Q.     And after the call did you  
25          speak to Mr. Ajemian?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. Yes.

3 Q. Did he tell you whether he  
4 had heard anything about  
5 Ms. Bennett's, any of the  
6 allegations raised by Ms. Bennett  
7 before?

8 A. He said he was getting on a  
9 larger call with Melissa, you know,  
10 and several other people and asked  
11 if I would join that call.

12 Q. My question is a little bit  
13 different. I'm sorry. When you got  
14 off the call with the reporter did  
15 he give you any indication that he  
16 had heard any of that before the  
17 call with the reporter?

18 A. No.

19 Q. He said he was getting on a  
20 bigger call and asked you to join.  
21 Did you join that call?

22 A. Yes.

23 Q. Who was on that call?

24 A. Melissa, Judy, Linda, I  
25 think Lis Smith, I think Josh

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           Vlasto, Peter obviously, and I think  
3           Steve Cohen.

4           Q.     Was Rich Azzopardi on the  
5           call?

6           A.     I think so. Did I not say  
7           Rich?

8           Q.     And how long did that call  
9           last?

10          A.     Probably about an hour.

11          Q.     And was the Governor on  
12          that call?

13          A.     No.

14          Q.     And what do you recall was  
15          said during that call?

16          A.     Peter --

17                 MR. FREEMAN:  Objection,  
18                 privilege.

19          Q.     Lis Smith and Josh Vlasto  
20          are neither lawyers nor were they  
21          employees of the Executive Chamber  
22          at the time. So the Chambers  
23          produced e-mails that include these  
24          folks.

25                 MR. FREEMAN:  Well, you

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 certainly could ask questions as to  
3 what they said.

4 MS. CLARK: Well, if  
5 statements were made in their  
6 presence, then those statements,  
7 the privilege is waived as to those  
8 statements.

9 MR. FREEMAN: It's my  
10 understanding that Chambers --  
11 Chamber claim privilege on that  
12 call and we are asserting the  
13 privilege on behalf of Chamber.

14 MS. CLARK: Okay.

15 Q. I hope we don't have to  
16 bring you back, Ms. Witness. Are  
17 there any statements that were made  
18 during that call that you are  
19 allowed to describe?

20 A. I think I need to just --

21 Q. Do you need to confer with  
22 your lawyer?

23 A. Yes. Could I, please.

24 MS. CLARK: Why don't you just  
25 mute us yourself and you can talk

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 to him.

3 (Whereupon, there is an  
4 off-the-record discussion.)

5 THE WITNESS: Can you hear us  
6 now?

7 MS. CLARK: Yes, now I can.

8 MR. FREEMAN: We are claiming  
9 privilege.

10 MS. CLARK: Okay. We will  
11 take that up with --

12 Q. After that group call did  
13 you have any further conversations  
14 with anyone about the allegations  
15 that you understood Ms. Bennett was  
16 making through The New York Times?

17 A. Yes. We had multiple  
18 further conversations subsequent to  
19 that initial call.

20 Q. And who was involved in  
21 those subsequent conversations?

22 A. Linda, Judy, Melissa,  
23 myself. And a subsequent  
24 conversation with Steve Cohen and I  
25 think that was it that day.

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2           Q.     How many conversations were  
3 you part of that day?

4           A.     I think probably about six  
5 or seven.

6           Q.     And were you at any point  
7 responsible for investigating any of  
8 the allegations that Ms. Bennett  
9 made?

10          A.     No.

11          Q.     And was it at this time  
12 that Ms. Mogul shared with you her  
13 prior discussions with Ms. Bennett?

14          A.     Yes.

15          Q.     And when The New York Times  
16 story was breaking, what was your  
17 understanding of what, if anything,  
18 had been done when Ms. Bennett  
19 raised allegations earlier?

20                 THE WITNESS:   Can I speak as  
21 to my understanding?

22                 MR. FREEMAN:   We need to  
23 confer.

24                 MS. CLARK:     Go ahead.   You can  
25 mute yourselves again.



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 (Whereupon, there is an  
3 off-the-record discussion.)

4 THE WITNESS: Sorry about  
5 that.

6 MS. CLARK: That's okay.

7 A. Yes, my understanding was  
8 that Judy Mogul and Jill DesRosiers  
9 had interviewed Charlotte.

10 Q. And have you ever spoken to  
11 Ms. Bennett about any of the  
12 allegations?

13 MS. CLARK: We are having some  
14 Internet issues.

15 Q. Did you hear my question?

16 A. As to whether I ever spoke  
17 directly with Ms. Bennett about her  
18 allegations?

19 Q. Yeah.

20 A. No.

21 Q. Did you ever speak to Jill  
22 DesRosiers about her conversations  
23 with Ms. Bennett?

24 A. No.

25 Q. Did you know whether or not

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           GOER had ever been informed of  
3           Ms. Bennett's allegations?

4           A.     You broke up for a moment.  
5           Can you repeat the question?

6           MS. CLARK:   Sorry, I don't  
7           know if it's your connection or  
8           mine but we keep breaking up on  
9           each other.

10          Q.     Did you know whether  
11          Ms. Bennett's allegations had ever  
12          been reported to GOER?

13          A.     I know that they were not.

14          MS. CLARK:   We are having all  
15          sorts of technical fun today.

16          Q.     It was your understanding  
17          it was not reported to GOER, is that  
18          what you said?

19          A.     Yes.

20          Q.     Did anyone explain to you  
21          why it was not reported to GOER at  
22          the time?

23          A.     Yes.

24          Q.     What was the explanation?

25          MR. FREEMAN:   You need to

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 confer.

3 THE WITNESS: I think we need  
4 to confer. I'm sorry.

5 MS. CLARK: Okay.

6 (Whereupon, there is an  
7 off-the-record discussion.)

8 A. Judy relayed to me her  
9 interview of Charlotte on -- I think  
10 they had two separate interactions.  
11 And that was the substance of my  
12 understanding.

13 Q. Did Judy explain why it was  
14 not reported to GOER?

15 A. I believe I can't answer  
16 that question without encroaching on  
17 the privilege.

18 MS. CLARK: Why don't we turn  
19 to tab 27.

20 (Exhibit 27, E-mail, marked  
21 for identification, as of this  
22 date.)

23 Q. And it looks like  
24 Mr. Azzopardi forwarded to [REDACTED]  
25 [REDACTED], copying you, an

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 e-mail from Brendan Lyons. Is it  
3 your understanding that Mr. Lyons  
4 works for The Times Union?

5 A. Yes.

6 Q. And Mr. Lyons writes in  
7 part, "Looking at Beth Garvey's  
8 statement from last weekend. There  
9 is no indication that GOER was  
10 notified or that the matter was  
11 referred to that office for a formal  
12 investigation. Is there a reason  
13 that was not done and is it the  
14 Chamber's position that Executive  
15 Order 187 does not apply to the  
16 Executive Chamber?"

17 First of all, are you familiar  
18 with Executive Order 187?

19 A. Yes.

20 Q. And what is your  
21 understanding as to what that  
22 Executive Order is?

23 A. Executive Order 187 was  
24 issued I think back in 2018 and says  
25 that in order to consistently and

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 appropriately respond to all  
3 allegations of discrimination,  
4 including sex discrimination and  
5 sexual harassment all state agencies  
6 are required to refer complaints to  
7 GOER for investigation and not to  
8 conduct internal investigations.

9 Q. Is it your understanding  
10 that that Executive Order applies to  
11 the Executive Chamber?

12 A. The Executive Order is not  
13 exceedingly clear on that point but  
14 it's my understanding that we have  
15 always treated ourselves as being  
16 subject to Executive Order 187.

17 Q. Now, which other party sent  
18 it to [REDACTED] [REDACTED]. Who is that?

19 A. [REDACTED] [REDACTED] was an employee  
20 who worked in our press office.

21 Q. And then you forward it to  
22 Linda Lacewell. Why did you forward  
23 it to her?

24 A. I can't recall specifically  
25 but Linda and Judy both had been

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 very, you know, involved in  
3 responses.

4 Q. You say they were involved  
5 in responses are you talking about  
6 press responses?

7 A. Press responses.

8 Q. Did you have a discussion  
9 with Ms. Lacewell about this press  
10 inquiry after you forwarded it to  
11 her?

12 A. I don't recall specifically  
13 a conversation.

14 Q. Do you know if anyone  
15 responded to Mr. Lyons' question?

16 A. I don't believe so.

17 Q. Do you know what, if any,  
18 action was taken -- strike that.

19 Let me back up a minute. Is  
20 it your understanding that  
21 Ms. Bennett spoke to Ms. Mogul and  
22 Ms. DesRosiers back in June of 2020?

23 A. I believe they had  
24 conversation in June and I think  
25 again maybe early July just to be

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 specific.

3 Q. And if they did not report  
4 it to GOER, do you know if they took  
5 any action in response to the  
6 concerns raised by Ms. Bennett?

7 A. I know that she was  
8 interviewed and as a product of that  
9 interview she sought and received a  
10 transfer to another position.

11 Q. Is it your view that  
12 transferring away a person who has  
13 raised concerns about possible  
14 sexual harassment is the appropriate  
15 way to deal with a complaint?

16 A. If a complaint of sexual  
17 harassment were made, a transfer  
18 would potentially be an appropriate  
19 resolution but would certainly not  
20 be the only appropriate action.

21 Q. And did you understand that  
22 Ms. Bennett was reporting  
23 potentially sexually harassing  
24 behavior to Ms. DesRosiers and  
25 Ms. Mogul back in June/July of 2020?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. I understood that Charlotte  
3 Bennett had relayed concerns and  
4 sought a transfer with her  
5 conversation with Jill DesRosiers  
6 and Ms. Mogul.

7 Q. Did you understand that  
8 Ms. Bennett had shared with  
9 Ms. DesRosiers and Ms. Mogul that  
10 she thought the Governor was trying  
11 to initiate a sexual or romantic  
12 relationship with her?

13 A. I don't have that specific  
14 understanding based on what I know.

15 Q. And what do you know that  
16 Ms. -- what were the nature of the  
17 concerns raised by Ms. Bennett back  
18 in June and July of 2020?

19 A. That she was uncomfortable  
20 continuing to work for the Governor  
21 as a briefer. That there had been a  
22 series of conversations that, while  
23 she did not feel concerned with at  
24 the time, in totality looking back  
25 she wanted to have a transfer



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 because she felt that comments about  
3 him asking her to find him a  
4 girlfriend made her uncomfortable.

5 Q. Were you aware that he had  
6 also talked to her about possible  
7 age difference between him and  
8 potential girlfriends and said he  
9 thought he could go as low as  
10 22 years of age?

11 A. Yes.

12 Q. And did you understand that  
13 that made Ms. Bennett uncomfortable  
14 because she knew the Governor knew  
15 she was 25?

16 A. I think there was an aspect  
17 of that conversation that made  
18 Ms. Bennett uncomfortable. I don't  
19 feel comfortable attributing what  
20 specific part of it made her  
21 uncomfortable. I wasn't part of the  
22 conversation so I'm only aware of a  
23 secondhand reading or what I read  
24 about in the press.

25 Q. And did you understand, not

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 from the press but from anything you  
3 learned within Chambers that  
4 Ms. Bennett had described the  
5 Governor asking her questions about  
6 her dating history?

7 A. Yes.

8 Q. And did you understand from  
9 what you learned in Chambers that  
10 the Governor had asked Ms. Bennett  
11 for information about her sexual  
12 assault she experienced in college.

13 A. Yes.

14 Q. Did you understand that  
15 Ms. Bennett had said that in one  
16 conversation the Governor had  
17 repeatedly said to her you were  
18 raped, you were raped, you were  
19 assaulted, you were raped, or words  
20 to that effect?

21 A. I don't know specifically  
22 if that was relayed in those  
23 conversations. I know it was in The  
24 New York Times story. I'm having a  
25 hard time distinguishing.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. Did -- were you aware of  
3 whether Ms. DesRosiers or Ms. Mogul  
4 took any steps after they spoke to  
5 Charlotte Bennett in June/July of  
6 2020 to ensure that the Governor did  
7 not engage in such conduct with any  
8 other women?

9 A. I believe that not only was  
10 Charlotte given the transfer that  
11 she requested but that there was a  
12 view that, you know, continued --  
13 that having individuals alone with  
14 the Governor for long periods of  
15 time should not continue.

16 MS. CLARK: And, Emily, you  
17 can take that down.

18 Q. And when there was  
19 discussion about individuals  
20 shouldn't be alone with the Governor  
21 was it all individuals or just  
22 female individuals?

23 A. I think -- I think female.

24 Q. And did anyone explain to  
25 you what the purpose of that effort

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           was to not have women alone for a  
3           long period of time with the  
4           Governor?

5           A.     No.

6           Q.     Did anyone tell you that it  
7           was to protect the Governor?

8           A.     I didn't have any  
9           conversation one way or another as  
10          to the purpose.

11          Q.     And do you know if, in  
12          fact, anyone took steps to actually  
13          limit the Governor spending any long  
14          periods of time alone with female  
15          staffers?

16          A.     Not specifically, no.

17          Q.     Did you ever speak to  
18          Stephanie Benton about how the  
19          Governor was staffed?

20          A.     No.

21          Q.     Did you ever ask Ms. Benton  
22          any questions about what she  
23          observed about the Governor's  
24          interactions with any of the women  
25          who came forward?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. No.

3 Q. Did you ever speak to  
4 Ms. Derosa about whether she did  
5 anything to try to limit the  
6 Governor spending time alone with  
7 female staffers?

8 A. No.

9 Q. I ask you to turn to tab  
10 16.

11 (Exhibit 16, Text message,  
12 marked for identification, as of  
13 this date.)

14 Q. And do you recognize this  
15 document?

16 A. Yes.

17 Q. What is this?

18 A. It's a screenshot of a text  
19 message.

20 Q. Who is the text message  
21 with?

22 A. [REDACTED], my deputy.

23 Q. And it's with you and her?

24 A. Yes.

25 Q. So it starts by is that you

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 saying "So Charlotte story getting  
3 posted in Times very soon"?

4 A. Yes.

5 Q. You wrote, "Sending you  
6 what Peter sent to Times." And  
7 that's Peter Ajemian?

8 A. Yes.

9 Q. And [REDACTED] responded, "Oh,  
10 my God." Had you already spoken to  
11 her and told her about it at this  
12 point?

13 A. Yes.

14 Q. You wrote, "Have been on  
15 floor all day and OBVI Charlotte has  
16 told [REDACTED] [REDACTED]."

17 Who is [REDACTED] [REDACTED]?

18 A. He's a lobbyist.

19 Q. And how did you know that  
20 Ms. Bennett spoke to him?

21 A. It's an assumption. In my  
22 text I clearly was being a little  
23 bit glib here. My assumption was  
24 Charlotte had spoken with this  
25 lobbyist because there had been some

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           allegation -- some allegation made  
3           that Charlotte had a story to tell  
4           that had been relayed through the  
5           Albany rumor mill to someone in the  
6           Senate who spoke to Melissa who  
7           asked me who would be speaking to  
8           other people about this.

9           Q.     And what did you say to  
10          Ms. Derosa when she asked you about  
11          that?

12          A.     That I had absolutely no  
13          conversations with anyone about  
14          anything and, you know, certainly  
15          would not have relayed anything  
16          external to Chamber.

17          Q.     And how does that link up  
18          to you assuming that Ms. Bennett had  
19          spoken to [REDACTED] [REDACTED] ?

20          A.     It was just an assumption I  
21          made based on their ages. They are  
22          relatively of the same sort of peer  
23          group.

24          Q.     Had [REDACTED] [REDACTED] ever  
25          worked in Chambers?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. No.

3 Q. And who did he lobby on  
4 behalf of, any particular clients?

5 A. No. I mean I wouldn't know  
6 specifically. He worked for a firm.

7 Q. Which firm did he work for?

8 A. [REDACTED].

9 Q. And [REDACTED] then said she  
10 spoke to them. Do you know who the  
11 them was that she was referring to?

12 A. New York Times.

13 Q. So that's what you were  
14 describing when you wrote "in depth  
15 detailed"?

16 A. Yes.

17 Q. And then further down on  
18 the next screen you wrote, "I just  
19 feel like I want to tell the staff  
20 we didn't know until today."

21 Who is the we that didn't know  
22 until today?

23 A. Chamber.

24 Q. When you say Chamber didn't  
25 know until today, you meant in terms



1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           of her speaking to The Times or  
3           about her allegations or something  
4           else?

5           A.     In terms of the  
6           allegations.

7           Q.     Well, before that day there  
8           were certainly some people in  
9           Chambers that knew about the  
10          allegations; isn't that right?

11          A.     Yes. I think more  
12          specifically mean me.

13          Q.     After you learned about the  
14          allegations were you part of any  
15          inquiries made to determine whether  
16          Ms. Bennett's allegations were true?

17          A.     No.

18          Q.     You did say earlier you  
19          were part of some of the --

20                 MS. CLARK: Emily, you can  
21          take that down.

22          Q.     You were part of responding  
23          to press inquiries after that, is  
24          that accurate?

25          A.     Yes.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. And were there particular  
3 aspects of the Charlotte Bennett  
4 story that you were involved in  
5 responding to?

6 A. Yes.

7 Q. What parts were you  
8 involved with?

9 A. Responses to the story.

10 Q. Who else was involved in  
11 responding to the stories about  
12 Ms. Bennett?

13 A. Multiple people were  
14 consulted for various different  
15 reasons. Getting Chamber out of  
16 Chamber.

17 Q. Who were the people out of  
18 Chamber that were involved?

19 A. Josh Vlasto, Lis Smith, Jef  
20 Pollock, Danny Lever, you know, to  
21 the extent you consider them out of  
22 Chamber for clarity Linda Lacewell,  
23 Steve Cohen and from time to time  
24 Chris Cuomo, the Governor's brother,  
25 also was consulted.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. And what subjects were  
3 discussed when you were part of any  
4 conversations that included any of  
5 these people, putting aside for now  
6 Linda Lacewell and Steve Cohen but  
7 that involved Josh Vlasto, Lis  
8 Smith, Jef Pollock, Danny Lever or  
9 Chris Cuomo?

10 A. Conversations with respect  
11 to what an appropriate response  
12 would be to The New York Times  
13 story.

14 Q. And do you recall any  
15 particular statements or positions  
16 that were advocated by any of the  
17 people on those calls?

18 A. Not with specificity. You  
19 know, overall everyone uniformly  
20 wanted to treat Charlotte with great  
21 sensitivity.

22 Q. And why was that?

23 A. I don't think anyone wanted  
24 to have any role in re-victimizing  
25 someone who was already, you know,

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           once a survivor of a sexual assault,  
3           was, you know, an employee, you  
4           know, recently of Chamber, and that  
5           didn't seem the appropriate course.

6           Q.     For any of the calls that  
7           included Mr. Vlasto, Ms. Smith,  
8           Mr. Pollock, Mr. Lever or Chris  
9           Cuomo was the Governor part of any  
10          of those calls?

11          A.     No.

12          Q.     In any of the calls that  
13          you were part of that included any  
14          of these outside people did anyone  
15          say that any of the allegations made  
16          by Ms. Bennett were not true?

17          A.     I think not true might be  
18          too far but not as relayed.

19          Q.     What do you mean not as  
20          relayed?

21          A.     To, you know, in the  
22          initial interview with Judy.

23          Q.     So was Judy the only one  
24          challenging any aspect of what  
25          Ms. Bennett had told The New York

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 Times?

3 A. Judy was the only person  
4 who had personal knowledge who had  
5 ever had the conversation. So I,  
6 you know, certainly don't want to  
7 make it appear as if Judy was  
8 attempting to malign anyone. I  
9 think Judy was speaking factually  
10 about her knowledge of what had been  
11 relayed.

12 Q. Did anyone share whether or  
13 not the Governor was alleging that  
14 anything Ms. Bennett had told The  
15 New York Times was not true?

16 A. No, I don't think so.

17 Q. Did anyone ever convey with  
18 the Governor, said that what  
19 Ms. Bennett told The New York Times  
20 was true?

21 MR. FREEMAN: This answer --  
22 we need to confer. This answer  
23 could invoke the privilege.

24 MS. CLARK: You guys can  
25 confer if it included, you know,

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Chris Cuomo or Josh Vlasto or  
3 somebody, I would think the  
4 privilege is waived, but I'll let  
5 you guys confer.

6 MR. FREEMAN: We are not  
7 talking about that.

8 A. I'm sorry, your question  
9 was what again?

10 Q. Did anyone convey that the  
11 Governor had said that any of the  
12 allegations made by Ms. Bennett were  
13 true?

14 MR. FREEMAN: We need to  
15 confer.

16 (Whereupon, there is an  
17 off-the-record discussion.)

18 A. Sorry about that.

19 Q. That's okay.

20 A. So with respect to the  
21 call, there -- any -- I'm having a  
22 hard time. In your questioning you  
23 are using the word "false." There  
24 was a difference in intent. The  
25 Governor's statement which was

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           public was that there was no intent  
3           as Ms. Bennett relayed. Never an  
4           allegation that it was, you know,  
5           specific statements were false that  
6           were relayed in The Times but the  
7           motivation was not as portrayed.

8           Q.     And were there -- make sure  
9           I understand. Was there any  
10          acknowledgment that the statements  
11          were, in fact, made by the Governor  
12          but he did not intend them in a  
13          harassing way or something along  
14          those lines, is that your  
15          understanding?

16          A.     Correct. Or in a sexual  
17          way.

18          Q.     And is it your  
19          understanding that the intent of the  
20          person engaging in the conduct is  
21          relevant to determining whether or  
22          not conduct constitutes sexual  
23          harassment?

24          A.     No.

25          Q.     If you could turn to tab

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 17.

3 (Exhibit 17, Statement issued  
4 in response to The New York Times  
5 story, marked for identification,  
6 as of this date.)

7 Q. Do you recognize this  
8 document?

9 A. Yes.

10 Q. What is this?

11 A. This is a statement that  
12 was issued in response to The New  
13 York Times story.

14 Q. And the first part is a  
15 statement from Governor Cuomo and  
16 the second part is a statement from  
17 -- it says it's from you. Did you  
18 draft this statement?

19 A. Yes.

20 Q. And was anyone else  
21 involved in drafting this statement?

22 A. Yes.

23 Q. Who else was involved?

24 A. Melissa, Judy, Linda,  
25 Steve, Peter Ajemian, Rich.



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. You say Rich, Rich  
3 Azzopardi?

4 A. Yes.

5 Q. Was Rich Bamberger involved  
6 in any of the conversations you were  
7 part of while we are mentioning  
8 Riches?

9 A. It's entirely possible.  
10 You know, I would not want to  
11 preclude the possibility he was on a  
12 call or an e-mail chain but I don't  
13 have any specific recollection.

14 Q. And you write in part that  
15 Ms. Bennett's concerns were treated  
16 with sensitivity and respect. What  
17 was your basis for that statement?

18 A. My conversations with Judy  
19 where she relayed how she had acted  
20 with respect to the concerns.

21 Q. You also write that it was  
22 treated in accordance with  
23 applicable law and policy.

24 What was that statement based  
25 on?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. Based on our understanding  
3 of what had been relayed to Judy.

4 Q. And was it Judy who made  
5 the determination that it was  
6 handled in accordance with  
7 applicable law and policy or was  
8 that made by this group of people  
9 that were working on this statement  
10 or something else?

11 A. Certainly Judy at the time  
12 she made the decision was acting in  
13 accordance with law and policy. And  
14 there was a determination made in  
15 consultation with a larger group  
16 that this was appropriate to say in  
17 this statement.

18 Q. And how was it determined  
19 that not reporting it to GOER was in  
20 accordance with policy?

21 A. What had been relayed for  
22 large part was not unwelcome,  
23 specifically, you know, a number of  
24 the interactions that Charlotte and  
25 the Governor had Charlotte

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           characterized as not unwelcome and  
3           perfectly appropriate.  And that she  
4           believed she was escalating this  
5           before any unwelcome conduct could  
6           occur.

7           Q.       Was it your understanding  
8           that in the conversation in which  
9           the Governor was asking Ms. Bennett  
10          her age difference and asking her to  
11          find him a girlfriend that  
12          Ms. Bennett found that conversation  
13          to be welcome?

14          A.       At that time how she  
15          portrayed it to Judy was that after  
16          that conversation she felt  
17          uncomfortable and she would like a  
18          transfer.

19          Q.       And was it your  
20          understanding that this conversation  
21          that prompted her to request a  
22          transfer was unwelcome?

23          A.       I don't want to assume what  
24          her state of mind was.

25          Q.       But you understood that

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           that conversation prompted her to  
3           ask for a transfer out of the  
4           Executive Chamber, correct?

5           A.     Yes.

6           Q.     And the group in February  
7           of this year determined that a  
8           conversation that prompted somebody  
9           to request a transfer in that  
10          fashion still was not required to be  
11          reported to GOER?

12          A.     At the time based on how it  
13          was described, that was the  
14          determination that was made and we  
15          are standing by the determination  
16          that was made at the time. We are  
17          not looking back now based on The  
18          New York Times story and second  
19          guessing what was relayed or the  
20          characterization of those facts.

21          Q.     But wasn't it Ms. Mogul's  
22          understanding back in June or July  
23          of 2020 that the conversation about  
24          the Governor asking Ms. Bennett to  
25          find a girlfriend and the age

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           difference was a conversation that  
3           prompted her to request a transfer  
4           auto of the Executive Chamber,  
5           wasn't that the understanding back  
6           in June or July of 2020?

7                   MR. FREEMAN:  Objection.  How  
8           could she know the state of mind of  
9           Ms. Mogul?

10                   MS. CLARK:  If you could not  
11           make -- you can be making  
12           objections, certainly not speaking  
13           objections.

14                   Q.     Did you -- you were  
15           conveyed information about what  
16           happened in June or July of 2020.  
17           In learning of that information  
18           wasn't part of the information that  
19           the conversation that Ms. Mogul had  
20           available to her in June or July of  
21           2020 was that the conversation about  
22           finding a girlfriend and the age  
23           difference and all that stuff led  
24           Ms. Bennett to ask for a transfer?

25                   A.     Yes.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. And was it your  
3 understanding that when she spoke to  
4 Ms. DesRosiers about the  
5 conversation and wanting a transfer  
6 back in June of 2020, that  
7 Ms. DesRosiers took it seriously  
8 enough that she arranged for an  
9 almost immediate transfer out of the  
10 Executive Chamber?

11 A. Yes.

12 Q. Despite all that in  
13 February of 2021 the group that  
14 worked on the statement determined  
15 they were standing by the original  
16 determination that it was  
17 appropriate not to refer that to  
18 GOER; is that correct?

19 A. Yes.

20 Q. Further in the statement it  
21 says that no further action was  
22 required and determination was made  
23 that no further action was required.  
24 What was that based on?

25 A. It was again based on the

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           facts available to Judy and that I  
3           think simply is intended to denote  
4           that referral to GOER was not  
5           required in this instance.

6           Q.     When it says "no further  
7           action was required," I think you  
8           testified there was some effort made  
9           to limit the Governor being alone  
10          with women, so there was some  
11          determination that something  
12          additional was appropriate at that  
13          time, correct?

14          A.     Yes, absolutely.

15          Q.     And you also referred to  
16          Ms. Bennett's wishes in this  
17          statement.

18          A.     Yes.

19          Q.     It's your understanding  
20          that under GOER -- under the EEO  
21          policy if something needs to be  
22          reported to GOER, it needs to be  
23          reported regardless of the  
24          complainant's wishes; isn't that  
25          correct?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. Yes.

3 Q. And isn't part of the  
4 reason for a policy like that is to  
5 make sure that other potential  
6 victims are protected?

7 A. Yes.

8 Q. And after Ms. -- strike  
9 that.

10 Now, are you familiar with  
11 Ms. Bennett's allegation that  
12 Stephanie Benton -- before I move on  
13 from here.

14 This statement issued on  
15 February 27, '21, says, "The  
16 Governor has requested an  
17 independent review and all staff  
18 will cooperate in that endeavor.  
19 Former Federal Judge Barbara Jones  
20 will lead the review."

21 When was it decided that Judge  
22 Jones was going to lead the review?

23 A. Saturday the 27th.

24 Q. Were you part of  
25 discussions as to who should lead



1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           that review?

3           A.     Yes.

4           Q.     And who else was involved  
5           in those discussions?

6           A.     Judy, Linda, Steve,  
7           Melissa. I think that was the group  
8           discussing that aspect.

9           Q.     Was anyone from outside the  
10          Chambers other than Ms. Lacewell  
11          involved?

12          A.     Well for clarity Steve.

13          Q.     Oh, Steve Cohen.

14          A.     But also I just want to be  
15          a little clear here. The  
16          conversations about Judge Jones  
17          happened in isolation. Further  
18          conversations about the statement  
19          happened with a larger group.

20          Q.     So I'm not talking about  
21          the Judge Jones part. So that was  
22          just the smaller group you've  
23          identified?

24          A.     Yes.

25          Q.     Was, you know, Lis Smith or

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           Josh Vlasto or Chris Cuomo or any of  
3           those people involved in the  
4           discussions about Judge Jones?

5           A.     No.

6           Q.     And who proposed Judge  
7           Jones?

8           A.     I don't recall specifically  
9           who first raised her name.

10          Q.     I'm sorry, you what?

11          A.     I don't recall specifically  
12          who first raised her name.

13          Q.     And do you recall any  
14          discussions about why anyone was in  
15          favor of Judge Jones being the one  
16          to lead the review?

17                 MR. FREEMAN:  Objection,  
18                 privilege.

19          Q.     Were you aware that  
20          Ms. Jones had worked at the same law  
21          firm as Steve Cohen at one point?

22          A.     I was not aware at the  
23          time, no.

24                 MS. CLARK:  You can take that  
25                 down, Emily.  Thanks.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. Were you aware of  
3 Ms. Bennett's allegation that  
4 Stephanie Benton completed the  
5 Governor's sexual harassment  
6 training for him?

7 A. I was made aware by a press  
8 inquiry.

9 Q. After you were made aware  
10 in a press inquiry were you involved  
11 in determining the truth or falsity  
12 of that allegation?

13 A. Yes.

14 Q. What was your role?

15 A. I interviewed Stephanie to  
16 determine whether or not there was  
17 any validity to that allegation.

18 Q. And was that training that  
19 was done with one of those paper  
20 PowerPoints or was it online or  
21 something else?

22 A. Paper PowerPoint.

23 Q. Did you see any, in the  
24 documentation regarding the Governor  
25 taking the paper PowerPoint

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           training?

3           A.     I saw that attestation.

4           Q.     Did you speak to the  
5           Governor to ask whether he read  
6           through the PowerPoint presentation  
7           before signing the attestation?

8           A.     I did not speak with him  
9           directly, no.

10          Q.     What did Ms. Benton tell  
11          you about the allegation?

12          A.     That it was false. He did  
13          the training himself. She remembers  
14          giving it to him and that was it.

15          Q.     Did she say whether she was  
16          with him when the Governor went  
17          through the PowerPoint?

18          A.     No. She was not.

19          Q.     So she could confirm that  
20          she gave the Governor the document?

21          A.     Yes.

22          Q.     And then you had the  
23          attestation but is that the only  
24          information that you had?

25          A.     And that he had returned it

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           to her when he said it was complete.

3           Q.     Do you know if anyone asked  
4           the Governor as to whether he  
5           actually read through the training?

6           A.     Stephanie spoke with him.

7           Q.     And she said that he said  
8           he read through it or what did she  
9           say?

10          A.     That he remembers reading  
11          through it, yes.

12          Q.     Have you ever worked with  
13          Brittany Commisso?

14          A.     Yes.

15          Q.     And what is the nature of  
16          your work interactions with her?

17          A.     She organized testing for a  
18          period of time in the Executive  
19          Chamber and she was one of the  
20          executive assistants who would  
21          sometimes cover phones and run  
22          errands for the front office staff.

23          Q.     When you say the front  
24          office staff, who is that referring  
25          to?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. So [REDACTED] [REDACTED], EA #3  
3 [REDACTED] and EA #2 [REDACTED] and  
4 Melissa and the Governor.

5 Q. And how often did you  
6 interact with her?

7 A. Not that frequently. You  
8 know, sometimes she would transfer  
9 calls. We'd say hello if I was  
10 called back.

11 Q. Did you ever observe her  
12 interact with the Governor?

13 A. No.

14 Q. When was the first time  
15 that you heard that there were any  
16 possible issues regarding the  
17 Governor's treatment of  
18 Ms. Commisso?

19 A. On March 8th.

20 Q. And what happened on  
21 March 8th?

22 A. Judy Mogul called me and  
23 asked to patch me into a call with  
24 EA #3 and EA #2 .

25 Q. And then what happened?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. EA #3 and EA #2 relayed  
3 that the Saturday prior Brittany had  
4 confided that the Governor had  
5 sexually harassed her.

6 Q. Did they provide any detail  
7 as to what that harassment entailed?

8 A. Yes.

9 Q. What did they say?

10 A. They relayed that it was  
11 over a period of time that the  
12 Governor would give hugs or make  
13 flirty comments that eventually  
14 escalated into a particular  
15 interaction at the Executive Mansion  
16 where he reached under her blouse  
17 and groped her breasts.

18 Q. What else was said on this  
19 call by you, EA #2 [REDACTED], [REDACTED].  
20 EA #3 and Ms. Mogul?

21 A. Well, they went through,  
22 you know, the setting, how they had  
23 learned of this. It was at a  
24 private dinner. You know, a girls  
25 night out kind of an event outside

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           of work. That they had noticed that  
3           Brittany had been upset over the  
4           past few days at work and that  
5           Brittany first confided in EA #2  
6           and then EA #3 at the party, and,  
7           you know, we thanked them for making  
8           a report and assured them that they  
9           had done the right thing and that,  
10          you know, we would, you know, be  
11          back in touch with them if we needed  
12          to talk further.

13           Q. I'm sorry, we are having  
14           some technical issues today. You  
15           said we would be back in touch with  
16           them what?

17           A. If we need to talk to them  
18           more.

19           Q. Did EA #2 or  
20           EA #3 express concern about  
21           retaliation?

22           A. Not on that call I don't  
23           believe, no.

24           Q. Any later occasion did  
25           they?



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. EA #3 did at one point, you  
3 know, express concern to me. She  
4 said she was, you know, she came to  
5 my office and said she was very  
6 concerned and I said you absolutely  
7 did the right thing, and, you know,  
8 this is all going to be fine, you  
9 did the right thing.

10 Q. When did she come to your  
11 office to express this?

12 A. I think it was, you know,  
13 either later that day or the next  
14 day.

15 Q. In the initial conversation  
16 did EA #2 [REDACTED] or EA #3 [REDACTED]  
17 express any concerns about keeping  
18 their jobs?

19 A. Not that I recall.

20 Q. At any later point did  
21 they?

22 A. No.

23 Q. Did either EA #2 [REDACTED] or  
24 EA #3 [REDACTED] say that Ms. Commisso  
25 was worried about keeping her job?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. They did.

3 Q. What did they say with  
4 respect to that?

5 A. They said that, you know,  
6 she needed the job and could not  
7 afford to lose her job.

8 Q. What, if anything, did you  
9 hear Ms. Mogul say in response to  
10 that?

11 A. I don't believe we said  
12 anything in response to that.

13 Q. How long did that call  
14 last?

15 A. About 20 minutes maybe.

16 Q. Did you have any subsequent  
17 conversations with EA #2 [REDACTED] or  
18 EA #3 [REDACTED] after that call other  
19 than the meeting you just described?

20 A. No. Not where we weren't,  
21 you know, with outside counsel.

22 Q. After the call with  
23 Ms. Mogul, EA #2 [REDACTED], EA #3 [REDACTED],  
24 what's the next time you had any  
25 conversation with anyone about this?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. Immediately after that call  
3 Judy and I called Mike Volforte from  
4 GOER.

5 Q. And what was discussed on  
6 that call?

7 A. We relayed that we had just  
8 received a complaint, that it was,  
9 you know, clearly covered by the  
10 policy and that we would need to  
11 make a referral. We were concerned  
12 because of the referral that had  
13 already been made to the Attorney  
14 General. The referral that had been  
15 made to the Attorney General covered  
16 not only Lindsey and Charlotte but  
17 any future complainants as well.

18 Q. And what, if anything, did  
19 Mr. Volforte say?

20 A. His view was that, you  
21 know, one thing, you know, the  
22 referral to the Attorney General  
23 didn't necessarily eliminate the  
24 jurisdiction of GOER. And then, you  
25 know, in this instance on these

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           facts a referral to law enforcement  
3           would actually be required and not a  
4           referral to GOER.

5           Q.     Are you trying to say  
6           Mr. Volforte was saying to refer it  
7           to law enforcement but not to GOER?

8           A.     He was not totally clear on  
9           the point whether it was law  
10          enforcement first, simultaneous with  
11          GOER. There was some back and forth  
12          about holding a complaint, you know,  
13          in abeyance while law enforcement  
14          looked at it.

15          Q.     How long was the call with  
16          Mike Volforte?

17          A.     Five or 10 minutes.

18          Q.     What was the next  
19          conversation you had with anyone  
20          about the allegations concerning  
21          Ms. Commisso?

22          A.     Judy and I called Mitra  
23          Hormorzi who is our outside counsel.

24          Q.     What was the next call you  
25          had after that?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. We called -- I think  
3 Melissa called and got the three of  
4 us on the phone. And so we had a  
5 conversation with Melissa, I believe  
6 Steve Cohen may have also been on  
7 the phone. I think Linda was also  
8 on the phone.

9 Q. And you said Melissa called  
10 you and Judy. Had she already heard  
11 about Ms. Commisso's allegations?

12 A. Yes.

13 Q. Do you know how she heard  
14 about it?

15 A. I believe she heard about  
16 it through Elkan. Judy had relayed  
17 it to Elkan.

18 Q. And what was discussed  
19 amongst you, Ms. Mogul, Ms. Derosa,  
20 Mr. Cohen and Ms. Lacewell?

21 MR. FREEMAN: Privilege.

22 Q. The day you learned of  
23 Ms. Commisso's allegations or the  
24 next day did you speak to anyone in  
25 the Chamber's press office,

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           Mr. Ajemian, Mr. Azzopardi, anyone  
3           connected with that without  
4           Ms. Commisso?

5           A.     Yes.

6           Q.     Who did you talk to?

7           A.     Rich Azzopardi came to my  
8           office with Peter.

9           Q.     And when was that?

10          A.     It was either -- it was  
11          either later that day or the next  
12          day.

13          Q.     And did they say why they  
14          were coming to your office?

15          A.     Yes.    Brendan Lyons from  
16          The Times Union had contacted Rich  
17          and was looking for confirmation for  
18          a story that they were going to run.

19          Q.     And did Mr. Azzopardi and  
20          Mr. Ajemian have any sense as to  
21          where Mr. Lyons had gotten his  
22          information?

23          A.     They did not.    Obviously  
24          they always try to probe reporters.  
25          But I don't think they had a real

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 sense one way or another.

3 Q. And did you share with  
4 Ms. Azzopardi and Mr. Ajemian the  
5 details of what EA #2 [REDACTED] and  
6 EA #3 [REDACTED] shared with you?

7 A. No. I was very annoyed.  
8 And I asked them to relay to me the  
9 facts that they had been given.

10 Q. And what did they say were  
11 the facts they had been given?

12 A. I don't recall  
13 specifically. You know, in sum and  
14 substance they were -- it was  
15 clearly the same or very similar  
16 allegations that had been relayed to  
17 us from EA #3 [REDACTED] and EA #2 [REDACTED] but with  
18 significantly more detail.

19 Q. Do you recall what  
20 additional detail had been relayed  
21 to them that you did not have?

22 A. Things like specifically  
23 where they were, the time of year, a  
24 little more, you know, color on the  
25 interactions. So it, you know,

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 certainly was not identical to the  
3 way it had been relayed to us.

4 Q. What, if anything, did you  
5 say to Mr. Azzopardi and Mr. Ajemian  
6 when they shared with you what they  
7 had heard?

8 A. That this is, you know,  
9 obviously confidential, this is  
10 someone who, you know, it was clear  
11 to us was not looking to be named.  
12 She had retained counsel, we knew  
13 that. She had already told EA #3  
14 and EA #2 who that counsel was so  
15 in addition to attempting to refer  
16 the matter to the Attorney General,  
17 you know, we had had several  
18 conversations with the Attorney  
19 General's office.

20 We had also tried to contact  
21 Brian Premo who was her attorney so  
22 that we could you know, as directed  
23 by the Attorney General, begin to  
24 follow our own process. And so, you  
25 know, I directed Rich and Peter



1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           that, you know, I didn't think we  
3           could confirm any of this  
4           information.

5           Q.     And did they tell you  
6           anything about any subsequent  
7           conversations they had with The  
8           Times Union about these allegations?

9           A.     Yeah.

10          Q.     What did they --

11          A.     I think they went back to  
12          -- and said, you know, this puts us  
13          in a terrible, you know, position.  
14          This is news to us. And you know,  
15          there's obviously a lot of  
16          investigations ongoing. But The  
17          Times Union was going to run the  
18          story anyway.

19          Q.     Did you succeed in reaching  
20          Brian Premo?

21          A.     We did. I think it was not  
22          until -- I think we tried to call  
23          him on the 8th, that same day. I  
24          don't think he called us back until  
25          the 9th.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. And you said we, who is we?

3 A. Mitra, Judy and I.

4 Q. And so when you -- so you  
5 reached him the next day?

6 A. Yes.

7 Q. How long was that call?

8 A. About 20, 25 minutes.

9 Q. And what do you recall was  
10 said by each of the participants in  
11 that call?

12 A. You know, one said he  
13 wanted to proceed with an EEO  
14 complaint. He was, you know, very  
15 clear Brittany did not want to be  
16 identified. She wanted to keep her  
17 job. She was going to proceed with  
18 the EEO complaint. That's what he  
19 was looking for. He would be  
20 talking. In fact, he said I'm  
21 talking later this week with her,  
22 with the Attorney General. We  
23 indicated to him that, you know,  
24 certainly we were aware of the  
25 complaint. We had attempted to

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           refer to the Attorney General. We  
3           were directed not -- that it would  
4           not be, you know, appropriate for  
5           them to take this over. That we  
6           would be required to refer it to law  
7           enforcement, to GOER and that, you  
8           know, in the first instance a  
9           complainant can make the complaint  
10          themselves, which in this case not  
11          wanting to be identified or anything  
12          else we thought Brittany might want  
13          to do on her own. And he said he  
14          would talk to her about it and then  
15          get back to us.

16                   And so, you know, we left it  
17          there.

18           Q.     At the time you spoke to  
19          Mr. Premo had The Times Union story  
20          come out yet?

21           A.     No.

22           Q.     Was there any talk about  
23          the press in your conversation with  
24          Mr. Premo?

25           A.     I believe he made some

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           statements that he was not looking  
3           to go to the press, you know, or  
4           have anything appear in the press.  
5           But, you know, I think that was  
6           really it.

7           Q.     And you made reference to  
8           communications with the Attorney  
9           General's office.  Were you part of  
10          any conversations with the Attorney  
11          General's office?

12          A.     Yes.

13          Q.     Who were those  
14          communications with?

15          A.     Since your role had not yet  
16          been announced I called Jennifer  
17          Levy who has been one of my primary  
18          contacts there and I said, you know,  
19          we just received a new allegation.  
20          I understand the special deputies  
21          haven't been announced yet.  How do  
22          you want us to proceed.  She said  
23          she'd get back to us.  She had Karen  
24          Cacace from the Labor Bureau call us  
25          back.  Karen Cacace called us back

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           and, you know, we relayed that we  
3           had an allegation. We'd prefer to  
4           make it directly to the special  
5           deputies if they were going to be  
6           appointed, which, you know, she said  
7           I think that makes sense, let me  
8           confer. I'll call you back. When  
9           she called us back she said no, you  
10          need to do exactly what you would do  
11          otherwise in this situation.

12                 Q.     And did she tell you  
13           specifically to go to law  
14           enforcement or specifically to go to  
15           GOER?

16                 A.     No. She was very careful  
17           to just say you must do exactly  
18           whatever it is that you would  
19           normally do in this situation as if  
20           our investigation had not been  
21           commenced, as if no referral had  
22           been made. Yeah.

23                 Q.     You said she told us. Who  
24           else was on the call with you?

25                 A.     Judy and Mitra.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. Now, did you have any  
3 conversations with anyone in law  
4 enforcement about this?

5 A. Yes.

6 Q. And who was that?

7 A. I called [REDACTED] [REDACTED] at the  
8 State Police to get the name of a  
9 person at the Albany Police  
10 Department where I could make a  
11 nonemergency complaint.

12 Q. And did he give you a name?

13 A. He did.

14 Q. What name did he give you?

15 A. He gave me -- it was the  
16 deputy chief, I want to say it was  
17 [REDACTED] [REDACTED], [REDACTED] [REDACTED] maybe.

18 Q. And did you then speak --  
19 call [REDACTED] [REDACTED] or whatever his  
20 name is?

21 A. Yes. So we traded phone  
22 calls. I think, you know, if my  
23 recollection is correct this may  
24 have been the 10th because we, you  
25 know, were now -- we had waited for

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           Brian to confirm, Brian Premo to  
3           confirm he and Brittany would not be  
4           making their own complaint to law  
5           enforcement and so we should  
6           proceed. And I relayed the facts as  
7           I understood them to him and gave  
8           him the name of Brittany's attorney  
9           and said she's represented and I  
10          recommend you reach out to her and  
11          we are here if you need anything  
12          further. I gave him my cell number.

13           Q.     Was anyone else on the call  
14          other than you and [REDACTED] [REDACTED] ?

15           A.     No.

16           Q.     Have you had any subsequent  
17          conversations with anyone in law  
18          enforcement about these allegations?

19           A.     No.

20           Q.     Were you involved in doing  
21          anything to do any fact-finding with  
22          regard to the allegations?

23           A.     No.

24           Q.     Did you take any steps to  
25          ensure that Ms. Commisso would not

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 be retaliated against?

3 A. Yes.

4 Q. What steps did you take?

5 A. Judy, Mitra and I had a  
6 phone conversation with Melissa and  
7 Stephanie where we assured them that  
8 we have to make this complaint per  
9 all of the policies and per the  
10 directives, you know, that we had  
11 received. No -- in no uncertain  
12 terms could anyone be treated any  
13 differently as they would have been  
14 the day before, you know, you became  
15 aware of this. I think Judy  
16 actually said, you know, everyone  
17 needs to be treated as if they are  
18 fairy princesses. And -- go we made  
19 absolutely clear there should be no  
20 retaliatory conduct.

21 Q. Did you make clear that  
22 that should extend to EA #2 [REDACTED]  
23 and EA #3 [REDACTED] as well?

24 A. Yes.

25 Q. Did you do any follow-up to



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 see how -- if they were being  
3 treated appropriately thereafter?

4 A. I did not specifically  
5 follow up. I do believe I told  
6 EA #3 if anything -- you know, if  
7 anything happened that she should,  
8 you know, tell me when she came to  
9 my office but I did not specifically  
10 go and follow up, no.

11 Q. Did you take any steps to  
12 ensure that the Governor would not  
13 engage in any conduct like what  
14 Ms. Commisso was alleging took  
15 place?

16 A. I believe that -- I believe  
17 that Judy had a conversation  
18 specifically with respect to that  
19 with Melissa.

20 Q. And what, if anything, did  
21 Judy tell you about that  
22 conversation?

23 A. Just that she had relayed  
24 that no one should be alone with him  
25 at the mansion.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. And did Ms. Mogul say what  
3 if anything, Ms. Derosa said in  
4 response?

5 A. No.

6 Q. Did you ever speak to  
7 Ms. Commisso about what had  
8 happened?

9 A. No.

10 Q. Did you review any  
11 documents to determine if there was  
12 any corroboration for any of the  
13 allegations as you understood them?

14 A. No.

15 Q. Did you ever view  
16 Ms. Commisso's personnel file after  
17 you received the complaint?

18 A. Not that I recall. It may  
19 have been responsive to the  
20 subpoena. And it may have been  
21 showed to me in the course of the  
22 production but I did not  
23 specifically request to see it.

24 Q. Did you ever speak to the  
25 Governor to ask if the allegations

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 were true?

3 A. Specifically Chamber is not  
4 entitled or authorized under the  
5 Executive Order to investigate. I  
6 did have conversations with the  
7 Governor about this but not for the  
8 purpose of any investigation we were  
9 conducting.

10 Q. What were the purpose of  
11 the conversations you had with the  
12 Governor?

13 MR. FREEMAN: This is  
14 privileged.

15 MS. CLARK: The broad purpose.

16 Q. I'm not yet asking about  
17 what was said but what was the  
18 reason for you speaking to the  
19 Governor about these issues?

20 A. To make him aware of the  
21 process.

22 Q. When you say the process,  
23 what process are you speaking about?

24 A. Various law enforcement  
25 investigation, your investigation,

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 GOER's investigation.

3 Q. And to your knowledge,  
4 what, if any, investigation, has  
5 GOER been undertaking regarding  
6 Ms. Commisso's allegations?

7 A. I don't understand anything  
8 with respect to their process that  
9 they are undertaking on this.

10 Q. Has anyone told you whether  
11 they are undertaking any  
12 investigation?

13 A. No.

14 Q. Was anyone else present  
15 when you spoke to the Governor about  
16 explaining the processes that are  
17 going on with all these various  
18 investigations, et cetera?

19 A. No.

20 Q. In the course of those  
21 conversations did you ask the  
22 Governor whether the allegations  
23 were true?

24 MR. FREEMAN: Same objection.

25 Privilege.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. If you turn to tab 25.

3 (Exhibit 25, E-mail to Steve  
4 Cohen, marked for identification,  
5 as of this date.)

6 Q. And this appears to be an  
7 e-mail from you to Steve Cohen on  
8 March 10, 2021, at 5:44 p.m.

9 And it looks like the first or  
10 most of the -- substance of the  
11 e-mail is you quoting from  
12 something. What is that that you  
13 are quoting from?

14 A. This is the Executive Order  
15 187.

16 Q. And why were you sending  
17 that to Mr. Cohen?

18 A. I presume because he had  
19 requested the specific authority for  
20 why we determined it had to be  
21 reported.

22 Q. Was Mr. Cohen, had he been  
23 opposed to reporting it to GOER?

24 A. No.

25 Q. The last paragraph, that's

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           not a quote from the Executive  
3           Order, correct?

4           A.     Correct.

5           Q.     And it says, "This is a  
6           crime, so if reported this way to  
7           GOER they would say this, this is  
8           conduct which constitutes a crime  
9           and needs to be reported to law  
10          enforcement and we will take your  
11          report and hold it in abeyance  
12          unless they pursue or conclude their  
13          investigation."

14          What was that?

15          A.     That was my  
16          characterization to Steve of the  
17          Brittany Commisso complaint.

18          Q.     And is this after he had  
19          already spoken to Mike Volforte at  
20          this point?

21          A.     Yes.   We had spoken with  
22          him on March 8.

23          Q.     And so is this reflecting  
24          what Mr. Volforte said to you?

25          A.     Yes.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. This is a crime, what were  
3 you referring to as a crime?

4 A. Groping.

5 Q. And since you came to Mike  
6 Volforte had you done anything to  
7 determine whether those policies  
8 actually to hold knowing in  
9 abeyance, to hold the report in  
10 abeyance instead of reporting it to  
11 law enforcement?

12 A. Other than speaking with  
13 the head of the agency who relayed  
14 this information to me, no.

15 Q. If you could turn to tab  
16 19.

17 MR. KIM: Can I ask a  
18 follow-up question?

19 MS. CLARK: Absolutely.

20 MR. KIM: All right. Hi, this  
21 is Joon Kim. Nice to see you. I  
22 have been on video and audio mute.

23 When you reached out to Steve  
24 Cohen what's your understanding of  
25 his role?

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2           THE WITNESS:   That he's an  
3           attorney that the Chamber often  
4           consults with on various legal  
5           matters.

6           MR. KIM:    So in your mind when  
7           you are consulting -- when you are  
8           sending him these -- this document  
9           and talking to him is he acting in  
10          -- as counsel to the Executive  
11          Chamber?

12          THE WITNESS:   I certainly  
13          considered our communications  
14          generally to be privileged.  I  
15          would prefer not to try to  
16          characterize what his ethical  
17          obligations were with respect to  
18          who he thought his client was.

19          MR. KIM:    And so when he's  
20          giving you advice in your mind is  
21          he giving you advice with the  
22          Executive Chamber as his client or  
23          the Governor or both?

24          THE WITNESS:   I believe both  
25          in many instances.



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 MR. KIM: That's not something  
3 that you had discussions with him  
4 about?

5 THE WITNESS: At the time we  
6 were speaking, no.

7 MR. KIM: How about ever?

8 THE WITNESS: Through the  
9 course of this investigation the  
10 various attorney/client  
11 relationships and privileges have  
12 been a significant point of  
13 contention and we have discussed  
14 them.

15 MR. KIM: And what is your  
16 view now of whether Steve Cohen was  
17 acting as counsel to the Executive  
18 Chamber or the Governor?

19 MR. FREEMAN: I think we are  
20 getting into privilege here.  
21 Privilege upon privilege upon  
22 privilege.

23 MR. KIM: Your understanding  
24 -- her understanding of who Steve  
25 Cohen represents? What's the

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           standard for privilege law to say  
3           who the client is, who the lawyer  
4           represents?

5           MR. FREEMAN: I'll withdraw  
6           the objection as to that question.

7           THE WITNESS: Could you just  
8           restate your question, please.

9           MR. KIM: Who did you  
10          understand Steve Cohen's client to  
11          be?

12          THE WITNESS: At the time I  
13          made these communications or now?

14          MR. KIM: Let's start with at  
15          the time.

16          THE WITNESS: At the time I  
17          believe Chamber.

18          MR. KIM: How about now?

19          THE WITNESS: As I sit here  
20          now, I think likely the Governor.

21          MR. KIM: And in your mind --  
22          in your mind is that the same  
23          thing?

24          MR. FREEMAN: I'm going to  
25          direct my client not to answer.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 MR. KIM: Okay. Thank you.

3 MS. CLARK: Emily, you can  
4 take that down and you can put up  
5 tab 19.

6 MR. FREEMAN: Excuse me, can  
7 we take a very short break? We  
8 called for help with our air  
9 conditioning and they just arrived  
10 and --

11 MS. CLARK: Absolutely. I  
12 think my office is losing its air  
13 conditioning too so maybe it is  
14 Con-Ed as Ms. Witness suggested  
15 earlier. I'm a little warm myself.  
16 Why don't we take ten minutes.  
17 Let's go off the record.

18 THE VIDEOGRAPHER: Standby.  
19 The time is 3:27. We are going off  
20 the record.

21 (Whereupon, there is a recess  
22 in the proceedings.)

23 THE VIDEOGRAPHER: The time is  
24 3:46 p.m. We are back on the  
25 record. This will be the start of

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 media unit four.

3 Q. I'm going to ask you to  
4 take a look at tab 19 in the binder.

5 (Exhibit 19, Brittany Commisso  
6 complaint, marked for  
7 identification, as of this date.)

8 Q. Do you recognize this  
9 document?

10 A. I do.

11 Q. What is this?

12 A. This is, was the complaint  
13 form that I filed on behalf of  
14 Brittany.

15 Q. Under supervisor name  
16 Ms. Grasso was Ms. Commisso's  
17 supervisor?

18 A. Yes.

19 Q. There's a second level  
20 supervisor named [REDACTED].  
21 Who's -- what's his or her position?

22 A. She became chief of staff  
23 filling that role in an acting  
24 capacity initially after --

25 Q. We are getting like a

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 little freezing again.

3 A. After Jill DesRosiers's  
4 [REDACTED] [REDACTED] [REDACTED].

5 Q. Is Ms. DesRosiers returning  
6 to Chambers to your knowledge?

7 A. It's my expectation that  
8 she was not.

9 Q. And who told you that?

10 A. Jill.

11 Q. Did she tell you why?

12 A. On multiple occasions she  
13 referred to her [REDACTED] [REDACTED] as  
14 she was going to not return after  
15 her [REDACTED] [REDACTED].

16 Q. And did she say why she  
17 wasn't going to return after her  
18 [REDACTED] [REDACTED]?

19 A. No.

20 Q. And at the top where your  
21 information is I see it says Work  
22 Schedule Days/Hours Monday through  
23 Sunday 9 to 5 plus. Is that a  
24 reference to --

25 A. Yes.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. One of the reasons you are  
3 leaving?

4 A. That is an accurate  
5 portrayal of my calendar, yes.

6 Q. Did you draft this  
7 document?

8 A. I did.

9 Q. Did anyone else review it  
10 before you submitted it to GOER?

11 A. No.

12 Q. And did Mr. Premo or  
13 Ms. Commisso ever tell you they  
14 wanted you to file this with GOER?

15 A. Mr. Premo, again, had  
16 indicated to us he wanted to speak  
17 with the Attorney General's office  
18 and he wanted to proceed civilly  
19 through an EEO complaint and that he  
20 had no interest in this  
21 administrative process. We  
22 explained to him that our policy did  
23 not permit us to respect that.

24 Q. So it is your understanding  
25 that regardless of Ms. Commisso or

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 her attorney's interest in filing  
3 with GOER that you had an  
4 independent obligation to notify  
5 GOER?

6 A. Correct.

7 Q. And if you go down to the  
8 next page. And after describing  
9 what EA #3 [REDACTED] and EA #2 [REDACTED]  
10 told you, you describe your  
11 conversation with Mr. Premo and the  
12 Attorney General's office and  
13 outside counsel. Why did you  
14 include all that sort of follow-up  
15 information in the document?

16 A. To make clear the status to  
17 GOER of all of the different parties  
18 that they would need to interact  
19 with to undertake their  
20 investigation.

21 MS. CLARK: You can take that  
22 down, Emily.

23 Q. Did GOER ever ask you for  
24 any additional information about  
25 Ms. Commisso's complaint?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. They have not.

3 Q. Have you heard from anyone  
4 that GOERs has spoken to anyone else  
5 about the complaint?

6 A. I have not.

7 Q. After the conversation you  
8 testified to a bit earlier in which  
9 Mr. Azzopardi and Mr. Ajemian came  
10 to you about what -- the questions  
11 they received from The Times Union  
12 were you involved in any, dealing  
13 with any press inquiries regarding  
14 Ms. Commisso's allegations?

15 A. Yes.

16 Q. What was your role?

17 A. Reviewing the statement  
18 that was proposed, reviewing the  
19 context and making edits or  
20 suggestions as appropriate.

21 Q. And was it one statement or  
22 more than one statement that you  
23 were involved with?

24 A. There were multiple  
25 inquiries once the story in The



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 Times Union broke.

3 Q. And over what period of  
4 time have you been involved in  
5 addressing press inquiries regarding  
6 Ms. Commisso?

7 A. From the beginning of our  
8 awareness of the complaint.

9 Q. Are you still involved in  
10 responding to press inquiries  
11 regarding Ms. Commisso?

12 A. Yes. If there were any new  
13 inquiries.

14 Q. After the initial story  
15 broke were there any subsequent  
16 inquiries from the press, after the  
17 first round?

18 A. I think multiple.

19 Q. And other than regarding  
20 the original allegations, what  
21 subjects have you fielded press  
22 inquiries regarding?

23 A. Any subject.

24 Q. And which ones regarding  
25 Ms. Commisso have you been involved

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           in responding to?

3           A.     We had many follow-up  
4           requests about, you know, what we  
5           were undertaking, you know, as far  
6           as an investigation and what -- you  
7           know, we had gotten follow-up  
8           inquiries from Brendan Lyons about,  
9           you know, conversations she's had  
10          with her ex-husband that get relayed  
11          to us for comment. So there's been  
12          a number of different inquiries.

13          Q.     What inquiries has Brendan  
14          Lyons made regarding conversations  
15          between Ms. Commisso and her  
16          ex-husband?

17          A.     There was an inquiry he  
18          made to us about a statement her  
19          ex-husband made to her that he -- he  
20          heard that Governor Cuomo's office  
21          was digging for dirt on her and said  
22          something to the effect of he wasn't  
23          going to help us. And then we were  
24          asked to comment about whether or  
25          not we were digging for dirt.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. And did you or someone on  
3 behalf of Chambers respond to these  
4 inquiries from Mr. Lyons?

5 A. We referred the question,  
6 in this case, to the Governor's  
7 personal attorneys.

8 Q. Have you ever spoken to  
9 Ms. Commisso's ex-husband about  
10 her?

11 A. No.

12 Q. Have you heard of anyone  
13 else from Chambers speaking to  
14 Ms. Commisso's ex-husband about her?

15 A. No.

16 Q. Have you made any inquiries  
17 to anyone about the status of  
18 Ms. Commisso's marriage?

19 A. No. Not specifically that  
20 I recall.

21 Q. Did you ask anyone whether  
22 they were [REDACTED] [REDACTED] [REDACTED] ?

23 A. I asked Lauren at one point  
24 based on a comment that she had made  
25 where she had pointed out she wasn't

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 certain [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
3 [REDACTED] [REDACTED] [REDACTED].

4 Q. And when you say Lauren, is  
5 that Lauren Grasso?

6 A. Yes.

7 Q. Why were you interested?

8 A. It was in the context of  
9 our attempts to establish the facts  
10 relative to this investigation.

11 Q. And what was the relevance  
12 of the status of her marriage to the  
13 investigation?

14 A. There was a comment that  
15 had been made that I believed Lauren  
16 had indicated that [REDACTED] [REDACTED] [REDACTED]  
17 [REDACTED] [REDACTED]. And I asked the  
18 question in the context of a  
19 privileged conversation I believe  
20 with our outside counsel and Lauren  
21 Grasso where she was being  
22 debriefed.

23 MR. FREEMAN: Objection.

24 Q. Have you had any  
25 nonprivileged conversations about

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           the status of Ms. Commisso's  
3           marriage as it may or may not relate  
4           to the investigation?

5           A.     No.

6           Q.     Has anyone passed along any  
7           information about Ms. Commisso to  
8           you?

9           A.     No.

10          Q.     Have you heard any rumors  
11          about anything relating to her  
12          divorce?

13          A.     There are I think always  
14          rumors going around in Albany. I  
15          think that was, you know, the fact  
16          of her divorce is I think widely  
17          commented on in Albany given who her  
18          ex-husband is.

19          Q.     And who is her ex-husband?

20          A.     He works for the local  
21          Albany government and her  
22          ██████████ is a former city  
23          official.

24          Q.     And has anyone conveyed to  
25          you any rumors about her divorce

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 that relate in any way to the  
3 investigation?

4 A. No.

5 Q. Do you -- have you ever  
6 worked with Alyssa McGrath?

7 A. Yes.

8 Q. And in what context have  
9 you worked for Alyssa McGrath?

10 A. She's an executive  
11 assistant and she sometimes assists  
12 EA #3 and EA #2 .

13 Q. Who does she primarily work  
14 for?

15 A. She was primarily working  
16 for Larry Schwartz when he was doing  
17 the vaccine and other COVID  
18 response.

19 Q. Did you everybody observe  
20 Ms. McGrath interact with the  
21 Governor?

22 A. No.

23 Q. At some point did you  
24 become aware that Ms. McGrath was  
25 making allegations of sexual

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           harassment by the Governor?

3           A.     Yes.

4           Q.     How did you first learn  
5           about it?

6           A.     Again, my friend Peter  
7           Ajemian called me to speak with a  
8           New York Times reporter relating to  
9           allegations that were going to be  
10          made public.

11          Q.     Was it the same reporter?

12          A.     Yes.

13          Q.     And prior to Mr. Ajemian  
14          inviting you to that phone call had  
15          you heard anything about Ms. McGrath  
16          and the Governor?

17          A.     No.

18          Q.     How long did the call with  
19          the reporter last?

20          A.     About 20, 25 minutes maybe.

21          Q.     And what do you recall was  
22          said by you, Mr. Ajemian and  
23          Jesse --

24          A.     McKinley.

25          Q.     -- McKinley?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. He relayed that Alyssa  
3 McGrath was making a claim of sexual  
4 harassment against the Governor.  
5 That she was specifically alleging  
6 that it was sexual harassment. That  
7 she was also represented by counsel.  
8 That there was no allegation of  
9 physical touching but general sexual  
10 comments that were unwelcome. He  
11 gave some specific examples and I  
12 think we asked if there were other,  
13 you know, any other allegations  
14 against anyone else in the Chamber  
15 and he said no. And we said we'd  
16 get back to him.

17 Q. And after the call ended  
18 did you talk to Mr. Ajemian about  
19 the call you just had?

20 A. We got a larger group on  
21 the phone.

22 Q. And who was in this larger  
23 group?

24 A. This was I think Melissa,  
25 Rich, Linda, Judy and I believe we



1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           got Mitra on the phone as well.

3           Q.     Was the Governor on the  
4           call?

5           A.     No.

6           Q.     And what was discussed in  
7           that conversation?

8           A.     We relayed --

9                   MR. FREEMAN:  Objection,  
10           privilege.

11          Q.     How long did that call  
12          last?

13          A.     About fifteen or so  
14          minutes.

15          Q.     After that conversation did  
16          you speak with anyone else about  
17          Ms. McGrath's allegations?

18          A.     No.

19          Q.     At any point?

20          A.     Yes.  At any point.  I  
21          spoke with Michael Volforte.  I  
22          attempted to reach out to her  
23          attorney.  I consulted with outside  
24          counsel before making any contact.  
25          I sent several e-mails to her

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           attorney trying to, you know, make  
3           sure they knew what our process was  
4           and that was really it.

5           Q.     And what was your -- was  
6           anyone -- when you spoke to  
7           Mr. Volforte was anyone else  
8           involved in that conversation other  
9           than you and him?

10          A.     I think it was just the two  
11          of us.

12          Q.     And what did you -- how  
13          long was that call?

14          A.     Probably about 15 minutes.

15          Q.     What did you say, what did  
16          he say in that call?

17                 MR. FREEMAN:   I'm going to  
18          object.   Privilege.

19          Q.     Did you ever connect with  
20          Ms. McGrath's attorney?

21          A.     We exchanged e-mails.   I  
22          don't believe we ever connected via  
23          phone.

24          Q.     And you said that you  
25          described to her the process.   What

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 did you describe to her?

3 A. I told her that since our  
4 client was alleging sexual  
5 harassment, that pursuant to  
6 Executive Order 187 we'd be required  
7 to refer this to GOER for GOER to do  
8 an investigation. And that she  
9 could either make the complaint or  
10 we could -- would still have an  
11 independent obligation to make the  
12 complaint on her behalf.

13 Q. And did she ever respond as  
14 to whether Ms. McGrath wanted to  
15 make a complaint directly?

16 A. He said that she did not  
17 understand how it was in her  
18 client's interest. She asked for  
19 specific information about what our  
20 intent was really with respect to  
21 pursuing a process parallel to the  
22 Attorney General's investigation.  
23 And I think, you know, I responded,  
24 you know, that I did not have the  
25 authority to change that policy.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. Did she ask you any  
3 questions about GOER's authority?

4 A. I don't recall  
5 specifically.

6 Q. Were you involved in any  
7 efforts to determine the  
8 truthfulness or not of Ms. McGrath's  
9 allegations?

10 A. You know, in the sense of  
11 conducting an investigation, no. In  
12 the response to the article we had  
13 internal communications about an  
14 appropriate response to the article  
15 including whether any details should  
16 be refuted.

17 Q. And in the interim  
18 discussions was there any basis for  
19 refuting any of her allegations?

20 A. Given that counsel was part  
21 of those conversations I think our  
22 statement ultimately with respect to  
23 that establishes the outcome.

24 Q. And did you then file a  
25 GOER complaint on behalf of

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Ms. McGrath?

3 A. I did.

4 Q. And if you turn to tab 20,  
5 is that the one you filed concerning  
6 Ms. McGrath?

7 A. Yes.

8 (Exhibit 20, GOER complaint  
9 re: McGrath, marked for  
10 identification, as of this date.)

11 Q. And to your knowledge, has  
12 GOER undertaken any investigation?

13 A. No.

14 Q. Do you know why GOER has  
15 not undertaken any investigation?

16 A. I'm sorry, I do not know  
17 whether or not they have.

18 Q. In the second page in the  
19 narrative section you just make a  
20 reference to The New York Times  
21 story. And then you say, "The  
22 individual seems to be alleging  
23 sexual harassment."

24 After you read The New York  
25 Times story did you have any doubt

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 as to whether Ms. McGrath was  
3 alleging sexual harassment?

4 A. It stated clearly in the  
5 article that she was alleging sexual  
6 harassment.

7 Q. Have you learned any  
8 additional information regarding  
9 Ms. McGrath's complaint since you  
10 filed with GOER?

11 A. No.

12 Q. Have any steps been taken  
13 to your knowledge to protect  
14 Ms. McGrath from retaliation?

15 A. As with, you know, prior  
16 complainants we spoke with Melissa  
17 and Stephanie, to reiterate the need  
18 to guard against any retaliation for  
19 Alyssa given her role in the front  
20 office. I believe at the time we  
21 got this complaint Larry was no  
22 longer present in the Chamber on a  
23 daily basis and so I don't believe  
24 that we spoke with him.

25 MS. CLARK: Emily, you can

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           take that down.

3           Q.     With regard to staffing the  
4           Governor. Has he been working out  
5           of the Capitol, out of the mansion  
6           or someplace else?

7           A.     Primarily out of the  
8           mansion.

9           Q.     And has anyone been  
10          providing him any sort of  
11          administrative support at the  
12          mansion?

13          A.     I don't believe so.

14          Q.     If the Governor wants to  
15          dictate something how is that being  
16          handled while he works out of the  
17          mansion?

18          A.     I believe either Stephanie  
19          does it or I think that from time to  
20          time individuals are working on  
21          documents in the Capitol.

22          Q.     Is he dictating things by  
23          phone and then people work on it  
24          from the Capitol or something along  
25          those lines?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. I'm not really sure  
3 specifically.

4 Q. Do you know whether that  
5 arrangement is for some set period  
6 of time or is it indefinite that the  
7 Governor has been working in the  
8 mansion and support staff will stay  
9 at the Capitol?

10 A. I don't believe that I have  
11 ever been part of any conversations  
12 related to that.

13 Q. Earlier today we had a  
14 reference to Kaitlin [REDACTED]. Did you  
15 ever overlap with her?

16 A. In the Chamber, no.

17 Q. In the Chamber.

18 When she was in the Chamber  
19 and you were in other government  
20 roles did you ever interact with  
21 her?

22 A. No.

23 Q. Prior to December of 2020  
24 had you ever been involved in any  
25 discussions with anyone in the



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Executive Chamber about Kaitlin

3 [REDACTED] ?

4 A. No.

5 Q. When did you first have any  
6 discussion about Kaitlin [REDACTED] ?

7 A. After the tweets. So at  
8 some point later in December, [REDACTED]  
9 [REDACTED] had related to me that  
10 she had been asked if she knew who  
11 Kaitlin [REDACTED] was because of her  
12 engagement with Lindsey Boylan's  
13 tweets.

14 Q. And what was [REDACTED] Kaitlin 's  
15 engagement with Lindsey Boylan's  
16 tweets?

17 A. I don't remember if she  
18 liked it or re-tweeted it but it had  
19 been noted that she was supporting  
20 of Lindsey's allegations.

21 Q. And at the time that  
22 [REDACTED] Kaitlin was supportive of  
23 Ms. Boylan's allegations she was no  
24 longer working for the Chamber,  
25 correct?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. Correct.

3 Q. Why was anyone within the  
4 Chambers concerned about [REDACTED] Kaitlin  
5 supporting Ms. Boylan?

6 A. I think only to the extent  
7 that if it was, in fact, a former  
8 employee, could it be someone who  
9 additionally had allegations.

10 Q. And before you spoke to  
11 anyone outside of the Chambers did  
12 you speak to anyone within the  
13 Chambers, and for these purposes  
14 I'll include Ms. Lacewell and  
15 Mr. Cohen about [REDACTED] Kaitlin ?

16 A. In December of 2020?

17 Q. Yeah.

18 A. No.

19 Q. Did anyone, Ms. Lacewell or  
20 anyone else tell you that they were  
21 checking out [REDACTED] Kaitlin 's LinkedIn  
22 profile?

23 A. No.

24 Q. You made reference earlier  
25 to speaking to somebody at [REDACTED]

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 how did you come to speak to  
3 somebody at [REDACTED] about Kaitlin  
4 [REDACTED] ?

5 A. [REDACTED] [REDACTED], who at the  
6 time I think it was the acting  
7 president at [REDACTED] had a concern  
8 about Kaitlin making an allegation  
9 and wanted to discuss that as it  
10 related to her time in Chamber not  
11 her role at [REDACTED].

12 I spoke to [REDACTED] very, very  
13 briefly, maybe, you know, just one,  
14 two minutes so that she could relay  
15 that information and I said I'm  
16 going to refer you over to Judy  
17 Mogul. And I referred her over to  
18 Judy. I believe that though this  
19 was much later, this was, you know,  
20 maybe even March, February or March.

21 Q. And what did [REDACTED] [REDACTED] say  
22 to you about what [REDACTED] Kaitlin had  
23 alleged or was alleging?

24 A. She did not give me any  
25 specifics.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. And after you referred  
3 [REDACTED] [REDACTED] to Ms. Mogul were you  
4 involved in any further discussions  
5 about Kaitlin [REDACTED] ?

6 A. Yes.

7 Q. What conversations were you  
8 involved in?

9 A. Kaitlin [REDACTED]'s name was  
10 raised in some press inquiries.

11 Q. And was that at a later  
12 time period?

13 A. I think soon thereafter.

14 Q. And what was your role in  
15 responding to press inquiries  
16 regarding [REDACTED] Kaitlin ?

17 A. I participated in the phone  
18 conversation where, you know,  
19 statements were laid out by, you  
20 know, our press staff that were  
21 going to be in a subsequent news  
22 article to assist in formulating an  
23 appropriate response.

24 Q. And was anyone other than  
25 people from the press office

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           involved in those responses?

3           A.     Yes.

4           Q.     Who else was involved?

5           A.     Judy, Linda, Melissa. I  
6           can't recall specifically if anyone  
7           externally was involved.

8           Q.     If you could turn to tab  
9           21.

10                   (Exhibit 21, E-mail, marked  
11           for identification, as of this  
12           date.)

13           A.     I'm ready.

14           Q.     Do you recognize this  
15           e-mail chain?

16           A.     Yes.

17           Q.     What is this?

18           A.     This is one of the typical  
19           sort of press inquiries where we get  
20           a set of, you know, comments really  
21           from a reporter and then the press  
22           office gives a proposed response for  
23           us to review.

24           Q.     You responded, in part,  
25           good. So you were okay with this

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           response?

3           A.     Yes.    I don't know how much  
4           -- I mean obviously this was a  
5           thread and there was a lot of  
6           editing going through.

7           Q.     Do you have any  
8           understanding as to who source A  
9           was?

10          A.     I don't really know.    I  
11          can't -- source A is on the car  
12          parts and I think that is Kaitlin.

13          Q.     And above source A there's  
14          two paragraphs that I think relate  
15          to the same person.    One says this  
16          person was recommended for a job  
17          that had recently been available by  
18          her employer at the time as well as  
19          former counsel/congressional  
20          officials.    She was hired based on  
21          her recommendations and past  
22          experiences.    And after the Governor  
23          taking photos she was not hired  
24          based on her experience.    The salary  
25          she requested from how she presented

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 it to us matched both what she was  
3 making at her current job plus the  
4 money she would lose by not being  
5 able to take second weekend job. Is  
6 that part in reference to Kaitlin  
7 [REDACTED] ?

8 A. I don't know that that's  
9 specifically linked to source A the  
10 way that I read this thread. But it  
11 is my understanding that that fits  
12 Kaitlin [REDACTED]'s -- I don't know  
13 anything about the photo  
14 specifically but that -- there was  
15 an allegation that she had made that  
16 she felt she was hired for her  
17 looks.

18 Q. By the way, speaking of  
19 photos, have you ever seen any  
20 photos of the Governor with either  
21 Brittany Commisso and/or Alyssa  
22 McGrath?

23 A. Yes.

24 Q. What such photos have you  
25 seen?

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2           A.     There was Brittany's  
3           Facebook photo, her profile photo  
4           was a picture of her and the  
5           Governor for quite a long time.

6           Q.     And were you Facebook  
7           friends with Ms. Commisso?

8           A.     No, but because we had a  
9           number of mutual friends it would  
10          continually pop up as a you may know  
11          this person.

12          Q.     And where was the photo  
13          from, was it from an event or the  
14          office or something else?

15          A.     It looked like an  
16          office-related event.

17          Q.     Did you ever see any photos  
18          with the Governor standing between  
19          Ms. McGrath and Ms. Commisso with  
20          his arms --

21          A.     That's the photo that I'm  
22          referring to. It's the two of them  
23          in the picture.

24          Q.     When you saw that photo,  
25          did you have any concerns about



1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           where the Governor's hands were  
3           placed?

4           A.     No.

5           Q.     Has the Governor ever taken  
6           any photos with you where he's  
7           placed his hand on sort of above  
8           your waist below your breast line?

9           A.     I have taken pictures with  
10          him and he frequently puts his arm  
11          around people.

12          Q.     And when he's taken a  
13          picture of you where has he placed  
14          his hand when his arm has been  
15          around you?

16          A.     I guess my waist. I never  
17          particularly noticed.

18          Q.     Did he ever place his hands  
19          anywhere on you when taking a photo  
20          that made you uncomfortable?

21          A.     No.

22          Q.     Getting back to this  
23          exhibit do you -- do you ever ask  
24          anyone how -- strike that.

25                   Do you know which role

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 [REDACTED] Kaitlin was hired into?

3 A. I believe that she was some  
4 sort of executive assistant. I  
5 don't really know specifically what  
6 her title was.

7 Q. And did you ever obtain  
8 information as to how her salary  
9 compared to that of other executive  
10 assistants?

11 A. I did not.

12 Q. Did you ever ask anyone?

13 A. With respect to -- I'm  
14 trying to see if it's in this e-mail  
15 chain or not.

16 I believe I only had  
17 conversations with Melissa and  
18 others who were there at the time  
19 that told me that her salary was  
20 reasonable, which is reflected in  
21 this first on background paragraph.

22 Q. Did you ever review Kaitlin  
23 [REDACTED]'s personnel file?

24 A. No.

25 Q. There's a number of

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           statements regarding source A but  
3           then looks like answers in all caps.  
4           So the first one is about she wore a  
5           red plaid shirt to the office. The  
6           Governor told her she looked like a  
7           lumberjack. In responses, if this  
8           happened it was clearly a joke. Do  
9           you know where that answer came  
10          from?

11           A.     I believe that's coming  
12          from Melissa.

13           Q.     Do you know if she was  
14          asking the Governor about his  
15          recollection of events in order to  
16          provide these answers?

17           A.     I don't.

18           Q.     The second incident refers  
19          to source A asked the Governor  
20          whether he wanted her personal cell  
21          phone number in order to reach her  
22          if he needed anything outside of  
23          work hours. The Governor responded  
24          as if she were making a romantic  
25          advance which was not source A's

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           intent.    The response is no memory  
3           of this conversation but if it  
4           happened it was clearly a joke.

5                     Is it your understanding that  
6           Ms. Derosa wrote that as well?

7                     A.    Based on this chain it  
8           appears that way to me.

9                     Q.    Do you know whether she  
10          asked the Governor whether he had a  
11          recollection of this event?

12                    A.    I don't.

13                    Q.    The next paragraph refers  
14          to rumors that the Governor's  
15          administration would prevent  
16          staffers who wanted to leave his  
17          office from securing other jobs.  
18          And the response states that that's  
19          an old rumor from early days and  
20          that, in essence, the Chamber  
21          supports people who want to move on.

22                    Had you ever heard anything  
23          about anyone having any issues  
24          leaving Chambers or leaving as  
25          quickly as they would like to leave?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. You know, I know that it  
3 was common to ask people to stay. I  
4 never heard anyone express any  
5 particular concern about it.

6 Q. Did you ever hear of anyone  
7 having calls made to thwart job  
8 offers at other state entities?

9 A. At other state entities? I  
10 mean not specifically.

11 Q. Did you ever hear of any  
12 calls being made to prevent anyone  
13 leaving Chambers to go to any  
14 private entity?

15 A. No. I mean look, on the  
16 state entity I get calls from  
17 agencies who say, you know, we want  
18 to hire X person. It happened with  
19 one of my assistant counsels about a  
20 month ago and I said yeah, I have no  
21 concern, we just need to get through  
22 session so if we can revisit this  
23 conversation, you know, after the  
24 end of June, that would be ideal.  
25 So you know, I have certainly had

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           conversations about timing of  
3           departures with respect to my staff.  
4           I'm sure that's common across the  
5           enterprise. Because we do have  
6           really important things that these  
7           individuals are often almost solely  
8           responsible for.

9           Q.     And when did you get this  
10          call about one of your staff members  
11          about possibly moving to another  
12          agency?

13          A.     It was [REDACTED]  
14          [REDACTED] called me about [REDACTED]  
15          [REDACTED] a month ago.

16          Q.     And have you heard back  
17          from her now that we are coming to  
18          the end of June?

19          A.     No, I haven't.

20          Q.     Have you heard of anyone  
21          else in Chambers, you know, getting  
22          a call like that and just answering  
23          no, I don't want this person to  
24          leave or words to that effect?

25          A.     I never heard of a scenario

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           where we said absolutely not.

3           Q.     Have you ever heard people  
4           in Chambers talk about not telling  
5           anyone within Chambers where they  
6           are going because they are afraid  
7           that they will lose their job  
8           opportunities?

9           A.     No.

10          Q.     Earlier you testified about  
11          having conversations with Alphonso  
12          David and Danny Lever and other  
13          people who left Chambers. How often  
14          does Chambers call upon ex-employees  
15          to help with matters?

16          A.     Frequently. I mean  
17          especially over the last, you know,  
18          16, 18 months. It's been very  
19          frequent that we have relied on  
20          individuals who previously left.

21          Q.     Are there any ethical  
22          restrictions on bringing in former  
23          employees to help on matters?

24          A.     With respect to public  
25          officers level?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. That or any other ethical  
3 guidelines.

4 A. I'll certainly defer to Lou  
5 on, you know, any quoted  
6 professional responsibility because  
7 I think you are asking a question in  
8 the generic but generally the public  
9 officers law does have a revolving  
10 door ban that would say for someone  
11 who was acting as a public official,  
12 that they would be subject to a  
13 two-year bar upon their departure  
14 from Chamber. But it's not to say  
15 that you can't call someone for  
16 advice or to consult with on a  
17 particular matter that they may have  
18 handled.

19 Q. And if it's not something  
20 that they handled while they worked  
21 in Chambers, is it your  
22 understanding that it can  
23 potentially violate that revolving  
24 door bar?

25 MR. FREEMAN: You know --



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 objection, relevance and objection  
3 it's calling for an opinion and I  
4 know lawyers can give an opinion  
5 but this is an opinion that would  
6 be required to be answered by an  
7 expert.

8 MS. CLARK: I'm just asking  
9 Ms. Witness as somebody who's been  
10 trained on the ethical  
11 requirements.

12 Q. You said you took that  
13 training, you got a big binder of  
14 policies and such, did you ever go  
15 through training on the ethical  
16 obligations that include things like  
17 the revolving door ban?

18 A. Yes.

19 Q. And based on your  
20 understanding from your trainings is  
21 the -- if someone who has been out  
22 of the Chambers less than two years  
23 is a consultant on something that's  
24 not something they worked on in  
25 Chambers, is that a potential

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 violation of the rule?

3 MR. FREEMAN: If you know.

4 A. Give me that hypothetical  
5 again. Someone has left Chamber,  
6 they were an employee. So they were  
7 an employee. They were a public  
8 officer within the meaning of the  
9 public officer's law. They left.  
10 It had not yet been two years since  
11 they departed and were they  
12 consulting on a matter that they did  
13 handle or didn't?

14 Q. They did not handle. It's  
15 something that they did not handle.  
16 It is a brand new matter but someone  
17 would just really like to get that  
18 person's opinion on this new issue.

19 MR. FREEMAN: I object.

20 Q. Go ahead.

21 MR. FREEMAN: Go ahead.

22 A. Is your hypothetical  
23 related to someone appearing in a  
24 private capacity or as a volunteer  
25 of Chamber?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. What does it mean to be a  
3 volunteer of Chamber?

4 A. I have a feeling you are  
5 trying to address our Executive  
6 Orders related to volunteers. Is  
7 that what you are --

8 Q. I am not but if there's a  
9 specific Executive Order related to  
10 volunteers that you are referencing,  
11 just let me know what that is about.

12 A. We issued some Executive  
13 Orders related to the pandemic to  
14 relax --

15 MR. FREEMAN: We need to  
16 confer.

17 MS. CLARK: Does this relate  
18 to privilege?

19 MR. FREEMAN: It may be.

20 MS. CLARK: Okay. If it is  
21 related to the privilege but...

22 Q. Let me first ask because I  
23 don't think this relates to  
24 privilege. What were the substance  
25 of the executive orders that were

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 issued regarding volunteers during  
3 to the pandemic?

4 A. We issued an Executive  
5 Order in the course of COVID  
6 response so that we would  
7 specifically be able to bring in  
8 individuals with particular  
9 expertise in state government, not  
10 COVID necessarily, but in state  
11 government without subjecting them  
12 to a new two-year bar. What your  
13 hypothetical is addressing is  
14 something very different it sounds.

15 Q. Yes. I was not addressing  
16 that -- that Executive Order. But  
17 somebody that was not about  
18 restarting the bar for them but just  
19 that they were consulted on  
20 something that was not a  
21 continuation of something that they  
22 worked on before and was within two  
23 years, is that potentially a  
24 violation of the rule?

25 MR. FREEMAN: Okay. We need

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 to confer.

3 THE WITNESS: Yeah.

4 (Whereupon, there is an  
5 off-the-record discussion.)

6 THE WITNESS: Sorry about  
7 that.

8 MR. FREEMAN: First, I'm  
9 objecting, this is beyond the scope  
10 of the referral. This is not about  
11 an investigation related to sexual  
12 harassment. This is a labor  
13 question. And it's beyond the  
14 scope.

15 MS. CLARK: We disagree that  
16 it's beyond the scope because the  
17 scope is not just sexual harassment  
18 allegations but the surrounding  
19 circumstances which includes the  
20 responses to those allegations and  
21 therefore we do consider this very  
22 much within the scope.

23 MR. FREEMAN: Well, you know  
24 from our experience today that this  
25 is the first time I made such an

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 objection because it's not related  
3 to the referral.

4 Now, it's also not something  
5 that my client can answer but  
6 she'll -- she'll answer by saying  
7 that.

8 MS. CLARK: Well, let's hear  
9 what her answer is. I was -- I was  
10 about to move on anyway but go  
11 ahead, let's see what she says.

12 A. The specific fact pattern  
13 and hypothetical here is something  
14 that is triggered and I don't want  
15 to walk in any way into some sort of  
16 subject matter waiver on matters  
17 that have been before me, could be  
18 before me and I don't feel in any  
19 way qualified to opine on this  
20 hypothetical without further  
21 research or consultation.

22 Q. And is that subject an  
23 issue within the purview of JCOPE,  
24 J-C-O-P-E?

25 A. As a general matter

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           enforcement of certain provisions of  
3           the public officer's law are within  
4           JCOPE's purview, yes.

5           Q.     I'm going to get back to  
6           the document now.  On the second  
7           page, page 819 --

8           MS. CLARK:  You can scroll to  
9           the next page, Emily.

10          Q.     -- it says, "The Governor  
11          asked Source A about her dating  
12          life.  And the response was the  
13          Governor asks men and women in the  
14          office about their lives."

15          Is that response something by  
16          Ms. Derosa?

17          A.     Again, it appears that way  
18          to me based on this thread.  I have  
19          no specific knowledge whether she  
20          wrote it or not.

21          Q.     Was there any discussion  
22          about whether a young woman working  
23          in the Chamber might feel  
24          particularly uncomfortable having  
25          the most senior official in state

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 ask about her dating life?

3 A. I'm sorry, could you just  
4 repeat the first part of that?

5 Q. Sure. Was there any  
6 discussion about whether a young  
7 woman working in the Chamber might  
8 feel uncomfortable having the  
9 Governor, the most senior person in  
10 the administration, ask her about  
11 her dating life?

12 A. I don't recall such a  
13 discussion.

14 Q. Do you understand how a  
15 young woman might be uncomfortable  
16 having the Governor ask her about  
17 her dating life?

18 A. I understand that a lot of  
19 people are uncomfortable when the  
20 Governor addresses them in, you  
21 know, almost -- I would never second  
22 guess someone saying that they are  
23 uncomfortable about any particular  
24 question or comment or concern.

25 Q. Have you heard other people



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 express concern about the Governor  
3 asking them about their dating  
4 lives?

5 A. Never except in these press  
6 inquiries.

7 Q. The next paragraph says,  
8 "She recalls that the Governor  
9 seemed to enjoy this dynamic and  
10 asked her about 'the mean girls.'"   
11 And the response says in part, "This  
12 is silly and we question if this  
13 would be written about men."

14 Did you understand that Source  
15 A or Kaitlin [REDACTED] was saying that  
16 the Governor himself had made  
17 reference to a group of women as the  
18 mean girls?

19 A. I don't really understand  
20 what this is.

21 Q. Did you ever hear the  
22 Governor refer to any women in the  
23 office as the mean girls?

24 A. No, I don't think I did.

25 Q. Did you hear anyone else in

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           the office refer to any group of  
3           women within the office as the mean  
4           girls?

5           A.     Yes.

6           Q.     Who have you heard make  
7           that reference?

8           A.     I had heard Melissa use  
9           this reference. I had heard Jill  
10          use the reference. So I was aware  
11          that it had been used as a reference  
12          to describe them.

13          Q.     So you heard both  
14          Ms. Derosa and Ms. DesRosiers refer  
15          to a group that included themselves  
16          as the mean girls?

17          A.     Yes.

18          Q.     Do you know the context in  
19          which either of them used the term?

20          A.     My recollection is it was  
21          not in a -- it was not anything that  
22          they thought was a good moniker.  
23          They were not embracing the moniker  
24          but were saying, you know, almost  
25          sarcastic, all right, I forgot, we

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           are the mean girls.

3           Q.     And who did you -- did you  
4           have an understanding as to who was  
5           included in the mean girls?

6           A.     I mean not specifically  
7           because I don't know that I, you  
8           know, this group does not really  
9           seem to make a whole a lot of sense  
10          the way it's made up here. I didn't  
11          know that Linda was a social  
12          companion of Melissa or Jill or  
13          Stephanie but I understood it to  
14          mean more social companions than  
15          just coworkers.

16          Q.     And did you ever hear that,  
17          of anyone other than Ms. Derosa,  
18          Ms. DesRosiers and Ms. Benton being  
19          lumped in with a group that was  
20          referred to as mean girls?

21          A.     I think Annabelle.

22          Q.     Did you ever hear about  
23          Ms. Lever being referred to as part  
24          of the mean girls?

25          A.     Not specifically, but I,

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 you know, I, you know, I heard it  
3 said I can believe that. Who knows.  
4 I don't remember.

5 Q. Turning back to the first  
6 page your portion at the top. You  
7 write, "Also Judy asked if we should  
8 run by Mitra and Paul," that's a  
9 reference to outside counsel?

10 A. Yes.

11 Q. And you said, "I think no,  
12 they will not know facts and if we  
13 have overnight we can walk through  
14 it but it needs to go tonight."

15 Why did you think it wasn't --

16 A. If it needs to go tonight.

17 Q. What's that?

18 A. If it needs to go tonight.

19 Q. Was it a matter of timing  
20 you were suggesting of running it by  
21 outside counsel?

22 A. Yes.

23 Q. Were you involved in any  
24 other responses to the press about

25 [REDACTED] Kaitlin ?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. I might have been. I don't  
3 recall specifically.

4 Q. Have you had any further  
5 conversations with anyone at [REDACTED]  
6 about [REDACTED] Kaitlin [REDACTED] since the one you  
7 described with [REDACTED] [REDACTED] that  
8 couple months?

9 A. I did have conversations  
10 with our general counsel related to  
11 their preservation requirements and  
12 with respect to a subpoena that they  
13 ultimately received.

14 Q. Any other conversations  
15 between you and [REDACTED] since the  
16 one with [REDACTED] [REDACTED] a few months  
17 back?

18 A. No.

19 Q. Have you ever met Anna Ruch  
20 or Ruch, R-U-C-H?

21 A. No.

22 Q. Did you attend Gareth  
23 Rhodes's wedding?

24 A. No.

25 Q. When did you first hear of

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Ms. Ruch?

3 A. I think from one of our  
4 press staff.

5 Q. And was it Mr. Ajemian or  
6 somebody else?

7 A. I can't recall  
8 specifically.

9 Q. And were you involved at  
10 all in responding to any press  
11 reports about it?

12 A. Yes.

13 Q. What was your involvement?

14 A. I was, I think, given the  
15 query from a reporter and they  
16 attached the Instagram post that  
17 Anna Ruch, Ruch -- that the  
18 complainant made to help in  
19 formulating a response.

20 MS. CLARK: We are getting  
21 some sort of weird noises on the  
22 line now but we heard that or I  
23 did. Did the court reporter get  
24 that? Ms. Ruggieri?

25 THE COURT REPORTER: Yes.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. And before responding to  
3 the press did you talk to anyone to  
4 get any information about what  
5 happened at Mr. Rhodes's wedding?

6 A. Prior to seeing it from the  
7 press, you know, inquiry, no.

8 Q. After you got the press  
9 inquiry did you do anything to  
10 determine what happened at  
11 Mr. Rhodes's wedding?

12 A. No.

13 Q. I'd ask you to turn to tab  
14 22.

15 (Exhibit 22, E-mail, marked  
16 for identification, as of this  
17 date.)

18 Q. And this is at the bottom  
19 an e-mail from Jesse McKinley on  
20 March 1st to Richard Azzopardi and  
21 Peter Ajemian referring to the  
22 article about Anna Ruch that then  
23 gets forwarded from Peter to  
24 Melissa, Linda, Judy, you, Steve  
25 Cohen, copying Josh Vlasto, Danny

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           Lever, Rich Azzopardi, Lis Smith,  
3           Jefrey Pollock. At this point in  
4           time was this group reviewing all  
5           the press inquiries or was there  
6           something particular about this one  
7           that led to such a wide involvement  
8           of outside people?

9           A. I could not say.

10          Q. At the top you write, "I  
11          think we need to lean in to - we  
12          have an ongoing review now, a  
13          referral has been made, no further  
14          comment on this or related matters."

15          What did you mean by that?

16          A. I meant more assertive than  
17          a no comment -- more assertive than  
18          just a no comment. It would be good  
19          to warn off additional inquiries.

20          Q. And what were you proposing  
21          be said to ward off additional  
22          inquiries?

23          A. No further comment on this  
24          or related matters to put people on  
25          notice we were done commenting.



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. You sent this e-mail. Did  
3 you have any discussion with either  
4 anyone in this group or anyone else  
5 about that approach?

6 A. I think I consistently  
7 reiterated this position several  
8 times.

9 Q. And was there anyone who  
10 disagreed with that approach?

11 A. I think generally speaking  
12 there were individuals who felt  
13 specific allegations needed to be  
14 addressed one by one.

15 Q. Were you part of  
16 discussions at any point as to  
17 whether any of the Governor's  
18 statements responding to the  
19 allegations were having a negative  
20 effect on the public perception of  
21 what happened?

22 MR. FREEMAN: Could you repeat  
23 the question, please?

24 MS. CLARK: Sure.

25 Q. Were you part of any

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           discussions about whether any of the  
3           statements the Governor was making  
4           about the allegations were having  
5           any negative effect on the public  
6           perception of what had happened?

7                     MR. FREEMAN:   Object to the  
8                     discussions which would be  
9                     privileged.

10                    Q.     Well, did you have a  
11                    discussion about that topic with  
12                    anyone?   And then we will find out  
13                    who you had the discussion with, if  
14                    at all?

15                    A.     Yes.

16                    Q.     With whom did you have such  
17                    discussions?

18                    A.     The Governor, Melissa, Lis  
19                    Smith, and Jef Pollock.

20                    Q.     Were those conversations  
21                    with that entire group or different  
22                    conversations with different people  
23                    in that group?

24                    A.     Those three individuals and  
25                    myself.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. You listed the Governor and  
3 three other individuals. Was the  
4 Governor involved in conversations  
5 with you, Melissa Derosa, Lis Smith  
6 and Jef Pollock or was it some  
7 subset of that?

8 A. I was part of a  
9 conversation, the Governor, myself,  
10 Melissa, Liz and Jeff.

11 Q. And when did that  
12 conversation take place?

13 A. I could not say  
14 specifically.

15 Q. And what was discussed in  
16 that conversation?

17 A. We discussed several  
18 matters related to the investigation  
19 and it implicated your question in  
20 that comments were made about public  
21 perception.

22 Q. And Ms. Smith and  
23 Mr. Pollock are not attorneys,  
24 correct?

25 A. Correct.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. And they don't work in  
3 Chambers, correct?

4 A. Correct.

5 Q. So what was discussed in  
6 this conversation you had with this  
7 group of people?

8 A. I believe that content of  
9 that conversation is privileged.

10 Q. And what is your basis for  
11 claiming privilege over a  
12 conversation that included --

13 MR. FREEMAN: We need to  
14 confer.

15 Q. Let me just finish my  
16 question. The privilege you need to  
17 confer about is that if this  
18 conversation includes two people who  
19 are not employees and not Chamber --  
20 not attorneys and not Chamber  
21 employees, I'd like to know the  
22 basis for the privilege but you can  
23 confer with your lawyer about the  
24 privilege.

25 (Whereupon, there is an

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 off-the-record discussion.)

3 MR. FREEMAN: Can you hear me?

4 MS. CLARK: Now I can.

5 MR. FREEMAN: All right. The  
6 basis for the privilege claim is  
7 the Governor asked witness to  
8 advise him in a meeting and the  
9 people who weren't lawyers were  
10 there as consultants and witness  
11 was advising the Governor and the  
12 consultants. And the conversation  
13 is privileged and I'm directing her  
14 not to answer.

15 Q. Was Ms. Smith retained by  
16 the Executive Chamber to provide  
17 consulting services to the Chamber?

18 A. I don't believe so  
19 formally, no.

20 Q. Was Mr. Pollock or his  
21 company retained to provide services  
22 to the Executive Chamber?

23 A. I don't believe so  
24 formally, no.

25 Q. Was there some sort of --

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 you keep saying not formally. Was  
3 there an informal consulting  
4 arrangement?

5 A. I believe that they were  
6 called upon to consult with some  
7 regularity. My understanding is  
8 that they were viewed as agents of  
9 the Governor for purposes of this  
10 conversation.

11 Q. And how long had they been  
12 called upon to provide advice?

13 A. Since prior to my joining  
14 Chamber.

15 Q. And do you know if either  
16 of them are paid for the services  
17 they provide?

18 A. I don't.

19 Q. And you say -- to your  
20 knowledge is there any written  
21 agreement with either Ms. Smith or  
22 Mr. Pollock or his company?

23 A. I don't believe so.

24 Q. And is it your  
25 understanding that they were

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 consulting to the Chambers or to the  
3 Governor personally or to something  
4 else?

5 A. I don't have a definitive  
6 view on that. I'm not certain what  
7 their state of mind was and I'm not  
8 comfortable answering for them.

9 MR. FREEMAN: And it's my  
10 belief, my good faith belief that  
11 Chamber counsel would invoke the  
12 privilege and we are invoking it  
13 consistent with their, my belief,  
14 that Chamber counsel would invoke  
15 the privilege and I'm directing my  
16 client not to answer. I understand  
17 you need to make a record and  
18 that's fine.

19 Q. When was this conversation  
20 that you had with the Governor,  
21 Melissa Derosa, Lis Smith and Jeffrey  
22 Pollock?

23 A. I'm not certain but it was  
24 sometime, you know, mid-March.

25 Q. Have you been part of any

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 conversations with the Governor  
3 other than this one that included  
4 Ms. Smith, Mr. Pollock, Mr. Vlasto,  
5 Chris Cuomo, anyone like that that  
6 included the Governor?

7 A. No.

8 Q. How many conversations with  
9 the Governor have you been part of  
10 since the Lindsey Boylan Medium  
11 story came out?

12 A. Dozens. You know, we also  
13 negotiated a budget in the middle of  
14 this. So there were multiple  
15 conversations on a variety of topics  
16 with him.

17 Q. How many conversations have  
18 you had with the Governor where any  
19 allegations of harassment or the  
20 response to the allegations have  
21 come up since the Lindsey Boylan  
22 Medium story?

23 A. Maybe a dozen.

24 Q. And I think you told me  
25 earlier that -- were any of them



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 one-on-one?

3 A. Yes.

4 Q. How many were one-on-one?

5 A. Maybe half.

6 Q. When is the last time that  
7 you had a conversation with the  
8 Governor that included as one of the  
9 topics the allegations or the  
10 response to them?

11 A. Monday.

12 Q. And was anyone else present  
13 for that conversation?

14 A. Stephanie.

15 Q. During the time you've been  
16 in Chamber have there been any other  
17 subjects on which the Governor has  
18 brought in Ms. Smith to consult?

19 A. I believe that she was  
20 brought in when we were having  
21 issues with the Trump administration  
22 on Trusted Traveler.

23 Q. Anything else?

24 A. I think that's it.

25 Q. And have there been any

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           other topics on which the Governor  
3           has consulted with Mr. Pollock?

4           A.     Not where I have been  
5           included in the conversations.

6           MS. CLARK:   By the way, Emily,  
7           you can take that document down.

8           Q.     Did you at any point become  
9           aware of someone named Valerie  
10          Bauman making any allegations?

11          A.     That name is not familiar  
12          to me.

13          Q.     Were you involved at all in  
14          responding to any allegations made  
15          by female reporters?

16          A.     Yes.

17          Q.     What involvement did you  
18          have in responding to those  
19          allegations?

20          A.     With respect to, you know,  
21          all of the press inquiries I think  
22          we had received a series of  
23          statements that we were being asked  
24          to respond to by a reporter.

25          Q.     If you turn to tab 23.

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2                   (Exhibit 23, E-mail, marked  
3           for identification, as of this  
4           date.)

5           A.     Okay.

6           Q.     Do you know what this  
7           e-mail chain is regarding?

8           A.     It looks like it's a press  
9           inquiry but it's not completely  
10          clear from this which inquiry it is.  
11          It looks like it's a Ronan Farrow  
12          New Yorker article.

13          Q.     On the first page about  
14          two-thirds of the way down there's  
15          an e-mail from you that says in  
16          part, "I think her point in the  
17          article isn't that it would have  
18          been weird to be hired but that it  
19          happened after one interaction. Do  
20          any of these fit that mode?"

21                   And then Ms. Derosa responds,  
22           "Certainly Don Kaplan and Brian  
23           Conybear," Conybear,  
24           C-O-N-Y-B-E-A-R.

25                   Did you know anything about

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           the circumstances of their hiring  
3           Mr. Kaplan or Mr. Conybear?

4           A.     I did know Don Kaplan and I  
5           know that he had relayed to me that  
6           he was hired after one interaction  
7           with the Governor.

8           Q.     Did he tell you what that  
9           one interaction was?

10          A.     That he was called to do an  
11          interview one-on-one with the  
12          Governor where he said the Governor  
13          asked most of the questions, and he  
14          was a reporter I think at the New  
15          York Post, and the Governor asked  
16          most of the questions and he was  
17          book in the office like two hours  
18          maybe after that and someone was  
19          saying, you know, we'd like to offer  
20          you a job if you'd come work for us.

21          Q.     Do you know how experienced  
22          Mr. Kaplan was at the time?

23          A.     I think he was pretty, a  
24          pretty seasoned reporter.

25          Q.     Did you know anything about

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 the circumstances of Brian  
3 Conybear's hiring?

4 A. No, not personally.

5 MS. CLARK: Emily, you can  
6 take that down.

7 Q. Who is [REDACTED] [REDACTED] ?

8 A. He is a doctor who we hired  
9 to work at Department of Health. He  
10 works at Department of Health now.  
11 We hired him to be deputy secretary  
12 for health.

13 Q. And at any point did you  
14 hear an allegation that he had  
15 referred to anyone in the Chamber as  
16 a bitch or something similar?

17 A. Yes.

18 Q. What did you hear about  
19 that?

20 A. I heard from Senior Staffer #1 that  
21 she had heard rumors externally that  
22 she had been called a bitch by  
23 [REDACTED] [REDACTED] and she asked that  
24 we, you know, discipline him  
25 appropriately and that he should

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 immediately be moved out of Chamber.

3 Q. And when you say that she  
4 ask that we discipline him, who was  
5 she directing this to?

6 A. I think, I believe Jill  
7 DesRosiers was on the phone as well.

8 Q. And she said she wanted him  
9 removed from the Executive Chamber?

10 A. Yes.

11 Q. And what, if anything, did  
12 you do after [REDACTED] Senior Staffer #1 made this  
13 phone call to you?

14 A. We had to first gather some  
15 facts. And so we had to try to  
16 determine whether or not the rumor  
17 that Senior Staffer #1 had heard was accurate.  
18 So I made several phone calls, one  
19 to [REDACTED] [REDACTED], who she said had  
20 relayed the rumor to try to figure  
21 out if I could determine the  
22 firsthand source.

23 Q. And who is [REDACTED] [REDACTED]?

24 A. He's a lobbyist.

25 Q. And what did he tell you?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. That yes, he had relayed  
3 that to Senior Staffer #1 because his client,  
4 [REDACTED] had relayed it to him.

5 Q. And what, if anything else,  
6 did you do to determine the accuracy  
7 of the rumor?

8 A. I spoke to [REDACTED] to try to  
9 determine his source who he relayed  
10 was [REDACTED] [REDACTED].

11 Q. Who is [REDACTED] [REDACTED]?

12 A. She's Executive Deputy  
13 Commissioner at Department of  
14 Health.

15 Q. And did you speak to her?

16 A. I think at this point we  
17 had, [REDACTED] and I had looped in Judy  
18 Mogul and I believe that Judy spoke  
19 with [REDACTED].

20 Q. And did Ms. Mogul report to  
21 you what [REDACTED] [REDACTED] had said?

22 A. Yes. That it was a  
23 conversation where [REDACTED] had made  
24 the comment to her and several  
25 other --

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 MR. FREEMAN: I'm going to  
3 object based on privilege. And I'm  
4 also not sure of the relevancy.

5 MS. CLARK: You are allowed to  
6 make the privilege direction.

7 Q. Did you ever speak to  
8 [REDACTED] [REDACTED] about whether he had  
9 referred to [REDACTED] Senior Staffer #1 as a bitch?

10 A. Yes.

11 Q. And what did he say?

12 A. He said that he had.

13 Q. Did you speak to anyone  
14 else about the allegation?

15 A. **Errata - "No."**

16 Q. Was [REDACTED] [REDACTED] removed from  
17 the Executive Chamber?

18 A. Yes.

19 Q. How much time passed  
20 between [REDACTED] Senior Staffer #1 calling you and  
21 [REDACTED] [REDACTED] being removed from the  
22 Executive Chamber?

23 A. Several days, maybe a week.

24 Q. And he was transferred to  
25 the Department of Health at that



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 point?

3 A. Correct.

4 Q. Did you refer the incident  
5 to GOER?

6 A. No.

7 Q. Why not?

8 A. I did not view it as a  
9 comment that was unreasonably  
10 interfering with Senior Staffer #1 's job  
11 duties.

12 Q. Did you consider it to be a  
13 sexist statement?

14 A. I considered it to be a  
15 sexist statement, yes.

16 Q. Did you have any  
17 involvement in any complaints made  
18 about [REDACTED] [REDACTED] ?

19 A. Did I ever? Yes.

20 Q. What was your involvement?

21 A. Since I've become counsel I  
22 have become aware of litigation  
23 related to her tenure at [REDACTED]  
24 [REDACTED] [REDACTED] [REDACTED].

25 Q. Make sure I understand, you

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 got involved after she hired an  
3 attorney; is that correct?

4 A. Frankly, after the lawsuit  
5 had been filed and a response had  
6 been drafted.

7 Q. I'm not going to ask you  
8 about your involvement in ongoing  
9 litigation. Do you have any  
10 involvement in any earlier  
11 investigation into any complaints  
12 made about [REDACTED] [REDACTED] ?

13 A. No.

14 Q. Do you know whether that  
15 was something that was referred to  
16 GOER?

17 A. Yes, it was.

18 Q. And did GOER investigate  
19 the complains made by [REDACTED] [REDACTED] ?

20 A. Yes, they did.

21 Q. Do you know how long the  
22 GOER investigation took?

23 A. No, I do not.

24 Q. If GOER makes a  
25 determination that there's any sort

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 of discrimination or harassment does  
3 GOER have the authority to take any  
4 action in response to the complaint?

5 A. No.

6 Q. What does GOER do if they  
7 find that a complaint of  
8 discrimination/harassment was  
9 substantiated?

10 A. My understanding is they  
11 refer it back to the agency to take  
12 appropriate action.

13 Q. In the case of  
14 [REDACTED] do you know to whom  
15 GOER made any recommendations?

16 A. I don't specifically.

17 Q. Now, we earlier talked  
18 about a statement that was issued  
19 that said that the allegations  
20 regarding the Governor were going to  
21 be reviewed by Barbara Jones. Were  
22 you part of any discussions  
23 thereafter about having the  
24 investigation handled by anyone  
25 else?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. Yes.

3 Q. And who did you have such  
4 conversations with?

5 A. Linda, Steve, Judy,  
6 Melissa.

7 Q. And I want to show you tab  
8 26.

9 (Exhibit 26, Draft referral,  
10 marked for identification, as of  
11 this date.)

12 Q. What is this document?

13 A. This is a draft referral  
14 that I was sharing with the Attorney  
15 General's office relative to the  
16 investigation that we are  
17 participating in now.

18 Q. And why were you sharing a  
19 draft with the Attorney General's  
20 office?

21 A. Because we were working  
22 collaboratively with her office at  
23 this juncture. The decision had  
24 been made that we wanted to work  
25 with the Attorney General to conduct

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           the review.

3           Q.     And this draft says that  
4           "Qualified independent private  
5           attorney or attorneys" -- I'm sorry  
6           -- "will make a selection of such  
7           qualified independent private  
8           attorney or attorneys in  
9           consultation with the Chief Judge of  
10          the Court of Appeals."

11                   Whose idea was it that the  
12          Chief Judge of the Court of Appeals  
13          be involved in the selection  
14          process?

15           A.     I don't know whose idea it  
16          was.

17           Q.     In any part of the process  
18          before the decision was made to  
19          refer this matter to the Attorney  
20          General's office were you part of  
21          any vetting of potential  
22          investigators?

23           A.     I was not personally  
24          involved in any vetting, no.

25           Q.     Do you know someone named

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Vinny Straface?

3 A. Yes.

4 MS. CLARK: You can take that  
5 down, Emily.

6 Q. Who was that?

7 A. He was a member or the  
8 Governor's security detail.

9 Q. And is he still member of  
10 the Governor's security detail?

11 A. No. He's retired.

12 Q. And have you been in  
13 communication with him at all since  
14 he retired?

15 A. Yes.

16 Q. When?

17 A. I reached out to him to ask  
18 if he was represented in this  
19 investigation.

20 Q. When did you do that?

21 A. Maybe about a week ago.

22 Q. And why were you trying to  
23 determine if Mr. Straface was  
24 represented?

25 MR. FREEMAN: Objection,

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 privileged.

3 Q. Did you have interactions  
4 with Mr. Straface before he retired?

5 A. Yes.

6 Q. What sort of interactions  
7 did you have with Mr. Straface  
8 before he retired?

9 A. Just chitchat in the car  
10 sometimes, you know, to and from  
11 events if he was not personally  
12 staffing the Governor.

13 Q. Have you had any  
14 conversations with Mr. Straface  
15 about any of the allegations against  
16 the Governor?

17 A. No.

18 Q. At the time you were  
19 working in the Chamber had you ever  
20 heard the Governor yell at anyone?

21 A. Yes.

22 Q. How many times?

23 A. A handful.

24 Q. Has he ever yelled at you?

25 A. Yes.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. How many times?

3 A. Handful.

4 Q. Did the Governor ever yell  
5 at you over something that you  
6 thought didn't justify being yelled  
7 at?

8 A. No.

9 Q. Did you ever hear the  
10 Governor curse at anyone?

11 A. Yes.

12 Q. How often?

13 A. Not that often.

14 Q. Has he ever cursed at you?

15 A. Yeah.

16 Q. Did you ever see anyone who  
17 became really upset about the way  
18 the Governor treated them, either  
19 yelling, screaming, calling them  
20 names, anything along those lines?

21 A. No.

22 Q. Did anyone ever tell you  
23 that they had become upset about how  
24 the Governor treated them?

25 A. I think from time to time,



1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           yeah. Like, you know, we  
3           commiserated about how hard our jobs  
4           were and sometimes the criticism,  
5           you know, if it's valid it's tough.

6           Q.     Did you ever experience or  
7           observe the Governor criticizing  
8           someone for something that was  
9           beyond their control?

10          A.     I mean to the extent that  
11          there are a lot of things truly,  
12          truly beyond our control, I guess  
13          someone could perceive some of these  
14          that way but I don't have any  
15          specific recollection of anything  
16          like that.

17          MS. CLARK:   Jen, I see you on  
18          the camera.

19          MS. KENNEDY-PARK:   Thank you.

20          Ms. Witness, you said that  
21          you've heard the Governor curse.  
22          What curse words have you heard him  
23          use?

24          THE WITNESS:   Look, I  
25          interacted with the Governor in my

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2           role at the Senate where we are  
3           adversaries really for a large part  
4           of our interactions. You know, it  
5           was not uncommon for him to swear  
6           about something that one of our  
7           members had done, a press statement  
8           that we had issued he didn't like.  
9           A press statement, if we issued a  
10          press statement he thought was  
11          objectionable he'd call and say  
12          what the fuck, you know. Use harsh  
13          language. It was, you know,  
14          routine -- it was routine in that  
15          it was not out of bounds for him to  
16          use strong language if he was  
17          offended by something that we did.

18                   MS. KENNEDY-PARK: I

19          understand that was your experience  
20          when you were outside the Executive  
21          Chamber. When you worked in the  
22          Executive Chamber you said you had  
23          heard the Governor use curse words.  
24          What are there curse words you've  
25          heard him use?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 THE WITNESS: The F word, you  
3 know, I have heard him call someone  
4 a son of a bitch but not with a  
5 particular regularity. In fact, I  
6 think I have heard him swear and  
7 yell much less since I have been an  
8 employee of his than I ever heard  
9 when I worked for the Senate.

10 MS. KENNEDY-PARK: Thank you,  
11 Anne.

12 Q. You said you've heard him  
13 refer to somebody as a son of a  
14 bitch. Have you ever heard him  
15 refer to anyone as a bitch?

16 A. No.

17 Q. Did you ever hear the  
18 Governor threaten anyone?

19 A. With actual physical  
20 violence, no.

21 Q. With something other than  
22 physical violence, some sort of  
23 consequences to their career or  
24 life?

25 A. Political repercussions of

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           anyone's actions in politics, you  
3           know, are something that I have  
4           heard him state. He's stated to me  
5           from time to time, if you do this,  
6           you know, you won't agree to this  
7           bill, you know, I'm going to go to  
8           the, you know, New York Post  
9           editorial board and say you guys are  
10          doing X, Y, Z for, you know, X  
11          corrupt reason. It's...

12           Q.     Did you ever hear him make  
13           any other statements threatening to  
14           go to the press and make statements  
15           -- negative statements about  
16           somebody?

17           A.     No. But I think also it's  
18           not -- it was never anything that  
19           was, you know, out of bounds given  
20           the negotiations or the stakes that,  
21           you know, we were engaged in.

22           Q.     Did you ever hear Melissa  
23           Derosa make threats to anyone?

24           A.     I mean not really what I  
25           would consider threats, no.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. What were you thinking  
3 about that you wouldn't really  
4 consider threats?

5 A. I mean, you know, we say we  
6 need to get through a deal tonight  
7 or else this is going to be terrible  
8 for all of us. You know, we  
9 negotiate budgets, they have  
10 deadlines, we have really high  
11 stakes issues that we are sometimes  
12 dealing with. I don't think  
13 pointing out the obvious to anyone  
14 can fairly be viewed as a threat  
15 but, you know, I don't know what you  
16 are hearing on the other side so.

17 Q. Did you ever hear or hear  
18 of Melissa Derosa threatening to  
19 give negative information to the  
20 press about somebody?

21 A. You know, I think that part  
22 of her job as communications  
23 director. When she was  
24 communications director, you know,  
25 involved having communications with

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           the press all the time. So if you  
3           are asking me is it possible that  
4           happened, it's possible that  
5           happened. Do I have specific  
6           knowledge, no.

7           Q. Did you ever see the  
8           Governor throw anything at anyone?

9           A. I saw him throw a pen once.

10          Q. At who?

11          A. At a whiteboard. It was a  
12          whiteboard marker. He was angry  
13          with my boss, the Senate majority  
14          leader.

15          Q. Did you ever hear of the  
16          Governor throwing anything at anyone  
17          or in the direction of anyone?

18          A. No.

19          Q. Has the Governor ever  
20          hugged you?

21          A. Yes.

22          Q. How often?

23          A. A dozen times maybe.

24          Q. And has that been in the  
25          office, at events or someplace else?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. Both.

3 Q. Have you seen him hug any  
4 other employees?

5 A. Yes.

6 Q. Which employees have you  
7 seen him hug?

8 A. The first week that I was  
9 at the Chamber there was a cabinet  
10 retreat where the Governor, it's a,  
11 you know, smaller group, agency,  
12 commissioner, staff, he probably  
13 hugged 30 or 40 people at that  
14 event.

15 Q. At the Capitol did you ever  
16 see him hug any employees?

17 A. No, not in the Capitol.

18 Q. Has the Governor ever  
19 kissed you?

20 A. On the cheek, yes.

21 Q. How many times?

22 A. When I worked for the  
23 Senate it was his custom to always  
24 greet me when I would come to a  
25 meeting with a kiss on the cheek.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. And when you come to these  
3 meetings when you worked for the  
4 Senate did he kiss everybody who  
5 came to the meetings or just you or  
6 only some people?

7 A. Sometimes everyone got a  
8 kiss.

9 Q. Have you seen him since --  
10 since you've been in Chambers has he  
11 kissed you?

12 A. No.

13 Q. Have you seen him kiss any  
14 employees?

15 A. I have seen him kiss Judy  
16 on the cheek.

17 Q. Anyone else?

18 A. Not that I recall.

19 Q. Did you ever see him kiss  
20 any employees on the lips?

21 A. No.

22 Q. Did you -- were you ever  
23 present when the Governor asked  
24 somebody if he could kiss somebody?

25 A. I don't think so.



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. Have you ever witnessed  
3 somebody sit on the Governor's lap?

4 A. No.

5 Q. Have you ever heard of any  
6 employees sitting on the Governor's  
7 lap?

8 A. No.

9 Q. Have you ever observed the  
10 Governor engaged in any conduct with  
11 any employees that you would  
12 consider to be flirting?

13 A. No.

14 Q. Have you ever heard the  
15 Governor comment on the appearance  
16 or clothing or anything along those  
17 lines of any employees?

18 A. Yes.

19 Q. What have you heard?

20 A. He's commented on my  
21 clothing before or a hairstyle  
22 change.

23 Q. What sort of comments?

24 A. You know, there was a time  
25 I came to a meeting with straight

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 hair and he said you look so serious  
3 today with the straight hair. It  
4 was nothing offensive and I didn't  
5 take any offense.

6 Q. Did you hear him make  
7 comments about anyone else's  
8 appearance?

9 A. Yes. He frequently would  
10 mock men for having unkempt hair or  
11 unshined shoes.

12 Q. Did you hear him make any  
13 comments about women's appearance?

14 A. No, not -- not that's  
15 notable.

16 Q. Did you ever hear the  
17 Governor make any jokes that had any  
18 sexual content or sexual innuendo?

19 A. Yeah, I'm sure. I don't,  
20 you know, specifically recall  
21 anything that was off color but I  
22 think, you know, he made a comment  
23 that was a, you know, a joke about  
24 the [REDACTED] [REDACTED]  
25 [REDACTED] [REDACTED] not getting caught

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           up with girls from Staten Island  
3           when his girlfriend was, in fact,  
4           from Staten Island. You know, he  
5           made some comment, you know, about  
6           how they would have to clean up  
7           their language when I started  
8           attending leaders meetings. This  
9           was when I worked for the Senate.

10           Q.     Who did he make the comment  
11           to about having to clean up their  
12           language?

13           A.     He made the comment to the  
14           rest of the room really.

15           Q.     Were you the only woman in  
16           the room?

17           A.     Leader, the assembly leader  
18           and their staff.

19           Q.     I'm sorry, you broke up.

20           A.     The leaders of the Senate  
21           and assembly and staff.

22           Q.     And were there any other  
23           women present?

24           A.     No.

25           Q.     Who were the head of the

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Senate and the assembly at the time?

3 A. It was John Flanagan and  
4 Jeff Klein from the Senate and Carl  
5 Hastie from the assembly.

6 Q. Did you ever witness the  
7 Governor ask someone to sing for  
8 him?

9 A. No.

10 Q. Did you ever witness the  
11 Governor ask somebody to memorize  
12 any song lyrics?

13 A. No.

14 Q. Did you ever hear the  
15 Governor comment on somebody else's  
16 sex drive?

17 A. No.

18 Q. Did you ever hear the  
19 Governor ask employees questions  
20 about boyfriends or girlfriends?

21 A. Yes.

22 Q. Who did you hear him ask  
23 such questions of?

24 A. He would sometimes tease  
25 Rob Mujica about his girlfriend

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 [REDACTED]

3 Q. And what sort of comments  
4 would he make to tease Rob about  
5 [REDACTED] ?

6 A. He lives [REDACTED] [REDACTED] [REDACTED]  
7 so, you know, he'd tease that Robert  
8 is not home enough.

9 Q. You said he lives [REDACTED]  
10 [REDACTED] [REDACTED]. Robert --

11 A. Robert lives [REDACTED] [REDACTED]  
12 [REDACTED] from the Governor's mansion.

13 Q. Any other comments you've  
14 heard him make about somebody's  
15 boyfriend or girlfriend?

16 A. I remember he made a  
17 comment about Danny's boyfriend,  
18 Danny Lever's boyfriend [REDACTED]

19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
20 [REDACTED]

21 Q. Any other comments?

22 A. No.

23 Q. Did you ever hear the  
24 Governor make comments about the  
25 size of his hands?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. No.

3 Q. Did you ever hear the  
4 Governor making comments on anyone's  
5 tattoos?

6 A. No.

7 Q. Did you ever hear the  
8 Governor use any nicknames for staff  
9 members?

10 A. He calls me Bethesda so  
11 yes, he often gives people  
12 nicknames.

13 Q. Did he ever refer to you or  
14 any other women in Chambers by terms  
15 such as, you know, honey or dear or  
16 sweetheart?

17 A. Definitely honey, dear,  
18 he's used those terms with me. I  
19 have never heard him call anyone  
20 sweetheart.

21 Q. Have you heard him use  
22 honey or dear with other women in  
23 the Chamber?

24 A. Not that I noticed.

25 Q. Have you ever been present

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           when he spoke in Italian to any  
3           women?

4           A.     Yes.

5           Q.     And when has that happened?

6           A.     He's done it to me before.

7           Q.     Do you understand Italian?

8           A.     Not really.

9           Q.     Do you know any of the  
10          phrases or words that he used with  
11          you?

12          A.     I mean I have an inkling  
13          that, you know, bella was in there  
14          but I don't beyond that really  
15          recall.

16          Q.     And do you have any  
17          understanding as to what bella  
18          means?

19          A.     I think beautiful.

20          Q.     Had you heard him use bella  
21          or a similar phrase, Italian phrases  
22          with other women?

23          A.     No.

24                 MS. CLARK:   I see Jen has  
25                 popped up again.   Go ahead.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 MS. KENNEDY-PARK: Thank you.

3 You said that the Governor has  
4 called you honey and darling. Do  
5 you think that's appropriate for  
6 the workplace?

7 THE WITNESS: Dear, not  
8 darling, I think was Anne's  
9 question.

10 MS. KENNEDY-PARK: Sorry, dear  
11 or darling. Did you think being  
12 called dear or darling was  
13 appropriate in the workplace?

14 THE WITNESS: I did not have a  
15 concern with it, no.

16 MS. KENNEDY-PARK: Did you  
17 think it was appropriate for the  
18 workplace?

19 THE WITNESS: I think it's  
20 fine for the workplace as long as  
21 the individual is not  
22 uncomfortable.

23 MS. KENNEDY-PARK: Did the  
24 Governor ever ask you if you were  
25 comfortable with him calling you



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 dear or darling?

3 THE WITNESS: No.

4 MS. KENNEDY-PARK: Did you  
5 ever witness him ask anyone else  
6 that he called dear or darling if  
7 they were comfortable with him  
8 calling them that.

9 THE WITNESS: No.

10 MS. KENNEDY-PARK: Thank you,  
11 Anne.

12 Q. Did you ever know of the  
13 Governor hiring or express any  
14 interest in hiring a woman after  
15 meeting her at an event?

16 A. No.

17 Q. Are you aware of the  
18 Governor ever having a sexual or  
19 romantic relationship with any  
20 employees?

21 A. No.

22 Q. Has anyone ever told you  
23 that they were aware of the Governor  
24 having a sexual or romantic  
25 relationship with any employees?

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 A. No.

3 Q. Did you ever hear any  
4 rumors of the Governor having a  
5 sexual or romantic relationship with  
6 any of the employees?

7 A. I had a reporter when I  
8 worked in the Senate who asked if I  
9 was, you know, aware of a  
10 relationship between the Governor  
11 and Senior Staffer #1 .

12 Q. And that was when you were  
13 still at the Senate?

14 A. Yeah. In 2017, 2016 maybe.

15 Q. Has the subject come up  
16 since you joined the Chambers as to  
17 whether the Governor and Senior Staffer #1  
18 had ever been in a relationship?

19 A. No.

20 Q. Has Senior Staffer #1  
21 ever spoken about it with you?

22 A. No.

23 Q. Has the Governor ever  
24 spoken about it with you?

25 A. No.

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Q. Have you ever heard other  
3 senior members of the Chamber yell  
4 at other employees?

5 A. Yes.

6 Q. Who have you heard yelling  
7 at other employees?

8 A. I have yelled at other  
9 employees. I have heard Melissa  
10 yell at employees. I have heard,  
11 you know -- I have been yelled at by  
12 Melissa. I think sometimes stakes  
13 are high and justify raising one's  
14 voice.

15 Q. So you thought when you've  
16 raised your voice it's been  
17 justified?

18 A. Yes.

19 Q. Do you think it was  
20 justified when Ms. Derosa has raised  
21 her voice?

22 A. Yeah.

23 Q. And what's justified it?

24 A. Frustration, stress levels,  
25 you know, ultimately at the end of

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           the day, you know, it's everyone's  
3           desire to get the best possible job  
4           done for the people of the State of  
5           New York and the ends justify the  
6           means in the sense that if I need,  
7           you know, to understand the urgency  
8           with which something needs to happen  
9           and raising someone's voice is going  
10          to impart that urgency, I think it's  
11          justified.

12                 Q.     Have you ever cursed at any  
13           employees?

14                 A.     I have certainly used swear  
15           words in the office including, you  
16           know, the F word. I try very hard  
17           not to ever curse, you know,  
18           specifically at someone in an  
19           insulting way but I have certainly  
20           used the F word in the office.

21                 Q.     Have you ever heard any  
22           other senior staff members curse at  
23           somebody?

24                 A.     No.

25                 Q.     Have you ever seen any

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 employees upset by how they were  
3 treated by Ms. Derosa or any other  
4 senior members of the staff?

5 A. [REDACTED] [REDACTED] expressed a  
6 degree of upset with how he had been  
7 treated by Senior Staffer #1 [REDACTED].

8 Q. Anyone else?

9 A. No. Not that came to my  
10 attention.

11 Q. Have you ever been so upset  
12 by how you've been treated in the  
13 Chamber that you ever cried at work?

14 A. Yes.

15 Q. How many times has that  
16 happened?

17 A. A handful.

18 Q. And whose treatment made  
19 you that upset?

20 A. I prefer not to think of it  
21 in terms of treatment by any person  
22 but certainly there have been really  
23 stressful situations that have  
24 caused me to cry at work.

25 Q. And who were you

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 interacting with when -- when things  
3 got so stressful that you cried at  
4 work?

5 A. The Senate, the Assembly,  
6 lobbyists, you know, Melissa, the  
7 Governor, Robert, Jill. You know,  
8 sometimes [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11 Q. Have you seen anyone else  
12 cry in the Chamber?

13 A. I'm seen [REDACTED] cry, but  
14 that's really it.

15 Q. Has anyone ever expressed  
16 any concern to you about the  
17 atmosphere in the Chamber being  
18 abusive?

19 A. I have certainly read it in  
20 enough press reports but no one has  
21 ever spoken to me about an actual  
22 complaint that was occurring in the  
23 workplace.

24 Q. Has anyone ever, not with a  
25 formal complaint but just

1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2 commiserated with you talking about  
3 the environment being abusive?

4 A. Grueling, tough, hard, yes.  
5 Abusive, no.

6 MS. CLARK: Jen, do you have  
7 any other questions?

8 MS. KENNEDY-PARK: I don't  
9 have any other questions. Thank  
10 you.

11 MS. CLARK: Thank you very  
12 much, Ms. Witness. Is there  
13 anything you want to add to clarify  
14 any of your earlier answers you  
15 gave?

16 MR. FREEMAN: Could we have a  
17 moment, please?

18 MS. CLARK: Sure.

19 (Whereupon, there is an  
20 off-the-record discussion.)

21 THE WITNESS: So just I wanted  
22 to go back and just clarify on  
23 Jennifer's question. I don't have  
24 a specific recollection of ever  
25 being called darling. And you had

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21  
2           said honey, dear or sweetheart. So  
3           I, you know, my recollection is I  
4           have heard him call me honey or him  
5           call me dear. I don't -- so I just  
6           want to make sure that point is  
7           clear on the record.

8           Q.       And I had said at the  
9           beginning I would remind you at the  
10          end is there any sort of just  
11          statement or anything we didn't  
12          touch upon that you want to state on  
13          the record?

14          A.       I don't think so.

15          MS. CLARK:   Okay. So we are  
16          going to end for today. We thank  
17          you for your time. I just want to  
18          remind you that you have continuing  
19          obligations under our subpoena so  
20          if we either learn information that  
21          we think we need to ask you about  
22          or we resolve privilege issues  
23          differently from the instructions  
24          that were given today, we might  
25          need to bring you back briefly.



1 HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2 Certainly if you find any  
3 additional documents, you should  
4 give them to Mr. Freeman to produce  
5 to us. And also I want to remind  
6 you has as I said at the beginning  
7 that you are obligated to keep  
8 confidential everything that we  
9 asked you about and what we  
10 discussed today.

11 And finally, the binders of  
12 documents we gave you, you and your  
13 counsel have a choice, you can  
14 shred them and Mr. Freeman can  
15 shoot us an e-mail they have been  
16 destroyed or you can ship them back  
17 to Cleary, either of those is fine.  
18 Is that okay?

19 MR. FREEMAN: That's fine.

20 MS. CLARK: Okay. Thank you  
21 very much. We can go off the  
22 record.

23 THE VIDEOGRAPHER: Standby.  
24 The time is 5:55 p.m. This  
25 concludes today's deposition of

1           HIGHLY CONFIDENTIAL - WITNESS 6/29/21

2           witness 06/29/2021. The number of  
3           media units used is four. They  
4           will be retained by Veritext Legal  
5           Solutions. We are off the record  
6           at 5:55 p.m. Eastern Standard Time.

7                       (Time noted: 5:55 p.m.)

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