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IN THE MATTER OF INDEPENDENT
INVESTIGATION UNDER
EXECUTIVE LAW 63(8)
-----X

REMOTE PROCEEDINGS

State Entity Employee #1 [REDACTED]

TUESDAY, JUNE 15, 2021
10:00 A.M.

Reference No.: 4620793
Reported By: Rita Persichetty

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

2

3 KATZ MARSHALL & BANKS

4 Attorneys for the Witness

5 1718 Connecticut Avenue, NW

6 Washington, DC 20009

7 BY: JESSICA WESTERMAN, ESQ.

8 EMAIL: westerman@kmblegal.com

9

10 VLADECK, RASKIN & CLARK, PC

11 Attorneys for New York State Attorney

12 General's Office

13 565 Fifth Avenue

14 New York, New York 10017

15 BY: ANNE CLARK, ESQ.

16 - and -

17 EZRA CUKOR, ESQ.

18 PHONE: 212.403.7300

19 EMAIL: ecukor@vladeck.com

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21 VIDEOGRAPHER: NATHANIEL ARMSTRONG

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P R O C E E D I N G S

THE VIDEOGRAPHER: Good morning. We are now going on the record at 9:58 a.m. eastern standard time on June 15, 2021.

Please note that the microphones are sensitive and may pick up whispering, private conversations and cellular interference. Please turn off all cell phones or place them away from the microphones as they can interfere with the interview audio. 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, sorry, for the video recorded interview of witness 06/15/2021 taken by counsel for the office of the New York Attorney General in the Independent Investigation under New York State Executive Law Section 63(8).

My name is Nathaniel Armstrong from the firm Veritext and I'm the videographer. The court reporter is Rita Persichetty from the firm Veritext. I am not authorized to administer an oath. I am not related to

1 any party in this action nor am I
2 financially interested in the outcome.

3 Counsel and all present in the room
4 and everyone attending remotely will now
5 state their appearance and affiliation for
6 the record and if there are any objections
7 to proceeding please state them at the time
8 of your appearance beginning with the
9 noticing attorney.

10 MS. CLARK: Hi, I'm Anne Clark. I am
11 with the law firm of the Vladeck, Raskin &
12 Clark but I am here today as someone who
13 has been appointed a special deputy to the
14 first deputy attorney general. Ezra.

15 MR. CUKOR: I am Ezra Cukor and I am
16 also from the law firm of Vladeck, Raskin &
17 Clark and have been appointed by the
18 attorney general to work on this matter.

19 MS. WESTERMAN: I am Jessica Westerman
20 from the law firm of Katz Marshal & Banks
21 representing **State Entity Employee #1**

22 THE COURT REPORTER: The attorneys
23 participating in this deposition
24 acknowledge that I am not physically
25 present in the deposition room and that I

1 will be reporting this deposition remotely.
2 They further acknowledge that, in lieu of
3 an oath administered in person, the witness
4 will verbally declare her testimony in this
5 matter is under penalty of perjury. The
6 parties and their counsel consent to this
7 arrangement and waive any objections to
8 this manner of reporting. Please indicate
9 your agreement by stating your name and
10 your agreement on the record.

11 MS. CLARK: This is Anne Clark and on
12 behalf of myself and Ezra I consent to that
13 arrangement.

14 MS. WESTERMAN: This is Jessica
15 Westerman and I consent to that agreement.

16 State Entity Employee #1 [REDACTED],

17 called as a witness, having been sworn
18 by the Notary Public, was examined and
19 testified as follows:

20 MS. CLARK: Thank you for the meeting
21 with us again. Because today is a little
22 more formal I just have to read through
23 some statements and rules and then we'll
24 get down to talking about some things we
25 talked about before.

1 The New York Attorney General has
2 appointed the law firms of Vladeck, Raskin
3 & Clark and Cleary, Gottlieb, Steen &
4 Hamilton to conduct an independent
5 investigation under New York Executive Law
6 Section 63(8) into allegations of sexual
7 harassment brought against Governor Andrew
8 Cuomo and as well as the surrounding
9 circumstances.

10 You are here today pursuant to a
11 subpoena in connection with that
12 investigation. As you can tell from the
13 outset this is being video recorded.
14 Although we are officially recording this
15 interview we still are maintaining a
16 confidential investigation where we are not
17 sharing information during the course of
18 our investigation and it is still our
19 intention for anyone like you who has come
20 forward with an issue who does not want to
21 be publicly identified to shield your name
22 in any final report.

23 You are -- should be protected from
24 retaliation for participating in this
25 interview so if anything occurs that you

1 think is related in any way to you having
2 spoken to us either the first time or now
3 let Jessica know and she will alert us
4 because we take that very seriously.

5 Today you are under oath, you just
6 took an oath which means you must testify
7 fully and truthfully just as if you were in
8 a court of law sitting before a judge and
9 jury. And your testimony is subject to a
10 penalty of perjury.

11 I'll remind you at the end if you want
12 to make a brief sworn statement of
13 anything, either want to add or just stay
14 on the record you're free to do so and I'll
15 remind you at the end.

16 Also, I have to tell you that although
17 this is a civil investigation, the New York
18 Attorney General's office has criminal
19 enforcement powers so you do have the right
20 to refuse to answer a question if to do so
21 would increment you. Any failure to answer
22 can be used against you in a court of law
23 in a civil proceeding, although not in a
24 criminal proceeding. And if you have any
25 questions about that either now or in the

1 course of the proceedings you can certainly
2 speak to Jessica about it.

3 And you're here today with counsel.
4 If you have questions along the way about
5 privilege issues you are free to take a
6 break for you to consult with her about
7 those.

8 In addition to the videographer we
9 have a court reporter present with us
10 virtually and she needs to be able to take
11 down what each of us is saying to create a
12 clear transcript and so there's a few
13 grounds that are important to that. One
14 is: It's important that you give a verbal
15 response. If you gesture or shake your
16 head or say uh-huh that doesn't come out so
17 clearly.

18 If you don't understand a question,
19 let me know and I'll try to rephrase it in
20 a way that makes sense. If you don't know
21 the answer to something, don't -- no one
22 wants you to guess, just say you don't
23 know. And the hardest part for both of us
24 is that it's very hard for the court
25 reporter if we speak at the same time. So

1 I will do my very best and it's harder by
2 video to wait until you finish talking
3 before I start my next question. And even
4 if you think you know where my question is
5 headed, unlike a normal conversation, let
6 me get all the way there before you start
7 answering. And if we start talking at the
8 same time I'm sure the court reporter will
9 speak up and let us know that we are making
10 her life miserable.

11 Now in this proceeding you do not get
12 a chance to review the transcript but if at
13 any point when we're talking you remember
14 that you need to clarify or change a prior
15 answer or you remember something, you know,
16 if we're talking about someone and you
17 don't remember their name and then later
18 you do feel free to speak up and say that
19 you want to change your prior answer.

20 We shouldn't be going too, too long
21 today but if at any point you need a break,
22 just let me know, as long as there's not a
23 question pending we can take a break any
24 time you want. And then because of the
25 nature of these proceedings being remote

1 could you and your counsel each confirm
2 that you are alone at the moment.

3 THE WITNESS: I'm alone.

4 MS. CLARK: Jessica?

5 MS. WESTERMAN: I am also alone.

6 MS. CLARK: And I need you to also
7 confirm that you are not using any
8 technology to create your own recording of
9 the proceeding including using any screen
10 capturing tools; is that accurate?

11 THE WITNESS: That's accurate.

12 MS. WESTERMAN: That's accurate.

13 MS. CLARK: And I need you to confirm
14 that you're not having anyone else listen
15 in through any -- including through any
16 phone or other devices; is that correct?

17 THE WITNESS: That's correct.

18 MS. WESTERMAN: That's correct.

19 MS. CLARK: And then I'm going to give
20 you a couple of directions. One is, during
21 breaks to not be communicating with anyone
22 else about the substance of your testimony,
23 although Jessica, if you want to tell
24 Debbie Katz, your colleague in your firm,
25 that's fine but anyone outside of that we

1 don't want any sort of live time updates.
2 And because this is a more formal testimony
3 under executive law 63(8) that law
4 prohibits you and your counsel from
5 revealing anything about -- that we ask you
6 about or anything that you tell us about.

7 So if anyone asks you later what did
8 we discuss you should not tell them and you
9 should let Jessica know and she will let us
10 know that someone is trying to find out
11 what was the topic of our discussion.

12 You are -- it doesn't mean that the
13 underlying events you're free to talk about
14 them or not talk about them just as you did
15 before but in terms of the substance of our
16 conversation.

17 EXAMINATION BY

18 MS. CLARK:

19 Q. Are you taking any medication or drugs
20 that might make it difficult for you to testify
21 accurately and truthfully today?

22 A. I am not.

23 Q. Is there any other reason why you
24 couldn't testify accurately and truthfully
25 today?

1 A. No, there's no other reason.

2 Q. And then -- it's always odd asking
3 this at this hour but have you had any alcohol
4 today?

5 A. I have not.

6 Q. Okay. For the record can you state
7 your name, date of birth and current home and
8 business addresses, please?

9 A. Sure. My name is State Entity Employee #1. My
10 date of birth is [REDACTED]. My home
11 address is [REDACTED]
12 [REDACTED]. And my work address: [REDACTED]
13 [REDACTED]
14 [REDACTED].

15 Q. Have you ever given testimony in any
16 other sort of proceeding before, a trial, a
17 deposition or anything like that?

18 A. Only once, I was advocating for
19 [REDACTED]
20 [REDACTED].

21 Q. And was that at sort of a public
22 hearing or something that you testified at?

23 A. It was similar. I was in person but
24 it was in an office building but there was both
25 a judge, representation on the [REDACTED]. I

1 was just [REDACTED]

2 [REDACTED]

3 Q. And other than conversations with your
4 attorneys which I do not want to hear about, did
5 you do anything to prepare for today's
6 examination?

7 A. Yes. I just reviewed quickly my
8 employment details again. Just kind of noted
9 some of the names that last time I was pausing
10 on and I was saying just to hopefully encourage
11 this would be streamlined.

12 Q. Okay. We appreciate that.

13 Did you speak to anyone other than
14 your attorney about testifying here today?

15 A. I have mentioned to friends and family
16 that I was testifying but that's it.

17 Q. And you should have gotten an
18 envelope.

19 A. Yes.

20 Q. You can now open the envelope.

21 A. Okay. I actually have it on the other
22 side of my table, so....

23 Q. All right. Okay, you can open that
24 up. Cleary does a very good job of sealing this
25 thing tight.

1 A. Oh, yeah, it's multiple.

2 Q. We had a person with a bigger binder
3 was wrapped in several layers of bubble wrap. It
4 took quite a while to get to the binder.

5 A. Oh my goodness.

6 Q. I just ask you to turn to the first
7 tab.

8 A. Okay.

9 Q. And that's the subpoena that we sent
10 you for your testimony today.

11 Have you seen that document before?

12 A. Yes.

13 Q. And you understand that you are here
14 pursuant to that?

15 A. Correct.

16 Q. And while you're there turn to tab
17 two.

18 A. Okay.

19 Q. And this is a subpoena asking you for
20 documents.

21 Did you review that document before?

22 A. Correct, yes.

23 Q. And did you gather documents
24 responsive and give them to your attorney?

25 A. I did.

1 Q. Okay. You can put that aside.

2 If you can just give us a brief
3 summary of your educational background.

4 A. No problem. I have an undergraduate
5 degree from [REDACTED] and I have a
6 master's [REDACTED]
7 [REDACTED].

8 Q. When did you get your degrees?

9 A. No problem. I graduated from [REDACTED]
10 [REDACTED] and I graduated from [REDACTED]
11 [REDACTED].

12 Q. And could you tell us about your
13 full-time employment history. I don't need to
14 hear about part time or temporary jobs.

15 A. Okay. Great. So full-time employment
16 history, largely I've been fully employed since
17 I graduated from [REDACTED]. So in
18 [REDACTED] I became [REDACTED]
19 [REDACTED]. In [REDACTED]
20 I was promoted to [REDACTED]
21 [REDACTED] and then most recently in [REDACTED]
22 [REDACTED] I became the [REDACTED]
23 [REDACTED].

24 Q. [REDACTED]
25 [REDACTED]; is that right?

1 A. That's correct, yes.

2 Q. And what, if anything, is [REDACTED]
3 [REDACTED] relationship to New York State
4 government?

5 A. Sure. So [REDACTED] has a
6 board. The board chairs are appointed by state
7 and by city so it rotates. We also, you know,
8 get capital funding from state to [REDACTED]
9 and then as a [REDACTED] employee I
10 do get state benefits and so am under the state
11 system in that capacity.

12 Q. And in your time at the [REDACTED]
13 [REDACTED] do you work with state employees?

14 A. I do but fairly minimally or only on
15 focus projects.

16 Q. And what sort of projects have you
17 worked on with people from the state?

18 A. Sure. Well, just to make a
19 distinction, I do work regularly with state
20 Department of [REDACTED]
21 employees but in terms of state employees like
22 with the executive chamber that's very specific
23 to only largely one project which is a project
24 around [REDACTED].

25 Q. And in terms of your regular work with

1 the Department of [REDACTED] [REDACTED] ?

2 A. [REDACTED].

3 Q. [REDACTED].

4 What sort of interactions do you have
5 with them?

6 A. We work pretty closely with the
7 Department of [REDACTED]. So an
8 example is we create a [REDACTED], an
9 [REDACTED] and work with
10 the [REDACTED] to
11 lead our technical advisory counsel, to shape
12 that action agenda. We also work with them on
13 research projects, [REDACTED]
14 [REDACTED]. We're kind of our sister
15 organizations even though separate in terms of
16 where we are located and, you know, who we work
17 under but we work, you know, very regularly with
18 [REDACTED].

19 Q. And what was the project that you had
20 some contact with the executive chamber on?

21 A. Sure. It was related to [REDACTED]
22 [REDACTED] in the New York State area.

23 Q. When did you start working on that
24 project?

25 A. So I started working on this project

1 in 2019 and this was because there was an
2 interest to have a more comprehensive statewide
3 effort to [REDACTED],
4 [REDACTED] in the New York area.

5 Q. And how long did the project last?

6 A. The project is still ongoing so I'm
7 continuing to work with individuals [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 Q. Congratulations.

12 So who are the people in the executive
13 chamber that you've had contact with as part of
14 that project.

15 A. Sure. So in 2019 [REDACTED] was
16 most commonly the person that we were talking
17 to. It was largely just phone conversations to
18 ensure that the scale and scope of the project
19 was in alignment with what else was going on
20 regionally.

21 Since then [REDACTED] was
22 regularly someone who was on the calls and then
23 it is my understanding that it got moved to a
24 Department of [REDACTED] staff
25 member [REDACTED], [REDACTED] and then I think her

1 last name is pronounced [REDACTED]
2 [REDACTED] and so at first
3 it was just calls and preparation of us
4 launching and kind of sharing that this project
5 was going to occur in 2019 and since it's been
6 reporting on progress to date, challenges and
7 making sure that we're sharing updates
8 region-wide.

9 Q. And in around September of 2019 which
10 of these people was your contact at the
11 executive chamber?

12 A. [REDACTED] was the one that I was talking
13 with most but, again, I was at that point
14 Director of [REDACTED] so although
15 I was helping to direct kind of the scope and
16 research questions of the project I also was
17 working under my boss, the executive director of
18 [REDACTED], and they were, I think, having maybe
19 even more frequent conversations.

20 Q. And who was your supervisor in
21 September of 2019?

22 A. [REDACTED].

23 Q. And what was her position at the time?

24 A. She was the vice president of [REDACTED]
25 [REDACTED]. So the vice president of our

1 department.

2 Q. Who is your supervisor now?

3 A. [REDACTED] and she just went from
4 being the executive director of [REDACTED] to our
5 president.

6 Q. So was there an event that you
7 attended for [REDACTED] that
8 Governor Cuomo also attended?

9 A. Yes, there was.

10 Q. And when was that event?

11 A. That was on September [REDACTED] 2019.

12 Q. And what was the event?

13 A. The event was a cross event to
14 announce the launch of this commitment. I think
15 at the time it was called [REDACTED]
16 but it was a state commitment to focus on
17 [REDACTED].

18 Q. And had you ever worked with the
19 Governor before that event?

20 A. I had not.

21 Q. Had you ever met the Governor before
22 that event?

23 A. I had not.

24 Q. Did anyone else from the [REDACTED]
25 [REDACTED] attend the event?

1 A. Yes. My supervisor [REDACTED]
2 was there as well as [REDACTED], our CFO.

3 Q. And I'm going to ask you to turn -- oh
4 actually, not turn, it's a newer document --

5 MS. CLARK: Ezra, can you share tab
6 seven.

7 Ezra, why don't you scroll.

8 Q. Does this chain of E-mails relate to
9 the event where you met the Governor?

10 A. Correct, yes it does.

11 Q. And was -- so [REDACTED] was
12 E-mailing with you about this but she did not
13 attend the event?

14 A. That's correct. Yes, [REDACTED] wasn't
15 there.

16 Q. Okay and to the top it says who is
17 there, [REDACTED].

18 Were those people there?

19 A. [REDACTED] and I don't know
20 [REDACTED].

21 Q. Who are [REDACTED] and [REDACTED]?

22 A. [REDACTED] is [REDACTED]. So, again,
23 someone with the executive chamber at the time
24 who we were definitely communicating with prior
25 to the event in terms of planning and [REDACTED], his

1 last name starts a [REDACTED], yes, [REDACTED] and I
2 didn't work with him closely but my
3 understanding was that he kind of oversaw a lot
4 of the Governor projects, maybe had some of the
5 ties to press as well but it seemed like my
6 supervisor knew him better when we got to the
7 event, they had met before, it was obvious.

8 MS. CLARK: Ezra, if you move down a
9 little bit to the [REDACTED] one at
10 12:41. If you can move it over a little
11 bit it's cut off. It says, I think it
12 might be just you and [REDACTED], maybe
13 there the gov's office didn't want [REDACTED].

14 Q. Do you know what [REDACTED] refers to?

15 A. Oh, sure. That's an acronym for [REDACTED]
16 [REDACTED]. So just a contracted group
17 of individuals who help with like security
18 issues, enforcement issues, education issues
19 [REDACTED].

20 MS. CLARK: Ezra, you can take that
21 down.

22 Q. Do you recall what you were wearing
23 that day?

24 A. Yes, I was wearing [REDACTED]
25 [REDACTED] [REDACTED] [REDACTED]. [REDACTED]

1 [REDACTED]

2 Q. So describe how the, you know, what
3 happened when you first got to the event.

4 A. Sure. So we first arrived at [REDACTED]
5 [REDACTED] So when I arrived there were other
6 [REDACTED] groups and leadership from other
7 [REDACTED] groups. So it was simply
8 saying -- catching up with those that I know.
9 Was introducing myself to new individuals
10 because this was happening in [REDACTED],
11 kind of felt like a little bit of a host and we
12 were just waiting for us [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q. So what happened next after you all
18 gathered?

19 A. Sure. So then we disbursed [REDACTED]

20 [REDACTED] So some of the partners were actually
21 like [REDACTED] on the [REDACTED]
22 with Governor Cuomo. I think it's called a [REDACTED]

23 [REDACTED] but had the ability to release this

24 [REDACTED] while the others, we went onto [REDACTED]

25 [REDACTED] and essentially just slowly went out into

1 [REDACTED] to watch then this
2 [REDACTED]. There was definitely press
3 there so they were taking a lot of photos of
4 [REDACTED] and then
5 we proceeded to [REDACTED]
6 [REDACTED] that was more kind of private but
7 [REDACTED] facing event where there was a podium.
8 Cuomo gave some, you know, remarks about the
9 program [REDACTED] and then it was
10 followed up by other people providing remarks
11 and then there was some photo opportunities and
12 some, you know, mingling between partners.

13 Q. And did there come a time where you
14 interacted directly with the Governor?

15 A. Yes. It was at [REDACTED] on the [REDACTED]
16 [REDACTED] after he provided remarks, partners were
17 taking photos with Governor Cuomo and at that
18 point we took a photo together.

19 Q. And was it just the two of you or was
20 anyone else in the photo?

21 A. We took a photo also with my
22 supervisor, [REDACTED].

23 Q. And which side of the governor were
24 you standing on?

25 A. I was standing on his left side.

1 Q. And were you -- were the two of you
2 touching at any parts, did you he put his arm
3 around you, did you put your arm around him,
4 what was going on?

5 A. Yeah, I do recall that his arm, yeah,
6 came around my lower left hip and I can't recall
7 what my arms were exactly doing but we were
8 shoulder to shoulder. So I don't think I have
9 my arms both in, maybe one was like out back but
10 I can't recall.

11 Q. And during the photo was there
12 anything about the way the Governor was touching
13 you that made you uncomfortable or that you
14 thought was inappropriate?

15 A. So at the conclusion of the photo --

16 Q. Before we get to that, just when the
17 photo was being taken when his arm might have
18 been around you, did that make you uncomfortable
19 or did you think there was anything --

20 A. Well, I guess preceding that I do
21 recall him encouraging us, so that there are so
22 many people around, so how he initiated the
23 photo was, I think he saw my [REDACTED], he

24 understood that obviously I was with [REDACTED]
25 [REDACTED] I recall him like grabbing my arm

1 to pull me into the photo and that's when I was
2 like, oh, [REDACTED], photo. And that's when we
3 gathered. So the arm pull was, you know, it was
4 odd but I wasn't at all thinking too much about
5 that. I think I've reflected more on it
6 afterwards. And then his arm being around my
7 waist, no, I didn't give that much more thought.

8 Q. Okay. So then what happened?

9 A. Sure. So then the photo was taken and
10 at the conclusion of the photo he took his hand
11 and double tapped the area where my butt and my
12 thigh meet, so kind of under my butt cheek.

13 Q. And was that with his fingers, with
14 the palm of his hand, with his whole hand if you
15 can sort of describe that a little more detail.

16 A. Sure, of course. I would say that,
17 yeah, it was like open palm and then I would
18 best describe it as, yeah, it felt like kind of
19 his fingers moved two times upward to kind of,
20 you know, grab that area between my butt and my
21 thigh.

22 Q. And did the Governor or you say
23 anything during that interaction?

24 A. The governor did not say anything. It
25 happened quite quickly and we all kind of

1 stepped like, I just recall stepping forward, so
2 I didn't say anything to the Governor but in
3 stepping forward I did say something to my
4 supervisor [REDACTED].

5 Q. What did you say to her?

6 A. I think I said, you know, the Governor
7 grabbed my butt, touched my butt, patted my
8 butt, something where I directly said that there
9 was like an action towards my butt.

10 Q. And how did she respond?

11 A. It seemed like she was confused. So I
12 wasn't sure if she heard me in the moment and
13 therefore -- she gave me eye contact but I
14 just -- there was no verbal acknowledgment. So
15 I repeated myself and I said it a second time
16 and so, again, there wasn't a verbal
17 acknowledgment that I had said that.

18 Q. And when you were having your photo
19 taken with the Governor and with [REDACTED] was
20 anyone else standing in the immediate vicinity?

21 A. It was a pretty tight area so there
22 were a lot of our partners there but I can't
23 really describe who else was directly in the
24 area. I would assume, because when we stepped
25 forward I do very clearly remember another

1 partner of ours hearing or what seemed like he
2 heard what I said because he gave like an
3 uncomfortable, you know, kind of laugh once I
4 said Governor Cuomo touched by butt.

5 Q. And what is that persons name?

6 A. [REDACTED] and he's with [REDACTED]
7 [REDACTED], sorry, [REDACTED]
8 [REDACTED], excuse me.

9 Q. And when the photo was being taken was
10 your back to [REDACTED] or were you facing [REDACTED]
11 [REDACTED], how were you standing in relation to [REDACTED]
12 [REDACTED]?

13 A. Sure. So I recall that we were angled
14 but I would describe it as us facing, excuse me,
15 I was facing south but a little bit facing east
16 so my back was, you know, towards the north and
17 the west. So you still had [REDACTED] behind us
18 and you had [REDACTED] behind us.

19 Q. Was anyone standing behind you during
20 the photograph?

21 A. Likely but, again, I can't name
22 anyone. I can't remember.

23 Q. And after you said it a couple times
24 to [REDACTED] did you say anything to anyone else
25 at the event about what happened?

1 men are?

2 A. Yes, on the right side of the photo is
3 [REDACTED], he's with [REDACTED], their
4 [REDACTED] extension program and then behind
5 [REDACTED] on the left side of the photo is [REDACTED]
6 [REDACTED] and he is now the [REDACTED] vice chair.

7 Q. And if you keep flipping, they're not
8 numbered, there's one with, on the right side
9 appears a guy with a baseball cap and
10 sunglasses?

11 A. Oh, okay. Yeah, I don't know who that
12 is because I was also seeing him in another
13 photo. I'm not -- if I can see the logo then I
14 would know who he is but, yeah, no. Okay.
15 Yeah, I don't know who that is.

16 Q. And the next photo shows shaking hands
17 with the Governor.

18 Was that after the photo with
19 [REDACTED] or before or?

20 A. I think that's before and that's what
21 I remember, again, when he -- see how his arm is
22 going forward and I remember the touch on my
23 forearm, like a pull to take the picture. So I
24 recall that that was prior to the line up to the
25 photo.

1 Q. There's a few of those photos where it
2 looks like he's shaking your hand and you're
3 getting closer.

4 A. Okay, yeah.

5 Q. And looking at like the last
6 photograph there are some other people standing
7 around. Do you know who any of the people are
8 standing in the background?

9 A. In the last photograph?

10 Q. Yeah.

11 A. Sure. So in the blue shirt that is
12 [REDACTED], yeah.

13 Q. And do you know any of the -- any of
14 the many men in baseball caps?

15 A. I know. I don't. I don't know them,
16 no.

17 Q. We can put that aside for now.

18 Now, after the event that day or
19 evening did you tell anyone about it?

20 A. Yes. So it just so happened that that
21 evening I was gathering with some of my friends
22 so when, you know, we were hanging out I did
23 tell them that this happened.

24 Q. And who were the friends that you got
25 together with?

1 A. It was a group of friends so it was my
2 friend [REDACTED] my friend [REDACTED], my
3 friends [REDACTED], [REDACTED],
4 let's see, [REDACTED], [REDACTED], and
5 then I think after I shared it [REDACTED]
6 [REDACTED] and [REDACTED].

7 Q. And how did you describe what happened
8 to them?

9 A. I said, you know, that at this event
10 today or because we were essentially just
11 catching up on our days that Governor Cuomo
12 grabbed my butt and that I was just kind of like
13 in shock about what happened and then I think of
14 course they checked in on how I was feeling but
15 I think it almost took a broader lens of --
16 because this is like after the Me Too movement
17 and so a broader lens of just like, how this
18 happens all the time.

19 Q. And I'm going to share a couple
20 documents that are not in your book that Ezra is
21 going to share.

22 A. Okay.

23 MS. CLARK: So, Ezra, if you can share
24 tab eight, please.

25 Q. And do you recognize this?

1 A. Yes. So then I told, you know,
2 siblings. So I have a number of sisters and my
3 mom and we're on a group chat so I also like
4 that day or the next today I kind of forget
5 exactly when it was but I told my sisters and my
6 mom via this group WhatsApp.

7 Q. And [REDACTED] is that you?

8 A. Oh, sorry, yes, that's my family
9 nickname.

10 Q. Okay, and so you were the one talking
11 about the Governor patted me on the butt, yuck,
12 and then it looks like [REDACTED] said,
13 what? Who is that?

14 A. That's my older sister, [REDACTED].

15 Q. And so she's the one that said it's
16 sexual assault?

17 A. Yes, correct.

18 Q. This is an accurate capturing of that
19 discussion?

20 A. Yes.

21 MS. CLARK: Can you keep going down,
22 Ezra.

23 Q. And when you say I immediately told my
24 boss, that's a reference to [REDACTED] ?

25 A. Correct.

1 MS. CLARK: Keep going down. Okay.

2 You can keep going, Ezra.

3 Q. Then I assume mom is your mom?

4 A. Yeah.

5 Q. So your older sister, what does she
6 do?

7 A. Currently [REDACTED]

8 [REDACTED]

9 Q. [REDACTED]

10 [REDACTED]

11 A. [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED]

13 Q. [REDACTED]

14 MS. CLARK: You can keep going, Ezra.

15 Q. And then there's in green, oh, [REDACTED],
16 just seeing this, I'm sorry, that's horrible it
17 shouldn't be taken lightly. Who wrote that?

18 A. Sure. So that's my sister [REDACTED] or
19 [REDACTED] and this is her phone. So just due to me
20 getting a new phone I didn't have my backlog of
21 this WhatsApp conversation but I remember it
22 happened so [REDACTED], she's the one who took
23 screenshots and sent this to me so the green is
24 her.

25 MS. CLARK: Okay. Great. You can

1 take that down, Ezra.

2 Can you put up tab nine.

3 Q. So is this from [REDACTED] phone again?

4 A. Yes, correct, my sister [REDACTED]

5 Q. And is it her that said, do you think
6 the Governor touched you intentionally or was it
7 a graze or clear butt touch?

8 A. Exactly.

9 Q. And then you responded, it seemed
10 intentional or like an intentional pat but maybe
11 the butt was a mistake.

12 A. Uh-huh.

13 Q. What did you mean by that?

14 A. Sure. I think immediately after I
15 knew it was wrong but I think the weight of the
16 situation was like a little heavy. We don't
17 want to -- I didn't want to think that I was,
18 you know, assaulted by the governor so and then
19 although my friends and family had been very
20 affirming of my experience because, again, I had
21 gotten silence and, you know, in talking about
22 it with my supervisor didn't hear anything, I
23 guess you kind of have this moment of like, is
24 it me? Am I at fault? Am I misremembering? So
25 I think that this just captures some of the

1 pause because you don't want to experience
2 something like this or I didn't want to
3 experience something like this.

4 MS. CLARK: If you scroll down a
5 little further, Ezra.

6 All right. You can take that down.

7 Q. Did your family or friends recommend
8 you take any action?

9 A. My friends, some of them are
10 journalists that I told that night, some of them
11 are lawyers, so there was a conversation of
12 like, you could go to the press with this,
13 [REDACTED] if you want to. And I haven't felt the
14 urge to do that mostly because I am still
15 working with the [REDACTED] and I was concerned that
16 that would influence just kind of my job
17 trajectory, et cetera, but they did encourage me
18 to write down what occurred, you know, as kind
19 of as soon as I could.

20 So because of them the next day, I
21 think the 15th then, I wrote an E-mail to myself
22 to document what I remembered happening and so I
23 shared that also with you.

24 Q. If you can turn to tab three in the
25 binder.

1 A. Okay.

2 Q. Is that the --

3 A. Yes.

4 Q. You were just describing --

5 A. Yes, this is the E-mail. Sorry to
6 interrupt.

7 Q. And a little more halfway down you
8 wrote, "when departing from taking the picture
9 Governor Cuomo tapped my butt cheek two times,
10 two quick pats with what felt to be the palm of
11 his hand."

12 Is that an accurate description of
13 what happened?

14 A. That's accurate, yeah.

15 Q. You just described earlier today you
16 mentioned him using his fingers as well.

17 Do you think it was just the palm or
18 do you think it was his whole hand?

19 A. Yeah, I do think that his fingers were
20 involved as well or that that's what allowed him
21 to do the, you know, the two taps. So I recall
22 that his, you know, feeling kind of that, not
23 just oh, like, yeah, not just bump, bump but
24 like under bottom movement with his fingers.

25 Q. Would you describe it as something

1 like a grab?

2 A. Yes. I think that, well, I didn't
3 feel like his fingers were spread, it kind of
4 felt like -- that's why I think I said pat
5 because it wasn't like -- it wasn't as though
6 his fingers were spread and he kind of like
7 grabbed my butt but, again, I felt like he kind
8 of put his hand under my butt and went like,
9 went up with his fingers (indicating). So
10 that's why I think I had a hard time describing
11 it because I've never put that motion in words.

12 Q. If you can look at tab four while you
13 have the binder out.

14 A. Okay.

15 Q. And this is an E-mail exchange between
16 you, [REDACTED] [REDACTED] and [REDACTED].

17 Who is [REDACTED]?

18 A. [REDACTED] was the president of [REDACTED]
19 [REDACTED] when this event
20 occurred.

21 Q. And you're talking about the photos
22 from the event. Were you able to get the photos
23 from the event at that time?

24 A. So that's what's -- was a confusing
25 point through me looking back because I have

1 this E-mail that I submitted a request, so what
2 I recall was a card was given to you at the
3 event, like a business card and then you had to
4 reach out to the press person for the photos.

5 So I recall seeing the photo that you
6 shared or a photo similar to that of us standing
7 on either side of Governor Cuomo, me and
8 [REDACTED] standing on either side of Governor
9 Cuomo but then I was quite frustrated once I was
10 trying to give Jessica and Debbie all
11 documentation of the event because I wasn't able
12 to find any digital copy of the photos.

13 So I know I requested the photos. I
14 recall seeing them I believe in digital form
15 maybe on a temporary place where you could
16 access it but I don't ever recall physical
17 photos and couldn't find any evidence of them
18 digitally in my E-mail.

19 Q. And if you look at tab five.

20 A. Okay. Okay. Yeah.

21 Q. At the bottom it looks like you
22 forward to yourself in April of this year but
23 back in September, September [REDACTED] [REDACTED] sent
24 this image to [REDACTED] and you copying [REDACTED]
25 [REDACTED] and [REDACTED] subject, the line up.

1 Is that a photo from the event?

2 A. Correct, yes, that's from the
3 September [REDACTED] event.

4 Q. Was this before or after the Governor
5 touched your butt?

6 A. This is before.

7 Q. Okay. And are you in this photo, if
8 you look at the next page it's a bigger copy of
9 it?

10 A. Oh, sure, thank you. Yes. So if you
11 counting in from the ride side I'm the fourth
12 individual in so next to the person with the
13 green shirt.

14 Q. And two in, that's [REDACTED] ?

15 A. Correct.

16 Q. And he's turned away but in the white
17 polo that's the Governor?

18 A. Correct.

19 Q. Now, you described -- you can put that
20 aside.

21 You described that you said something
22 twice to [REDACTED] at the event.

23 Did you have any follow-up with
24 conversations with her about that?

25 A. I did. So the next week, I can't

1 recall the exact day of the week but I went into
2 her office and we closed the door and I asked
3 her if she heard me and that was because I never
4 got that verbal response in the moment and then
5 I also wanted to be sure that she knew this
6 happened.

7 Q. And when you said, did you hear me or
8 did you say, did you hear me when the Governor
9 hit my butt or what did you say?

10 A. I was explicit. I believe that I
11 said, did you hear me on Saturday, you know,
12 that the Governor touched my butt.

13 Q. What did she say in response?

14 A. I recall her responding with, you
15 know, yes and questions around like, intent,
16 like what do you think -- like what do you think
17 that was about or, you know, and kind of
18 questioning similarly, was it a, you know,
19 mistake, could he have been just trying to tap
20 your -- tap your like side, your hip because I
21 recall her bringing up like our size difference,
22 she's taller than me. And so she said, oh,
23 maybe because her hip was higher like it was a
24 mistake.

25 So I just recall us like exploring the

1 intention of the Governor rather than maybe the
2 details of what occurred and not at all focused
3 on like how I was doing or feeling about the
4 event.

5 Q. And when she asked you all these
6 questions about was it an accident, could have
7 been this, could have been that, what was your
8 response?

9 A. I very -- I remember saying, no. That
10 it, you know, it felt intentional and I remember
11 like giving her this space to kind of say those
12 things and truly pausing and thinking and
13 wanting it to not be that he touched my butt in
14 the way that he did but I knew from the moment
15 that that occurred that that wasn't normal,
16 that's not something that has ever happened to
17 me in a professional setting. So I think that I
18 repeated that, you know, that all I know is that
19 I've never gotten my butt grabbed or touched at
20 a professional or work event and that isn't
21 right. And it wasn't like a moment of conflict
22 it was just a moment of me asserting like the
23 truth that I experienced.

24 Q. And you said she didn't ask you how
25 you were doing or how you were feeling. When it

1 happened, when the incident happened what were
2 you feeling?

3 A. When the incident happened? I was
4 really shocked. I think like if -- I don't
5 know, if I could have I would have immediately
6 turned and said something, maybe my jaw opened,
7 like that's how surprised I was that this
8 occurred because it was just like to me, so
9 like, you have to be joking and so, surprise and
10 then the kind of frustration or the weight of
11 experiencing this, like, not having [REDACTED],
12 you know, kind of just say, like, I'm sorry you
13 experienced that even though of course this
14 isn't at all a reflection of, you know, her
15 actions but to just like being a moment where it
16 was immediately like silence was also
17 surprising.

18 So I felt deflated and I felt
19 disrespected and I felt much like smaller and
20 almost younger than I actually am because kind
21 of the funny part of it all is I was making this
22 project happen. So we were there because, you
23 know, the work that I had been doing and have
24 continued to do to get [REDACTED] so
25 it was just very, yeah, a moment of like,

1 disempowerment.

2 Q. Did [REDACTED] offer to do anything
3 about what had happened?

4 A. So I don't recall her like
5 discouraging me to not take action, definitely
6 don't recall that. I don't think she was
7 discouraging directly but I also don't recall
8 her encouraging me or her saying that she would
9 take any further action.

10 Q. Did she tell you how you could go
11 about reporting it?

12 A. I don't recall us talking about like
13 reporting it. In my head I felt like I was
14 reporting it, not -- and I kind of knew that
15 likely she wasn't going to take it further only
16 in that because we didn't talk about next steps
17 but I wasn't sure if she thought it was my
18 responsibility to give her the green light or I
19 was, yeah, again, kind of confused. Like,
20 acknowledging that I knew that she wasn't
21 handling it well and that was I think also hard
22 because we're friends as well as colleagues or
23 we work together for so long. So it was
24 difficult to kind of know that probably she
25 could have been a better supervisor in that

1 moment.

2 Q. Did you talk to anyone in [REDACTED]
3 [REDACTED] human resources department?

4 A. I did. So -- but I was quite vague.
5 So I can't recall it was a couple weeks later
6 and, of course, it was weighing on me. I kind
7 of was having that internal conversation of
8 like, it's my responsibility to report this and
9 so I went to our HR person [REDACTED] and I
10 essentially asked hypothetical questions, so in
11 the event something of this scope happened a
12 leader external to the, you know, [REDACTED] or
13 not within our organization inappropriately
14 touched someone what could we expect as, you
15 know, the process of reporting. And so in that
16 conversation it was, you know, very direct
17 around the steps that [REDACTED] could imagine
18 would be taken. So she described an
19 investigation. She described like the
20 reporting. She said that, you know, the State
21 would lead that. And she described like I
22 recall getting all the video, all the pictures,
23 you know, me providing a report on what happened
24 and so she also at the end of the conversation,
25 because I was just kind of absorbing, she did

1 say, if this happened, please report it and so
2 she directly encouraged me at the conclusion of
3 that conversation to say something. I did not
4 in that moment say anything further.

5 Q. And what's [REDACTED] last name?

6 A. Oh, [REDACTED]

7 Q. And why did you decide not to report
8 it at that time?

9 A. I think -- I think that I didn't
10 report it at that time one, because there was no
11 like record that this was a pattern and it felt
12 very scary to report something against someone
13 who has so much power so -- and I very much felt
14 like the burden and the impact was going to be
15 like fully on me. Like I was going to perhaps
16 have my career impacted. Of course my name
17 would potentially, you know, this would be the
18 first thing people associate with me and that
19 was incredibly intimidating. It is notable that
20 this was also already during a time when we were
21 talking about transitions in our department so,
22 again, [REDACTED] had already at this point
23 shared that she had the intent to move on or
24 change her role within [REDACTED] and that, you
25 know, she wanted me to fill her role as VP. And

1 I also felt, I don't know how much it was an
2 internal pressure but, again, I didn't want this
3 to be at all part of the discussion and to take
4 away from my work and my potential and my merit
5 and to confuse them that this is how men treat
6 me.

7 Q. In 2019 did you tell anyone else at
8 work?

9 A. In 2019?

10 Q. Yeah.

11 A. Yes. So I told my colleague, [REDACTED]
12 [REDACTED]. She and I had also been working together
13 for quite sometime and so I think it was around
14 the time I talked to HR. So, again, a few weeks
15 after the occurrence I recall just in general it
16 was -- I was more distracted than usual and I
17 was really in this conflict of what do I do. So
18 I think I -- [REDACTED] and I were just working
19 together outside of our office space/desk space
20 so we were in the garage of [REDACTED]
21 [REDACTED] and I essentially told her that this --
22 that Governor Cuomo inappropriately touched me
23 at that event and that, you know, it was like a
24 very hard position to be in with deciding what
25 to do because I did feel like the investigation

1 would be burdensome on me and then I wasn't sure
2 what good it would do because it seemed like,
3 you know, if it was State led that it would be a
4 lot of emotional energy and time and may not
5 actually support anyone.

6 Q. What, if anything, did [REDACTED] say in
7 response?

8 A. She was just really, you know, kind
9 and sweet and said, like, how she felt for me
10 and that that's terrible, you know, and so she
11 just was very affirming and empathized.

12 Q. You described before telling some
13 friends around the time that it happened. Did
14 you talk about it again with friends like during
15 2020?

16 A. Yeah. I mean, so this was
17 something -- so well, I recall a couple weekends
18 after I saw a bunch of friends because it was a
19 friends wedding and I shared it with some people
20 at that event. It was very interesting sharing
21 with people because also like partners and like
22 different people reacted differently to hearing
23 this and so it was like, I just -- that's what I
24 kind of remember is that it sometimes caused
25 tension between different individuals. But then

1 in 2020 also talked about it somewhat regularly
2 at the beginning of the pandemic because
3 Governor Cuomo was obviously very present in the
4 conversation around COVID and so he was like on
5 everyone's news feed and people had a lot of
6 jokes about him, like, would want to marry him
7 and things like that, you know, and I was in
8 [REDACTED] actually for the beginning of COVID,
9 right when it was announced we could work from
10 home and I had to like remind my family that,
11 you know, this is the individual that did that
12 to me because they're not from New York, so I
13 know that they recalled the event but I don't
14 know if they connected the dots. So I had to
15 remind, you know, my sisters that like, this is
16 the person that inappropriately touched me and
17 then it clicked for them. But because he was so
18 in the limelight it was like challenging because
19 I felt like I was just continuously, yeah,
20 hearing of him and talking of him.

21 Q. And when he was on the news every day
22 how -- what was your reaction having to sort of
23 see him on the TV all the time?

24 A. Yeah, it was really tiring. Yeah.
25 And it was, yeah, I don't know, I just, I, yeah,

1 I already kind of felt like, yeah, I was trying
2 to compartmentalize, you know, already going
3 through so many things in the world. So kind of
4 like tried to not, actually not to tune in as
5 much as I really should have and, you know, as
6 my entire community was to those kind of daily
7 briefings just because it was, you know, loaded
8 with other feelings.

9 MS. CLARK: Ezra, if you can share tab
10 ten.

11 MR. CUKOR: Is it up?

12 MS. CLARK: Yes.

13 Q. So at the top it says [REDACTED] group text.
14 What is that in reference to?

15 A. Oh my goodness. Sorry. That's the
16 college -- so these are friends from college, I
17 went to a school called [REDACTED] and yeah, [REDACTED]
18 is like, you know, joking name for the school.
19 I think they call it [REDACTED], yeah.

20 Q. Who is [REDACTED]?

21 A. [REDACTED] is one of the friends -- [REDACTED]
22 [REDACTED] from college.

23 Q. Who is [REDACTED]?

24 A. [REDACTED] is also a friend from college
25 [REDACTED], her maiden name is [REDACTED], she was

1 one of my roommates in college [REDACTED].

2 Q. Then it looks like [REDACTED]
3 [REDACTED]

4 A. Yeah, [REDACTED], yeah, a friend
5 from college as well.

6 Q. And there's somebody named [REDACTED], who is
7 that?

8 A. [REDACTED], also a friend
9 from college.

10 Q. And looks like here there's a posting
11 from you saying, "feeling this convo personally
12 (quick pivot) as people celebrate Cuomo so much
13 right now. It's V conflicting as some who has
14 been inappropriately touched by him to "stand
15 with him."

16 A. Uh-huh, uh-huh.

17 Q. And you continue on.

18 Had you told your friends before this
19 about him touching you?

20 A. Oh, yes, yes. These are friends that
21 I saw at that friend's wedding like a couple
22 weekends after, maybe even the next weekend
23 after, my friend [REDACTED], her
24 wedding. So I kind of had told them all
25 actually in person. I believe the articles that

1 we were talking about were essentially around --
2 I can't fully recall but I think it was around
3 like the Democrat party, you know, versus other
4 Republican party and choices that they were
5 making around people who had history or had
6 assault [sic] or maybe it was even with like
7 Biden and should that be reason for them to not
8 be political leaders. So I think that was like
9 the context a little bit, yeah.

10 Q. Okay.

11 MS. CLARK: You can take that down,
12 Ezra.

13 Q. Is that -- is this -- was that from
14 your phone or from somebody else's phone?

15 A. That's from my friend [REDACTED] phone.
16 So, again, because I got a new iPhone. I didn't
17 back it up I didn't have those conversations.
18 So my friend [REDACTED] she just looked at
19 Cuomo in our group text and sent me screenshots
20 of when we had spoken about that.

21 Q. During 2020 when the Governor was in
22 the news regarding the pandemic did you talk to
23 anyone at work about the incident?

24 A. No, I didn't.

25 Q. And did there come a time when you

1 learned that [REDACTED] was going to be
2 stepping down?

3 A. Sure. I think I learned about it as
4 did everyone else, there was an organization
5 wide Zoom call in which she shared the news with
6 us.

7 Q. And when was that?

8 A. I don't have the exact date. My
9 memory was that I want to say it was around
10 February of 2021.

11 Q. And did you have any conversations
12 with [REDACTED] about what happened with the
13 Governor after you heard she was leaving?

14 A. So yes, we briefly -- so [REDACTED] was
15 obviously -- it happened quite quickly and she
16 and I, you know, worked together on a number of
17 things but I did mention it briefly to her when
18 she was essentially, you know, kind of talking
19 about her feelings about what was happening with
20 her leaving. And I don't really know why I
21 brought it up, it's a little bit like I was, I
22 guess just trying to say like, that this person
23 doesn't always treat people well but in a pretty
24 quick conversation in my office I said, you
25 know, like, essentially acknowledging that and

1 she said Governor Cuomo like inappropriately
2 touched you? And I said, you know, yes, this
3 happened. And she just kind of exhaled deeply
4 and said, I'm so sorry but again like she was
5 leaving, it was more a moment of us like just
6 kind of, I don't know, connecting over maybe not
7 being treated well.

8 Q. Did she tell you anything about why
9 she was leaving?

10 A. No, I don't know the nature of why
11 exactly she was leaving. So but I just knew
12 that it was hard for her.

13 Q. And did there come a time earlier this
14 year where anyone asked you about the incident
15 at work?

16 A. Yeah, well, also I'll note that I
17 think [REDACTED] -- so I know [REDACTED], my coworker, she
18 asked me how I was doing. So when other
19 complainants or people were coming forward
20 saying that something happened to them, [REDACTED] did
21 check in with me one day and said, you know, how
22 are you? And like, what are you thinking about
23 doing and not -- I don't believe that this AG
24 process, investigation process had been launched
25 yet but it was just that a couple of individuals

1 were publicly sharing their experience and so
2 she and I talked and that was at work but no one
3 else was around. And then around March at some
4 point -- so I looked back and on March 16th,
5 [REDACTED], who was my supervisor now in 2021 asked
6 if we could have a conversation and I didn't
7 know what the nature of it was. But she said
8 that she had heard and I don't know how she
9 heard, that potentially something had occurred
10 with Cuomo inappropriately touching.

11 Q. You said you looked back to
12 March 16th, what did you look back to determine
13 what the date was?

14 A. I looked back to my Outlook calendar
15 and I kind of knew around what date it was
16 because then after that I was talking to like
17 our outside counsel at [REDACTED]. So I knew it
18 was in mid March'ish and so -- and I recall that
19 it was a vague meeting which is -- and typically
20 I create the meetings with [REDACTED], so it was
21 just that easy for it to stand out because I
22 think it was like titled "chat" or something
23 vague like that. So that was -- that's
24 abnormal. Usually I would create the meeting
25 and yeah, have a title spoke to the, you focus.

1 Q. And it looked like you glanced over
2 and you held up before some notes.

3 Did you make notes of, you said you
4 had gone through things for names and dates; is
5 that what you're looking at?

6 A. Yeah, exactly. I kind of wrote down
7 people's like dates when things happened,
8 talking to [REDACTED] and stuff. So, exactly.
9 So with [REDACTED] and then with [REDACTED].

10 Q. And the dates, did you get pull those
11 by going through your Outlook calendar?

12 A. Yes, correct. Outlook calendar as
13 well as with [REDACTED], [REDACTED], she's
14 our general counsel. That was through also
15 E-mail chain between her and attorney [REDACTED]
16 [REDACTED] and outside counsel for [REDACTED].

17 Q. Okay. And actually --

18 MS. CLARK: Ezra, why don't you bring
19 up tab 11.

20 MR. CUKOR: Is that showing?

21 THE WITNESS: Not yet.

22 MS. CLARK: It says Ezra Cukor started
23 -- has started screen sharing but it
24 doesn't actually show it.

25 MR. CUKOR: Sorry.

1 MS. CLARK: I know, we're having some
2 technical issues today.

3 MR. CUKOR: Did that do it?

4 Q. Is that the meeting invite you were
5 just talking about?

6 A. Yes, that's it.

7 MS. CLARK: Okay. All right, you can
8 take that down, Ezra. All that work for
9 two seconds.

10 Q. How long was your conversation with
11 [REDACTED] ?

12 A. I think it was for an hour. I think
13 we talked for, yeah, about an hour.

14 Q. And what do you recall that you said
15 and she said in this conversation?

16 A. So I think we were first just talking
17 because I, again, didn't know what the nature of
18 the conversation was about. So we were just
19 catching up, she is my boss, so I think we were
20 talking big picture about what was going on, and
21 then she asked or prompted the transition in the
22 conversation and she led with: Did something
23 happen between or like did, you know, Governor
24 Cuomo inappropriately touch you or I heard that
25 maybe this happened. So she prompted that

1 change and then I said, yes, at the event, you
2 know, [REDACTED] event at the
3 conclusion of a photo. I described what happened
4 and she, you know, was just like very
5 empathetic. I actually like recalled that she
6 cried, which I was surprised by only in that
7 I've never like seen her respond that way. And
8 so she asked me to explain in detail what
9 occurred, very similar to what I'm doing today.
10 So she asked me a number of questions and I
11 answered them. And she kind of clarified maybe
12 some of the -- so when I shared my reason of
13 not, you know, sharing it with HR she kind of
14 shared like her perspective on like I told you
15 before I was challenged like this, would this
16 impact, you know, my promotion and things like
17 that and she was, you know, she just clarified
18 that like she never thought I would be -- that
19 this was like a weakness of -- like, that she
20 never would have not promoted me of course for
21 some of the insecurities that I brought -- that
22 I shared with her.

23 But overall she kind of just clarified
24 that now that this is something that I shared
25 that she had to better understand what process

1 she had the responsibility to follow and that
2 she wanted to support me as best as possible but
3 there could be times or moments when my needs
4 don't align with, you know, like the needs of
5 the process. So she just tried to like walk me
6 through that but also was not very certain,
7 right, because she was acting president. She
8 wasn't sure she had to report this to the Board.
9 And she was concerned about, of course, like my
10 well-being it seemed like and at that time the
11 Board was lead by [REDACTED] and so -- who
12 works for, you know, the executive chamber, so
13 she was wanting to understand what a report
14 within [REDACTED] following the most responsible
15 and required steps looked like.

16 Q. And did she ever get back to you or
17 anyone else get back to you about what was going
18 to be required with regard to that?

19 A. Sure. So we have offices next to each
20 other. So it's a -- and like she was going
21 through an incredibly busy time. I was, you
22 know, going through some busy moments and so
23 when we were both working late and no one was
24 around she'd often just stop by, asking me how
25 I'm doing, give me updates. So she, you know,

1 she did tell me that she told [REDACTED]. And
2 [REDACTED] HR also so that they were the three
3 people that knew outside of me telling Tina.
4 And she explained, I believe, like or -- that,
5 you know, there was going to be documentation, I
6 could follow up with [REDACTED] about talking about
7 outside counsel, like how could they support me
8 if I wanted to report to the AG's office. But
9 that they didn't need to like tell the Board
10 that this occurred was essentially what I heard
11 and I know that that hasn't occurred. So ...

12 Q. Did you say [REDACTED]?

13 A. Yes. Excuse me, [REDACTED],
14 often she goes by [REDACTED].

15 Q. And did you have discussions with
16 [REDACTED] about the process or what had
17 happened to you?

18 A. Yes. So I would say I talked to more
19 briefly with her. So essentially she connected
20 me to our outside counsel because at that point
21 I didn't have legal representation. So it
22 seemed like to me that they -- and what they
23 communicated to me was that, you know, if I
24 wanted to have -- just to have legal presence
25 that their outside counsel because this happened

1 at work could join me.

2 So with [REDACTED] she just kind of was
3 like, I'm so sorry this happened to you but like
4 I never told [REDACTED] the details of what happened.
5 So I think it was all really through [REDACTED] and
6 then she connected me to [REDACTED] and she
7 was on the, well, excuse me, so she was on that
8 Zoom call so when I briefly told [REDACTED] what
9 happened like she was present.

10 Q. Did you have any additional
11 conversations with [REDACTED] about what had
12 happened?

13 A. I didn't. [REDACTED] and I never
14 followed up about it, yeah.

15 Q. And what made you decide to share
16 your -- you know, reach out to our investigation
17 and share your information?

18 A. Sure. So when I talked to [REDACTED] she
19 was wonderful but just that she made it a clear
20 distinction of her role and being that she is an
21 outside counsel for [REDACTED] she made it clear
22 that she's representing the organization and not
23 me. And I think that although she was very
24 helpful, she called the AG's office, she better
25 understood what reporting could look like. I

1 just felt that there's, of course, uncertainties
2 with the process, like, where this could go and
3 I wanted to have someone who, you know, could be
4 representing my best interest in the event that,
5 you know, it was more than a conversation which
6 it has been so it's been really helpful.

7 Q. And I understand why you wanted some
8 independent advice. What made you decide to
9 report it now? I understand the reasons you
10 didn't in 2019 but what made you decide that now
11 you were going to take some step?

12 A. Yeah. Well, first off there was --
13 there were other people that were sharing their
14 story and I very much -- I could help support
15 that there's a pattern to what was occurring and
16 to legitimize that this is happening. I wanted
17 to support those other people. So I didn't want
18 it to impact my job. I hope that it doesn't
19 impact me much more but I very much was
20 cognizant that I experienced something that
21 could support individuals who maybe experience
22 something of greater frequency or something, you
23 know, more extreme and if I could do that I felt
24 that it was my responsibility to do that.

25 Q. And did you know any of the other

1 women who have come forward publicly?

2 A. I don't know them.

3 Q. And have you spoken to any of them
4 since they've come forward with their stories?

5 A. I have not.

6 MS. CLARK: Ezra, is there anything
7 I'm missing?

8 MR. CUKOR: I don't think so.

9 MS. CLARK: I want to thank you for
10 your time again. Thank you for gathering
11 all of those documents. If you find any
12 others let Jessica know and she'll get
13 those to us. You know, there's a
14 possibility we'd have a follow-up question
15 but I think we're -- I suspect we are done
16 with you. As I said at the beginning if
17 there's anything you want to add on the
18 record while we're all still together, you
19 know, you're welcome to say anything you'd
20 like to say now.

21 THE WITNESS: Sure. I did just want
22 to ask: I know last time we spoke you said
23 that potentially you would keep
24 complainants up to speed or you would
25 perhaps would kind of give us a heads-up if

1 something was in terms of timeline with the
2 report, if you could, and I just wanted to
3 see if that was still possible or if
4 anything changed?

5 MS. CLARK: I think we said we weren't
6 sure and I think we're still not certain
7 unfortunately. I know it's just hanging
8 out over your head but just because if we
9 start with information it might get out in
10 other ways. So we'll have to keep -- if we
11 could, we would I'm just not sure that we
12 can do that.

13 THE WITNESS: Okay.

14 MS. CLARK: So it is still our
15 intention unless between now and the
16 issuing of the report that you decide to go
17 public of keeping your name out of the
18 report.

19 THE WITNESS: Yes, thank you.

20 MS. CLARK: Okay.

21 THE WITNESS: That's it. Thank you,
22 so much.

23 MS. CLARK: All right. Thank you so
24 much.

25 THE VIDEOGRAPHER: Any further

1 statements?

2 MS. CLARK: We can go off the record
3 then.

4 THE VIDEOGRAPHER: This concludes
5 todays interview of witness 06/15/2021. We
6 are now off the record. This concludes.

7

8 (Time noted: 11:30 a.m.)

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C E R T I F I C A T E

STATE OF New York)

: ss

COUNTY OF RICHMOND)

I, RITA M. PERSICHETTY, a Notary Public within
and for the State of New York, do hereby certify:

That [REDACTED] the witness whose deposition
is hereinbefore set forth, was duly sworn by me and
that such deposition is a true record of the
testimony given by such witness.

I further certify that I am not related to any
of the parties to this action by blood or marriage;
and that I am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto set my hand
this 21st day of June, 2021.



RITA M. PERSICHETTY