

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

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The Matter of Independent Investigation

Under New York State Executive Law

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Section 63(8)

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VIDEOTAPE DEPOSITION VIA ZOOM OF:

8

WITNESS 6/18/21

9

FRIDAY, JUNE 18, 2021

10

8:04 a.m.

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12

VIRTUAL ZOOM INVESTIGATION before

13

SILVIA P. WAGE, a Certified Shorthand Reporter,

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Certified Realtime Reporter, Registered

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Professional Reporter, and Notary Public for the

16

States of New Jersey, New York and Pennsylvania.

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REPORTED BY:

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SILVIA P. WAGE, CCR, CRR, RPR

JOB NO. 4660534

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HIGHLY CONFIDENTIAL - WITNESS 6/18/21
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2 THE VIDEOGRAPHER: Good morning. We
3 are going on the record at 8:04 a.m. Eastern
4 Standard Time on Friday, June 18, 2021.

5 Please silence your cell phone,
6 computer tones or any other electronic devices
7 you have near you. Audio and video recording
8 will continue to take place unless all parties
9 agree to go off the record.

10 This is Media Unit No. 1 of the video
11 recording of the witness in the matter of
12 Independent Investigation Under New York State
13 Executive Law Section 63(8).

14 My name is Marc Friedman. I'm your
15 Certified Video Specialist. Your Court Reporter
16 today is Silvia Wage and we are both from the
17 firm of Veritext Legal Solutions.

18 All Counsel consent to this remote
19 video arrangement and waive any objections to
20 this matter of reporting.

21 If there are any objections to the
22 Court Reporter swearing in the witness remotely
23 and this remote video arrangement, please state
24 them now.

25 Hearing no objection, will Counsel

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2 now state on the record their appearances and
3 affiliations beginning with the noticing
4 attorney.

5 MS. KENNEDY-PARK: Good morning. My
6 name is Jennifer Kennedy-Park. I'm a Partner at
7 the law firm Cleary Gottlieb Steen & Hamilton.

8 But for today's purposes, I've been
9 appointed as a Special Deputy to the First Deputy
10 Attorney General of the State of New York.

11 MR. KIM: Good morning. My name is
12 Joon Kim. I'm also a Partner at Cleary Gottlieb,
13 but for today appearing in my capacity as a
14 Special Deputy to the First Deputy Attorney
15 General.

16 MS. DUNN: Karen Dunn from Paul Weiss
17 on behalf of the witness, Witness.

18 MR. DELANEY: Aaron Delaney from Paul
19 Weiss on behalf of the Witness.

20 THE VIDEOGRAPHER: Any other
21 appearances.

22 MS. KENNEDY-PARK: Ms. Mustefa, could
23 you please appear for the record.

24 MS. MUSTEFA: My name is Hyatt
25 Mustefa. I'm an Associate at the firm of Cleary

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2 Gottlieb Steen & Hamilton and I'm also appearing
3 in my capacity as a Special Deputy to the First
4 Deputy of New York Attorney General.

5 THE VIDEOGRAPHER: Anybody else?

6 Would the court please swear in our
7 witness and we can proceed.

8 WITNESS 6/18/21,

9 After having been duly sworn, was examined
10 and testified as follows:

11 THE STENOGRAPHER: Thank you.

12 You may proceed.

13 EXAMINATION BY MS. KENNEDY-PARK:

14 Q. Good morning, Ms. Witness.

15 A. Good morning. How are you?

16 Q. I'm good. Thank you.

17 How are you?

18 A. I'm well, thanks.

19 Q. Good.

20 So, as you just heard, Mr. Kim, Ms.
21 Mustefa and I have been appointed by the New York
22 Attorney General, as well as lawyers from the law
23 firm Vladeck, Raskin & Clark to conduct an
24 Independent Investigation under New York
25 Executive Law Section 63(8) into allegations of

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2 sexual harassment against Governor Andrew Cuomo,
3 as well as the surrounding circumstances.

4 You understand you are here today
5 pursuant to a subpoena that's been issued in
6 connection with investigation, correct?

7 A. Yes.

8 Q. Great.

9 And you know we're being video
10 recorded, correct?

11 A. Yes.

12 Q. And you know you're under oath,
13 correct?

14 A. I do.

15 Q. And you understand that that means
16 you must testify fully and truthfully just as if
17 you were in a court law sitting before a judge
18 and a jury, correct?

19 A. Yes.

20 Q. Do you understand that your testimony
21 is subject to the penalty of perjury?

22 A. Yes.

23 Q. I just want to make a few
24 introductory notes about how we're going to
25 proceed today.

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2 If you would like to make any brief
3 sworn statement, we ask that you do so at the
4 conclusion of our examination today. I'll remind
5 you of this at the end of the examination, okay?

6 A. Okay.

7 Q. Although this is a civil
8 investigation, the New York Attorney General's
9 Office also has criminal enforcement powers. So
10 you have the right to refuse to answer a
11 question, if answering the question would
12 incriminate you. However, a failure to answer a
13 question can be used against you in a court of
14 law in a civil proceeding.

15 Do you understand?

16 A. Yes.

17 Q. You're appearing today with your
18 attorneys. You can consult your attorneys about
19 privileged matters. But this isn't a standard
20 deposition. So your attorneys will not be
21 speaking unless they have something important to
22 clarify or they want to discuss privilege.

23 If that happens, I would ask that you
24 answer the question I've asked you first before
25 we do any of that conversation.

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2 Do you understand?

3 A. Yes.

4 Q. Okay. We have a Court Reporter
5 present with us, Silvia. She's the most
6 important person in the room today. She needs to
7 take down my questions and she needs to take down
8 your answers. And we're also on Zoom. So this
9 can be a little bit challenging. So, that she
10 can do that, you have to provide a verbal
11 response to my questions. You can't shake your
12 head or nod or say uh-huh.

13 Do you understand?

14 A. Yes.

15 Q. Great. And we need to wait for each
16 other to finish talking over the course of today.
17 And I'll do my best to do that and I know you'll
18 do your best to do that, alright?

19 A. (No response.)

20 Q. If at anytime you want to clarify an
21 answer that you previously gave, you should just
22 let me know, alright?

23 A. Okay.

24 Q. And if you don't understand a
25 question I'm asking, let me know that too and

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2 I'll try to ask the question in a different or
3 better way, alright?

4 A. Okay, sorry, yes.

5 Q. I didn't hear your answer.

6 A. Sorry.

7 Q. Here you go. We'll just start
8 practicing to make sure Silvia can hear.

9 Okay. I'm going to be asking about
10 some names and dates and other information today.
11 When I do that, even if you don't remember a
12 specific name or a specific date, I'd like you to
13 give me your best approximate answer, okay?

14 A. Okay.

15 Q. And just tell me that the answer is
16 approximate, understand?

17 A. Yes.

18 Q. If you need a break at any point,
19 please let me know and we'll take a break. You
20 just have to answer the question I've asked
21 before we do that, got it?

22 A. Okay.

23 Q. Great. We have two other lawyers on
24 the record.

25 But am I correct that other than the

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2 two lawyers on the record, there are also two
3 additional lawyers in the room with you; is that
4 right.

5 A. Yes, that is correct.

6 Q. And those are the only people in the
7 room with you?

8 A. Yes.

9 Q. And is anyone in the room with you
10 creating a video or audio recording of this
11 meeting?

12 A. Yes.

13 Q. Other than Silvia, sorry, and Marc?

14 A. Yes.

15 Q. Is any anyone in your -- there
16 creating -- there is someone in your room
17 creating a video or audio recording?

18 A. Yes.

19 Q. Okay. Who is that?

20 A. It's a cassette tape put here by my
21 lawyers.

22 Q. Okay. We're going to ask them turn
23 off the cassette tape.

24 MS. DUNN: So is there some reason
25 that we're not allowed to audio record her

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2 testimony?

3 MS. KENNEDY-PARK: Yes.

4 MS. DUNN: What is that?

5 MS. KENNEDY-PARK: The only audio
6 recording that's going be of this testimony is
7 the audio recording that is being made by our
8 Videographer and our Court Reporter. We
9 previously told you that. And so we're going to
10 ask you not to audio record this.

11 MS. DUNN: Okay. I just want to
12 understand the basis for that. I mean, we'll do
13 what you're asking, but I want to know the basis
14 since we've been told we're not entitled to a
15 transcript.

16 MS. KENNEDY-PARK: Right. We can
17 talk about it offline, but I don't understand
18 what your basis is for recording it yourselves.
19 This is pursuant to a subpoena that we've issued.
20 And if you think you have a right to audio record
21 this, then you should provide us the basis and we
22 can talk about it.

23 MS. DUNN: Alright. I guess we'll
24 have to argue about this later.

25 As you know, our view is that -- I

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2 mean, we were entitled to any part of this
3 transcript that's used publically. But since
4 we've been denied access to a transcript
5 generally, we don't see that there would be any
6 basis to prevent creating a recording.

7 MS. KENNEDY-PARK: So I'll tell you,
8 first of all, we don't agree with your
9 interpretation of Civil Rights Law Section 73,
10 which permits their access to transcript, if
11 those transcripts are being used in a criminal
12 proceeding, which this is not, as I've just
13 advised Ms. Witness.

14 We also remind Ms. Witness and we'll
15 remind you that under Executive Law Section 63(8)
16 it is a misdemeanor to share the substance of any
17 information that is discussed in the course of
18 today's meeting.

19 Q. Do you understand that, Ms. Witness?

20 A. Yes.

21 Q. Okay. And so we would expect that
22 the contents of this meeting are only
23 communicated between you and your Counsel.

24 Do you understand that?

25 A. Yes.

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2 Q. Alright. That includes that we would
3 not -- that includes that we would not expect you
4 to communicate in realtime or during breaks with
5 anyone else about the substance of your
6 testimony.

7 Do you understand?

8 A. Yes.

9 MS. DUNN: Okay. Just for the
10 record, because I don't want to conflate these
11 two things.

12 On the status of the transcript, the
13 Government's permission is that the Government
14 should have a transcript of the witness
15 testimony, but that the witness should not have a
16 transcript of their testimony. And so we
17 disagree with that. And we think that Section 73
18 does authorize us to have a copy of the
19 transcript, if it's used publically or a part of
20 the transcript, if a part is used publically. So
21 I want to state that for the record.

22 On your other request of the witness
23 that she not communicate, we disagree with the
24 Government's interpretation of the law. That
25 said, we understand the Government's position.

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2 MS. KENNEDY-PARK: And despite the
3 disagreement with the position, is it your
4 agreement that you will comport with the
5 Government's understanding of the law?

6 MS. DUNN: We have no problem -- this
7 is not -- the witness has already agreed.

8 MR. KIM: Let me just add something.
9 I mean, you can disagree with the reading of
10 63(8). Again Ms. Kennedy-Park has put both your
11 client and yourselves on notice. But it is our
12 position that 63(8) actually applies to Counsel
13 and that disclosure of information that you've
14 learned through our interview would constitute a
15 violation of 63(8).

16 And I don't know and I assume it will
17 be provided to us that the basis for the belief
18 that the witness comes into and on-the-record
19 testimony in a deposition with the New York
20 Attorney General's Office and has the right to
21 record it initially without providing notice to
22 the interviewing Counsel.

23 But, again, we would -- I don't
24 believe there would be any authority or precedent
25 for that, but you're welcome to provide it to us.

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2 But for now we would direct you to
3 not record on your side this testimony.

4 MS. DUNN: Okay. We understand the
5 Government's position. We will not record the
6 testimony.

7 But with regard to the Government's
8 interpretation of 63(8) and its application to
9 Counsel, you know, the witness -- -- just for the
10 record, I cannot understand how there is a legal
11 basis for that interpretation, which does not
12 mean that that's what we intend to do. We just
13 have read the statute and don't see the basis for
14 your interpretation in the statute.

15 MS. KENNEDY-PARK: Okay. I don't
16 want to waste any further time of this witness's
17 time having this argument on the record. So we
18 can have a discussion about that at another time.
19 But the witness has confirmed that she has
20 agreed.

21 BY MS. KENNEDY-PARK:

22 Q. So, Ms. Witness are you taking any
23 medication or drugs that might make it difficult
24 for you to understand my questions today?

25 A. No.

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2 Q. Have you had any alcohol today?

3 A. No.

4 Q. Is there any reason why you would not
5 be able to answer my questions fully and
6 truthfully?

7 A. No.

8 Q. Thank you.

9 Could you state your name, date of
10 birth and current home address.

11 A. Yes, my name is Witness. I was born

12 [REDACTED]. My current home address is [REDACTED]

13 [REDACTED]

14 [REDACTED].

15 Q. Do you have a business address?

16 A. Yes.

17 Q. What is it?

18 A. Oh, sorry. It's [REDACTED],

19 [REDACTED].

20 Q. Have you ever given testimony before?

21 A. I have not.

22 Q. Other than conversations with your
23 lawyers, did you do anything to prepare to
24 testify today?

25 A. No.

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2 Q. Okay. Is this the testimony subpoena
3 that you received from the New York Attorney
4 General's office?

5 (Deposition Exhibit 1, State of New
6 York Office of the Attorney General Subpoena Ad
7 Testificandum the People of the State of New York
8 for testimony, was marked for identification.)

9 A. I believe so, yes.

10 Q. Did you read this subpoena before
11 today?

12 A. Yes.

13 Q. Do you understand that your testimony
14 today is being taken pursuant to this subpoena?

15 A. Yes.

16 Q. Thank you.

17 If you could turn to what is Tab 2 of
18 that binder. We're going to mark this as the
19 next exhibit.

20 (Deposition Exhibit 2, State of New
21 York Office of the Attorney General Subpoena Ad
22 Testificandum the People of the State of New York
23 for documents, was marked for identification.)

24 Q. And take a moment to look at that and
25 just look up when you're ready.

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2 A. Okay.

3 Q. Is this the document subpoena that
4 you received from the New York Attorney General's
5 office?

6 A. Yes.

7 Q. Did you read this subpoena before
8 today?

9 A. Yes.

10 Q. And how did you go about complying
11 with this subpoena?

12 A. I sent it to my lawyers and then I
13 turned over my phone and e-mail and computer.
14 And they asked several questions about what else
15 I would have that would be relevant.

16 Q. And other than the phone, the
17 computer -- and what was the third thing you
18 turned over, phone, computer and?

19 A. That was it. We talked about what
20 other things might be relevant that I had.

21 Q. Your phone, computer and your e-mail.
22 Since you turned those materials over
23 to your Counsel, have you found any additional
24 sources of documents?

25 A. I have not.

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2 Q. Okay. You can go ahead and put that
3 binder aside for a few minutes.

4 Okay. Please just describe your
5 educational background high level for us.

6 A. I graduated from NYU. I went to
7 Broughton High School.

8 Q. And what degree did you get from NYU?

9 A. English literature -- English and
10 American literature.

11 Q. Did you attend any educational
12 institutions after NYU?

13 A. No.

14 Q. And after NYU, what was your first
15 job?

16 A. Working in the Governor's office as
17 an Executive Assistant.

18 Q. Had you had any jobs before that?

19 A. Previously, in my senior year of
20 college, I worked on the Obama 2012 campaign and
21 my boss there hired me to work in the Governor's
22 office. He was the Downstate Director of
23 Intergovernmental Affairs.

24 Q. Sorry. I think maybe I didn't make
25 my question clear.

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2 Prior to your job in the Governor's
3 Office's, did you have any jobs?

4 A. I had worked on the President Obama's
5 2012 re-election campaign. But I -- it was
6 volunteer so, no. But I had worked as a waitress
7 before that, but I guess that was my only paying
8 job before.

9 Q. Okay. Did you do any internships
10 before that?

11 A. Yeah, before -- previously before
12 working on the President Obama reelection
13 campaign, I was an intern at Helmut Lang. I was
14 an intern at DFO Restrepo (phonetic). It was a
15 shoe company, yeah.

16 Q. And you started to tell us about how
17 you came to be employed in the Executive Chamber.
18 Why don't you go ahead and tell us how that
19 happened.

20 A. So, in the spring of my senior year
21 when I was talking to folks about jobs, I talked
22 to my former boss from the Obama campaign and he
23 offered me a job to work in the Governor's Office
24 as his Executive Assistant.

25 Q. Who was the "former boss"?

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2 A. [REDACTED].

3 Q. What was his position in the
4 Governor's Office?

5 A. He was the Downstate Director of
6 Intergovernmental Affairs.

7 Q. How long had he been in that position
8 when he hired you?

9 A. I don't remember, exactly. I don't
10 think very long. But I can't say for sure how
11 long, exactly.

12 Q. What did he tell you about the role?

13 A. I can't remember exactly what he
14 said. He said that it was going to be an EA
15 role, so it would be working with, you know, the
16 calendar, you know, phones, et cetera. But I
17 also would also have a chance to sort of help on
18 events, you know, learn more about politics, et
19 cetera.

20 Q. Did [REDACTED] tell you what it was
21 like to work in the Executive Chamber?

22 A. Not that I remember, yeah.

23 Q. Did you do any diligence before you
24 took the job?

25 A. I did -- I mean, I Googled the

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2 Governor's record. I read some press releases,
3 yeah.

4 Q. What about talking to anybody else
5 other than [REDACTED] ?

6 A. No.

7 Q. Did you have to interview?

8 A. I forgot. I did go in -- I think I
9 met with [REDACTED] to talk about it. But, I mean, he
10 and I had previously worked together. So he
11 knew, had seen my work product and knew me pretty
12 well from that.

13 Q. Did you have to interview with anyone
14 other than [REDACTED] or talk to anyone other than [REDACTED] ?

15 A. Not that I can remember. I had to do
16 a background check. So I think I spoke to a
17 trooper or an investigator, rather, but I believe
18 that was it.

19 Q. When did you start in the Executive
20 Chamber?

21 A. July of 2013.

22 Q. What office did you sit in?

23 A. I sat in a cubicle on the 38th floor
24 outside of [REDACTED] office.

25 Q. When you say, "the 38th floor," the

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2 38th floor of what address?

3 A. Pardon of me, of 633 Third Avenue,
4 the Governor's New York City office.

5 Q. And when you say, "the 38th floor,"
6 where was your office in relation to the
7 Governor's Office?

8 A. The Governor's Office is on the 39th
9 floor. So it's connected by an internal
10 staircase but -- so the 38th floor.

11 Q. As [REDACTED] Executive Assistant,
12 what did it turn out the job responsibilities
13 actually were?

14 A. They were much as described,
15 calendar, expense reports, you know, phone,
16 managing priorities and initiatives, working on
17 events, helping with the setup, et cetera, invite
18 lists.

19 Q. How long did you hold the role as
20 [REDACTED] assistant?

21 A. Two years-ish, I believe. At some
22 point [REDACTED] started as well. He was a
23 Policy Director. So I supported both of them.

24 Q. When did [REDACTED] join?

25 A. Ooh, I don't remember exactly, maybe

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2 a year or so after, maybe 2014ish. But I can't
3 say for sure.

4 Q. So you were the EA for both
5 ██████████ and ██████████ at that point?

6 A. Yes, that is correct.

7 Q. Okay. And what was your next role
8 after that?

9 A. Assistant Director of scheduling.

10 Q. How did it come about that you became
11 the Assistant Director of scheduling?

12 A. I had worked with Jill DesRosiers
13 quite a bit in my role as an EA. And doing sort
14 of the events and supporting them, we interacted
15 and overlapped. And after ██████ left the office,
16 left the Governor's Office, I started to work
17 with Jill as the Assistant Director of
18 scheduling.

19 Q. When did ██████ leave the office?

20 A. 2015, I think, I believe.

21 Q. Can you pinpoint any closer, what
22 month, what season?

23 A. It was early, early 2015 so like
24 January, February-ish.

25 Q. And what do you know about why

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2 [REDACTED] left the Executive Chamber?

3 A. He left to take a job at the White
4 House.

5 Q. Any other reasons that you're aware
6 of that [REDACTED] left the role?

7 A. No.

8 Q. You said you had interactions with
9 Ms. DesRosiers in your role as [REDACTED]
10 Executive Assistant.

11 Tell us what it's like to interact
12 with Ms. DesRosiers.

13 A. It was mostly because of, you know,
14 helping to plan New York City events. They
15 didn't have an Assistant Director of scheduling
16 in the City at that time, so I sort of had helped
17 out in my role as EA.

18 Q. And what was your relationship like
19 with Ms. DesRosiers?

20 A. It was good. It was -- I didn't know
21 her as well. But I liked her. She was smart and
22 seemed to run everything. So I was excited to
23 work with her.

24 Q. During that time when -- oh, sorry.

25 You said you were "excited" to work

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2 for her.

3 A. Yes.

4 Q. And in the role as Assistant Director
5 of scheduling, you reported to Ms. DesRosiers?

6 A. That's correct.

7 Q. Did you report to anyone else?

8 A. No.

9 Q. And what were your responsibilities
10 as the Assistant Director of scheduling?

11 A. I would help do the timing for events
12 and for the Governor's travel and so calculating
13 how long it would take to get places, run -- go
14 through invitations and flag ones for Jill,
15 general kind of coordinating of events and
16 writing down information, yeah.

17 Q. In your role as Assistant Director of
18 scheduling, did anyone report to you?

19 A. No.

20 Q. How long did you hold the role of
21 Assistant Director of scheduling?

22 A. For a year and a half, almost two
23 years I'd say.

24 Q. So let's say that puts it sometime in
25 middle of 2017 or early 2017; is that right?

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2 A. I think it was maybe later 2016. But
3 I can't remember, exactly.

4 Q. What was your next role after
5 Assistant Director of scheduling?

6 A. Director of scheduling.

7 Q. How did you get your promotion?

8 A. I had been sort of doing the job for
9 quite some time. The person in that role wanted
10 to do something else and I wanted the title to
11 reflect all that I was doing.

12 Q. Did you -- well, I guess, who held
13 the role before you of director of scheduling?

14 A. Andrew Ball.

15 Q. What do you know why Andrew Ball left
16 the Executive Chamber?

17 A. He was struggling with getting the
18 right role, I would say. He didn't want to work
19 in events anymore. But that was sort of where he
20 always kind of fell back into. So he wanted to
21 no longer work there and do something else.

22 Q. Any other reasons that you understand
23 Mr. Ball wanted to leave the Executive Chamber?

24 A. He wasn't very happy there. So I
25 know he was happy to move on.

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2 Q. And did you have any conversations
3 with Mr. Ball about him being unhappy in the
4 Executive Chamber?

5 A. Yes.

6 Q. What did he tell you?

7 A. I can't remember exactly all of the
8 conversations. But I knew that he was done with
9 the role, had been there. He wasn't -- you know,
10 he no longer wanted to work there. He didn't
11 like the -- he no longer wanted to work for the
12 Governor.

13 Q. And why didn't he want to work for
14 the Governor?

15 A. I think he was -- and I don't want to
16 put -- I don't want to opine for him. But from
17 what I remember from conversations, he was sort
18 of -- he was fed up. He had been there for a
19 very long time and he wasn't wild about it
20 anymore.

21 Q. Mr. Ball was the Governor's body man,
22 right?

23 A. For some time, yes. He held a lot of
24 different roles in the Governor's office. He was
25 a Deputy Secretary for Intergovernmental Affairs,

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2 he was the Director of scheduling. He had a few
3 other roles as well.

4 Q. And what did Mr. Ball tell you about
5 what it was like for him to work with the
6 Governor?

7 A. From what I remember, it was more,
8 you know, he -- in the beginning, I think, he
9 really enjoyed it. And then at the end he did
10 not. He didn't want to work there anymore. He
11 didn't like it.

12 Q. Right. I'm asking more specifically.
13 Do you remember anything else that
14 Mr. Ball told you about work his feelings about
15 working for Governor Cuomo?

16 A. I can't remember, exactly. I know he
17 was massively unhappy. [REDACTED]
18 [REDACTED]. And -- yeah.

19 Q. Maybe I'll ask the question a
20 different way.

21 What did you observe about how the
22 Governor treated Andrew Ball?

23 A. They certainly had a difficult
24 relationship at times. They could get along
25 swimmingly or they could be very much at odds.

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2 They sort of -- yeah.

3 Q. What does it look like Mr. Ball and
4 Governor Cuomo were "at odds"?

5 A. Depending on the situation, you know,
6 Andrew might not always -- you know, he wouldn't
7 necessarily come to meetings or, you know, be in
8 the office as much. If he was frustrated, he --
9 they would certainly get into -- they could yell
10 at one another in meetings. They could get
11 frustrated with one another, yeah.

12 Q. Have you ever observed the Governor
13 insulting Mr. Ball?

14 A. There was a time when we were in a
15 meeting and the tensions were very high and they
16 were yelling at one another and there was some
17 name calling.

18 Q. What was the "name calling"?

19 A. They were quite a few things that
20 were tossed back and forth, a lot of swear words.
21 But the one that sticks out in my head is that
22 the Governor called Andrew [REDACTED]

23 Q. Any other occasions in which you
24 observed the Governor and Mr. Ball interacting in
25 a difficult way?

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2 A. None that stick out in my mind.

3 Q. Any other things you can remember,
4 specifically, about what Mr. Ball told you about
5 what made him "unhappy" about being in the
6 Executive Chamber?

7 A. No, I think it was all sort of the
8 same ilk of, you know, being frustrating and not
9 wanting to work with him anymore, you know, not
10 enjoying the culture, et cetera.

11 Q. We'll come back to that question
12 about "culture," a bit more culture you just
13 used.

14 But Mr. Ball left and then you took
15 over the role of Director of scheduling.

16 Did you ask for that role?

17 A. I believe so, yes.

18 Q. Who did you ask?

19 A. I talked to Jill about it quite a
20 bit.

21 Q. And tell us about those
22 conversations.

23 A. I don't remember exactly what they
24 were. But I know that she and I discussed it. I
25 often felt sort of frustrated because I thought I

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2 was doing a lot of the role, but I didn't have
3 the title.

4 Q. How long do you think it went -- the
5 time passed between when you had your first
6 conversation with Jill about becoming Director of
7 scheduling and then becoming Director of
8 scheduling?

9 A. I don't -- I don't know.

10 Q. Weeks, months?

11 A. I don't remember.

12 Q. Do you remember anything that -- you
13 told us what you said, right, about why you
14 wanted the role.

15 What do you remember Jill saying?

16 A. I don't -- I don't know. I don't
17 remember. I think -- I know that she heard me.
18 I think she saw it. But I can't remember what
19 she said, exactly.

20 Q. Can you remember anything she said?

21 A. Not really, I'm sorry.

22 Q. Did you get a salary increase when
23 you moved up to Director of scheduling?

24 A. I think so. I don't remember. I
25 don't know for sure, but I think so.

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2 Q. Did you talk to Jill about the salary
3 increase?

4 A. Yep. I would have talked to Jill.

5 Q. What do you remember about that?

6 A. I don't remember a lot about it,
7 truthfully. But I'm pretty sure that it happened
8 in conjunction.

9 Q. As the Director of scheduling, how
10 did your responsibilities change?

11 A. It's more comprehensive sort of end
12 to end of the calendar. So meetings, events, et
13 cetera, you know, more long-term planning and
14 more briefing the Governor on events and et
15 cetera.

16 Q. So, in your role as Director of
17 scheduling, did you make decisions about what
18 events the Governor would or would not attend?

19 A. Yeah, usually, with -- yes, with, you
20 know, usually, talking it over with some folks,
21 especially, in the beginning.

22 Q. At any point did you have authority
23 to make those decisions on your own?

24 A. Yeah, I would say so. There were
25 certainly invitations that I said no to.

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2 Q. And you said it also involved
3 briefing.

4 So did the briefers report to you as
5 the Director of scheduling?

6 A. They did at the -- closer to the end
7 of my tenure there. In the beginning, they
8 reported to, I believe, Jill.

9 Q. Okay. And when did that change
10 happen?

11 A. I don't remember, exactly. 2019 I
12 think but I can't say for sure.

13 Q. How did that change come about?

14 A. I forget. I think it was -- we were
15 having -- I think it had to do with, you know,
16 Jill having too many direct reports or too much
17 on her plate. So it made sense to come to me.

18 Q. Did you advocate for -- did you
19 advocate for the change?

20 A. No, it just happened.

21 Q. So who made the decision to make the
22 change and who the briefers reported to?

23 A. I think it was Melissa.

24 Q. When you say, "Melissa," do you mean
25 Melissa DeRosa?

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2 A. Yes.

3 Q. Did you want the briefers to report
4 to you?

5 A. I didn't really have an opinion.

6 Q. And which briefers reported to you?

7 A. At the time of the change, it was
8 [REDACTED] and Charlotte Bennett. Then it
9 was -- after [REDACTED] departed, it was Charlotte and
10 [REDACTED] and [REDACTED].

11 Q. Did anyone report to you at any
12 point?

13 A. Yes, the Assistant Director of --
14 Assistant Directors of scheduling did.

15 Q. And who were the Assistant Directors
16 of scheduling that reported to you?

17 A. [REDACTED], [REDACTED], [REDACTED]
18 [REDACTED]. At some point there was also [REDACTED]
19 [REDACTED].

20 Q. Did [REDACTED] ever report to
21 you?

22 A. Yes, apologies. [REDACTED] as
23 well and [REDACTED] for a short time as well.

24 Q. How did you go about supervising the
25 briefers?

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2 A. It was mostly making sure that they
3 had the information they needed to pull briefings
4 for the Governor, reviewing the briefings ahead
5 of them, going to the Governor, helping them to
6 get responses if, you know, folks weren't being
7 responsive, yeah.

8 Q. Were you involved at all in hiring
9 briefers?

10 A. I interviewed [REDACTED] and, I
11 believe, I interviewed [REDACTED] as well, but I don't
12 remember, exactly.

13 Q. When you were interviewing people,
14 what qualities were you looking for?

15 A. I was looking for somebody that was
16 organized and diligent that could be, you know, a
17 bit of a creative thinker as far as research
18 goes, sort of beyond the normal information,
19 mostly, you know, somebody that didn't mind, you
20 know, having to -- I would like to let them know
21 it could include work on weekends and et cetera
22 and so that was important, maybe, you know, some
23 -- an infinity or interest in politics, or
24 writing.

25 Q. Did the briefers interact with the

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2 Governor?

3 A. Not -- not frequently, no.

4 Q. But sometimes?

5 A. Sometimes, yes.

6 Q. When you were looking for hiring
7 briefers, did that play a role at all?

8 A. No.

9 Q. You didn't think about whether the
10 person would be a good fit for interacting with
11 the Governor?

12 A. No, the roles that I hired were more
13 junior. So I assumed that I'd still be the one
14 briefing the Governor on these things.

15 Q. In the list of people you told us
16 reported to you as the Director of scheduling,
17 there weren't any men on that list.

18 Did you leave anybody out who was a
19 man?

20 A. No.

21 Q. Did you interview anybody who was a
22 man?

23 A. Yes.

24 Q. How many?

25 A. I can't say for sure. I'd say a

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2 handful.

3 Q. And how many women do you think you
4 interviewed?

5 A. I'd say the same, a handful.

6 Q. And why don't you tell us some of the
7 reasons why some of the men didn't get the job.

8 A. There was somebody that was upstate
9 that worked in Albany. I believe he had worked
10 for assemblyman or senator. I forget which. And
11 I remember him not seeming as interested in the
12 details. I didn't think he would actually like
13 the job. It's a lot of sort of printing and hole
14 punching. So I think he wanted a bigger job.

15 I remember somebody in New York City,
16 but I don't remember why, yeah.

17 Q. Did the person's gender play any role
18 in your decisions in who to hire?

19 A. No.

20 Q. Did the person's physical appearance
21 play any role in your decision who to hire?

22 A. No.

23 Q. Did you ever notice that it happened
24 to be all women?

25 A. Yeah, the people that worked for me,

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2 yeah.

3 Q. And did you give any thought to that
4 or think about doing anything about that?

5 A. No, not -- truthfully. I -- we -- I
6 had a strong group of folks that worked for me
7 and -- yeah.

8 Q. Did you interview for roles other
9 than briefer or Assistant Director of scheduling?

10 A. Yes. I interviewed for the Downstate
11 Director of Governor's Offices.

12 Q. Any other roles that you participated
13 in interviewing people for?

14 A. Not that I can remember. I might
15 have sat in on a few, but nothing that jumps out
16 in my mind.

17 Q. When would you be asked to sit in on
18 interviews?

19 A. It could have just happened
20 naturally, when I was sitting in, you know,
21 Jill's office or [REDACTED] office or somebody's
22 office and they had an interview and they said,
23 why don't you stay.

24 Q. Any occasions in which you remember,
25 specifically, being asked to participate in an

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 interview for a role outside of what you just
3 described?

4 A. No, not that I remember.

5 Q. As either the Assistant Director of
6 scheduling or Director of scheduling, did you
7 have a role in deciding who traveled with the
8 Governor?

9 A. I did.

10 Q. Okay. What was that part of the
11 role?

12 A. Depending on the event or the
13 schedule for that day or sort of upcoming, he
14 would normally have a press person and a policy
15 person that was relevant to the events of that
16 day or, you know, upcoming that he might need to
17 talk about. He might have somebody travel to
18 help with a PowerPoint or something of that
19 nature too.

20 Q. Any other categories of help the
21 Governor might need while he was traveling?

22 A. No, not that I can, specifically,
23 remember.

24 Q. Did the Governor have preferences
25 about who he did or did not want to travel with

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2 him?

3 A. Occasionally, yeah.

4 Q. Tell us about those.

5 A. You know, he might want a senior
6 staff member or a commissioner to come with him
7 to an event to be there. You know, he might want
8 to work on something else that, you know, didn't
9 necessarily directly correlate to the event if he
10 was working on a big speech or something like
11 that. He might feel like he didn't need a policy
12 person or that he didn't need to be briefed, that
13 he felt comfortable. It would depend.

14 Q. What about specific people, did the
15 Governor have views on specific people he did or
16 did not want to travel with him?

17 A. It would depend.

18 Q. It depends on what?

19 A. Sort of the day, the event, the sort
20 of general just situation, I'd say.

21 Q. Okay. Removing it from sort of the
22 needs of the event, did the Governor have
23 particular preferences about people he did or did
24 not want to travel with him?

25 A. Depending, you know. I would say if

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2 somebody, you know, say, it was like a press
3 person, if they were more junior, he might feel
4 like he needed somebody more senior. He might
5 say, you know, no, don't bother this person, it's
6 fine, I have it, or, you know, I need this person
7 to fly, yeah.

8 Q. Okay. Do you remember any occasions
9 in which you learned that the Governor did not
10 want someone to fly with you -- God bless you.

11 A. Sorry.

12 Q. (Continuing) because he had -- no,
13 that's okay. God bless you -- because he had
14 questions about their confidence?

15 Do you want me to repeat the
16 question?

17 A. Yes, thank you.

18 Q. Are there any occasions in which you
19 came to understand that the Governor did not want
20 someone to travel with him because he was
21 concerned about their competence?

22 A. Yeah, I'd say so. I think, you know,
23 they may not know enough about this, they may not
24 be the right person.

25 Q. What are some examples?

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2 A. I'm struggling to think of one.
3 There's quite a few flights. No, I can't bring
4 one to mind immediately.

5 Q. You can't remember any occasion on
6 which you learned that the Governor didn't want
7 someone to fly with him because he didn't think
8 they were competent?

9 A. Once he was traveling, it was storm
10 travel, I believe, and he wanted -- he didn't
11 want Rich Azzopardi to fly. He wanted Dani Lever
12 to fly because he felt that she would be a
13 stronger press person in the melee.

14 Q. Any other examples?

15 A. Not that I can remember right now,
16 I'm sorry.

17 Q. Did you travel with the Governor?

18 A. I did, occasionally.

19 Q. How often?

20 A. Not very frequently, yeah.

21 Q. So can you give me an approximation
22 of how often?

23 A. Maybe like a couple of times a year.
24 I don't -- it would depend -- it would sort of
25 depend on what was happening.

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2 Q. Why don't you tell us one example of
3 when you traveled with the Governor.

4 A. I went to Rochester for a capital for
5 a day event.

6 Q. How did you get there?

7 A. We flew in the King Air.

8 Q. And why were you at that event?

9 A. I was there to help type a speech for
10 him on the way there.

11 Q. And was that when you were the
12 Director of scheduling?

13 A. I don't remember. I don't know. I
14 don't think so. I might have been the Assistant
15 Director of scheduling at the time.

16 Q. Was typing the Governor's speeches
17 part of your role as Assistant Director of
18 scheduling?

19 A. No.

20 Q. So why were you doing that?

21 A. I had started to staff the Governor
22 in New York City.

23 Q. And tell us about when you "started
24 to staff the Governor in New York City."

25 A. I think it was around -- it was after

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2 -- it was little after I had become the Assistant
3 Director of scheduling.

4 Q. This is sometime in 2015? No, I have
5 that wrong. Do I have that wrong?

6 A. I think -- no, I can't -- I don't --
7 I can't remember. I think so. I'd say around
8 there 2015. Yeah, I think that sounds right.

9 Q. Okay. How did that happen?

10 A. Stephanie Benton and Andrew Ball had
11 asked me about it and talked to me about it for a
12 little bit. Yeah, that's how that happened.

13 Q. Okay. What did Ms. Benton tell you?

14 A. I don't remember, exactly. But, you
15 know, they talked about some of the pieces of the
16 role, a lot of it. They said, you know,
17 answering phones, et cetera.

18 Q. Anything else Ms. Benton said about
19 the other pieces of the role?

20 A. Oh. I'm trying to remember. I don't
21 really remember. I just remember sitting with
22 Andrew and Stef. Yeah, I can't -- I don't really
23 -- I can't say. I think -- it was phones and
24 sort of -- oh, being up on -- I remember like
25 reading the news and, you know, being in the sort

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 of, you know, knowing what's happening in the
3 office, like, events, et cetera.

4 Q. And what do you remember Mr. Ball
5 saying about taking on this role?

6 A. I don't -- it's kind of all blurs
7 together because they were together. But I think
8 sort of the same type of things.

9 Q. Was this responsibility to staff the
10 Governor, was that in addition to being the
11 Assistant Director of scheduling?

12 A. Yes.

13 Q. Did you get a salary increase?

14 A. Not -- no.

15 Q. Did you ask for one?

16 A. I don't remember.

17 Q. And when you started staffing the
18 Governor, did you move where you sat?

19 A. Not initially. But after some time,
20 I did. I moved to the 39th floor cubicle.

21 Q. So, as the Assistant Director of
22 scheduling, were you sitting on the 38th Floor?

23 A. I had moved up to the 39th floor.
24 But I moved cubicles after staffing the Governor
25 for some time.

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2 Q. And so, as Assistant Director of
3 scheduling, where was your cubicle on the 39th
4 floor?

5 A. Wow. It was on -- it was near the
6 press office on the 38th -- 39th floor.

7 Q. And where was that in relation to the
8 Governor's Office?

9 A. It's a big square. So it was on,
10 like, it was -- it's hard to explain. It was
11 sort of -- if it's square, he's sort of on the
12 right side of the square. It was, like, on the
13 left side of the square.

14 Q. And at some point after you were
15 staffing the Governor for a while, where did your
16 cubicle move to?

17 A. Outside of Stephanie's office,
18 outside of the Governor's Office.

19 Q. And so Ms. Benton's office is right
20 outside the Governor's Office; is that correct?

21 A. Correct, yes.

22 Q. And where was your cubicle in
23 relation to Ms. Benton's office?

24 A. Right outside.

25 Q. Okay. And in any of the roles that

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2 you just described to us, did you have
3 responsibility or a role in determining salaries
4 for other people?

5 A. I got -- you know, I spoke to some of
6 the people that worked for me about getting them
7 raises, et cetera.

8 Q. Which people that worked for you did
9 you speak to about getting raises?

10 A. I think I spoke to [REDACTED] about it,
11 [REDACTED] definitely, Charlotte. I can't remember
12 about [REDACTED]; [REDACTED] maybe. Yeah, I can't quite
13 remember the others.

14 Q. Okay. What happened in the
15 conversations with [REDACTED] about her salary raise?

16 A. I don't remember, exactly. I know
17 that she wanted a raise. I think it was ahead of
18 her expecting her first child, yeah.

19 Q. Did she get a raise?

20 A. I don't remember. I think so. I
21 assume so. But I don't remember, exactly. I
22 can't say for sure it happened then.

23 Q. What was your view on whether she
24 should get a raise?

25 A. Yeah, [REDACTED] is -- was -- is a great

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2 worker.

3 Q. Did you advocate for her to get a
4 raise?

5 A. Yeah, I spoke with Jill about it.

6 Q. What about [REDACTED], what about her
7 raise?

8 A. Uh-huh. I talked to her about it
9 when she was in Albany and then again when she
10 moved to New York City.

11 Q. And what did you talk about?

12 A. She was asking -- you know, she
13 wanted to get more money. I think in one of them
14 I had promoted her from Assistant Director of
15 scheduling, excuse me, to like Deputy Director of
16 scheduling. I can't remember the name, exactly.

17 Q. And did she get the raise?

18 A. Yes. I think, yeah.

19 Q. I know you said Charlotte Bennett.
20 We'll come to her in a minute.

21 You said [REDACTED]; is that [REDACTED]
22 [REDACTED]?

23 A. I think so, but I can't -- I don't
24 want to say, because I'm not totally certain. So
25 I can't quite remember. I feel like maybe, but I

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2 don't want to say for sure.

3 Q. Meaning, you don't know if she got
4 the raise or not?

5 A. I can't remember if we actually -- if
6 we talked about a raise or -- yeah, I can't
7 remember if that happened or not.

8 Q. Sorry. What was [REDACTED] specific
9 role again?

10 A. She was the Assistant Director of
11 scheduling.

12 Q. What was her role before that?

13 A. Assistant Director -- she was only
14 the Assistant Director of scheduling.

15 Q. Did she -- before she left the
16 chamber, did she change in any other role or did
17 she always remain the Assistant Director of
18 scheduling?

19 A. No, she always remained the Assistant
20 Director of scheduling.

21 Q. Do you ever remember -- you don't
22 remember her ever bringing up whether she should
23 get a raise?

24 A. I can't remember. I feel like we may
25 have had a conversation about it. But I don't --

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2 I can't remember for certain.

3 Q. Do you ever remembering her being
4 upset about her salary?

5 A. No.

6 THE WITNESS: Is it possible I can
7 take a quick break?

8 Q. Sure, yeah. We've been going about
9 an hour. How long --

10 MS. KENNEDY-PARK: Why don't we go
11 off the record.

12 A. Okay.

13 THE VIDEOGRAPHER: Stand by. The
14 time is 9:06 a.m. We are going off the record.
15 Please stand by.

16 (Recess taken 9:06 to 9:24 a.m.)

17 THE VIDEOGRAPHER: I am very sorry.
18 The time is 9:23. We are back on the record.
19 This will be the start of Media Unit No. 2.
20 Sorry.

21 MS. KENNEDY-PARK: Okay, thank you.

22 Q. Ms. Witness, I just want to remind
23 you that you're under oath and you requested a
24 break.

25 Are there any answers that you would

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2 like to clarify before we continue?

3 A. No.

4 Q. When we were discussing Andrew Ball a
5 few moments ago, you mentioned that he had
6 concerns about the "culture" of the Executive
7 Chamber.

8 How would you describe the culture of
9 the Executive Chamber?

10 A. It was certainly -- could be a very
11 difficult place to work. It was long hours. It
12 was very stressful. It could be very high
13 tensions. It was also -- you know, there was
14 comradery there too but it was -- yeah.

15 Q. Have you ever used the word "toxic"
16 to describe the Executive Chamber?

17 A. I believe so. In reviewing documents
18 for this, I saw that.

19 Q. Is that an accurate description of
20 the culture of the Executive Chamber?

21 A. I think it depends -- I think it
22 depends by what you mean by "toxic." I think
23 like in that moment, I, certainly, was upset and
24 felt and said that and felt that way, yeah.

25 Q. What did you mean by "toxic"?

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2 MS. DUNN: Sorry. Two things -- can
3 I just interrupt for a second? One thing that I
4 neglected to do before but I see is happening is
5 over the break, the witness has had asked whether
6 there's any way to put the screen so that she and
7 Ms. Kennedy-Park are side by side because the
8 Zoom video requires her to sort of look at a
9 little box to the side. And I apologize for not
10 asking that.

11 The second thing that I would say is
12 if the current pending question is directed
13 towards a document, would it be okay to show the
14 witness the document?

15 MS. KENNEDY-PARK: It's not directed
16 towards a document. So we'll wait on that.

17 But I defer -- why don't we go off
18 the record.

19 (There is a discussion off the
20 record.)

21 MS. KENNEDY-PARK: Yeah, okay. We
22 can go back on the record.

23 Marc, if you're talking, you're on
24 mute.

25 THE VIDEOGRAPHER: That's twice

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2 today, sorry.

3 The time is 9:27. We are back on the
4 record.

5 MS. KENNEDY-PARK: We will get this
6 right today at some point. I know we can do it.

7 THE VIDEOGRAPHER: I'll try.

8 Q. So, Ms. Witness, the question I asked
9 you is when you described the Executive Chamber
10 as "toxic," what did you mean?

11 A. I can't say exactly what I meant at
12 that point. I sort of forget the context of it.
13 But, you know, hard place to work or it could be
14 kind of sort of lonely and difficult, yeah.

15 Q. What do you mean by "difficult"?

16 A. I mean, you work really really really
17 hard all day every day. And it can be tough to
18 not -- to sort of run at that rate all the time.
19 And, you know, it's not always enough for -- you
20 know, you don't always, you know, sort of one
21 thing ends and it's sort of onto the next thing
22 that's happening.

23 Q. Is it long working hours equivalent
24 to a "toxic" work culture in your mind?

25 A. It would depend, I guess.

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2 Q. I'm asking you.

3 A. Oh.

4 Q. Are those the same things?

5 A. I mean, it certainly can feed into
6 it, yeah.

7 Q. What other things got into the
8 description of Executive Chamber you used to it
9 being "toxic" other than the long hours?

10 A. Again, I'm trying to remember what
11 happened in that text where I said that.

12 But, you know, just working really
13 hard and having it not, you know -- and still not
14 necessarily -- sort of just like where one from
15 was very much from one thing to the next and it's
16 like, you know, it could be hard, you could get
17 yelled at. You could do something but it wasn't
18 necessarily right, you know. I think things that
19 can happen in sort of any place. But I think
20 it's a more high pressure situation, so, yeah.

21 Q. You don't work at the Executive
22 Chamber anymore, do you?

23 A. No.

24 Q. How would you compare your current
25 culture where you work now to the culture of the

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2 Executive Chamber?

3 A. It's -- we -- it's -- there's a lot
4 of similarities in some ways. You know, we work
5 very hard. It's, you know, you wake up early and
6 go to bed late. But it's different in that it's
7 not, you know, as scrutinized in the press, I
8 think, too. So that's less of a focus. It's
9 also different because it's sort of hybrid right
10 now but, yeah.

11 Q. Would you describe your current work
12 environment as "toxic"?

13 A. No.

14 Q. What's the difference between your
15 current work environment and the Executive
16 Chamber environment?

17 A. A lot, a lot of things. I'd say just
18 because, you know, the work ethic and, you know,
19 passion is similar, but the content is very
20 different. Things are a little less like time
21 sensitive. And I think it's a little less --
22 it's less pressure.

23 Q. Anything else?

24 A. Yeah, I would say I'm still newer, so
25 it's -- I'm getting used to it but -- yeah.

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2 Q. Okay. Just to be clear, the question
3 was -- you don't describe your current job as
4 "toxic." You have in the past described the
5 Executive Chamber culture as "toxic."

6 And the difference between those two
7 things is less press and you're new to the job,
8 that's one makes one "toxic" and one not?

9 MS. DUNN: So, Ms. Kennedy-Park, I
10 let this go a couple of times. The scope of this
11 investigation is -- has nothing to do with Ms.
12 Witness's current job. I think it's not really
13 appropriate to be asking her questions about her
14 current job. And so I think you can get the
15 answers to these questions in a different way.

16 MS. KENNEDY-PARK: I could, if the
17 witness would be more clear in answering the
18 question.

19 Q. So I'll ask it again. But if not,
20 we'll go back to talking your current job.

21 When you describe the Executive
22 Chamber as "toxic" --

23 MS. DUNN: Just wait, just to be
24 clear -- just to be clear you're asking her words
25 she used in a document that you are not showing

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2 her. So, if you showed her the document, I'm
3 sure -- it's possible that she would be able to
4 better able to answer your questions.

5 Q. You described the Executive Chamber
6 when we just spoke as "difficult," "stressful,"
7 "high tension," "hard" and in a text you
8 acknowledge that you described it as "toxic."

9 Give me some specific examples of
10 when it was "difficult."

11 A. There are quite -- there is a bunch
12 that I -- but I'm trying on to think of one in
13 particular.

14 You know, you can plan an event and
15 work really hard on it and it can be cancelled
16 and you have to tell a bunch of people. That was
17 always tough.

18 Or you could make a mistake and, you
19 know, you know, accidentally cancel a meeting
20 that had repercussions outside of just cancelling
21 a meeting, you know, like intergovernmental
22 affairs-wise.

23 Yeah, I -- things could change very
24 quickly, which could make things difficult, yeah.

25 Are there like specific things that

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2 you're thinking of, are there specific things,
3 like, you're looking for with "difficult"? I'm
4 just trying to think.

5 Q. I'm interested in what you found
6 "difficult."

7 Have you ever cancelled a meeting by
8 accident?

9 A. Yes.

10 Q. What happened?

11 A. Lord. It would depend on the
12 meeting. But, you know, somebody might get mad
13 and say, why did you do that, or, you know, say
14 if -- you know, as a result, X, Y or Z is going
15 to happen, yeah.

16 Q. Did you ever get yelled at?

17 A. I did.

18 Q. By who?

19 A. Lots of folks. I would say -- I know
20 I definitely -- I got yelled at by the Governor,
21 Melissa. You know, it's hard to remember in
22 certain -- lots of different circumstances, you
23 know, Jill or staff or Joe or, you know, Linda.

24 Q. It a common occurrence to get yelled
25 at?

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2 A. It's not rare. It's not necessarily
3 like it happens every minute of every day. For
4 sure it's just -- I mean, depending on what
5 happened.

6 Q. Did you ever get cursed at?

7 A. Maybe, yes, I think so.

8 Q. By who?

9 A. Melissa, yeah.

10 Q. Anyone else?

11 A. I can't remember if the Governor ever
12 did it. It's possible, but I don't know. I
13 can't think of the exact example.

14 Q. Have you ever had any instances where
15 you felt -- I'm going to use the word
16 "belittled."

17 Do you know what that word means?

18 A. I do.

19 Q. Have you had an experience in the
20 Executive Chamber where you felt belittled?

21 A. I think it's a hard -- it's a long
22 time. I -- are there things -- is there a
23 specific thing?

24 Q. I'm asking you.

25 Do you ever recall feeling belittled?

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2 A. Probably.

3 Q. Okay. Tell us about that.

4 A. I'm trying to think of something
5 exactly, sorry. I feel like once -- oh, I was in
6 charge of an event and Melissa told me that Jill
7 should take it over, yeah.

8 Q. And that made you feel belittled?

9 A. Yeah.

10 Q. What did Ms. DesRosiers say?

11 A. I can't remember, exactly.

12 Q. Do you remember, approximately?

13 A. No, I think it was just that she
14 asked Jill to take it over.

15 Q. What about -- I think you told us the
16 Governor yelled at you.

17 A. Uh-huh.

18 Q. Tell us what you remember about the
19 occasions in which the Governor yelled at you.

20 A. It could depend. It could be in, you
21 know, scheduling a meeting, when we scheduled
22 something that he didn't have knowledge of and he
23 had other conflicting plans. You know, it could
24 be, I mean, a range of things, but I'd say -- or,
25 you know, an event, you know, we didn't have the

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 right speaking order or the right sort of, like,
3 introduction or talking points, yeah. I mean,
4 it's a lot of things I cn imagine it could have
5 been. Those are sort of what I'd say.

6 Q. Has the Governor ever called you
7 names?

8 A. How do you mean?

9 Q. Like stupid or an idiot or things
10 that made you feel belittled.

11 A. I think he's called -- I don't know
12 that he had ever called me sort of flat out
13 "stupid." I think he said that things that we've
14 done or decisions were "stupid," yeah.

15 Q. Are there any specific occasions that
16 you can remember on which the Governor yelled at
17 you and what it was about or what he said?

18 A. Ooh, there was an event in New York
19 City and there had been last minute participants
20 added and we hadn't vetted them and he was angry
21 about the fact that we hadn't vetted the new
22 participants that were added to this event. And
23 he said -- I'm trying to remember, exactly. But
24 something along the lines of, you know, how could
25 you do that, you have to have, you know -- whose

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2 job is it to make sure that these people are
3 vetted kind of stuff like that and then, you
4 know, asking if I knew to vet them -- I'm trying
5 to think of anything else -- and why I didn't vet
6 them, I think.

7 Q. Are there any other occasions that
8 you can, specifically, remember?

9 Do you remember the first time he
10 yelled at you?

11 A. I can't.

12 Q. Do you remember the last time he
13 yelled at you?

14 A. The last time he yelled at me was
15 about the vetting of the people.

16 Q. You said Melissa DeRosa yelled at
17 you.

18 Do you remember any specific
19 occasions on which that occurred?

20 A. Yes.

21 Q. And tell us about those? How many
22 are there that you remember?

23 A. I can't say how many. I can remember
24 one time we set up a leaders meeting in Albany
25 and there were three leaders at the time and I

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 was confused about why -- I was confused about
3 who the participants should be in the meeting.
4 And so I didn't invite a leader of the meeting
5 and it was a Sunday afternoon and he was in the
6 Bronx and I had to call him with, like, ask if he
7 could be in Albany in ten minutes, which he
8 couldn't, obviously, and she yelled at me about
9 that.

10 Q. What did she say?

11 A. How could you not have invited him,
12 especially, during session when we're in
13 negotiating this, you know -- mostly, it was
14 regarding the fact that it was like in the middle
15 of session and it would be bad for sort of, you
16 know, the budget and stuff that we were working
17 on at the time.

18 Q. Have you heard the term "mean girls"?

19 A. I have.

20 Q. Used for members of senior staff of
21 the Executive Chamber?

22 A. Yes.

23 Q. And what do you know about how that
24 term came to be to describe certain members of
25 the senior staff of the Executive Chamber?

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2 A. It came to be used because Melissa
3 was compared to Regina George.

4 Q. Who compared to Melissa to Regina
5 George?

6 A. I don't remember who came up with it
7 exactly but, yeah. I don't want to speculate of
8 who. But it was -- but, yeah, I don't remember
9 who exactly made the first comparison.

10 Q. Who did the term "mean girls"
11 describe?

12 A. Melissa, Stephanie, Jill, Dani,
13 Andrew and myself.

14 Q. Did you use the term "mean girls" to
15 describe yourself?

16 A. It was the name of a text chain. It,
17 certainly, wasn't a name that I was proud of. So
18 I didn't, you know, use it to describe myself or
19 that group of people very often but, yeah.

20 Q. Who named the text chain "mean
21 girls"?

22 A. I think it was Andrew, but I don't
23 know -- I don't want to say that because I don't
24 know for sure.

25 Q. Were there occasions on which you did

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 describe yourself as a "mean girl"?

3 A. It's possible. I don't remember, but
4 it's possible.

5 Q. What do you mean it's possible?

6 A. I don't remember. Yeah, sorry.

7 Q. You said you weren't proud of it."

8 Why weren't you proud of it?

9 A. Because I don't, you know, describe
10 or want to be a mean person and I think I tried
11 not to be so...

12 Q. Did people outside of that group use
13 the term "mean girls" to describe that group?

14 A. I think so.

15 Q. And what do you -- did you talk to
16 anybody about the use of the term "mean girls"
17 outside of that group?

18 A. Probably. Yeah, the Governor -- the
19 Governor I'd say and I don't know if anybody
20 else. But it's --

21 Q. And what do you recall?

22 A. Sorry.

23 Q. Sorry. I didn't mean to talk over
24 you. Please go ahead.

25 A. I said, it's very likely that I

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 talked to other people about it, but I can't
3 remember specifically, yeah.

4 Q. Do you remember anything -- put aside
5 the Governor.

6 You can't remember anyone else you
7 talked to about the use of the term "mean girls"?

8 A. I mean, I'm sure there were lots of
9 times that I talked about it with other people.
10 But I -- yeah.

11 Q. You can't remember who.

12 Can you remember anything that you
13 said in any of those conversations about the use
14 of the term "mean girls" to describe you and
15 other members of the Governor's senior staff?

16 A. I apologize. Can you repeat it again
17 is it -- sorry one more time.

18 Q. Sure you told me you can't remember.
19 You probably did talk to some people about the
20 using the term "mean girls," but you don't
21 remember who they are.

22 But, even if you can't remember who
23 they were, do you remember anything about those
24 conversations?

25 A. It could have been that, you know, I

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 was irritated about being called "mean girls."
3 It could have been a bunch of things. I don't --
4 I can't say, specifically. I'm sure that I did.

5 Q. Did you ever ask -- oh, sorry.

6 A. I'm sorry.

7 Q. Did you ask anyone to stop using the
8 term "mean girls" to describe you?

9 A. I can't remember if I, specifically,
10 asked anybody to stop.

11 Q. Did anyone else who was part of the
12 "mean girls" text chain ever ask anyone to stop
13 referring to them as a "mean girl"?

14 A. I don't know.

15 Q. And you said you heard the Governor
16 talk about the term "mean girls."

17 What do you remember about that?

18 A. I mean, I think, it was -- I think he
19 heard it and said, you know -- and would use it
20 as a way to reference that group. I think he
21 would use it to make sure that we weren't -- you
22 know, he would say something like don't -- you
23 know, you don't -- what is it? It's like,
24 they're scared because you're "mean girls" sort
25 of sentiment.

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2 Q. Did you think the Governor was right?

3 A. It would depend on the context that
4 he was talking about it with. It's possible that
5 people could have been intimidated by some of the
6 -- some of the people in that group. But I don't
7 -- I don't know.

8 Q. When the Governor said, "they" might
9 be scared, who did you understand him to be
10 referring to?

11 A. Sorry, that was more of a general --
12 a generalization. I'm just -- when I think
13 that's -- you know, it would have been other
14 staff members I assume.

15 Q. More junior staff members?

16 A. You know, I don't -- it's hard to say
17 without a specific time in mind, yeah.

18 Q. Okay. Do you have a specific time
19 that you remember that the Governor said, they
20 might be scared because you're "mean girls"?

21 A. No, I'm sorry. It was sort of
22 general sort of recollection, but I can't of
23 exactly of when he would have said that. But
24 it's something that I just kind of vague remember
25 in my brain.

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2 Q. What impression do you think it
3 conveyed to people outside of that group that the
4 term "mean girls" was being used to describe the
5 group?

6 A. Certainly not a flattering or good
7 one.

8 Q. Did you ever try to do anything to
9 change the impression that the group was "mean
10 girls"?

11 A. I mean, I think, I thought of myself
12 as an individual contributor in the workplace and
13 I tried to be kind and champion people. So
14 through my own actions, I tried to dispel that.

15 Q. Did you ever yell at anybody in the
16 chamber?

17 A. Not that I remember. I tried to not.
18 I tried to not act that way, yeah.

19 Q. Did you ever curse at anybody in the
20 chamber?

21 A. Not that I remember, no.

22 Q. Ever been disrespectful or rude to
23 anybody in the chamber?

24 A. Not that I can remember. I mean, I
25 hope not but, yeah.

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2 Q. Have you ever made anybody cry in the
3 chamber?

4 A. Not that I know of.

5 Q. Ever see anyone get visibly upset
6 when you were speaking to them?

7 A. No.

8 Q. Have you ever cried as a result of
9 the way you were treated in the Executive
10 Chamber?

11 A. Maybe. I can't...

12 I can't think of an exact time, but I
13 don't know that it's -- I don't know that any
14 years I didn't but, yeah.

15 Q. I think you at some point in one of
16 the text messages -- why don't we just mark it as
17 an exhibit to avoid a fight.

18 MS. KENNEDY-PARK: Hyatt, in my
19 binder, it's Tab 84. What tab is it in Ms.
20 Witness's binder?

21 MS. MUSTEFA: I believe that's Tab
22 VVV.

23 MS. KENNEDY-PARK: Okay. We'll mark
24 that --

25 MS. DUNN: V as in Victor?

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2 MS. MUSTEFA: That's correct, yeah, V
3 as in Victor.

4 (Deposition Exhibit 3, 10/14/19 text
5 message string AWALSH00000591 & AWALSH00000592,
6 was marked for identification.)

7 Q. This is a text message chain between
8 you and Dani Lever from October 14, 2019.

9 Do you see that?

10 A. I do.

11 Q. Okay. And at the bottom of this
12 page, the last line it says, "[REDACTED]
13 [REDACTED] and feeling like I'm going to be trapped
14 in this shit job forever."

15 Do you see that?

16 A. I do.

17 Q. Why did you describe your job in the
18 Executive Chamber as a "shit job"?

19 A. I can't say exactly what I was
20 thinking at that moment. I don't know -- do you
21 know what year -- I'm sorry, what year is this?

22 Q. Yeah, it looks to me like it is from
23 2019.

24 MS. DUNN: Yeah. So, just for the
25 record, there is no date on this document.

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2 MS. KENNEDY-PARK: Yeah, I apologize
3 for that. The way these print out. But I can
4 tell you from the metadata this is from
5 October 14, 2019.

6 A. I can't remember, specifically, why I
7 described my job like that at that point. It
8 sounds like -- looking at this, it feels like
9 there was a lot of other things going on, yeah.

10 Q. You can't remember anything about why
11 you described your job in the Executive Chamber
12 as a "shit job"?

13 A. On this particular occasion, no. It
14 looks like there's, again, a lot of things I was
15 feeling like feeling at that time.

16 Q. You don't remember what caused you on
17 this particular day to say that it was a "shit
18 job," right?

19 A. No.

20 Q. Are there other occasions in which
21 you described your job in the Executive Chamber
22 as a "shit job"?

23 A. In those specific terms, I don't
24 know. It's very totally plausible and likely
25 that I would have, you know, complained or had

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2 times where I complained to colleagues or friends
3 about it.

4 Q. You ever say that you hated your job?

5 A. I would imagine, yes, yeah.

6 Q. You ever say that you hated this
7 place, "this place" being the Executive Chamber,
8 something like that?

9 A. It's possible.

10 Q. Okay. And tell us why you said those
11 things.

12 A. It would depend. I, you know, I
13 would need the context. Something could have
14 happened. I could have, you know, had a bad
15 meeting, something could have gotten messed up.
16 It would depend.

17 Q. You can't tell us why without knowing
18 what happened on a particular day?

19 A. Yeah, I would think if I had said it,
20 something had probably -- there would probably
21 have been a catalyst for me to -- yeah.

22 Q. What are the types of things that
23 were "catalysts" for you saying you hated your
24 job?

25 A. I guess that it could have been -- I

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2 could have made a mistake. I could have been in
3 a frustrating meeting. I could be tired and sick
4 of being in Albany. I could have gotten -- you
5 know, made a mistake and gotten yelled at. I
6 could have -- there's just lots of, you know, of
7 things. I could have been frustrated generally.

8 Q. Why did you leave the Executive
9 Chamber?

10 A. I had been in the role for quite some
11 time as Director of scheduling and I wanted to
12 try and do something else. I felt like I had
13 learned a lot in government and I needed to sort
14 of learn about business and other things too.

15 Q. Who did you talk to about leaving the
16 Executive Chamber?

17 A. I spoke with Jill about it. I spoke
18 with [REDACTED] and Stephanie about it and I spoke to
19 the Governor out t.

20 Q. Tell us about the conversations with
21 the Governor.

22 A. I think, you know, I think, I said
23 similar to what I just said is that I've been
24 there for a long time and, you know, it was time
25 for me to do other things and learn other stuff.

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2 He said that I still had more to
3 learn there. And I, actually, should think about
4 another role in the chamber.

5 And I said that I appreciated it and,
6 you know, I was thankful for all that I learned,
7 but I felt strongly that it was time to move on.

8 Q. At the time you spoke to the
9 Governor, did you already have another job?

10 A. I did not.

11 Q. And so why did you speak to him
12 before you -- well, had you already started
13 looking for another job?

14 A. I had.

15 Q. And at what stage in the process were
16 you when you spoke to the Governor?

17 A. I don't remember, exactly. I think I
18 was talking to people and just looking and seeing
19 what was out there.

20 Q. Did you apply to anywhere?

21 A. I don't -- I don't think so, no. I
22 don't know that I ever really put in a formal
23 application when I was looking for another job.
24 I think I sort of talked to people or sent my
25 résumé around.

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2 Q. How long after your conversation with
3 the Governor about leaving the Executive Chamber
4 did you actually leave the Executive Chamber?

5 A. I don't remember. A few months
6 maybe, but I don't want to say for sure. But it
7 was -- but I think a few months is accurate.

8 Q. And why was it "a few months"?

9 A. I needed to, you know, find something
10 else that I wanted to do and make sure that the
11 people that worked for me were squared away, help
12 sort of on-board and train somebody else, yeah.

13 Q. Tell us about your conversations with
14 Ms. DeRosa about leaving the Executive Chamber.

15 A. I had been talking to her for quite
16 some time so she knew. She was supportive, you
17 know. I'm trying to think what else. Yeah, she
18 wanted me to go. She wanted me to be happy, do
19 if I wanted to leave.

20 Q. Did she help you find a job?

21 A. Yeah. We would -- we sat down and
22 talked about, you know, a list of people that she
23 thought that I should talk to, you know. She
24 asked around. I wasn't exactly sure what I
25 wanted to do next, so we talked about that a lot

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2 too, yeah.

3 Q. Did she call and make any phone calls
4 for you?

5 A. I don't remember, exactly. I think
6 she introduced me to a few people, but I don't
7 remember.

8 Q. Where do you work now?

9 A. I work at Clear.

10 Q. And how did that come about that you
11 ended up working at Clear?

12 A. I spoke -- one of the people I was
13 talking with, as I was thinking about what to do
14 next, was [REDACTED] who had started at Clear.
15 And as we were talking about it sort of just
16 generally, she mentioned to me that there was a
17 Chief of Staff role there.

18 Q. And you applied for that role?

19 A. Yeah. So I met with -- I had a Zoom
20 interview with the CEO and then an in-person
21 interview with her.

22 Q. Did anyone at the Executive Chamber
23 serve as a reference for you in any way?

24 A. I don't remember if I gave a
25 reference. But if I did, it would have been

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2 Jill.

3 Q. What do you remember about your
4 conversations with Jill about leaving the
5 Executive Chamber?

6 A. Just what I said before, which is
7 that she was supportive and, you know, helped
8 talk me through sort of different things that I
9 might want to do, different people to talk to.

10 Q. Did she ever tell you that she didn't
11 want to you leave?

12 A. Possibly, but it would have been out
13 of sort of, you know, more of a friendly type of
14 collegiate way of, like, you know, don't leave
15 me. But I never took that to be seriously --
16 serious.

17 Q. Do you have any knowledge about other
18 people in the Executive Chamber being told they
19 couldn't leave?

20 A. I think, you know, if somebody wanted
21 to leave and, you know, we might -- they might
22 have asked them if they want to try a different
23 role or, you know, work somewhere else, yeah.

24 Q. Do you know anything about any
25 members of the Executive Chamber staff

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2 interfering with somebody's job offer?

3 A. No.

4 Q. Do you know anything about any
5 members of the Executive Chamber staff making
6 phone calls to someone's prospective employer and
7 telling them, revoke the offer or something like
8 that?

9 A. No, no, firsthand knowledge. I've
10 heard stories and read it in the press.

11 Q. Alright. Besides what you've read in
12 the press, what are the "stories" you've heard?

13 A. I don't think anything specific. I
14 just, you know -- you know, people saying don't
15 -- you shouldn't say where you're going next.
16 But I never ever saw anything kind of come out of
17 it.

18 Q. Sorry. Meaning, people saying, you
19 shouldn't tell people where you're going next
20 why?

21 A. Because they were worried that they
22 would make a phone call. But, again, I never saw
23 it happen. So I can't really speak to it or
24 heard of it happening really.

25 Q. What about Andrew Ball, what do you

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 know about how he left the Executive Chamber?

3 A. I'm trying to remember. He wanted to
4 leave for quite some time. He -- yeah, he had
5 worked in different roles. He didn't, you know,
6 very much didn't want to do events anymore. And,
7 I think, they wanted him to help with events
8 and -- yeah.

9 Q. I'll ask a better question. Because,
10 it's not what I meant.

11 I meant was in the context -- that's
12 okay. I asked a poor question.

13 In the context of people being afraid
14 to tell people where they're going, right, the
15 "stories," did you hear anything about Andrew
16 Ball about his ability to leave the Executive
17 Chamber or senior staff interfering in his job
18 search?

19 A. No.

20 Q. The "stories" that you told us that
21 were rumors, were they about anyone specific?

22 A. No. Like I said, it wasn't really
23 "stories." That was a poor word choice. It was
24 more like the urban myth of like, don't say
25 anything about where you're going. But I don't

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2 have a concrete example of.

3 Q. You don't know any of the actual
4 facts that might underlie that urban myth; is
5 what you're saying?

6 A. Yes.

7 Q. Okay. And you said you spoke to
8 Stephanie Benton about leaving the Executive
9 Chamber; is that right?

10 A. Yes.

11 Q. And tell us about those
12 conversations?

13 A. She asked me much of the same
14 questions the Governor did to see if there was
15 something else that I would want to do in the
16 chamber, another role. She said, you know, she
17 was happy for me, you know, she, of course,
18 wanted me to do what I wanted to do, but to think
19 about what else I might want to do there.

20 Q. Did she help you in any way?

21 A. No.

22 Q. Did anyone in the Executive Chamber
23 help you?

24 A. Yeah. Yes, excuse me.

25 Q. Who?

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2 A. You know, I spoke to Beth Garvey a
3 little bit. Again, like I said, I got my next
4 job through [REDACTED], but I talked to folks for
5 advice and sort of, you know, things like that.

6 Q. What advice did Beth Garvey give you?

7 A. That I was smart and worked hard and
8 that translates to a lot of different fields.
9 Yeah, I can't think of what else really but...

10 Q. Let's talk about your interactions
11 with Governor Andrew Cuomo.

12 In your time at the Chamber -- let's
13 start with, do you remember the first time you
14 met him?

15 A. I shook his hand at an event once.
16 But the first time I met him and sort of spoke
17 with him was when I was -- I talked to him before
18 starting to staff him.

19 Q. Okay. That handshaking -- the event
20 where he shook your hand, was that while you were
21 in college?

22 A. No, it was when I was in the Chamber.

23 Q. Okay. When you were in the Chamber
24 in your role as Executive Assistant to

25 [REDACTED] ?

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2 A. Yes.

3 Q. And then your next memory is
4 interacting with the Governor when you were going
5 to begin staffing him. So tell us about your
6 interaction with the Governor then.

7 A. I had spoken with Stephanie and
8 Andrew and so then I sat down with the Governor
9 and Stephanie and we sort of talked about, you
10 know, he talked about what the role was, you
11 know, and he and Stephanie had worked together
12 for a very long time. So, you know, she knew
13 everything and was, you know, would be a good
14 resource.

15 Q. So what did the Governor tell you
16 about what the role was?

17 A. It was much the same as what
18 Stephanie had said that it was sort of, you know,
19 phone calls and phone calls are important. They
20 might seem small but, you know, minutia like that
21 is important, having a knowledge of the sort of
22 the press and sort of what's happening in New
23 York and the wider world was important, yeah.

24 Q. Did he have any specifics or
25 preferences that he told you like ways you should

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2 answer the phone or ways you should handle
3 interacting with certain people, anything?

4 A. Probably not that we did in that --
5 talked about in that meeting, but I think
6 Stephanie told me, you know, he's very polite.
7 He wants, you know -- so, I mean, everybody
8 answered the phone with Executive Chamber. But,
9 I guess, one of the things is like he wanted to
10 place the phone call, he wanted to get on first
11 before the other person because it was rude to
12 say hi, you know, can you please wait and then
13 have him get on the phone.

14 Q. And when you started staffing the
15 Governor, how often were you -- well, how often
16 were you staffing him, every time he's in New
17 York?

18 A. No, not in the beginning I don't
19 think. It would depend if he was down there
20 and -- yeah, it would depend. So, in the
21 beginning, not as frequently.

22 Q. When did it become more frequent?

23 A. I can't say exactly a date. But
24 after I had been doing it for a while I'd say.

25 Q. And after you "had been doing it for

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2 a while" and it was more frequent, what was the
3 frequency?

4 A. It would depend on the sort of the --
5 it depended, but I would say maybe a few times a
6 week.

7 Q. When you became Director of
8 scheduling, did you stop staffing the Governor?

9 A. I think so, for the most part. But I
10 would still sometimes have to, you know, step in
11 if Stephanie couldn't be down there or not, you
12 know, but there was other occasion.

13 Q. When you were -- sure.

14 So, when you were staffing the
15 Governor and you sat in the cubicle outside Ms.
16 Benton's office, could you see people walking in
17 and out of the Governor's Office?

18 A. Yes.

19 Q. Any occasions on which you saw
20 someone coming out of his office looking upset?

21 A. Yes.

22 Q. Tell us what you remember about that.

23 A. I'm trying to think of a specific
24 example. You know, somebody might walk up
25 frustrated, you know, kind of looking mad. I

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2 remember Jill on one, you know, walking out
3 looking mad. Yeah, it's hard to remember, like,
4 specifics exactly but, yeah.

5 Q. Is it such a common occurrence that
6 you can't remember any specifics?

7 A. No. I wouldn't say, you know -- I
8 think it's just a blur of many years kind of all
9 mixing together.

10 Q. And so you can't remember any other
11 occasions other than the one you just described
12 with Jill where you saw someone leave the
13 Governor's office upset?

14 A. I'm sure that there are. I guess
15 when you say, "upset," do you mean -- what
16 exactly do you mean?

17 Q. Good question. You used the word
18 upset.

19 When you think of upset, what do you
20 mean by that?

21 A. I guess, you know, frustrated. I am
22 trying to think if I ever saw somebody leave,
23 like, in tears or anything like that. But I
24 don't -- I'm having trouble of sort of thinking
25 or pinpointing something. I can leave of Jill

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2 leaving, you know, being -- seeming frustrated
3 thinking of Andrew, I can think of Melissa again,
4 but I can't sort of pinpoint an exact like this
5 is what happened and this is when but, yeah.

6 Q. When you were sitting out in the
7 cubicle in Ms. Benton's office, could you hear
8 what was going on inside the Governor's Office?

9 A. Sometimes depending on, you know...

10 Q. "Depending" on what?

11 A. Sorry. Depending on, you know, there
12 was multiple people in there, sort of if there
13 was other stuff happening around the office, if,
14 you know...

15 Q. But there were occasions in which you
16 could hear what was going on in there?

17 A. Yes.

18 Q. And there were occasions when you
19 yourself were the Governor's Office, right?

20 A. Yes.

21 Q. Were there occasions in which you
22 were alone with the Governor in his office?

23 A. Yes.

24 Q. Were there occasions in which Ms.
25 DesRosiers was alone with the Governor in his

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 office?

3 A. Yes.

4 Q. Were there occasions in which Ms.
5 Benton was alone with the Governor in his office?

6 A. Yes.

7 Q. Were there occasions in which Ms.
8 Lever was alone with the Governor in his office?

9 A. Yes.

10 Q. Were there occasions in which Ms.
11 DesRosiers was alone with the Governor in his
12 office?

13 A. Yes.

14 Q. Why don't you describe for us your
15 relationship with the Governor during your time
16 in the chamber.

17 MS. DUNN: So, Jen, I'm sorry.
18 Before -- this sounds like you're moving into a
19 new area. I need to take a brief break to use
20 the restroom.

21 MS. KENNEDY-PARK: Why don't we go
22 off the record. Yeah, let's go off the record.

23 MS. DUNN: Thanks very much.

24 THE VIDEOGRAPHER: Stand by. The
25 time is 10:22 a.m. We're going off the record

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2 and this will end Media Unit No. 2. Please stand
3 by.

4 (Recess taken 10:22 to 10:44 a.m.)

5 THE VIDEOGRAPHER: The time is
6 10:44 a.m. We are back on the record. This will
7 be the start of Media Unit No. 3.

8 MS. KENNEDY-PARK: Counsel, I
9 understand you want to make a clarification about
10 a document?

11 MS. DUNN: Yes, thank you.

12 Before we start, the document shown
13 to the witness that was identified to us as VVV
14 is a text chain where it was a fraction of a
15 document that we had produced. The document we
16 had produced starts at Bates 584. The document
17 you showed us begins at 591.

18 And, just for the record, the
19 document that we produced begins on October 14,
20 2019.

21 MS. KENNEDY-PARK: Great. Thank you.

22 Q. So, before we took a break, I had
23 asked you to describe your relationship with
24 Governor Andrew Cuomo.

25 A. We had a good relationship. You

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2 know, we were friendly. We had a good working
3 relationship so, yeah.

4 Q. Did you have anything more than a
5 professional relationship with Governor Andrew
6 Cuomo?

7 A. No.

8 Q. Did you ever date him?

9 A. No.

10 Q. Did you ever have a sexual
11 relationship with him?

12 A. No.

13 Q. And you say you had a "good"
14 relationship.

15 You previously described to me that
16 the Governor had yelled at you; is that right?

17 A. That us correct.

18 Q. You previously described to me that
19 the Governor had cursed at you; is that right?

20 A. Yes.

21 Q. You previously described to me that
22 the Governor had belittled you; is that right?

23 A. I don't know that I said that but --
24 so, no, but I understand the line of question.

25 Q. Well, I'll ask you.

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2 Did the Governor ever belittle you?

3 A. I can't remember -- I can't really
4 remember. I can't remember a time that I can,
5 specifically, point to you.

6 Q. Earlier I think you told me that you
7 could recall occasions in which the Governor said
8 things to you that implied that you were stupid
9 or had done something stupid; is that correct?

10 A. Yes, that's correct.

11 MS. DUNN: So, just for clarification
12 of the record, I think, the second part is her
13 testimony. The first part was not. So I want to
14 make sure that we don't misstate her prior
15 testimony.

16 MS. KENNEDY-PARK: Sure.

17 Q. Let me just re-ask the question
18 again.

19 So, are there occasions in which
20 Governor Andrew Cuomo called you or implied that
21 you were stupid or had done something stupid?

22 A. That I had done something stupid,
23 yes.

24 Q. Thank you.

25 You told us that you interacted at

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 some stage of your time in the Executive Chamber
3 frequently with the Governor; is that right?

4 A. Yes.

5 Q. Did you ever hear the Governor
6 threaten anyone?

7 A. How do you mean?

8 Q. Do you understand what the word
9 "threatens" means?

10 A. I do, yes.

11 Q. Okay. What do you understand that
12 word to mean?

13 A. To say there would be, you know, a
14 payback of sorts, I guess, you know, either
15 physical or otherwise.

16 Q. Taking that definition, did you ever
17 hear the Governor threaten anyone?

18 A. Not that I can remember.

19 Q. Never heard or overheard the Governor
20 say to anyone that he would give some form of
21 payback, if they didn't do something that he
22 wanted them to do?

23 A. Not that I can remember,
24 specifically.

25 Q. Generally?

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2 A. No, not that I can point to.

3 Q. Ever heard the Governor tell someone
4 he would call them a "child rapist"?

5 A. No.

6 Q. You never seen a video where the
7 Governor is threatening to call someone a "child
8 rapist"?

9 A. No, not that I remember.

10 Q. Correct myself.

11 Have you ever heard of an audio tape
12 in which the Governor threatened to call someone
13 a "child rapist"?

14 A. Not that I can recollect.

15 Q. Did you ever discuss the Governor
16 threatening to call someone a "child rapist" with
17 anyone?

18 A. Not that I can remember, no.

19 Q. Did you ever see the Governor throw
20 anything at anyone?

21 A. Yes.

22 Q. Tell us about that.

23 A. I've seen him crumble up a piece of
24 paper and throw it. And I've seen him toss a
25 pen.

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2 Q. And who did he throw the paper at?

3 A. The paper was at Jill; yeah, Jill.

4 Q. What else do you remember about that?

5 A. That's it. It was in sort of the
6 general direction. It didn't hit, but, yeah.

7 Q. Did Jill say anything?

8 A. I don't remember what happened --
9 what she said, if she did.

10 Q. Do you remember what caused the
11 Governor to throw paper at Ms. DesRosiers?

12 A. No.

13 Q. You said there was a pen, the
14 Governor threw a pen at someone?

15 A. Yes. It was --

16 Q. And what happened on that occasion?

17 A. It was between two chairs. Sorry, so
18 there's two chairs in front of his desk. So he
19 threw it in between and said, "come on," and then
20 he asked everyone to leave his office.

21 Q. The Governor was sitting at his desk,
22 behind his desk, right?

23 A. Correct.

24 Q. Who was sitting in the two chairs?

25 A. I can't -- I can't remember exactly

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 who it was. I don't know.

3 Q. Were you in the room?

4 A. Yes.

5 Q. Where were you?

6 A. I was sitting in another chair that
7 was adjacent.

8 Q. Okay. And the Governor said, "come
9 on," is that what you said?

10 A. Uh-huh.

11 Q. Did he say "come on" or did he scream
12 "come on"?

13 A. He didn't scream it, but it was
14 loudly voiced I'd say. It wasn't -- yeah.

15 Q. And then he asked everybody to leave
16 the room?

17 A. Uh-huh.

18 Q. Can you remember any other occasions
19 in which you saw or heard about the Governor
20 throwing something at someone?

21 A. No.

22 Q. Has the Governor ever touched you?

23 A. Yes.

24 Q. And tell us about how the Governor
25 has touched you.

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2 A. On multiple different occasions over,
3 you know, eight years.

4 Q. Where did the Governor touch you?

5 A. You know, on my arm or my back, a
6 hand.

7 Q. Anywhere else on your body?

8 A. Not that I can think of now, no.

9 Q. When you say on your back, where on
10 your back did the Governor touch you?

11 A. It would depend. You know, if we
12 were taking a photograph or, you know, walking in
13 the door ahead of him.

14 Q. Has the Governor ever touched you on
15 your upper back?

16 A. Probably. I don't remember.

17 Q. Has the Governor ever touched you on
18 your middle back?

19 A. Probably.

20 Q. Has the Governor ever touched you on
21 your lower back?

22 A. Probably.

23 Q. Has the Governor ever touched you in
24 the space where your back meets your butt?

25 A. Maybe, yes. I guess I think of that

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2 as lower back but...

3 Q. Did the Governor ever touch your
4 butt?

5 A. No, not that I can remember.

6 Q. And wouldn't you remember if the
7 Governor touched your butt?

8 A. Probably.

9 Q. You think it's a possibility you
10 wouldn't remember if the Governor of the State of
11 New York touched your butt?

12 A. Yeah, it's a possibility.

13 Q. And why is that? Why would that not
14 be a memorable thing for you?

15 A. I don't know. It's eight years. I
16 can't -- it was a long time. I can say now I
17 can't think of a time. I don't remember a time
18 when that happened.

19 MS. DUNN: Just for clarity, I think,
20 there's a disconnect on the question -- the
21 questioner and the answerer, because I think
22 you're asking a different question, Ms.

23 Kennedy-Park, than Ms. Witness is asking. I
24 think Ms. Witness is trying to communicate that
25 she does not remember specific instances and

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 you're asking a different question. So I just
3 want to make sure the question is actually
4 meeting the answer here.

5 MS. KENNEDY-PARK: I'm not sure what
6 you mean, Counselor.

7 Q. But, I think, I asked you, did the
8 Governor ever touch your butt. So I'll ask it
9 again.

10 Has the Governor ever touched your
11 butt?

12 A. No, not that I can remember.

13 Q. Okay. I think I asked you and I'll
14 ask you again.

15 Would you remember if the Governor
16 touched your butt?

17 A. Yeah, I assume that I would.

18 Q. Do you think it would be appropriate
19 if the Governor touched your butt?

20 A. No.

21 Q. Have you ever kissed the Governor?

22 A. Yes.

23 Q. Tell us about that.

24 A. We've kissed several times over the
25 years.

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2 Q. And when you kissed the Governor,
3 where were his lips and where your lips?

4 A. Usually, it would be on the cheek,
5 occasionally, a few times on the mouth.

6 Q. How many times did you and the
7 Governor kiss on the mouth?

8 A. I can't remember, exactly.

9 Q. And describe those occasion.
10 How would you and the Governor kiss
11 each other on the mouth?

12 A. He would do it as sort of, you know,
13 a good-bye sometimes to folks, you know, yeah.

14 Q. I'm asking about you.
15 When the Governor kissed you on the
16 mouth, not folks, how did he kiss you on the
17 mouth?

18 A. It was -- you know, it might be going
19 away before a trip sort of, you know, a vacation
20 or something like that or leaving an event if he
21 was saying good-bye to a bunch of different
22 people, myself included.

23 Q. Okay. What's the longest amount of
24 time that the kiss with the Governor lasted?

25 A. I can't say more than one or

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 two seconds.

3 Q. And were these closed mouth kisses or
4 open mouth kissed?

5 A. Closed mouth.

6 Q. Did the Governor ever ask you on any
7 occasion when he kissed you whether he could kiss
8 you?

9 A. No.

10 Q. On any occasions when the Governor
11 touched your lower back, did the Governor ever
12 ask if he could touch your lower back?

13 A. No.

14 Q. Did the Governor ask you if he could
15 touch you ever?

16 A. Not that I remember.

17 Q. Are there any occasions in which the
18 Governor's touching you or kissing of you made
19 you uncomfortable?

20 A. No.

21 Q. Okay. So you were comfortable with
22 the Governor kissing you on the lips?

23 A. Yeah. Yes.

24 Q. Sorry, I didn't hear that.

25 A. Yes.

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2 Q. I still -- I think you said yes, yes?

3 A. Yes, sorry, yes.

4 Q. Okay, there you go.

5 Did the Governor kiss other members
6 of the Executive Chamber staff on the lips?

7 A. Yes.

8 Q. Who else?

9 A. I saw lots over the years. I would
10 say, you know, it might be Stephanie or Melissa,
11 , I remember. Yeah I can't remember
12 exactly all or who.

13 Q. For any of those individuals that you
14 just listed that you saw the Governor kiss on the
15 lips, did it last more than two seconds?

16 A. Not that I remember.

17 Q. Did anyone ever -- of those
18 individuals ever express to you that they were
19 uncomfortable with the Governor kissing them on
20 the lips?

21 A. No.

22 Q. Has anyone else in the Executive
23 Chamber staff, putting aside your boyfriend,
24 kissed you on the lips?

25 A. No.

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2 Q. Is your current boss a man?

3 A. Can I -- can I ask --

4 Q. Strike that. I'm not going to --

5 A. -- a question?

6 Q. Sure, you can ask me a question.

7 A. [REDACTED]

8 [REDACTED] [REDACTED]
9 [REDACTED]

10 Q. [REDACTED] --

11 A. [REDACTED].

12 Q. [REDACTED],

13 [REDACTED]

14 A. [REDACTED]

15 Q. [REDACTED].

16 Has anyone else in the Executive
17 Chamber kissed you on the lips?

18 A. No.

19 Q. Okay. Did you think it was
20 appropriate for your boss to kiss you on the
21 lips?

22 A. I didn't really think about it.

23 Q. Had you ever heard a rumor that you
24 were involved in a sexual relationship with
25 Governor Andrew Cuomo?

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2 A. Yes.

3 Q. And who did you hear that rumor from?

4 A. Melissa DeRosa called me at some
5 point, I can't remember when, and said that there
6 was a rumor that he and I had an affair.

7 Q. And did Ms. DeRosa say anything else
8 to you how she had come to that information?

9 A. No, I think it was a press --
10 regarding a press story, but I can't remember
11 exactly.

12 Q. When was that conversation?

13 A. Oh. I want to say it was in -- I --
14 it was probably sometime within the last six
15 months but before the past -- I don't know. I
16 can't remember, exactly. I don't want to guess.

17 Q. Okay. Let's try to mark it in time.

18 Was it after Lindsey Boylan had
19 tweeted allegations of sexual harassment against
20 Governor Andrew Cuomo?

21 A. I think so, yes, I think so.

22 Q. Did Ms. DeRosa tell you anything else
23 about what the reporter had said?

24 A. That there was a rumor that he had an
25 affair with Senior Staffer #2, Senior Staffer #1 and [REDACTED] as

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 well.

3 Q. And did she tell you anything else
4 the reporter had said what his basis was for that
5 rumor?

6 A. No, not that I remember.

7 Q. Okay. What did you tell her?

8 A. I said, no.

9 Q. You said she told you there was a
10 rumor that she was having an affair with Governor
11 Andrew Cuomo; is that right?

12 A. Yes.

13 Q. Do you have any knowledge about
14 whether that is true?

15 A. No.

16 Q. Have you ever seen the Governor and
17 **Senior Staffer #1** engage in physical contact that was
18 intimate?

19 A. No, not other than like a hug or, you
20 know, or something like that. By "intimate" I
21 guess --

22 Q. Anything more than --

23 A. -- you mean sexual sort of? No.

24 Q. Yes.

25 Okay. Have you ever seen the

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Governor engage in intimate contact with [REDACTED]

3 Senior Staffer #2 ?

4 A. No.

5 Q. Did Senior Staffer #1 say anything to you
6 about the rumors about herself?

7 A. No.

8 Q. How long did the conversation last?

9 A. I can't remember, exactly.

10 Q. Did you tell anyone else about the
11 conversation?

12 A. I probably told Staffer #4, but I can't
13 remember. It's possible.

14 Q. When you say, Staffer #4 you mean Staffer #4

15 [REDACTED] ?

16 A. I do.

17 Q. Okay. Did you tell anyone else?

18 A. Other than my lawyers, not that I can
19 remember.

20 Q. Okay. Whenever I ask a question, I
21 don't want to know what you told your lawyers,
22 okay?

23 A. Okay.

24 MS. DUNN: Thank you.

25 THE WITNESS: Sorry.

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2 Q. We'll save some arguing.

3 MS. DUNN: I'm just sitting here
4 quietly.

5 Q. So, I think, you told me the Governor
6 has hugged you. He's touched your arm.

7 Where are on your arm did he touch
8 you?

9 A. I think I don't -- I mean, it could
10 be anywhere. I'm thinking, most specifically, if
11 sort of like he was in the plane and he would
12 reach to sort of get your attention, taking a
13 photograph.

14 Q. Have you taken photographs with the
15 Governor?

16 A. I have.

17 Q. Did you ever take a photograph where
18 you were sitting on the Governor's lap?

19 A. No, not that I remember.

20 Q. Have you ever sat on the Governor's
21 lap?

22 A. No, not that I remember.

23 Q. Did you ever tell anybody that you
24 had sat on the Governor's lap?

25 A. No, not that I remember.

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2 Q. Did you ever tell anyone that you had
3 been pulled onto the Governor's lap?

4 A. Not that I remember.

5 Q. Did you ever get yelled at by Ms.
6 DeRosa for having physical contact with the
7 Governor?

8 A. No.

9 Q. Did Ms. DeRosa ever speak to you
10 about your relationship with the Governor?

11 A. No, besides, you know, professional,
12 et cetera.

13 Q. [REDACTED]
14 [REDACTED] ?

15 MS. DUNN: Before we move from this
16 topic, given that you've asked Ms. Witness about
17 rumors regarding her, I just want to give her the
18 opportunity or ask you to give her the
19 opportunity to conclusively respond. I think she
20 did before.

21 MS. KENNEDY-PARK: Yeah, I'm not
22 moving on yet so...

23 Q. [REDACTED]
24 [REDACTED] ?

25 A. [REDACTED].

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2 Q. Did you ever tell [REDACTED] that
3 you had been pulled onto the Governor's lap?

4 A. Not that I remember.

5 Q. Have you ever been drunk around the
6 Governor?

7 A. I have been drinking before around
8 the Governor, yes.

9 Q. Have you ever been drunk so much
10 around the Governor that you don't remember
11 everything that occurred?

12 A. I can remember one instance where I
13 had more than I might have normally.

14 Q. And where were you when that instance
15 happened?

16 A. It was at a Superbowl or football
17 event in New York City.

18 Q. And where was that Superbowl event?

19 A. Duran's.

20 Q. Duran's is a bar/restaurant?

21 A. Yeah.

22 Q. And how many people were there?

23 A. Oh, I don't know. It's hard to say,
24 like 60 or 80. I don't know. I don't remember.

25 Q. Was the Governor there?

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2 A. He was.

3 Q. Did you interact with the Governor
4 that night?

5 A. Yes.

6 Q. Tell us about those interactions.

7 A. He walked in. I think I spoke with
8 him with Dani [REDACTED] for a bit, yeah. I
9 mean, there was a few.

10 Is there a specific -- something that
11 you're asking about?

12 Q. What else do you remember about your
13 interactions with the Governor that night at the
14 Superbowl party?

15 A. We talked -- we were talking with --
16 his brother was there. We were all talking. We
17 talked with Charlie King. We were talking with
18 [REDACTED]. We were sitting at a table in the
19 back room chatting with a few other folks. I'm
20 for getting who exactly.

21 Q. So you and the Governor and a few
22 other folks were sitting in a back table
23 together?

24 A. Yeah, I think [REDACTED] -- they were
25 -- yeah, I forget.

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2 Q. Where were you sitting in relation to
3 the Governor?

4 A. I was sitting next to him.

5 Q. What physical contact did you have
6 with him that night?

7 A. I'm sure that we -- I mean, that I
8 specifically remember? I don't -- I'm sure that
9 we had said hello. But I remember sitting next
10 to him at the table in the back of Duran's.

11 Q. Did you have any other -- when you
12 were sitting next to him, were you physically
13 touching him?

14 A. I think so.

15 Q. In what way?

16 A. I think other bodies were like
17 pressed against each other because we were
18 sitting next to each other. It was a booth.

19 Q. And when you say, "pressed against
20 each other," you mean your side was pressed
21 against his side?

22 A. Yes.

23 Q. Was his arm around your shoulders?

24 A. I don't remember.

25 Q. Does that mean it could have been or

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2 that means no?

3 A. I don't -- it means I don't remember.
4 I don't remember.

5 MS. DUNN: Counselor, are you asking
6 her to speculate?

7 MS. KENNEDY-PARK: I'm asking her
8 what that meant.

9 Q. Is it you don't remember or is that a
10 no?

11 A. It's I don't remember.

12 Q. Okay. How much had you had to drink
13 that night?

14 A. Like I answered before, it was more
15 than I might have. It was my first -- I had just
16 come back after being out for a while after [REDACTED]
17 [REDACTED]. I wasn't necessarily
18 making the best of decisions. So it was more --
19 it was a few glasses of wine.

20 Q. Sorry, I couldn't hear you.

21 A. A few glasses of wine. I don't know
22 exactly how many.

23 Q. Okay. Do you have gaps in your
24 memory from that night?

25 A. It was a while ago, so I don't -- it

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 -- so I don't know. I mean, I don't remember all
3 of it exactly but...

4 Q. When you woke up the next morning,
5 did you have gaps in your memory about that
6 night?

7 A. I don't remember.

8 Q. Any other physical contact you
9 remember that night with the Governor?

10 A. No, not that -- oh, there is a
11 picture of us dancing.

12 Q. And where is that picture, do you
13 have it?

14 A. Yeah, I have a screen shot of it, I
15 believe, yeah.

16 Q. I'm not sure we saw that in our
17 production. So we'll pause and talk about that
18 later.

19 But where are his hands on your body
20 when you're dancing?

21 A. One is on my hand and one is on my
22 back.

23 Q. Do you remember taking that
24 photograph?

25 A. Not specifically.

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1
2 Q. On that occasion, was Melissa DeRosa
3 there?

4 A. Yes.

5 Q. Was any of Governor Cuomo's family
6 there?

7 A. Yes.

8 Q. Did anyone talk to you after that
9 event about what happened between you and the
10 Governor?

11 A. No. [REDACTED]

12 [REDACTED]
13 [REDACTED]

14 Q. [REDACTED]

15 [REDACTED]

16 A. [REDACTED]

17 [REDACTED] [REDACTED]

18 Q. [REDACTED] [REDACTED]

19 A. [REDACTED]

20 [REDACTED] [REDACTED]
21 [REDACTED]
22 [REDACTED].

23 Q. [REDACTED]

24 A. [REDACTED]

25 [REDACTED]

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2 [REDACTED]

3 [REDACTED]

4 Q. [REDACTED]

5 A. [REDACTED]

6 [REDACTED]

7 Q. [REDACTED]

8 [REDACTED]

9 A. [REDACTED]

10 Q. In that discussion with Ms. DeRosa,
11 was there any mention of the Governor?

12 A. I don't remember.

13 Q. Do you remember if there was any
14 discussion of the Governor's family?

15 A. I don't think so. I don't remember.

16 Q. You had -- you said you have a
17 "screen shot" of you and the Governor dancing, a
18 picture of you and the Governor dancing.

19 How did you get the screen shot?

20 A. I think I took it from the time of --
21 I would have gotten it from the folder where it
22 would have lived online.

23 Q. So you mean the folder where pictures
24 of the Governor's events are stored; is that
25 right?

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2 A. Yeah.

3 Q. When did you take that screen shot?

4 A. I took one around -- I'm sure --
5 well, I won't say because I don't know for sure.
6 But I'm sure I had one around the time of the
7 event. And I know that I had tried to dig it up
8 again recently when somebody was -- when Josh
9 Dossey, I believe, had called me -- I don't know
10 if it was Josh, but about a story.

11 Q. So, on the first occasion when you
12 took the screen shot of the photo, why did you do
13 that?

14 A. I apologize. I don't know that I
15 took a screen shot truthfully. But it's possible
16 I would have download -- you know, yeah, I don't
17 want to say because I don't know for sure but,
18 yeah.

19 Q. So you don't remember whether you did
20 or didn't after -- shortly after the occasion or
21 anytime before the reporter called you, download
22 this picture or take a screen shot of it?

23 A. No, I don't remember.

24 Q. Okay. But you did take a screen shot
25 of it after a reporter called you; is that right?

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2 A. Yes.

3 Q. And you were able to still access
4 that photo on the Governor's event photo website;
5 is that right?

6 A. No, now I don't remember. I might
7 have found it in a -- in like a history of a
8 message cause I don't think I had access. I
9 wouldn't have the link for the -- or maybe
10 somebody sent it to me. I don't remember exactly
11 how I got it the next time.

12 Q. Okay. "The next time," so you
13 remember there being more than one occasion when
14 you got the photo?

15 A. I would imagine that after the event
16 happened. And, again, I don't want to say for
17 sure because I don't remember exactly remember.
18 But I imagine I would have had a copy of it. And
19 by "next time," I meant when I was talking to the
20 reporter about it.

21 Q. Okay. Alright. So your guessing you
22 would have.

23 And is that because you have some
24 practice about photos of yourself?

25 A. No, not necessarily.

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2 Q. Okay. So I'm trying to figure out
3 why you would "imagine" that you would have
4 gotten a copy of the photo before the reporter
5 called.

6 MS. DUNN: I mean, my view of what's
7 happening here is the witness is trying to help
8 you but she is speculating more than you probably
9 would ask her to because I feel confident that
10 Ms. Kennedy-Park is not asking for speculation.
11 So it might be good to --

12 Q. It sounds like -- it sounds like --
13 yeah, it sounds like you have a memory though
14 and/or a practice. I'm trying to figure out what
15 your practice is or what your memory is.

16 So why don't you tell me why it is
17 that you "imagine" that you did get the photo
18 before the reporter called.

19 A. Why I imagine that I did get the
20 photo before the reporter called?

21 Q. Yes.

22 A. I would have gotten the photo before
23 the reporter called because it was in regards to
24 a photo of me at that event and I assume that is
25 what it was.

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2 Q. Okay. Did you ever delete any photos
3 of you from the Governor's photo site?

4 A. Not that I remember.

5 Q. Did you ever ask anyone to do that?

6 A. Not that I remember.

7 Q. Did anyone ever tell you they had
8 done that?

9 A. Not that I remember.

10 Q. So tell us about the interaction with
11 the reporter.

12 A. He said that there was a picture of
13 me sitting on the Governor's lap.

14 I said, I didn't remember doing that
15 and that, you know, that the picture that he's
16 thinking about is likely a picture of me dancing,
17 yeah.

18 Q. Do you remember anything else about
19 the conversation with the reporter?

20 A. No, not really.

21 Q. What did you do after that?

22 MS. DUNN: Could you clarify,
23 Counsel?

24 MS. KENNEDY-PARK: Sure.

25 Q. With respect to the photo or the call

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 from the reporter, what did you do next?

3 A. What did I do after I talked to Josh?
4 I don't -- I can't remember exactly what I did
5 after, yeah.

6 Q. Did you talk to anybody else about
7 it?

8 A. It's possible that I would have
9 talked to Dani about it, but that would have been
10 it or [REDACTED].

11 Q. Did you talk to Dani about it?

12 A. I know that I talked to Dani about
13 talking to Josh. I just don't know if what I did
14 next was call Dani or not.

15 Q. Okay. So at anytime after you talked
16 to Josh, did you talk to Dani about the
17 photograph of you -- what the reporter told you
18 about a photograph with you and the Governor?

19 A. Yes.

20 Q. Okay. Tell us about that
21 communication.

22 A. I had talked to her about sort of
23 like what I said, you know, and if she thought he
24 was still going to include something in the
25 story, yeah.

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2 Q. What did Dani say to you?

3 A. She -- I think she said that I did a
4 good job. I mean, I can't remember exactly but
5 -- and, you know, I think that he would have to
6 come back and say something, if he was going to
7 put it in -- if he was going to name me in a
8 story.

9 Q. Did you talk to her about whether
10 there could be a photo of you on the Governor's
11 lap?

12 A. Not that I remember. I could have,
13 but I don't remember.

14 Q. Did she say anything about whether
15 she had knowledge about a photo of you on the
16 Governor's lap or on occasion on which you sat on
17 the Governor's lap?

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

19 Q. Who else did you talk to about the
20 call from Josh?

21 A. I don't remember, exactly. I think I
22 likely would have talked to maybe Peter or --
23 Peter Ajemian or Rich at the party. I could have
24 -- I mean, yeah, I don't remember exactly who.
25 So, yeah, I know I talked to Dani, I know I

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 talked to [REDACTED] about it. I don't remember if
3 there was anybody else from the Governor's Office
4 that I spoke to about it but...

5 Q. Tell us about the communication with

6 [REDACTED]

7 A. It was the same. I sort of called
8 her and said, this is what I said. And she said,
9 again, to the best of my recollection, that it
10 was, you know, sort of the same thing of Dani,
11 which is that, you know, he would have to likely
12 come back and say -- tell you if he was going to,
13 you know, include your name in a story.

14 Q. In that conversation with [REDACTED], did
15 either you or she talk about whether there could
16 be or was a photo of you sitting on the
17 Governor's lap?

18 A. I don't remember.

19 Q. To your knowledge, is there a photo
20 of you sitting on the Governor's lap?

21 A. No.

22 Q. Have you ever seen one?

23 A. No.

24 Q. Other than this reporter, has anybody
25 ever told you that they've seen one?

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2 A. No.

3 Q. Anybody else other than --

4 A. I think --

5 Q. Oh, sorry, go ahead.

6 A. Sorry. I know that I talked to Staffer #4
7 about it. And he -- he was also -- because I was
8 asking him to confirm my belief that that didn't
9 happen or my recollection.

10 And he said he didn't know. And then
11 he called [REDACTED] to ask because he didn't
12 know, but to ask him if he ever saw one. [REDACTED]
13 [REDACTED] used to work in the Governor's Office. He
14 would have been the person that would have dealt
15 with the photo link but, yeah.

16 Q. And, to your knowledge, what did [REDACTED]
17 [REDACTED] -- [REDACTED], what is his last name?

18 A. [REDACTED], that's correct.

19 Q. I got that right, okay.

20 What did [REDACTED] say?

21 A. He told Staffer #4, no.

22 Q. Have you had any other conversations
23 with anyone about you sitting on the Governor's
24 lap?

25 A. Other than the people we've

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 mentioned, I don't think so.

3 Q. Did you ever talk to Andrew Ball
4 about this?

5 A. Possibly; not that I remember.

6 Q. Did you ever talk to [REDACTED] about
7 this?

8 A. Maybe. Again, I don't remember
9 but...

10 Q. You don't remember any conversations
11 with either [REDACTED] or Andrew Ball about that
12 Superbowl party?

13 A. No, not specifically, no.

14 Q. Generally?

15 A. Sorry, no.

16 Q. The night of the Superbowl event, was
17 the Governor drinking?

18 A. I think so, yes.

19 Q. Was the Governor drunk on that
20 occasion?

21 A. Not that I remember. I don't know.

22 Q. Have you ever seen the Governor
23 drunk?

24 A. I don't know.

25 Q. Can you remember any other social

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 events that you attended where the Governor was
3 present?

4 A. Yeah. So, you know, I might go to a
5 fundraiser. I'm trying to think. I guess,
6 social events, meaning sort of outside of work?

7 Q. Well, I guess either.

8 So let's start with, have you ever
9 been in any social events with the Governor at
10 the mansion?

11 A. Yes.

12 Q. How many occasions?

13 A. I don't know, exactly. I'd say
14 several over the years.

15 Q. Okay. And what kind of social events
16 are at the Governor's mansion?

17 A. You know, he would have staff over
18 for -- you know, he might have people over for
19 dinner, do a working dinner. It might to
20 celebrate the end of something or to, you know, a
21 bevy of different reasons that you would have
22 folks over.

23 Q. What's the smallest number of people
24 you've been at for social occasion at the
25 Governor's mansion?

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 A. Three or four maybe, yeah.

3 Q. And on those occasions, on the three
4 or four, who was there?

5 A. Oh, sorry. I was saying three or
6 four to the smallest number of people, sorry.

7 Q. Yeah. Who are the people? Yeah.

8 A. So Melissa, Stef. It might be -- I
9 mean, it depended, but it could have been, you
10 know, Dani or Jill, Robert, Alfonso, some
11 grouping of that nature.

12 Q. As the fourth person?

13 A. Yeah, it depended, you know.

14 Q. So it's sort of any combo of those
15 people in a group of three or four; is that
16 right?

17 A. Yes. We have out -- teams out --

18 MR. DELANEY: Hit defer.

19 FEMALE VOICE: Hit defer.

20 THE WITNESS: Oh, sorry, sorry.

21 FEMALE VOICE: That's okay.

22 THE WITNESS: It seems obvious now.

23 A. Okay, sorry.

24 Q. That's okay.

25 So, on the occasions when you've been

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 at the Governor's mansion, have you ever been
3 alone with the Governor?

4 A. Oh, yes, once.

5 Q. Okay. Tell us about that.

6 A. After the meeting I referenced
7 earlier where I forgot to invite one of the
8 leaders to a leaders meeting, I went over, talked
9 to the Governor about it and, you know, [REDACTED] and
10 other folks were there, but there was no other
11 staff member, like chamber staff member there.

12 Q. When you say, [REDACTED] do you mean
13 [REDACTED] ?

14 A. I do.

15 Q. And she's a worker at the mansion?

16 A. Yes.

17 Q. And tell us about that conversation
18 with the Governor.

19 A. He asked me sort of -- he said --
20 asked me how I was. I said, I wasn't great. I
21 sort of explained how we got to the place of not
22 inviting the particular leader, you know.

23 He, you know, asked me what I did
24 after I found out, after I figured on it that I
25 hadn't invited the person.

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2 And I remember asking if I had, you
3 know, ruined all of intergovernmental affairs at
4 some point but, yeah.

5 Q. Do you remember anything else about
6 that conversation?

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

8 Q. How long did it last?

9 A. I don't remember.

10 Q. You said you told the Governor you
11 weren't doing great.

12 What did you mean by that?

13 A. I meant I was freaking out because I
14 was concerned about the fact that I hadn't
15 invited one of the leaders to the meeting and
16 sort of the intergovernmental precautions that
17 could have on session.

18 Q. How did the conversation with the
19 Governor end?

20 A. I don't remember, exactly, yeah.

21 Q. Did the Governor raise his voice to
22 you in this conversation?

23 A. No.

24 Q. Are there any other occasions you can
25 remember where you were alone with the Governor

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 at the executive mansion?

3 A. Once before [REDACTED] -- [REDACTED]
4 wedding.

5 Q. And tell us about that occasion?

6 A. We -- he gave me some typed up notes
7 for the -- he was officiating, I think, yeah. He
8 gave me some typed up notes about what he wanted
9 to say. Then I think it was [REDACTED], but I can't
10 remember brought me to a room where I could
11 change for the wedding.

12 I gave him back the typed up notes.
13 He made a few more edits, I think. I can't
14 remember. And then -- yeah, and then we left to
15 go to the wedding, to fly.

16 Q. When you -- so were you alone with
17 the Governor when you were giving him the notes
18 and exchanging the notes; is that what you're
19 saying?

20 A. Yep.

21 Q. And you changed outfits over the
22 course of --

23 A. Yep.

24 Q. -- that day?

25 Into entire you were going to wear

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 for the wedding?

3 A. Yep.

4 Q. Did the government comment on your
5 appearance that day?

6 A. I think he said I liked nice. Yeah,
7 I think he said I looked nice when I came down
8 the stairs.

9 Q. Anything else memorable about that
10 interaction with the Governor, meaning, do you
11 remember anything else about that interaction
12 with the Governor?

13 A. No, not that I can remember.

14 Q. Were there any other occasions in
15 which the Governor commented on your appearance?

16 A. You know, occasionally, it would --
17 like I had bright red pants and he would say like
18 "big red pants day." But, you know, he might --
19 I'm trying to think of another point that I can
20 point to. Oh, he told me I looked at -- I
21 remember at Melissa DeRosa's wedding, he told me
22 I looked nice to. He told me I had pretty eyes
23 because I wasn't wearing glasses. And, yeah, so
24 he might have said something but nothing else
25 really sticks out in my mind.

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2 Q. Did either of those comments make you
3 uncomfortable?

4 A. No.

5 Q. And going back to the mansion event,
6 did you ever go to events that were at the pool
7 at the mansion?

8 A. Uh-huh, yes.

9 Q. Okay. How many occasions have you
10 been at an event that was hosted at the pool?

11 A. I'm sorry when I was referring
12 earlier to mansion events, I meant sort of like
13 kind I grouped them together thinking of both the
14 mansion and the pool as the same type thing; but
15 several.

16 Q. Have you ever gone swimming in the
17 pool?

18 A. I have.

19 Q. Okay. And how many times have you
20 gone swimming in the pool?

21 A. Twice.

22 Q. Okay. And on both of those
23 occasions, were you in a swim suit?

24 A. No.

25 Q. On one of those occasions were you in

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 a swim suit?

3 A. No.

4 Q. Okay. So tell us about both times.

5 A. I was fully clothed, but we went in.

6 It was Stephanie, Andrew and myself went in once.

7 Although I don't remember if Andrew actually went

8 in. I think he did. But sorry not the point.

9 There was a slide that I -- we had
10 never used and I don't know -- I can't remember
11 where the Governor was, but we all went and
12 jumped in the pool and used the slide. The
13 second occasion was a -- I can't remember what --
14 it was some sort of celebration-type party. And
15 everybody jumped in the pool and Andrew had, you
16 know, had -- you know, [REDACTED] had asked [REDACTED]
17 who was a very mild mannered person to pretend
18 that he was angry and throw something into the
19 pool and then I think later on everybody else
20 jumped in.

21 Q. And when you say, "everybody," who do
22 you mean?

23 A. Me, Stephanie, [REDACTED], Andrew, I can't
24 remember exactly who but a fair chunk.

25 Q. And you said you were fully dressed

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 on both occasions?

3 A. Yes.

4 Q. Was there ever an occasion where you
5 at the executive mansion and you were not fully
6 dressed, other than when you were changing out of
7 your outfit to put on your wedding attire?

8 A. No.

9 Q. Did you ever tell anyone that there
10 was an occasion on which you were not fully
11 dressed at the executive mansion?

12 A. No, not that I remember.

13 Q. Okay. On the --

14 A. I can't hear you, I'm sorry.

15 MS. KENNEDY-PARK: Let's go off the
16 record while I just fix my audio problem.

17 MS. DUNN: Yeah, could we --

18 THE VIDEOGRAPHER: Stand by. The
19 time is 11:40 a.m. We are going off the record.
20 This will end Media Unit No. 3.

21 (Recess taken 11:40 to 12:04 a.m.)

22 THE VIDEOGRAPHER: The time is
23 12:04 p.m. We are back on the record. This will
24 be the start of Media Unit No. 4. Counsel.

25 MS. DUNN: This is Ms. Dunn.

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2 MS. KENNEDY-PARK: I understand you
3 want to...

4 MS. DUNN: Sorry, Jen, go ahead.

5 MS. KENNEDY-PARK: No, go ahead.

6 MS. DUNN: Okay. I just wanted to
7 put a couple of things on the record before we
8 start.

9 One is with regard to the "screen
10 shot" that was discussed in the earlier session.
11 This is in the production that we provided. It's
12 Bates 1241 to 1244 is the complete document. So
13 I wanted to make sure there wasn't any confusion
14 there.

15 The second thing -- I do think that
16 there have been, in particular, in the last set
17 of questions, you know, questions that either did
18 ask or were interpreted by the witness to ask for
19 her to speculate, which led to some amount of
20 speculation and so I want to make sure that the
21 witness understands that Counsel is not asking
22 her to speculate and wants her firsthand
23 knowledge and if she doesn't remember, she
24 doesn't remember, just so we can have a clear
25 record going forward.

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2 And the last thing I wanted to
3 mention is that Counsel had asked the witness
4 about rumors that I think had come from a
5 reporter that she and others had had a
6 relationship with the Governor. The way I heard
7 it and, obviously, we don't have the transcript,
8 but she was never asked directly whether those
9 rumors were true or false. And so I wanted to
10 give her the opportunity or, at least, ask Ms.
11 Kennedy-Park if she wanted to give the witness
12 the opportunity to say conclusively whether the
13 rumors are true or false.

14 MS. KENNEDY-PARK: Thank you,
15 Counsel. I appreciate you flagging the "screen
16 shot." We identified it over the course of the
17 break. So we might come back to that in a few
18 minutes.

19 Q. And I'll remind the witness, if you
20 don't understand my questions, then you should
21 tell me you don't understand my question.

22 And then as to the issue about the
23 rumor, Ms. Witness, I believe I've asked you
24 multiple times if you've ever sat on the
25 Governor's lap and you told me, no; is that

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 correct?

3 A. Yes.

4 Q. Is there anything else you would like
5 to add about the rumor that you heard from Josh?

6 A. No.

7 Q. So I think where we left off before
8 the break was that we were talking about two
9 incidents where you and a group of others had
10 jumped fully clothed into the pool at the
11 executive mansion.

12 So, on the first occasion that
13 happened, in what state of dress did you leave
14 the executive mansion?

15 A. I don't remember. I think in my wet
16 dress, I believe.

17 Q. And how did you, like -- what mode of
18 transportation did you use to leave the Executive
19 Chamber?

20 A. I don't remember.

21 Q. And on the second occasion after you
22 had jumped in the pool fully clothed, in what
23 state of dress did you leave the Executive
24 Chamber?

25 A. In my wet clothes and with a towel.

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2 Q. And what mode of transportation did
3 you use to leave the Executive Chamber on that
4 occasion?

5 A. I don't -- I don't remember.

6 Q. Have you told anyone -- other than
7 the people that were at the mansion on the
8 occasion when you jumped in fully clothed, have
9 you told anyone else about that?

10 A. Not that I remember.

11 Q. And on either of those occasions,
12 those two occasions, were you drinking?

13 A. I remember on the second one and the
14 larger party, yes. I don't remember about the
15 earlier one.

16 Q. Okay. On the second occasion, were
17 you intoxicated?

18 A. I don't remember how -- I don't
19 remember.

20 Q. Do you remember how much you drank
21 that night?

22 A. No.

23 Q. Who were you dating at the time?

24 A. Oh, on the second one, it was [REDACTED]

25 [REDACTED].

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Q. Okay. Did you tell [REDACTED] about
3 falling in the pool -- or, sorry, jumping in the
4 pool I should say?

5 A. I don't know.

6 Q. Do you remember any conversations
7 with [REDACTED] about coming out of the executive
8 mansion in wet clothes?

9 A. I think I asked him to pick me up
10 from the Hilton.

11 Q. Okay. So tell us about that.

12 A. We went to the Hilton afterwards. I
13 don't think I had a room and I asked [REDACTED] to pick
14 me up.

15 Q. And when you say, "we went to the
16 Hilton," who is the "we"?

17 A. I can't remember exactly who was
18 there with me.

19 Q. Was it members of the Executive
20 Chamber staff?

21 A. Yes.

22 Q. Okay. Did [REDACTED] pick you up at
23 the Hilton on that occasion?

24 A. I think so, yes.

25 Q. And what did you tell him about why

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 you were wet?

3 A. I must have told him that I jumped
4 into the pool.

5 Q. Do you remember telling him that?

6 A. I can't. I don't remember exactly.

7 Q. On the occasion -- on either of the
8 occasions when you jumped in the pool, was the
9 Governor there when the group jumped into the
10 pool?

11 A. He was not there on the first
12 occasion. He was on the second occasion.

13 Q. Okay. And did the Governor say
14 anything about jumping in the pool on the second
15 occasion?

16 A. Not that I remember.

17 Q. Were you -- did the Governor make any
18 comments about anyone's wet clothing after they
19 got out of the pool?

20 A. Not that I remember.

21 Q. Do you remember anything the Governor
22 said that night after everyone got out of the
23 pool?

24 A. No, I can't remember. I can't think
25 of anything.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Q. Was the Governor at the Hilton?

3 A. No.

4 Q. He stayed at the mansion?

5 A. Yes.

6 Q. Any other occasions when you were at
7 the pool at the executive mansion, other than the
8 two we've talked about?

9 A. No.

10 Q. Have you ever slept at the executive
11 mansion?

12 A. I have not.

13 Q. We're going to talk about the next
14 set of questions I'm going to ask you whether you
15 have heard or heard about certain conduct on the
16 part of the Governor.

17 Do you understand, heard or heard
18 about?

19 A. Okay.

20 MS. KENNEDY-PARK: I recognize,
21 Counsel, it's a compound question. I'm just
22 trying to be efficient.

23 Q. So have you heard or heard about the
24 Governor commenting on someone else's appearance?

25 A. Yes.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Q. Okay. Tell us what you remember.

3 A. [REDACTED] -- I remember at the Governor's
4 detail. He would -- I remember once when he was
5 making -- he made fun of his shoes being squeaky
6 and they weren't very shiny.

7 He -- heard or heard about?

8 If he -- sometimes if he couldn't
9 remember somebody's name, he might describe how
10 they look like. I'm trying to think of an
11 example, though.

12 Sorry I'm trying to think of
13 something concrete and I'm struggling.

14 Q. Maybe let's try to get more specific
15 to help you out.

16 Did you ever hear the Governor
17 commenting on somebody's body part?

18 A. Hair, I guess that's not... I -- yes,
19 once we -- Nicki Minaj once she tweeted something
20 in support of him and he didn't know who she was.
21 And we were -- there was a group that showed him
22 and a picture and he commented on the size of her
23 rear end, I guess. I'm trying to think nothing
24 that immediately is coming to mind right now as I
25 sit here but, yeah.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Q. Okay. When the Governor was shown
3 the picture of Nicki Minaj, what did he say?

4 A. I can't remember his exact words, but
5 it was certainly -- it was something -- it was
6 like, whoa, something about the size of how large
7 her rear end was.

8 Q. Were you in the Executive Chamber
9 when the Governor got his Emmy award?

10 A. No.

11 Q. Did Ms. Dani Lever did she ever tell
12 you that the Governor had made comments about her
13 appearance?

14 A. I know that they talked about it when
15 they would travel. But I'm trying to think of an
16 example that she relayed to me.

17 I can't think of anything right now,
18 but, yes, I know that they talked about that
19 stuff.

20 Q. What do you mean by "that stuff"?
21 What did Ms. Lever tell you that she and the
22 Governor talked about when they traveled related
23 to her appearance?

24 A. I'm trying to think. She would --
25 oh, she would say how they both talked about not

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 eating bread as far as the -- if there was like a
3 sandwich or something on the plane, yeah, so as
4 far as like diet --

5 Q. You mean food choices?

6 A. A diet. Yeah, exactly. But as diet
7 goes and, you know, related to appearance, I
8 guess, physical appearance. So I mean --

9 Q. Did you ever hear --

10 A. Go ahead.

11 Q. Did you ever hear or hear about the
12 Governor commenting on Ms. Lever's weight?

13 A. No, but that's what I mean as far as,
14 you know, talking about the food choices sort of
15 like I think which she was probably -- again, I
16 wasn't there, so it's hard for me to know. But I
17 did hear about her telling him about -- you know,
18 I think it was when she was like Keto or having a
19 diet and was like not eating the bread.

20 Q. Have you ever heard or heard about --
21 hear the Governor comment on a woman's legs?

22 A. No, not that I can remember.

23 Q. Including when he was looking at
24 photographs.

25 A. No, not that I can remember.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Q. Did you ever hear about the Governor
3 commenting on a woman's breasts?

4 A. No, I don't think so. I think it
5 might have been -- that also might have come up
6 with Nicki Minaj, but I can't say for sure. It
7 might have. But, no, nothing that I can think
8 of.

9 Q. Including when he was looking at
10 photographs other than of Nicki Minaj?

11 A. Apart from that, nothing that I can
12 think of right now.

13 Q. Did you ever hear the Governor make
14 comments about women in photographs?

15 A. I mean, in what way, sort of like
16 what photograph?

17 Q. Good question.

18 About their appearance in looking at
19 photographs that were taken of women events and
20 he commented on their appearance.

21 A. Not that I can -- I can't remember
22 anything specific.

23 Q. Did you ever hear or hear about the
24 Governor making comments that had a sexual
25 content to them?

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 A. No, not that I can think of now or I
3 can think of; maybe besides Nicki, sorry.

4 Q. Putting aside Ms. Minaj.

5 Can you recall the Governor ever
6 making comments that had sexual innuendo?

7 A. I don't think so.

8 Q. Did you ever -- did the Governor ever
9 ask you about your personal life?

10 A. Yes.

11 Q. What did he ask you?

12 A. Lots of things. I mean, we talked
13 about boyfriends, my apartment, you know, moving,
14 family.

15 Q. Did you ever ask you a personal
16 question that made you uncomfortable?

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

18 Q. Did he ever ask you about your
19 personal question that you thought was not
20 appropriate?

21 A. No, not that I recall.

22 Q. Did the Governor ever make a joke
23 around you that you thought was offensive?

24 A. Not that I remember, no.

25 Q. Have you ever heard the Governor make

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 crude jokes?

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

4 Q. Have you ever heard him say anything
5 that was racist?

6 A. No, not that I remember.

7 Q. Has he ever asked you about your sex
8 drive?

9 A. No.

10 Q. Have you ever heard or heard about
11 him asking other people about their sex drive?

12 A. No.

13 Q. Have you ever heard or heard about
14 the Governor asking someone about their sex life?

15 A. No.

16 Q. Has the Governor ever commented on
17 the size of his hands in front of you?

18 A. Yes.

19 Q. What has he said?

20 A. I used to sort of make fun of him as
21 to how soft they were, I called them catcher
22 mitts because they were large. Yeah, I think I
23 can't remember exactly. But I do know it came
24 up.

25 Q. Did the Governor ever imply that

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 because his hands were large that meant his penis
3 was large?

4 A. No.

5 Q. Never made a joke like that in front
6 of you?

7 A. No. He made a joke of, you know, big
8 hands mean and then he would say, "big gloves."

9 Q. Would he pause a beat between those
10 two things?

11 A. I guess.

12 Q. It's only funny if you pause, right?

13 A. (No response.)

14 Q. Have you ever heard the Governor
15 commenting on tattoos?

16 A. Yes.

17 Q. Okay. Tell us about that.

18 A. He used to ask what my tattoos meant.
19 And, yeah, we talked about what that meant.

20 Q. Where are your tattoos?

21 A. On my arms and my fingers.

22 Q. Any other conversations with the
23 Governor about your tattoos?

24 A. No, what they meant, if I was going
25 to get anymore, yeah.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Q. Did he ever ask you where you were
3 going to get more tattoos?

4 A. No.

5 Q. Did he ever tell you where you should
6 get another tattoo?

7 A. No.

8 Q. Did you ever hear him or hear about
9 him commenting on someone else's tattoo?

10 A. I heard him commenting on -- another
11 staffer had a tattoo in the outline in the shape
12 of the State of New York. So secondhand --

13 Q. So who was that staffer?

14 A. [REDACTED].

15 Q. And what did you hear about that?

16 A. Somebody retold me after I hadn't
17 been there, but there was -- I don't know when.
18 I think it might have been at a pool house dinner
19 that he saw her tattoo and was -- thought it was
20 very cool and was excited about it but...

21 Q. Any other occasions in which you
22 heard or heard about the Governor commenting on a
23 tattoo?

24 A. No, I don't think so. I don't think
25 so.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Q. Have you ever helped the Governor
3 find a woman he met at an event?

4 A. What do you mean?

5 Q. So the Governor meets someone at an
6 event, he doesn't know who the person is, who the
7 woman is, doesn't know her name, and he has you
8 or some members of his senior staff help him
9 figure out who that is?

10 A. Yes. Yes. One -- okay. So, after a
11 Columbus Day dinner, there was a woman there who
12 he had met and he thought it was somebody's
13 daughter and didn't -- we looked it up the next
14 day because to make sure that he hadn't called
15 this person [REDACTED] when it wasn't [REDACTED]. But
16 other than that, no. I looked up other, you
17 know, people trying to figure out who people are
18 from photos; so, yeah.

19 Q. Ever do that because he wanted to
20 hire the person that he was having you track down
21 or having someone else track down?

22 A. No.

23 Q. Ever talk to the Governor about him
24 having met a woman who had a dove tattoo?

25 A. No.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Q. Did the Governor ever use nicknames
3 for you?

4 A. Yes.

5 Q. And what was your nickname?

6 A. It was either -- there was MCU, which
7 was Mobile Command Unit, that was because I could
8 print in a plane or in a car, but mostly it was
9 Anna May Belle.

10 Q. And how did that nickname come about?

11 A. I don't know. He just said it one
12 day and it sort of stuck.

13 Q. Did it bother you that the Governor
14 called you Anna May Belle?

15 A. No.

16 Q. Did you ever ask him not to?

17 A. No.

18 Q. Did the Governor have nicknames for
19 other people?

20 A. Yeah, some.

21 Q. Who?

22 A. So -- well, Stef was -- Stephanie was
23 Stef. Jill could be Jilly. He always called
24 Andrew by his last name. Kaitlin was Sponge.

25 ██████████ was Bobert for a second. And then he was

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 also Spice for a second. Oh, [REDACTED] was Fox
3 and [REDACTED] was Coyote, The Coyote.

4 Q. Any other ones?

5 A. No, not that I can think of.

6 Q. Did you ever hear him call Charlotte
7 Bennett by a nickname?

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

9 Q. Did you ever hear the Governor call
10 her "Wing"?

11 A. No.

12 Q. Or call her "Bun"?

13 A. No.

14 Q. You said the Governor called someone
15 named Kaitlin "Sponge," Kaitlin who?

16 A. Kaitlin [REDACTED].

17 Q. How did the name "Sponge" come about
18 for Kaitlin [REDACTED]?

19 A. When she started, he had told her to
20 be a sponge to absorb sort of all of the
21 information, see everything that was happening,
22 so that's how "Sponge" happened.

23 Q. Did you call her "Sponge"?

24 A. I don't think so, not really.

25 Q. So only the Governor called her

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 "Sponge"?

3 A. I think a couple -- I think other
4 folks did too.

5 Q. Other folks on the senior staff?

6 A. Yeah.

7 Q. Did anyone ask Kaitlin if she
8 wanted to be called "Sponge"?

9 A. I don't know.

10 Q. Did Kaitlin ever express to you
11 that she did not like being called "Sponge"?

12 A. No.

13 Q. Do you know if she had told anyone
14 else that she did not want to be called "Sponge"?

15 A. I don't know. Not that I remember
16 but I don't know.

17 Q. Still talking about nicknames.

18 Did the Governor ever use terms of
19 endearment or affection for you.

20 A. Yeah, he did say "honey" or
21 "sweetheart."

22 Q. Did that make you uncomfortable?

23 A. No.

24 Q. Do you think it's appropriate to call
25 a woman in the workplace "honey" or "sweetheart"?

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 A. I mean, I think it would depend on
3 the context but...

4 Q. Okay. So tell me about some of the
5 context in which the Governor called you "honey"
6 or "sweetheart."

7 A. There were several times over, you
8 know, my tenure there, yeah. So I don't know. I
9 can't say exactly the context. It could have
10 been anything.

11 Q. On any of the occasions on which the
12 Governor called you "honey" or "sweetheart," did
13 you think it was inappropriate?

14 A. No, not that I remember thinking at
15 the time.

16 Q. Did you think that today?

17 A. No, I didn't feel like that in the
18 moment so, no.

19 Q. Did the Governor use those terms of
20 endearment for other people?

21 A. Yes.

22 Q. Who else?

23 A. Lots of people. But I would say
24 Stephanie, you know, Jill, yeah, I mean, lots of
25 different folks. I don't -- a lot of people.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Q. Any of the Executive Assistants?

3 A. Yeah.

4 Q. Who?

5 A. I think [REDACTED] EA #3 , EA #2 maybe,
6 [REDACTED] , sort of anybody that sort of would have
7 been in that kind of space or in that role,
8 rather, excuse me.

9 Q. Did you ever suggest to the Governor
10 that he might not want to refer to women using
11 those terms of affection?

12 A. No, I don't remember. I don't think
13 so.

14 Q. Do you know if anyone -- anyone else
15 ever suggested to the Governor that he should not
16 use those terms of affection for women?

17 A. I don't know.

18 Q. Did you do any sexual harassment
19 training?

20 A. Yes.

21 Q. And how often did you do the sexual
22 harassment training?

23 A. It was annually.

24 Q. And did you do it electronically?

25 A. Yep, yes.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Q. And did you certify that you had
3 completed it?

4 A. Yes.

5 Q. And when you certified, did you do
6 that electronically?

7 A. No, I think you signed something.

8 MS. KENNEDY-PARK: Why don't we turn
9 to what is -- Hyatt is going to help me out here.
10 Hyatt, in my binder it's Tab 16.

11 MS. MUSTEFA: That is Exhibit N as
12 Nancy.

13 MS. KENNEDY-PARK: We'll mark that as
14 the next exhibit.

15 (Deposition Exhibit 4, Equal
16 Employment Opportunity in New York State
17 Rights and Responsibilities A Handbook for
18 Employees of New York State Agencies Andrew M.
19 Cuomo, Governor, December 2018, was marked for
20 identification.)

21 THE WITNESS: It is cold in here.

22 Q. Do you recognize this document?

23 A. Yes. I think so, yes.

24 Q. This is the employee handbook; is
25 that right?

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 A. Yes.

3 Q. Before you prepared for your
4 testimony today, had you seen this handbook?

5 A. I think so, yeah.

6 Q. When have you seen it?

7 A. I'm not sure. I think I certainly
8 got a copy when I started working there probably
9 some floating around the office too.

10 Q. Let's turn to the tab right before
11 that. And we'll mark that as the next exhibit.

12 And if I'm correct that tab should
13 have an attestation formatted; is that right, Ms.
14 Witness?

15 A. That's correct.

16 (Deposition Exhibit 5, 2019 Mandatory
17 Training Attestation Form signed by the witness
18 10/17/19 CHAMBER_AG_00000655, was marked for
19 identification.)

20 Q. What is this document?

21 A. 2019 Mandatory Training Attestation
22 Form.

23 Q. Okay. And this is your 2019
24 Attestation Form; is that right?

25 A. That's correct.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Q. And you said you did all of these
3 trainings online; is that correct?

4 A. Yep.

5 Q. And you checked off "sexual
6 harassment in the workplace." Do you see that?

7 A. I do.

8 Q. In your sexual harassment training,
9 did you learn that Governor Andrew Cuomo had
10 changed the definition of sexual harassment in
11 New York State?

12 A. Yes.

13 Q. And did you have a role at all in
14 that policy change, that legal change?

15 A. No, not a policy role.

16 Q. Do you have any role in that change?

17 A. No.

18 Q. And what's your understanding of how
19 Governor Andrew Cuomo changed the law on sexual
20 harassment in New York State?

21 A. I don't remember, exactly.

22 I think that was when it said that
23 you -- for state employees you had to-- I think
24 it was a reporting to GOER.

25 Q. And can you explain that, what was

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 the change on reporting?

3 A. I don't remember, exactly. I wasn't
4 very deep into the policy pieces of it. But I
5 think what you're referring to and what I've read
6 since is that that was when he instated some sort
7 of policy or reporting to GOER.

8 But is there something exactly that
9 you're trying -- that you're asking?

10 Q. Yeah. I want to understand what you
11 remember about what the policy change was that
12 Governor Andrew Cuomo -- strike that.

13 What the change in the law was
14 regarding sexual harassment made by Governor
15 Andrew Cuomo.

16 A. I don't remember exactly what all the
17 pieces of the change were.

18 Q. Do you remember any pieces of the
19 change?

20 A. Sitting here today truthfully, no.

21 Q. What is your understanding -- when
22 you were in the Executive Chamber, what was your
23 understanding of who allegations of workplace
24 misconduct should be reported to?

25 A. I would say that Counsel's office

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 normally was the one that you would refer to.

3 They spoke with GOER. They sort of handled all
4 of that.

5 Q. Okay. And just a few moments ago you
6 said you thought that there was -- the change in
7 law had something to do with reporting to GOER.

8 What did you mean by that?

9 A. I believe, you know, since all this,
10 I believe, it was -- there was -- you're supposed
11 to report it to GOER, yeah.

12 Q. Did you learn that while you were in
13 the Executive Chamber?

14 A. I can't remember if that was when I
15 had -- I can't tell you exactly.

16 Q. In your time in the Executive
17 Chamber, did you ever become aware of any
18 allegations of sexual harassment against the
19 Governor?

20 A. No. Oh, I'm sorry, yes. I knew that
21 Jill had spoken to me about having a conversation
22 with Charlotte and Judy at the -- towards the end
23 of my time there.

24 Q. Okay. Before we turn to Charlotte,
25 are there any other instances of the Governor's

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 conduct that you witnessed, heard or heard about
3 that you think were inappropriate?

4 A. No, not that I can remember.

5 Q. Okay. Why don't we -- you can put
6 aside the binder for a moment.

7 So let's talk about Charlotte
8 Bennett.

9 How did you come to know Charlotte
10 Bennett?

11 MS. DUNN: I'm sorry, Jen. I just
12 want to ask the witness cause our lunch has
13 arrived. I don't know. And so I want to -- and
14 so, if she wants to eat lunch, I want to be able
15 to break for that, even though, you know, we have
16 not been going for an hour, obviously. But let
17 me just ask her.

18 MS. KENNEDY-PARK: Why don't we go
19 off the record.

20 MS. DUNN:

21 A. Oh, sorry.

22 THE VIDEOGRAPHER: Excuse me. Stand
23 by. The time is 12:42. We're going off the
24 record. This will end Media Unit No. 4.

25 (Lunch recess taken 12:42 to

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 p.m.)

3 THE VIDEOGRAPHER: The time is
4 1:29 p.m. We are back on the record and this
5 will be the start of Media Unit No. 5. Counsel.

6 Q. Ms. Witness, I think the last
7 question pending was how do you know Charlotte
8 Bennett?

9 A. Excuse me. I know Charlotte because
10 she worked for me in the Governor's Office.

11 Q. Did you have a role in hiring her?

12 A. I did not.

13 Q. And when did Charlotte beginning
14 reporting to you?

15 A. I don't remember -- I don't remember,
16 exactly. I think it was 2019, but -- I think it
17 was 2019.

18 Q. Okay. And what was Charlotte's role?

19 A. She was a briefer and then she became
20 the senior briefer.

21 Q. Did she have any other roles at the
22 same time that she was a briefer?

23 A. Yes. She also staffed the Governor
24 in New York City.

25 Q. When you say, "staff the Governor,"

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 what do you mean?

3 A. I mean, sitting outside of his office
4 helping with phone calls, putting together
5 meetings, dictation, speeches.

6 Q. Is that a support role or an
7 assistant to Stephanie Benton?

8 A. Yes, exactly.

9 Q. And Charlotte Bennett worked in the
10 New York City office?

11 A. Yes.

12 Q. Where did she sit?

13 A. Originally, she sat on the 30th
14 floor. She shared an office with the other
15 briefers and, eventually, she moved up to the
16 39th floor and sat outside of the cubicle in
17 front of Stephanie Benton's in the Governor's
18 office.

19 Q. She had interaction with the
20 Governor?

21 A. Yes.

22 Q. Was she ever alone with the Governor
23 in his office?

24 A. Yes.

25 Q. How was Charlotte at her job?

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 A. Charlotte was good at her job.

3 Q. Did you have any concerns about her
4 job performance?

5 A. No.

6 Q. Did anyone ever express any concerns
7 to you about Charlotte's job performance?

8 A. Not that I can remember.

9 Q. What do you know about Charlotte's
10 interactions with the government prior to
11 December of 2020?

12 A. Not much other than what I saw. It
13 seemed like they had good interactions, yeah.

14 Q. When you say, "good interactions,"
15 what does that mean?

16 A. That she did well in that role of
17 helping to staff him and that they got along.

18 Q. Is there a lot of turnover in the
19 staffing the Governor role?

20 A. I think it depends on what you mean
21 by "a lot," yeah. I mean, I guess what do you
22 mean "a lot"?

23 Q. How often --

24 A. Sorry.

25 Q. How long do people, typically, stay

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 in that role?

3 A. It's hard for me to characterize sort
4 of forever. I would say that when I was there
5 people might be there for a year, less, sort of
6 on and off. It would depend on the person.

7 Q. And when you were saying that she had
8 good interactions with the Governor, did you ever
9 see the Governor yell at her?

10 A. Not that I can remember.

11 Q. Is that uncommon to be a person who
12 the Governor has not yelled at in the front
13 office?

14 A. No.

15 Q. Can you think of anyone else who
16 served in the front office that didn't get yelled
17 at?

18 A. I feel like [REDACTED] didn't
19 really ever get yelled at, certainly, Stephanie
20 less so, yeah.

21 Q. "Stephanie less so," but you've seen
22 Stephanie get yelled at by the Governor, right?

23 A. Yeah, I think so.

24 Q. So anyone other than [REDACTED] and
25 Charlotte?

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 A. I don't know, not that I can think of
3 right now.

4 Q. Why don't you open up your binder and
5 turn to -- Hyatt will help me out again Tab 34
6 which is for you?

7 MS. MUSTEFA: CC, Charlie Charlie.

8 MS. KENNEDY-PARK: And we'll mark
9 this as the next exhibit.

10 (Deposition Exhibit 6, text message
11 string 5/10/19 AWALSH00000614, was marked for
12 identification.)

13 Q. And if we did this right, this is a
14 text message from May 10th, 2019 between you and
15 **Staffer #5**; is that right?

16 A. Yes.

17 Q. Who is **Staffer #5**?

18 A. **Staffer #5** was an Executive
19 Assistant in the Chamber. He had worked for Joe
20 and Jill and he also helped staff the Governor.

21 Q. What do you know about **Staffer #5**
22 attempts to leave the Executive Chamber?

23 A. I know that **Staffer #5** wanted to leave. He
24 and I had discussed it on a couple of occasions.
25 I know we talked about what he wanted to do next,

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2 which he wasn't quite sure. So we, you know,
3 would talk about ideas and other things. And
4 then eventually he went to go work at the Port
5 Authority.

6 Q. Did [Staffer #5] ever tell you that he was
7 having difficulty leaving the Executive Chamber?

8 A. I don't think so. I know, you know,
9 he was frustrated at times and wanted to do
10 something different, yeah.

11 Q. What did [Staffer #5] tell you about his
12 frustrations?

13 A. I think he was just sick of having --
14 sick of being in the same role. I can't remember
15 exactly what he said. But I know that he was --
16 wanted to move passed, I think, the EA role so,
17 yeah.

18 Q. Did [Staffer #5] ever express any complaints
19 to you about how he was treated by the Governor?

20 A. Not -- not that I can remember,
21 specifically.

22 Q. You can't remember a single complaint
23 that [Staffer #5] made about working for the Governor?

24 A. No. I mean, that doesn't mean that
25 he didn't but -- or wasn't, you know, we didn't

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 talk about it. I just am failing to pull to my
3 -- to the top of my brain, like, a concrete
4 example of when he said something.

5 Q. Did he generally complain about
6 working for the Governor?

7 A. Like I said, at the end he was ready
8 to move on.

9 Q. And by "ready to move on," what do
10 you mean?

11 A. I think he was -- he didn't want to
12 be an Executive Assistant anymore. From what I
13 remember, he wanted to do more in sort of
14 intergovernmental. He was very close with [REDACTED]
15 who had moved to the Port Authority, yeah.

16 Q. And in the text message that we've
17 got in front of us, this appears to be a text
18 message where [REDACTED] Staffer #5 says, "He told me to go and
19 keep Charlotte here."

20 Do you understand the "he" to be the
21 Governor?

22 A. Yes.

23 Q. And "Charlotte" to be Charlotte
24 Bennett?

25 A. Yes.

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2 Q. And in response to him telling you
3 that and saying, "I put gifts in his car.
4 Charlotte is good, out of his hands now." I
5 think he corrected, "my hands down."

6 You wrote, "Oh, Jesus."

7 Why did you write "oh, Jesus"?

8 A. I can't remember exactly what I meant
9 at the time.

10 Q. Can you remember generally what you
11 meant at the time?

12 A. Well, I'm going to finish reading it.

13 Looking at the end of it, I imagine
14 because it was late and it would have been normal
15 to try and get him to let everyone go when it was
16 late, especially, if he had his daughter there
17 and was likely going to go to dinner.

18 Q. And so the "oh, Jesus" is about
19 keeping Charlotte Bennett there late?

20 A. Again, I can't speak to exactly what
21 I meant when I sent it. But that would track
22 with something that I feel I would normally
23 think.

24 Q. Did you ever have any concerns about
25 Ms. Bennett being alone with the Governor?

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2 A. No.

3 Q. Did you ever have any concerns about
4 anyone being alone with the Governor?

5 A. No.

6 Q. Let's turn to the next tab in your
7 binder, which we'll mark as the next exhibit.

8 (Deposition Exhibit 7, 8/6/19 text
9 message string AWALSH00000142 to AWALSH00000146,
10 was marked for identification.)

11 Q. This is -- if I'm doing it right, it
12 should be August 6th, 2019 text message between
13 you and Andrew Ball. Why don't you go and read
14 the whole thing first.

15 A. Okay.

16 Q. On the page that's marked on the
17 bottom 144, at the very top in all capital
18 letters it says, "THAT PIN."

19 What is a "pin"?

20 A. A "pin" is a message that you can
21 send on a BlackBerry.

22 Q. And did you have a BlackBerry when
23 you worked in the Executive Chamber?

24 A. I did.

25 Q. When you were in the Executive

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Chamber, did there ever come a time when you had
3 to turned your BlackBerry in?

4 A. When I left.

5 Q. Did you understand there came a point
6 in time in the Executive Chamber where some
7 people had to give up their BlackBerries and
8 change to iPhones?

9 A. Yes.

10 Q. But you didn't do that, right?

11 A. No.

12 Q. Why not?

13 A. Because I regularly communicated via
14 pin with the Governor and others who used that,
15 yeah.

16 Q. Who did -- you just answered my
17 question. Thank you.

18 Does the Governor communicate with
19 you in any other way -- any other electronic way
20 other than pin?

21 A. No. He might send a text
22 occasionally to the wrong number but, no, no
23 e-mail.

24 Q. And when you say, "send a text," from
25 what kind of phone would he send a text message?

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 A. He had a BlackBerry.

3 Q. What is your understanding of why the
4 Governor and other members of the senior staff
5 including you used BlackBerry pins?

6 A. It was more secure.

7 Q. And how did you come to that
8 understanding?

9 A. It was how it was described and
10 talked about it.

11 Q. Were you ever in a discussion with
12 any members of the Executive Chamber IT staff
13 about switching over to iPhones?

14 A. Yes.

15 Q. And tell us about those discussions?

16 A. They had said that BlackBerries were
17 going to sundown at a certain point in time
18 because the 3G towers were coming down and people
19 weren't repairing them. I think it was 3G; so,
20 yeah.

21 Q. And what else do you remember about
22 that discussion with respect to why the senior
23 staff was keeping their BlackBerries?

24 A. The Governor didn't want to move off
25 of BlackBerry, so we mostly kept it.

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2 Q. What did the Governor say about why
3 he didn't want to move off of BlackBerry?

4 A. I didn't have the conversation with
5 him, so I can't really say.

6 Q. Were you part of a conversation in
7 which what the Governor said about it was
8 conveyed?

9 A. I think I probably heard it second or
10 thirdhand that, you know, that we wanted to stay
11 on BlackBerry. I think at the end of the day
12 when we looked into it, that it wasn't -- we had
13 sort of had a false deadline of thinking when
14 BlackBerries would stop working. So they found
15 out that there was more time.

16 Q. And what's your understanding of why
17 a BlackBerry pin is more secure than an e-mail or
18 a text message?

19 A. From my -- I'm not very technological
20 literate, but my understanding is it's because
21 it's device to device.

22 Q. And so the messages only exist in the
23 user and receiver's devices; is that right?

24 A. That's my understanding.

25 Q. What's your understanding of your

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 obligations as a member of the staff of the
3 Executive Chamber to preserve BlackBerry pin
4 messages?

5 A. I don't know that I have one or had
6 one.

7 Q. Did you ever make any steps while you
8 were in the Executive Chamber to preserve
9 BlackBerry pin messages?

10 A. No.

11 Q. Let's go back to the text messages.
12 And if you look at what's got a Bate stamp on the
13 bottom of 145, you say, "I am feeling really
14 strongly about never going to work again."

15 Having read this text message, what
16 is the context for you making that text message?

17 A. With this in front of me, I can't say
18 exactly but not wanting to go to work, I think.

19 Q. And why is that? Why did you say
20 that?

21 A. I don't -- I don't know. I can't say
22 exactly why I was feeling like that at that
23 moment; clearly, not feeling excited about work
24 but, yeah.

25 Q. You can't say "exactly."

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Do you have any recollection of why
3 you sent this?

4 A. No.

5 Q. It's not the only occasion that you
6 expressed this feeling, right, in writing?

7 A. I don't know but, yes, I'm sure that
8 I've said that before.

9 Q. In preparing for today, you've looked
10 at text messages where you expressed a similar
11 sentiment in writing, right?

12 A. Yes.

13 Q. And if I show you any of those text
14 messages, will you remember any context for why
15 you made those statements?

16 A. It would depend on the document. I'm
17 happy to look at some.

18 Q. Are there any that you specifically
19 remember where you remembered the context having
20 looked at the text message?

21 A. I don't know. I don't remember
22 exactly in the prep but...

23 MS. DUNN: Counsel, I'm sure you're
24 not asking her about her prep so...

25 MS. KENNEDY-PARK: I'm not. I'm just

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 trying be efficient.

3 MS. DUNN: Yeah.

4 Q. So, if you have a memory about why
5 you said those things, then I'll just go to that
6 document. If not, we'll have to march through
7 them. So that's all I'm trying to accomplish,
8 Ms. Witness.

9 A. Okay.

10 MS. DUNN: Yeah, in fairness, it's a
11 very hard question to answer, do you remember any
12 document that -- so she -- I don't know. It
13 might be that you need to show her specifics.

14 MS. KENNEDY-PARK: Alright. We'll
15 keep doing that then.

16 Q. And in this text message, it goes on
17 on Page 146. And you write, "Charlotte cried a
18 lot with me today and I think that I shouldn't
19 have told Jill."

20 Is that a reference to Charlotte
21 Bennett?

22 A. Yes.

23 Q. What do you remember about why
24 Charlotte "cried a lot" that day?

25 A. I remember two occasions where

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Charlotte cried in my office. I don't know which
3 one this is but, yeah.

4 Q. Okay. Why don't you tell me about
5 the first occasion which you remember Charlotte
6 crying in your office.

7 A. I remember her crying because she was
8 feeling overwhelmed. I believe [REDACTED]
9 had just left, so she had become sort of the head
10 briefer. She had to travel a lot back and forth
11 between Albany and New York City, which was hard,
12 obviously. And I don't know if -- I don't know
13 if we didn't have an Albany briefer at the time.
14 But I know that we had -- you know, she had two
15 new people that were new, so she was the person
16 in charge of all of it while training two new
17 people, yeah.

18 Q. And what did you do, if anything, to
19 help Ms. Bennett on that occasion?

20 A. We worked out a system for having
21 other people who are based up in Albany help to
22 print and assemble the book so she wouldn't
23 necessarily actually have to physically be there.
24 Again, I'm not exactly sure of the timeline. I
25 know this is in August. But we did hire somebody

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 to be based out of Albany, yeah.

3 Q. And tell us -- and then you wrote,
4 actually, in this message -- it's unclear -- it
5 sounds like it's unclear if this text message is
6 from the first occasion or second occasion. But
7 you wrote, "and I think that I shouldn't have
8 told Jill."

9 Why did you write, "I think that I
10 shouldn't have told Jill"?

11 A. I don't know. I don't remember. I
12 don't know why I would have felt like that, yeah.

13 Q. Are there occasions in which you
14 didn't want to share information about your
15 direct reports with Jill?

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

17 Q. Any other occasions you can remember
18 where you told Jill something and she reacted in
19 a way that made you think, oh, I shouldn't tell
20 her something like that again?

21 A. I would say it would probably only be
22 because, you know, I didn't want them -- I didn't
23 want somebody to work for me and their reputation
24 to be tarnished. But, again, I don't know if
25 that's what I was referring to.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Q. And why would Charlotte crying
3 potentially have "tarnished" her reputation?

4 A. I don't -- I don't know. I mean, it
5 could have just been a bad day. So I'm not sure
6 exactly, again, which one -- when this was or why
7 I didn't feel like I should tell Jill at the
8 time, yeah.

9 Q. And what about the second time that
10 Ms. Bennett cried in your office, what happened?

11 A. Again, she was feeling overwhelmed.
12 I think she really just wanted to vent more than
13 anything. She was feeling frustrated because
14 there seemed to be a lot of work that was
15 happening for the briefing team that, you know,
16 wasn't necessarily coming straight from the
17 Governor. And, I think, you know, she felt like
18 it was just a lot to handle and it was hard to,
19 like, to know what to prioritize, et cetera, so,
20 yeah.

21 Q. Can you place in time either of these
22 events? Well, other than this August one but
23 maybe the second one.

24 A. I -- I don't remember. I remember I
25 was in New York City. It was in my New York City

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 office, but I don't remember when, exactly.

3 Q. Did you ever have an occasion on
4 which Ms. Bennett lied to you?

5 A. No, not that I can remember.

6 Q. Did you ever have a reason to doubt
7 something she said she was truthful?

8 A. No.

9 Q. Let's look at what's in your binder
10 as the next tab and we'll mark this as the next
11 exhibit.

12 (Deposition Exhibit 8, 8/27/19 text
13 message string AWALSH00000596, was marked for
14 identification.)

15 Q. It should start on the bottom with
16 602.

17 Okay. This is a text message on
18 August 27, 2019 between you and Senior Investigator #2 --

19 MS. KENNEDY-PARK: And, Silvia, we'll
20 get you his last name to you. It's [REDACTED]
21 [REDACTED].

22 Q. And that gentleman is a member of the
23 Governor's Protected Services Unit; is that
24 correct, Ms. Witness?

25 A. Yes.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 MS. DUNN: So I maybe have this
3 wrong. I think what you just described is 596,
4 not 602.

5 MS. KENNEDY-PARK: Oh, yeah, you're
6 right. Sorry. I don't know why my pages are
7 messed up. Thank very much. Yep, it's at 596.

8 Q. You see that, Ms. Witness?

9 A. Yes.

10 Q. Okay. And this is a message where
11 you wrote, "Hi there. Charlotte coming. She's
12 going to pin you. But you or someone meet her
13 upstairs. I don't want her going up please."

14 Do you remember on this occasion why
15 you didn't want Ms. Bennett "going up"?

16 A. I don't. I don't remember what this
17 was.

18 Q. Are there occasions in which you
19 tried to prevent Ms. Bennett from being in the
20 same room as the Governor?

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

22 Q. Any occasions in which you tried to
23 prevent Ms. Bennett from interacting with the
24 Governor?

25 A. No.

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2 Q. Any occasions in which you're aware
3 of any other member of the Executive Chamber
4 staff tried to prevent Ms. Bennett from
5 interacting with the Governor?

6 A. No.

7 Q. Let's turn to the next tab. That is
8 marked as 602. And this is a text message dated
9 October 26, 2019. It's between you and Jill
10 DesRosiers.

11 Can you read through the whole thing
12 and look up when you're done?

13 A. Yes.

14 (Deposition Exhibit 9, 10/26/19 text
15 message string AWALSH00000602 to AWALSH00000606,
16 was marked for identification.)

17 A. Okay.

18 Q. Thanks.

19 On what is Page 603 of this text
20 message you write, "They're giggling and flirting
21 and having the time of their lives. I walked in
22 as they were taking" -- I think it should be
23 talking -- "about next week."

24 And Jill writes, "Who Charlotte"?

25 And you write, "Yup."

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2 What do you remember about this
3 occasion about Ms. Bennett's interactions with
4 the Governor?

5 A. I don't have a lot of memory beyond
6 what's on this page, yeah.

7 Q. So you saw the Governor and Ms.
8 Bennett giggling and flirting; is that right?

9 A. That's what I said. It seems I might
10 have been -- it seems like I was upset in this.
11 So it might have been hyperbole, but that is what
12 I said.

13 Q. And what do you remember having seen
14 going on between Ms. Bennett and the Governor?

15 A. I don't remember, exactly. I can't
16 really remember this exact interaction, yeah.

17 Q. Do you remember any interactions
18 between the Governor and Ms. Bennett that you
19 would describe as "flirting"?

20 A. I would say, you know, if you could
21 -- I would say I remember times where they were
22 like laughing or, you know, sort of having banter
23 but, yeah, so, yeah.

24 Q. And would you call that "flirting"?

25 A. Not necessarily. I guess -- yeah.

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2 Q. Okay. So I'll ask the question
3 again.

4 Are there any occasions in which you
5 saw the Governor and Ms. Bennett engaged in what
6 you would describe as flirting?

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

8 Q. And, on this occasion, when you said
9 that Ms. Bennett and the Governor were "giggling
10 and flirting," did it cause you any concern?

11 A. No.

12 Q. Why not?

13 A. Because they were having a
14 conversation and laughing. But, again, like I
15 said, I can't exactly remember it, so I sort of
16 have this to go off of.

17 Q. From your sexual harassment training,
18 do you have an understanding of whether it would
19 be appropriate for a supervisor to flirt with a
20 subordinate?

21 A. Yes.

22 Q. Okay. And --

23 A. No.

24 Q. -- what's your understanding?

25 A. No.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Q. And then you go on in this text
3 message to say, "SO GLAD I CAME IN BECAUSE SHE'S
4 OVERWORKED," in all capital messages [sic].

5 And so was there some issue with
6 Charlotte being "overworked"?

7 A. I remember at some point the Governor
8 had said to us -- had sent a note to myself, Jill
9 and staff something about Charlotte being
10 "overworked."

11 Q. Sorry, the Governor had sent a note
12 to you to that effect?

13 A. Yes, yes.

14 Q. Okay. Did you speak to the Governor
15 about Ms. Bennett being "overworked"?

16 A. Outside of that message I don't -- I
17 don't know.

18 Q. What do you know about how the
19 Governor came to the understanding that Ms.
20 Bennett was "overworked"?

21 A. I don't remember.

22 Q. What did you do in response to the
23 Governor telling you that Ms. Bennett was
24 overworked?

25 A. Well, we cut down the hours of her

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 sort of -- we tried to make sure that she didn't
3 have to go in on the weekends. And I added to
4 myself to the e-mail hash tag where people sent
5 -- well, we created an e-mail hash tag. We
6 encouraged people to use it so people didn't send
7 things directly to Charlotte and then I added
8 myself to that hash tag so I could help them
9 prioritize and, you know, tell people if they
10 should hold off on stuff, et cetera.

11 Q. What was the hash tag?

12 A. #briefing team.

13 Q. While this is --

14 A. Or hash tag --

15 Q. Sorry, say that again?

16 A. I'm sorry, or #briefing book. I
17 can't remember. There were two. So one of them
18 had a larger group and one of them had just the
19 briefers and myself on it.

20 Q. That reminded me. I meant to ask
21 you.

22 You said that there was a group text,
23 the title of which -- the title of the group was
24 "mean girls."

25 Do you still have text messages from

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 the "mean girls" group text chain?

3 A. I don't know. But I think so. I
4 haven't deleted anything so...

5 Q. And so you gave those to your Counsel
6 on your phone for review for production to us in
7 response to the subpoena?

8 A. Yep. I gave them everything.

9 MS. DUNN: You have what she has.

10 MS. KENNEDY-PARK: Great.

11 Q. Is there any way -- well, I'll drop
12 that. We'll talk about that offline.

13 You go on in this document that's in
14 front of you at Page 604 and you say, [REDACTED]

15 [REDACTED] [REDACTED]
16 [REDACTED]

17 Is the "him" you're referring to the
18 Governor?

19 A. Yes.

20 Q. And then two lines later you say,

21 [REDACTED] [REDACTED]

22 Do you see that?

23 A. I do.

24 Q. Why were you saying you were going to

25 [REDACTED] [REDACTED]

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 A. I don't remember exact -- yeah, I
3 don't remember what was happening at this point
4 in time.

5 Q. Do you remember anything that made
6 you say something that extreme?

7 A. No.

8 Q. Do you remember anything about what
9 was happening around this time period between you
10 and the Governor that would have caused you to
11 say, [REDACTED] [REDACTED]

12 [REDACTED]

13 A. No. I mean, looking at this text
14 message, I say, "God, can he just ever do this on
15 a workday." So I assume that could have been
16 part of it, yeah.

17 Q. Did you think that the Governor
18 treated Ms. Bennett better than you?

19 A. No.

20 Q. Did anyone ever express a view to you
21 that the Governor was treating Ms. Bennett
22 different than other people?

23 A. No, not that I can remember.

24 Q. And then this text message goes on
25 and on page, yeah, Page 606, which is actually

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 the next day in the morning. Ms. DesRosiers says
3 -- well, you say, [REDACTED]

4 And Jill says, [REDACTED]

5 And she says, "Also I'm going to find
6 someone else to hire and move Charlotte
7 downstairs. I'm not doing this. He probably
8 doesn't like her but doesn't want to say."

9 Do you see that?

10 A. I do.

11 Q. Okay. Is the -- what is your
12 understanding of why Ms. DesRosiers was going to
13 "move Charlotte downstairs"?

14 A. This must have -- I can't say for
15 sure. But this must have been when he had said
16 that she was "overworked." That's how I read
17 this.

18 Q. Did you have any reason to believe
19 that the Governor didn't like Charlotte Bennett?

20 A. No.

21 Q. Did you ever have any other
22 conversations with Ms. DesRosiers about why she
23 said the Governor probably doesn't like her, what
24 her views are -- were on the Governor's views of
25 Charlotte?

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 A. Not that I remember.

3 Q. And you wrote back, "Of course.
4 She'll fucking be devastated, which is why I
5 hated her for that job anyways."

6 Why did you think that Charlotte
7 would be "devastated" to be moved downstairs?

8 A. It seems like I was upset in this
9 message but -- so, I think, it was probably an
10 exaggeration. But I can imagine it sort of would
11 have felt like a demotion.

12 Q. And you wrote, "Which is why I hated
13 her for that job anyways."

14 Why did you hate Ms. Bennett for the
15 job of staffing the Governor?

16 A. Again, I think, this is when I was
17 upset and I don't necessarily know that that's
18 actually how I feel. But I don't know exactly
19 what I was referring to or meant in this moment,
20 yeah.

21 Q. Did you have any reservations about
22 Ms. Bennett staffing the Governor?

23 A. No. I, mean apart from the fact that
24 she was the head of the briefing team and it's an
25 important job too, no.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Q. Did you ever express to anyone other
3 than Ms. DesRosiers that you had concerns about
4 Charlotte doing the staffing of the Governor
5 role?

6 A. Not that I remember, no.

7 Q. What do you know about why Charlotte
8 Bennett transitioned out of the Executive
9 Chamber?

10 A. Why she left the chamber?

11 Q. Uh-huh.

12 A. Not much -- not much really. I know
13 why she moved from -- to the health team from the
14 briefing team. But as far as what her -- what
15 precipitated her departure entirely, I don't
16 know.

17 Q. Okay. So let's start she
18 transitioned right away from the front office to
19 be on a health team, right?

20 A. Yes, away from the briefing team,
21 yes.

22 Q. And why did -- what is your knowledge
23 about why that happened?

24 A. Jill had called me to say that she
25 had had a conversation with Charlotte and Judy

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 about Charlotte feeling uncomfortable being
3 around the Governor and not wanting to be around
4 him anymore and wanting to take on a new role in
5 the chamber.

6 Q. When did Ms. DesRosiers make that
7 call to you?

8 A. In the summer before my departure. I
9 don't remember exactly when.

10 Q. Summer of 2020?

11 A. Yes.

12 Q. What else did Ms. DesRosiers say in
13 that conversation?

14 A. That we should, you know, work on a
15 transition plan for briefing and make sure that
16 we had coverage in the New York City office so
17 Charlotte didn't have to staff him there.

18 Q. Anything else that you remember Ms.
19 DesRosiers said in that conversation?

20 A. No, not that I can think of. I know
21 we talked about her transition to the health team
22 but, yeah.

23 Q. And what did you say in that
24 conversation?

25 A. I don't remember my exact language.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 But, yeah, I can't remember exactly what I said.

3 Q. I don't need exact.

4 What do you remember generally you
5 said?

6 A. That I felt upset for Charlotte and
7 I, you know, wanted to make sure that everything
8 was covered and handled so we didn't -- you know,
9 we had people to step in and she didn't have to
10 feel worried about, you know, the transition of
11 briefings, et cetera.

12 Q. And why were you "upset for
13 Charlotte"?

14 A. Because I hated that she had -- that
15 she felt that way and had that experience or, you
16 know.

17 Q. Did you ask anything more about what
18 had made Charlotte "uncomfortable"?

19 A. No.

20 Q. Did Jill tell you anything more than
21 about what had made Charlotte "uncomfortable"?

22 A. No, I don't think so. She said it
23 was conversation that they had had together.

24 Q. Did you understand it to be something
25 of a sexual nature?

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2 A. Yes.

3 Q. And what made you come to that
4 understanding?

5 A. I don't know, exactly, but, yeah.

6 Q. Did you ask Ms. DesRosiers if a
7 report was going to be made to GOER?

8 A. No.

9 Q. Did she and you discuss what the
10 Governor was told about Ms. Bennett's
11 "uncomfortable" -- Ms. Bennett being
12 "uncomfortable"?

13 A. No.

14 Q. You didn't ask her?

15 A. No.

16 Q. Were you concerned that the Governor
17 had made someone "uncomfortable" and he might do
18 it again?

19 A. I don't know. I don't think so. I
20 think at the time, no.

21 Q. After that conversation, were any
22 changes made to the protocol for staffing the
23 Governor?

24 A. Not that I remember.

25 Q. There wasn't a rule put in place that

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2 the Governor had to always have two people
3 staffing him?

4 A. No, not that I remember. That was
5 usually the norm. That would be the norm anyways
6 that he should have two people, at least.

7 Q. The norm is that the Governor had two
8 people staffing him, that was always the norm?

9 A. Yeah, usually.

10 Q. So, to your knowledge, nothing
11 changed about how the Governor was staffed after
12 you learned that Ms. Bennett had reported that he
13 made her "uncomfortable"?

14 A. No.

15 Q. There were no e-mails from anyone or
16 conversations you were a part of in which such a
17 change was discussed?

18 A. Not that I remember, no.

19 Q. If such a change was made, wouldn't
20 you have to be involved in those conversations as
21 the Director of scheduling?

22 A. I'd likely have to have knowledge of
23 it.

24 Q. After you spoke to Ms. DesRosiers
25 about Ms. Bennett having been made

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2 "uncomfortable" by the Governor, did you tell
3 anybody else?

4 A. No.

5 Q. Did you text anybody else about it?

6 A. I don't think so.

7 Q. Did you speak to Judy Mogul about it?

8 MS. DUNN: So, Counsel, my
9 understanding is that conversations with Judy
10 Mogul would be privileged. Obviously, it's the
11 Chamber's privilege. So I'm not aware that
12 they've waived on this.

13 MS. KENNEDY-PARK: She can answer yes
14 or no, I think, and then I won't ask her about
15 the substance of that conversation.

16 MS. DUNN: I think the way that the
17 question was phrased, as I heard it, I don't
18 think she could answer it, because the question
19 embeds the substance. So I'll ask her --

20 Q. Did you have any conversations --

21 MS. KENNEDY-PARK: Yeah, I'll ask a
22 different question then.

23 MS. DUNN: Sorry.

24 Q. Did you have any conversations ever
25 with Ms. Mogul about Charlotte Bennett?

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2 A. No.

3 Q. Did you ever have any conversations
4 ever with Ms. Mogul about sexual harassment?

5 MS. DUNN: [INSTRUCTION] I'm going to
6 direct her not to answer pending, you know, the
7 Chamber's view on it going forward but I --

8 MS. KENNEDY-PARK: Sure, we will --
9 we will -- yeah, I get it. We will all live in
10 the world where the Chamber gets to take a
11 position.

12 MS. DUNN: Okay.

13 Q. So, at some point you said Ms.
14 Bennett left the health policy team too, right?

15 A. Yes.

16 Q. What do you know about why she left
17 the health policy team?

18 A. Oh, I don't -- I don't know exactly
19 why she left. I wasn't in the Chamber at that
20 point. And she and I didn't have any discussions
21 about it.

22 Q. I understand you might not have been
23 in the Chamber and you might not have had
24 discussions with Ms. Bennett, but do you have any
25 knowledge about why Ms. Bennett left her role in

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2 the health policy team?

3 A. No. I think I read in the -- I think
4 I read about reasons but prior to that, no.

5 Q. Okay. What was your last day in the
6 Chamber?

7 A. Oof; August. I forget the date.

8 Q. Did you ever come to learn that Ms.
9 Bennett had shared that the Governor had made her
10 "uncomfortable" with other people in the
11 Executive Chamber other than Jill and Judy?

12 A. Yes.

13 Q. Okay. Tell us about that.

14 A. On -- I had a departure party with
15 Dani in Albany. And at the next morning, **Staffer #4**
16 **Staffer # 4** told me about Charlotte
17 telling a group of people about her experience,
18 yeah.

19 Q. And what did **Staffer # 4** tell you Ms.
20 Bennett had said about her experience?

21 A. Everything's that's been reported
22 that I've seen. So that she was made -- she felt
23 "uncomfortable." That he had asked her if she
24 had ever had sex with an older man, that he asked
25 her about -- that she had discussed her past

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2 abuse, yeah.

3 Q. And Ms. Bennett made her allegations
4 public; is that what you're referring to?

5 A. Oh, yes. But what I'm saying is what
6 Staffer #4 told me is -- reflects what Charlotte has
7 said.

8 Q. I see.

9 So, just for the record to be clear,
10 you have read or watched Ms. Bennett describe her
11 experience with the Governor; is that right?

12 A. Yes.

13 Q. And, in your mind, there's no
14 difference between what she disclosed in February
15 of this year and what Staffer #4 told you she had
16 disclosed in the summer of 2020 to him and
17 others?

18 A. That's correct.

19 Q. Okay. And after Staffer #4 told you
20 about this, what did you do with that
21 information?

22 A. I called Jill DesRosiers.

23 Q. Why did you do that?

24 A. Because I know that she was talking
25 with Judy about it and -- yeah.

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2 Q. You weren't in the Chamber anymore at
3 this time?

4 A. I don't know if it was my last day or
5 -- I don't remember, exactly.

6 Q. Okay. And what did Ms. DesRosiers
7 say when you reported what Staffer # 4 had told
8 you what Ms. Bennett had said?

9 A. She said she wanted to talk to Judy.
10 I don't remember, exactly.

11 Q. Anything else she said?

12 A. Not that I remember now. Oh, she had
13 asked -- she had asked -- I think she asked who
14 else was in the room.

15 Q. And who else was in the room with
16 Staffer # 4 and Ms. Bennett?

17 A. Staffer #3 , Staffer #2 ,
18 , I think, and .

19 Q. And did you give all those names to
20 Ms. DesRosiers?

21 A. I believe so, yes.

22 Q. Do you know if Ms. DesRosiers spoke
23 to any of those individuals who were there the
24 night that Ms. Bennett described her experience
25 with the Governor?

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2 A. No. I mean, I know she spoke with

3 Staffer #4 .

4 Q. And what did Staffer #4 tell you about
5 speaking to Ms. DesRosiers?

6 A. Nothing really. It was much the
7 same .

8 Q. And when you say, "much the same,"
9 much the same as what?

10 A. Sorry, I apologize. I think that it
11 was much the same as sort of the conversation
12 that I had had with her. But I think he had --
13 because it -- he was the firsthand account, I
14 think, she wanted to talk to him directly about
15 it.

16 Q. And did Staffer #4 tell you anything
17 that Ms. DesRosiers had said to him?

18 A. No, not that I remember.

19 Q. Do you know if she spoke to anyone
20 other than Staffer #4 , any of the other
21 individuals who were there the occasion that Ms.
22 Bennett described her experience with the
23 Governor?

24 A. No, I do not know.

25 Q. After that -- so, this is August,

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 let's say, August of 2020 --

3 A. Uh-huh.

4 Q. -- and December of 2020.

5 Did you have any conversations with
6 anyone in the Executive Chamber about Charlotte
7 Bennett?

8 A. No, I don't think so, not that I can
9 recall.

10 Q. When Ms. Bennett left the health
11 policy team, did anyone reach out to you to talk
12 about that?

13 A. I don't think so.

14 Q. What was your reaction when
15 **Staffer #4** told you what Ms. Bennett had
16 described the Governor said to her?

17 A. I felt badly for her. I felt -- I
18 felt for her.

19 Q. Did you advise **Staffer #4** to speak to
20 Jill DesRosiers as well, or did Jill reach out to
21 him on her own?

22 A. I don't remember. I don't know for
23 sure.

24 Q. Did you have any reason at that time
25 to believe that what Ms. Bennett had told

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Staffer #4 was not true?

3 A. I had no reason to disbelieve
4 Charlotte.

5 Q. Sitting here today do you have any
6 reason to disbelieve Charlotte Bennett --
7 Charlotte Bennett's description of her
8 interactions with Governor Andrew Cuomo?

9 A. No.

10 Q. Let's talk about someone you brought
11 up -- or I'll just ask a final question;
12 apologies.

13 Anything else that you know about
14 Charlotte Bennett's experience with Governor
15 Cuomo prior to December of 2020 that you haven't
16 told me?

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

18 Q. Any other conversations you had with
19 any members of the Executive Chamber staff
20 regarding Ms. Bennett and her experience with
21 Governor Cuomo that you haven't told me about
22 prior to December 2020?

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

24 Q. We've talked a little bit earlier
25 about someone named Kaitlin whose

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 nickname was Sponge.

3 What do you know about how Kaitlin
4 [REDACTED] came to be an employee in the Executive
5 Chamber?

6 A. She -- the Governor had met her at a
7 fundraiser. She was working for a consultant at
8 the time and she came in for an interview to be
9 the Downstate Director of Governor's Offices,
10 yeah.

11 Q. When you say the Governor met her at
12 a fundraising event, how did you come to know
13 that?

14 A. I don't remember, exactly, yeah. I
15 don't -- I don't know.

16 Q. And is it your understanding that she
17 came in for an interview because the Governor
18 wanted her to?

19 A. Yes.

20 Q. So earlier today I asked you if you
21 had any knowledge about whether the Governor had
22 ever met a woman at an event and then wanted to
23 bring her as an employee of the Chamber and I
24 think you said "no."

25 You want to change that answer?

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2 A. Yeah, sorry.

3 Q. So Ms. -- it's okay. We don't have a
4 running transcript, so this is a little bit
5 challenging. So we'll do our best.

6 A. Okay.

7 Q. But -- so your recollection is that
8 -- Kaitlin falls into that category?

9 A. Yes, I think so. I don't -- again, I
10 don't remember exactly because I wasn't at the
11 party. But I know that -- yeah, I think she had
12 previously worked for [REDACTED] but, yeah.

13 Q. Did you interview Kaitlin [REDACTED] ?

14 A. I did. I sat in an interview with
15 her.

16 Q. And tell us about that interview.

17 A. From what I remember it was -- I
18 mean, I don't remember very much. It was -- we
19 talked about -- I sat -- I did it with Stephanie
20 Benton. We talked about the role, yeah, what
21 most I -- what I most remember is she had a
22 weekend job that she said that she wouldn't --
23 didn't want to give up because of the income that
24 it generated for her. So it would be hard to
25 take -- to do this job if it required any work on

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2 the weekends, yeah.

3 Q. Do you remember if during that
4 interview process she said anything about how it
5 is that she came to be sitting in the chair being
6 interviewed?

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

8 Q. And what role was she interviewing
9 for?

10 A. The Downstate Director of Governor's
11 Offices, I believe, that's what the title was.

12 Q. And is that, essentially, helping
13 Stephanie Benton?

14 A. Yes.

15 Q. So staffing the Governor?

16 A. Yes.

17 Q. And she got that job?

18 A. She did.

19 Q. What do you know about her salary?

20 A. I believe it was 120. I remember
21 that, again, because of the weekend job so, yeah.

22 Q. How did that compare to other people
23 who had been in that same position?

24 A. Higher I would imagine. I can only
25 speak for my own salary. But I would imagine,

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2 yeah.

3 Q. What was your salary?

4 A. At that point in time, I -- I don't
5 know off the top of my head. I think it was --
6 well, I don't want to guess, but it was less than
7 that.

8 Q. What was the most you ever made as a
9 staff member of the Executive Chamber?

10 A. Well, I think it was [REDACTED] that
11 included location pay.

12 Q. And was that at the end of your time
13 there?

14 A. Yes.

15 Q. Okay. Was there any discussion about
16 Kaitlin [REDACTED] making a salary that was higher than
17 yours?

18 A. I don't remember.

19 Q. Do you remember any discussion about
20 why Kaitlin [REDACTED] salary was -- it was okay for her
21 salary to be higher than other senior members,
22 people that would be more senior than her?

23 A. I just -- I remember the weekend
24 piece of it, clearly, but not necessarily the
25 rest.

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2 Q. Did it have anything to do with the
3 fact that the Governor wanted her to work in the
4 Executive Chamber?

5 A. Not to my knowledge.

6 Q. Did you go into that interview
7 thinking that you could say no to Kaitlin ?

8 A. Yeah, I didn't -- I mean, I didn't
9 really have a thought either way. I mean, I knew
10 Stephanie would have been sort of the hiring
11 manager. But, yeah, I didn't really have a
12 thought about it.

13 Q. Whose ultimate decision was it to
14 hire Kaitlin ?

15 A. I don't know.

16 Q. Would it have been the Governor?

17 A. I mean, I can't say on who did it
18 because I don't -- I don't know who did.

19 Q. How was Kaitlin job
20 performance?

21 A. I don't -- I don't think that she
22 ended up liking that job. I don't think that she
23 was suited for it, I think. She was -- it was a
24 lot of minutia and I don't -- I think she thought
25 it would have been -- well, I don't want to say

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 what I think she thought but, yeah.

3 Q. What conversations did you have with
4 Kaitlin with her job satisfaction or lack
5 thereof?

6 A. I don't remember, you know, a
7 conversation with her -- well, I don't -- I
8 remember a conversation where I told her I was
9 dissatisfied with her job performance. There
10 could have been times where I gave advice or
11 suggested other things or said that. But I don't
12 remember.

13 Q. Sorry, you cut out a little bit.

14 Did you say you do not remember
15 having a conversation with her where you
16 expressed dissatisfaction with her job
17 performance?

18 A. No.

19 Q. Okay. Do you remember the reverse
20 where she expressed dissatisfaction with her job?

21 A. No.

22 Q. Prior to December 2020, did you have
23 any understanding about Kaitlin views on how
24 she was being treated by members of the senior
25 staff?

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2 A. No.

3 Q. Did she ever complain that people
4 were being -- complained that people were being
5 rude to her?

6 A. Not that I remember.

7 Q. Did she ever complain that people
8 were being disrespectful to her?

9 A. Not that I remember.

10 Q. Did you ever observe anyone being
11 disrespectful to **Kaitlin** ?

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

13 Q. I guess I should have exempted
14 calling her Sponge.

15 But did you ever observe anyone, for
16 example, ignoring her?

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

18 Q. Is that something that happened in
19 the Chamber, that more junior members of the
20 staff would get deliberately ignored?

21 A. Not to my knowledge.

22 Q. Ever heard the term "icing someone
23 out"?

24 A. Yes.

25 Q. And have you ever heard that term

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 used in the Executive Chamber?

3 A. No, not as relating to people that
4 worked there.

5 Q. Any -- excuse me.

6 Do you have any knowledge about
7 anyone in the senior staff "icing out" someone in
8 the junior staff?

9 A. No.

10 Q. What is your understanding what the
11 Governor's view of **Kaitlin** job performance
12 was?

13 A. I'm -- I mean, I can't speak for him.
14 But I know that I felt it was lacking at times.
15 Again, I think that she didn't -- I don't think
16 she necessarily loved the role so, yeah.

17 Q. Did the Governor ever express any
18 views to you about **Kaitlin** job performance?

19 A. Not that I can remember. But in prep
20 I know there was a document or a text I sent that
21 I talk about it there.

22 Q. Okay. So let's turn to that tab.

23 MS. KENNEDY-PARK: Hyatt can help me
24 out. This is Tab 26 in my binder.

25 MS. MUSTEFA: W.

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2 MS. KENNEDY-PARK: And we'll mark
3 this as the next exhibit.

4 (Deposition Exhibit 10, 1/29/17 text
5 message string AWALSH00000599, was marked for
6 identification.)

7 Q. This is a text message from
8 January 29th, 2017 between you and Jill
9 DesRosiers.

10 Before we go to the text message, do
11 you remember when [Kaitlin] started working in
12 the Executive Chamber?

13 A. I did, yes, January, I think, or
14 December.

15 Q. January 2017?

16 A. I think so. I don't remember exactly
17 but I think so.

18 Q. Do you recall if her first day was
19 attending the New Year's Eve event that the
20 Chamber hosted in 2016?

21 A. It's possible. I was out of the
22 office at that time [redacted]
23 [redacted], so I wouldn't be very familiar with
24 it.

25 Q. [redacted].

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2 Let's look at the text message. I
3 think this is the one you're referring to where
4 you write to Ms. DesRosiers, "I'm also going to
5 add Kaitlin to all of the meetings. Even though
6 he told us today she was useless because she
7 still doesn't know anything."

8 Is this the text message you were
9 referring to?

10 A. Yes.

11 Q. And on this job -- on this date, [REDACTED]
12 [REDACTED] Kaitlin had been on the job for about a month; is
13 that right?

14 A. Yes. I assume so.

15 Q. Did [REDACTED] Kaitlin -- okay.

16 A. Sorry.

17 Q. Did [REDACTED] Kaitlin performance improve
18 after this text message?

19 A. I can't remember exactly what her
20 performance was on the 29th versus afterwards but
21 -- so I can't say, exactly.

22 Q. But, in general, over time did her
23 performance get any better?

24 A. Yes. I'd say so. I think at the end
25 it sort of -- she wasn't as, you know, as

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2 invested, I think.

3 Q. I'm sorry, at the end she wasn't as
4 invested?

5 A. Yeah.

6 Q. So I'm taking that to mean at the
7 beginning she came up, performed a little bit
8 better but then at the end she went down a little
9 bit more because she wasn't as invested; is that
10 what you're saying?

11 A. Yes.

12 Q. Okay. Let's look at what's in your
13 binder --

14 A. I apologize. Before -- before we go,
15 can I just run to the bathroom very quickly?

16 MS. DUNN: I was going --

17 Q. Of course.

18 MS. KENNEDY-PARK: Let's go off the
19 record.

20 THE VIDEOGRAPHER: One second. Stand
21 by. The time is 2:37. We are going off the
22 record. This will end Media Unit No. 5.

23 (Recess taken 2:37 to 2:53 p.m.)

24 THE VIDEOGRAPHER: The time is
25 2:53 p.m. We are back on the record. This will

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2 be the start of Media Unit No. 6.

3 Q. Ms. Witness, can you please -- please
4 go ahead.

5 A. There was one thing that I've been
6 thinking about, a question that I wanted to
7 clarify in regards to Caitlin's interview.

8 Afterwards I remember expressing that
9 I didn't think that she was right for the job.
10 To whom, I'm not quite certain. I believe it was
11 either Stephanie or Jill, but I can't say for
12 sure.

13 Q. Thank you for the clarification.

14 Why did you not think **Kaitlin** was
15 the right fit for the job?

16 A. Because I thought she wanted a sort
17 of larger more sort of not political but sort of
18 a larger role and wouldn't be happy with sort of
19 the minutia and smaller sort of EA-like nature of
20 that role.

21 Q. Where was **Kaitlin** coming from, what
22 was her job before the Executive Chamber?

23 A. I believe that she worked for a
24 lobbyist, the name of which is escaping me.

25 Q. Was she an Executive Assistant at her

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2 lobbying firm?

3 A. I don't remember.

4 Q. So what gave you the impression that
5 she wouldn't be satisfied with the staffing the
6 Governor role?

7 A. It was just -- when -- as she spoke
8 about her experience and sort of as she talked
9 about the role, I didn't think that she would --
10 it just didn't seem like -- it seemed broader and
11 larger than what the role is.

12 Q. Did you get the impression that she
13 didn't want the job?

14 A. I don't know. Not that I
15 particularly -- not that I really remember, but I
16 don't also. But I don't know.

17 Q. And you said you expressed that view,
18 I think, you said to Ms. Benson maybe and then
19 was it to Jill?

20 A. I don't remember. I don't remember
21 if I -- it would have been to either of them. I
22 don't know -- I can't remember exactly if -- I
23 can't remember exactly who.

24 Q. But she got hired anyway, right?

25 A. She did.

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2 Q. And were there any conversations that
3 you recall that were counter to your view?

4 A. No, not that I can remember.

5 Q. I know you can't remember whether it
6 was Stephanie or if it was Jill.

7 But do you remember whoever you spoke
8 to what they told you in response to you saying,
9 I don't think, essentially, she's a good fit?

10 A. No, I don't. I don't remember.

11 Q. Why don't you turn to Tab Z in your
12 binder and we'll mark this as the next exhibit.

13 (Deposition Exhibit 11, 9/13/17 text
14 message string AWALSH00000567, was marked for
15 identification.)

16 Q. This is a text message between you
17 and Ms. Benson from September 13, 2017. It also
18 includes Dani Lever and you write, "Oh, my God.
19 Already smiling," in response to some image we
20 can't see. And then say, "Wait. Also let's
21 fucking fire Kaitlin [REDACTED] like six months ago."

22 Why did you think that Kaitlin [REDACTED]
23 needed to be fired?

24 A. I can't remember exactly what led me
25 to say -- what occurred to make me feel like that

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2 on this day. But, clearly, I was blowing off
3 steam and not -- yeah. So but I don't remember
4 exactly what it was at this moment that led me to
5 believe that and think that.

6 Q. Okay. Separate from this moment, did
7 you want **Kaitlin** to get fired?

8 A. I think I -- this was a moment that I
9 was upset and probably talking with colleagues
10 sort of in a more friendly manner. I do know
11 that I didn't believe that she was excelling in
12 the role.

13 Q. Did you ever communicate to **Kaitlin**
14 that you did not believe that "she was excelling
15 in the role"?

16 A. Not that I remember, specifically.

17 Q. Did you ever yell at her?

18 A. Not that I can remember.

19 Q. Were you ever rude to her?

20 A. Not that I remember.

21 Q. Were you ever disrespectful to her?

22 A. No, not that I remember.

23 Q. If **Kaitlin** says that you were, is
24 she lying?

25 MS. DUNN: I understand we're not

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 supposed to object. But the question is very
3 objectionable. So I think --

4 Q. You can go ahead and answer.

5 MS. DUNN: -- if you can rephrase
6 please.

7 Q. You can go ahead and answer.

8 A. No. She's entitled to her opinion
9 and feelings.

10 Q. Are you familiar with an article that
11 came out that referred to someone named "Kaitlin"
12 having worked in the Executive Chamber who
13 described her experience as being "toxic"?

14 A. Yes.

15 Q. Do you understand that person to be
16 Kaitlin [REDACTED]

17 A. Yes.

18 Q. And when you read that article, is
19 there anything that she described about her
20 experience that you thought was false?

21 MS. DUNN: Objection. I just want to
22 instruct the witness if you need to see the
23 article to be able to answer that question,
24 you're entitled to see it.

25 A. I would need to re-read it.

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2 Q. Do you remember your reaction when
3 the article came out?

4 A. No.

5 Q. You don't remember having any
6 reaction to that article coming out?

7 A. I'm sure that I did. I think at this
8 point there was quite a bit of things happening,
9 so I can't isolate what that reaction was.

10 Q. We'll come back to the article.
11 Let's talk about Lindsey Boylan.

12 How do you know Lindsey Boylan?

13 A. She worked at ESD in the Governor's
14 Office.

15 Q. Did you interact with her?

16 A. I did.

17 Q. Okay. How often?

18 A. Occasionally, while she worked at ESD
19 and then probably more frequently when she was
20 working in the Chamber.

21 Q. And when she was working in the
22 Chamber, how frequently would you say that
23 interaction was?

24 A. It would depend. Yeah, it's hard to
25 say.

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2 Q. Did Ms. Boylan travel with the
3 Governor?

4 A. She did.

5 Q. Was Ms. Boylan ever alone with the
6 Governor?

7 A. I don't know. I would not -- it
8 would be normal.

9 Q. Did you ever have any conversations
10 with Ms. Boylan while she was employed by the
11 Executive Chamber on her views of the culture?

12 A. I don't remember, exactly. I think
13 there might -- I think there's a document about
14 it. But I can't remember sort of having a
15 conversation.

16 Q. Do you remember Ms. Boylan ever
17 expressing displeasure with the working
18 environment in the Executive Chamber?

19 A. Again, I remember I've seen documents
20 since then. But I can't remember exactly having
21 conversations with her about it.

22 Q. Okay. So why don't we look back at a
23 document, which Hyatt will help me remember.
24 This is Tab 30. Maybe we have looked at this
25 before.

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2 MS. KENNEDY-PARK: Which tab is it,
3 Hyatt?

4 MS. MUSTEFA: Sorry, I was on mute.
5 AA, "A" as in apple twice.

6 MS. KENNEDY-PARK: Yeah, AA. So
7 we'll mark this as the next exhibit. We haven't
8 marked it before.

9 Q. Why don't you go ahead and look at
10 the whole thing.

11 (Deposition Exhibit 12, 9/17/18 text
12 message string AWALSH00001199 to AWALSH00001203,
13 was marked for identification.)

14 A. Okay.

15 Q. Okay. So this is a text message
16 chain between you and Dani Lever on September 17,
17 2008 [sic].

18 If you turn to the page that's marked
19 1203, at the top you say, "I want to leave my but
20 I don't think I can. I actually fucking hate
21 this place." It's another occasion on which you
22 express hating your job, hating the Executive
23 Chamber.

24 Do you remember why you said it this
25 time?

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2 A. No. I know -- I remember going to --
3 I remember flying home and then going to the
4 office instead of flying -- flying back to New
5 York City from Boston and going back to the
6 office and I remember something happening and
7 there was an event happening and I remember
8 Melissa telling me to go -- asking me to help
9 Jill. So I went over afterwards to the campaign
10 office.

11 Q. And what's the connection between and
12 saying --

13 THE STENOGRAPHER: I'm sorry.

14 MS. KENNEDY-PARK: Yeah, go ahead,
15 Silvia.

16 THE STENOGRAPHER: You said "2008."
17 Did you mean 2018? I'm sorry.

18 MS. KENNEDY-PARK: I did. Thank you,
19 Silvia.

20 THE STENOGRAPHER: I'll fix it.
21 Sorry, go ahead.

22 MS. KENNEDY-PARK: No, thank you.

23 Q. What's the connection between what
24 you just described and you saying, "I actually
25 fucking hate this place"?

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2 A. I don't remember, exactly. I think
3 it's -- I clearly had -- looks like I had anxiety
4 about going back to work anyways. But I just
5 remember that happening, which it seems that it
6 is this time. So...

7 Q. And why did you have "anxiety about
8 going back to work"?

9 A. I can't say exactly why. Just what I
10 would characterize as just sort of the regular
11 stress of or anxiety about going back to work
12 after being away for a while, especially, missing
13 a day.

14 Q. You missed one day?

15 A. I don't know. But it's that --
16 sorry. From what I'm reading, that's what it
17 seems -- feels like to me and I remember being
18 late this day with this campaign when I went over
19 to help the campaign office with something. So
20 -- but I can't say for certain.

21 Q. And then you go on to say, again,
22 actually, "nothing I just hate this place."

23 Do you remember why you said that?

24 A. No.

25 Q. Okay. And then you said, "I would

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 never agree with Lindsey on anything, but it's
3 ducking toxic." I'm assuming that was supposed
4 to be code for fucking toxic; is that right?

5 A. Yes.

6 Q. Okay. And you say, "I would never
7 agree with Lindsey on anything."

8 What did you mean by that?

9 A. I don't know exactly what I meant by
10 that other than what's on the page but, yeah.

11 Q. What was your relationship like with
12 Ms. Boylan?

13 A. It was -- it started off it was a
14 good working relationship. It sort of petered
15 out towards the end I would say, yeah.

16 Q. And by "petered out," what do you
17 mean?

18 A. We weren't as close at the end, not
19 that we were relatively very close in the
20 beginning. But, yeah, just that, we weren't as
21 close.

22 Q. Anything else?

23 A. As far as my relationship with her
24 goes?

25 Q. Yes.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

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

3 Q. No other reason why it "petered out"?

4 A. No, it was sort of -- I was
5 frustrated with her work product and -- yeah.

6 Q. What "frustrated" you about her work
7 product?

8 A. She didn't always have -- you know,
9 she didn't have a grasp of details occasionally
10 on briefing that on a couple of occasions that I
11 can remember that was frustrating as the policy
12 lead, yeah.

13 Q. And you go on to write -- when you
14 say, "I would never agree with Lindsey on
15 anything but it's fucking toxic."

16 Did Ms. Boylan describe the
17 environment of the Executive Chamber as "toxic"?

18 A. I think so considering this note. I
19 can't remember when she did, but I'd say, yes.

20 Q. You have no reason to believe you
21 would write that if it wasn't true?

22 A. Yeah. Yes.

23 Q. And do you remember any occasions if
24 she didn't use the word "toxic" where she
25 complained about the culture in the Executive

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Chamber?

3 A. Not specifically -- oh, no, sorry I
4 apologize.

5 A. Again, in -- there was another
6 document where she was complaining about Linda
7 Lacewell. But other than that I can't -- I can't
8 remember exactly times where she said as such so,
9 yeah.

10 Q. So, other than the two text messages
11 that you've reviewed to prepare for today, you
12 don't remember any occasion -- you don't have a
13 memory of any occasion in which Ms. Boylan
14 complained of the environment of the Executive
15 Chamber?

16 A. No.

17 Q. And then earlier you and I had a back
18 forth about whether you would describe the
19 Executive Chamber as "toxic." And you said,
20 well, you would need to know the context in which
21 you said it.

22 A. So now we're looking at the context
23 in which you said the environment of the
24 Executive Chamber was "toxic."

25 Q. So what did you mean by that?

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2 A. I don't -- I don't know, exactly. I
3 was obviously upset. But I can't say exactly
4 what made me feel that way or what was happening
5 at the time to make me feel that upset about it.

6 Q. We've looked at a number of text
7 messages in which you said you "hated" your job,
8 which showed you wanted to "leave." You called
9 the Governor [REDACTED] You said you [REDACTED]
10 [REDACTED] You describe the environment as
11 "toxic."

12 But you can't remember why you used
13 those words on any of those occasions?

14 A. No, I can't exactly except for, you
15 know, frustration at work, kind of being upset,
16 having it be high pressure and stressful and, you
17 know...

18 Q. Have you ever seen a set of talking
19 points that were prepared after the allegations
20 of harassment came out against the Governor to
21 describe what the environment of the Executive
22 Chamber was?

23 A. No.

24 Q. Did anyone ever tell you what you
25 should say if asked what the environment of the

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Executive Chamber was?

3 A. No.

4 Q. When you were in the Executive
5 Chamber, did you ever participate in managing
6 press around a potential article on the culture
7 of the Executive Chamber?

8 A. No.

9 Q. Were you aware of any potential
10 articles about the culture of the Executive
11 Chamber while you were a member of the Executive
12 Chamber?

13 A. Not that I remember.

14 Q. Did you ever make a complaint about
15 Lindsey Boylan?

16 A. No.

17 Q. You never went to Mr. David to make a
18 complaint about her?

19 MS. DUNN: Wait, sorry, Counsel. Can
20 you repeat the question so I can figure out
21 whether there's a privilege issue please?

22 MS. KENNEDY-PARK: Sure.

23 I said -- first, I said did you ever
24 make a complaint about Lindsey Boylan.

25 MS. DUNN: Okay. And I think she

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 said no.

3 MS. KENNEDY-PARK: She said, "no."

4 MS. DUNN: Okay. What was the next
5 question?

6 MS. KENNEDY-PARK: Did you ever go to
7 Mr. David about Lindsey Boylan?

8 A. Can I -- is he -- can I ask a
9 question about it please?

10 MS. DUNN: Yeah, so to us or to her?

11 So the witness has a question with
12 regard to privilege. So we would like to go off
13 the record to talk to her.

14 MS. KENNEDY-PARK: Before we go off
15 the record, I'll note for the record that
16 contents of Ms. Boylan's personnel file that
17 contains this information were released to the
18 press.

19 So we can go off the record now.

20 MS. DUNN: Okay. Thanks.

21 THE VIDEOGRAPHER: Wait a second
22 folks. Stand by. The time is 3:14 p.m. We are
23 going off the record.

24 (Recess taken 3:14 to 3:24 p.m.)

25 THE VIDEOGRAPHER: The time is 3:24.

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2 We are back on the record.

3 Q. What do you know about why Ms. Boylan
4 left the Executive Chamber?

5 A. Well, there were two -- I remember
6 two times. One time I know she was frustrated
7 and wanted to leave. The second time -- I can't
8 remember, exactly, but I think was of a similar
9 nature. But I think she wanted to come back and
10 I don't -- and I think that it was the opinion of
11 Counsel or I don't know that she shouldn't.

12 Q. Okay. So, on the first occasion
13 where she left, it sounds like she didn't
14 actually leave. She came back.

15 A. Yes.

16 Q. Okay. And you said she was
17 "frustrated."

18 What was she "frustrated" -- what to
19 your understanding was she "frustrated" about?

20 A. More -- I don't know, holistically.
21 I don't know the specifics what sort of -- was
22 the main point of her departure so, yeah.

23 Q. Did you talk to her about why she
24 wanted to leave on that first occasion?

25 A. We texted about it. But I don't know

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2 if we ever spoke on -- I don't know if we spoke
3 on the phone about it.

4 Q. And from that texting, what did you
5 come to understand was the reason why she wanted
6 to leave?

7 A. I don't -- I don't remember, exactly,
8 yeah.

9 Q. Do you remember anything about the
10 texting and what she said?

11 A. I -- I'm sure it might be in here. I
12 can look at it. But, again, I understood it to
13 be just generally frustrated and not -- and sort
14 of done working there.

15 Q. Okay. And on the second occasion,
16 you understood that she chose to leave because
17 she was frustrated, that's what you said?

18 A. I think -- that's how I remember it.

19 Q. Let's fast forward a little bit to
20 December of 2020.

21 When did you first become aware that
22 Ms. Boylan had tweeted allegations about the work
23 environment of the Executive Chamber?

24 A. I don't know. I don't remember
25 exactly how. I don't know if I saw it or

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 somebody sent it to me.

3 Q. Let's mark as the next exhibit what
4 is at Tab 41 in my binder.

5 MS. KENNEDY-PARK: Hyatt, what is in
6 Ms. Witness's binder?

7 MS. MUSTEFA: JJ.

8 (Deposition Exhibit 13, 12/8/20
9 Tweets by Lindsey Boylan, was marked for
10 identification.)

11 Q. Tab JJ in your binder is a -- there
12 is a tweet from Ms. Boylan on December 8th, 2020.

13 Do you recognize these as the tweets
14 that Ms. Boylan made that we were just talking
15 about?

16 A. Yes.

17 Q. And after these tweets, did you talk
18 to anybody about the tweets?

19 A. Yes.

20 Q. Who?

21 A. I spoke with Stephanie, Melissa,
22 Dani, Staffer #4. I don't know if there was anybody
23 else.

24 Q. Okay. And was that in a group
25 conversation, or were those separate

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2 conversations?

3 A. I don't remember, exactly. I can't
4 say for sure what they were. I think they were
5 separate. But I don't want to say for sure.

6 Q. How did the conversation with Ms.
7 DeRosa come about?

8 A. I don't -- I don't remember, exactly.
9 I don't know if she called me or if she texted me
10 about it.

11 Q. But she reached out to you?

12 A. I think so but -- I think so.

13 Q. And what do you remember about the
14 conversation with Ms. DeRosa after Ms. Boylan's
15 tweet?

16 A. I don't remember exactly what we
17 talked about, yeah.

18 Q. Do you remember generally what you
19 talked about?

20 A. We had -- certainly, had a lot of --
21 we had several conversations in December. So
22 it's hard for me to say, exactly.

23 Q. Okay. So forget about the date,
24 right.

25 A. Okay.

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2 Q. So, just talk to me about your
3 conversations with Melissa DeRosa in December.

4 What do you remember about them?

5 A. Sort of you know, I think, generally,
6 asking about sort of Lindsey, asking about, you
7 know, who else she thought might, you know, be
8 supportive of Lindsey and might, you know, say
9 derogatory things about the Chamber, yeah.

10 Q. And who did you think -- who did you
11 tell Ms. DeRosa might say "derogatory things
12 about the Chamber" or "be supportive of Lindsey"?

13 A. Through, you know, one person that I
14 know that I flagged was [REDACTED], who had
15 worked there and who had left and had previously
16 publically expressed negative opinions on the
17 Chamber. I don't know who else, exactly. I
18 mean, yeah.

19 Q. You don't remember anybody else that
20 you and Ms. DeRosa spoke about that might
21 "support" Ms. Boylan or say "derogatory things
22 about the Chamber"?

23 A. We went through several names and
24 people. She asked me lots of questions about who
25 people were, you know, what their role was in the

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2 Chamber, sort of, you know, how long they had
3 worked there, et cetera but -- so, yeah.

4 Q. Was there a list that you were
5 working off of, the two of you?

6 (There is a discussion off the
7 record.)

8 Q. Was there a list you were working
9 off?

10 MS. DUNN: So there are two things
11 that are concerning me right now. One is a
12 privilege issue. The other is, I think, a lack
13 of clarity in this conversation that I want to
14 fix.

15 I think this question of who did you
16 say would "support" Lindsey or say "derogatory
17 things." I think the witness testimony is she
18 believed that's what Ms. DeRosa was inquiring
19 about.

20 I do not think she has testified and
21 I want to make clear that she has not testified
22 that any names discusses were people who she
23 thought -- who the witness thought would do those
24 things. I think these are two separate questions
25 and the questioning is not clear about that.

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2 MS. KENNEDY-PARK: Well, let's be
3 clear. Let's pause for a second before you make
4 your point.

5 Q. You told me that [REDACTED] was a
6 name that you gave to her, right?

7 A. Yeah, he came up in discussion.

8 Q. Did you bring him up in discussion?

9 A. I don't -- I don't remember. I
10 remember we definitely discussed him, as I know
11 he had publically -- I think she did too at that
12 point -- had publically said other things. And
13 then -- yeah, so, as far as the list goes, she
14 sort of went -- she asked me about lots of
15 different people that had worked there and sort
16 of what my understanding of their, A, role was in
17 the Chamber and, B, their sort of likelihood of
18 them supporting or saying sort of other
19 derogatory kind of things.

20 Q. Okay. Right. And so the question
21 is, as she went through that list, whatever this
22 list of names are, who are the other people you
23 identified for her that could or might say things
24 that were "supportive" of Lindsey, things that
25 were "derogatory" about the Chamber? Those are

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2 your words.

3 A. I would say [REDACTED] is really the only
4 person that I can think of that I would have said
5 affirmatively, yes. Everybody else was sort of
6 -- she was asking who somebody is. I would
7 explain what they did, who they worked for and
8 then she might ask me sort of what they thought,
9 you know, if they -- whether or not she felt that
10 they would say negative things.

11 Again, I think the one person that
12 can say affirmatively that I would agree to or
13 said to them would be [REDACTED].

14 Q. Did Kaitlin [REDACTED] come up in your
15 conversations with Ms. DeRosa?

16 A. After Kaitlin, not before but she had
17 tweeted. But then after Kaitlin, I forget what
18 she did, if she tweeted or did something. It was
19 something on Twitter. Melissa called me about
20 it. And I didn't think that Kaitlin would have
21 said things but...

22 Q. And what did you tell Ms. DeRosa
23 about Kaitlin [REDACTED]?

24 A. She asked me first -- and at this
25 point, I don't know if it was Melissa or

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2 Stephanie on the phone truthfully. I don't --
3 just so I don't know if it was exactly Melissa.

4 She asked me when she had started to
5 work there. She asked me sort of, you know, her
6 role, what she -- who she worked of sort of
7 afterwards and where she went after the
8 Governor's Office.

9 Q. Did she ask you anything else?

10 A. No, I think she asked me if I thought
11 that she left on bad terms, which I said, no, I
12 didn't she did.

13 Q. Did she ask you about Charlotte
14 Bennett?

15 A. No, I don't think so, not that I
16 remember.

17 Q. In your conversations with Ms. DeRosa
18 -- in December, you said there are multiple
19 conversations with her -- did Ms. Bennett ever
20 come up?

21 A. I don't remember. I don't think so.
22 I think she -- no, I think I'm getting confused
23 in my head. I think somebody had tweeted
24 something like, keep talking Lindsey. So, no, I
25 think it was mostly based on Kaitlin. But,

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2 again, at this point in time it was going --
3 there were lots of people being, you know...

4 Q. And let's look at what's marked as
5 Tab 44 in my binder.

6 MS. KENNEDY-PARK: Hyatt, it is what
7 tab in Ms. Witness's binder?

8 MS. MUSTEFA: KK.

9 (Deposition Exhibit 14, 12/8/20 text
10 message string AWALSH00001413 to AWALSH00001416,
11 was marked for identification.)

12 Q. So the list of people you told me you
13 communicated with about Ms. Boylan was Ms.
14 Benson, Ms. DeRosa, Ms. Lever and Staffer #4 .

15 This is a text message on
16 December 8th, 2020 between you and [REDACTED] .

17 Did you communicate with [REDACTED]
18 about Lindsey Boylan?

19 A. Yes. I apologize. I forgot her.

20 Q. Okay. And [REDACTED] wrote, "Also
21 is Lindsey Boylan going to get murdered now?"

22 Do you see that?

23 A. I do.

24 Q. And then you wrote, "Oh, my God
25 [REDACTED] was grilling me about her earlier today."

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2 Who is [REDACTED]?

3 A. [REDACTED] is a colleague of mine from
4 Clear.

5 Q. So you talked to [REDACTED] about Lindsey
6 Boylan?

7 A. Yeah, no, I remember [REDACTED] was
8 asking me questions about her.

9 Q. And then you said, "She was crazy and
10 has been saying how toxic that place is forever."

11 Is that true that Lindsey Boylan had
12 been saying the Executive Chamber was "toxic"?

13 A. I don't remember exactly if that's
14 what she said. But I've now referenced it twice.
15 So, yeah, I think so; sorry.

16 Q. Any reason to believe that you
17 weren't telling the truth to [REDACTED]?

18 A. No. I'm just trying -- I apologize.
19 I'm trying to remember the exact time
20 when Lindsey said it was "toxic" to me. And I
21 can't remember it off the top of my head. But I
22 have -- yes, I agree with that.

23 Q. She said it more than once to you,
24 right?

25 A. I think so. I think so.

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2 Q. Having looked at the text with [REDACTED]
3 [REDACTED], do you remember talking to anybody else
4 other than Ms. Benson, Ms. DeRosa, [REDACTED],
5 [REDACTED], Mr. Lever and Staffer #4 [REDACTED] about Lindsey
6 Boylan's tweets on December 8th?

7 A. I don't remember, exactly. It's
8 possible that I spoke to Peter Ajemian or Rich.
9 But I can't remember anybody else.

10 Q. You said you spoke to Ms. Benson.

11 What did you discuss with Ms. Benson
12 about Ms. Boylan's tweets?

13 MS. DUNN: I'm sorry, Counsel. Can
14 we just pause for one second? I need to consult
15 with Mr. Delaney for one second.

16 MS. KENNEDY-PARK: Sure, yeah.

17 MS. DUNN: Hit mute.

18 MS. KENNEDY-PARK: You guys should
19 mute.

20 THE VIDEOGRAPHER: Staying on the
21 record.

22 MS. DUNN: Okay. Here just for the
23 clarity of the record, this is a little hard to
24 explain. But the document that we're looking at
25 now, which is KK in our book, the date is

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 December 8th at the top of the page. But the
3 time stamps are in UTC time, which are four hours
4 ahead. So this text conversation actually takes
5 place before the Lindsey Boylan tweet on
6 December 8th and is therefore talking about her
7 earlier tweet. The content of which is slightly
8 different than the December 8th tweet.

9 So, just for clarity of the record,
10 given that the questions to the witness
11 subsequently were, who did you discuss the
12 December 8th tweet with, should not include [REDACTED]
13 [REDACTED], that turns out to be accurate. But I
14 just think for the record, the tweets said
15 different things and the time stamps are
16 confusing. We might need to be clear what's
17 going on here.

18 MS. KENNEDY-PARK: That's helpful.
19 Thank you.

20 Q. So let's talk about what happens in
21 December.

22 At some point you become involved in
23 potential op-ed related to Ms. Boylan's
24 allegations of harassment against the Governor;
25 is that right?

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2 A. Yes, it was sent to me.

3 Q. Okay. And how did you become
4 involved in that?

5 A. I don't remember if it was Melissa or
6 Stephanie. But one of them had reached out and
7 called me and asked me to sign on to this op-ed.

8 Q. And what did either Ms. Benton or Ms.
9 DeRosa tell you was the purpose of the op-ed?

10 A. At the time it was to sort of
11 counteract the claims that Lindsey had made.

12 Q. Did they tell you anything else about
13 what they were doing the op-ed?

14 A. No. I had asked to see it before I,
15 you know, signed or put my name to anything.

16 Q. Okay. Why don't we go to Tab 57 in
17 my binder.

18 MS. KENNEDY-PARK: Hyatt, what tab is
19 that in Ms. Witness's binder?

20 MS. MUSTEFA: YY.

21 (Deposition Exhibit 15, 12/16/20 text
22 message string AWALSH00000041, was marked for
23 identification.)

24 Q. Can you look at Tab YY? We'll mark
25 that as the next exhibit.

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2 This is a text message from
3 December 16, 2020. It's group text between you,
4 Ms. Benson, Ms. DeRosa and Ms. Lever. And Ms.
5 DeRosa said, "Just sent you guys current op-ed."

6 Is that the "op-ed" that you were
7 just referring to?

8 A. Yes.

9 Q. "[REDACTED] has agreed to do so."
10 Who is [REDACTED]?

11 A. [REDACTED] had worked in the
12 Governor's Office. I forget if she's currently
13 still working in this State. I don't remember
14 what she's doing now. But she used to work in
15 the Governor's Office.

16 Q. And it says, "Alfonso said if we need
17 him, he will do."

18 Do you understand that to be a
19 reference to Alfonso David?

20 A. Yes.

21 Q. It says, "[REDACTED] and [REDACTED]
22 [REDACTED] looking now."

23 Who is [REDACTED]?

24 A. [REDACTED] worked at ESD.

25 Q. And who is [REDACTED]?

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2 A. That would be [REDACTED]. She
3 worked in the Governor's Office and then at the
4 MTA.

5 Q. And then Ms. DeRosa said, "I wouldn't
6 ask you guys if we weren't fighting for our
7 lives."

8 What did you understand her to mean
9 by that?

10 A. I understood that to mean she was
11 worried about sort of everything else happening
12 in the press.

13 Q. Meaning, the reaction to Ms. Boylan's
14 tweets that the Governor had harassed her?

15 A. Yes.

16 Q. Why don't you look at what's in my
17 binder Tab 50.

18 MS. KENNEDY-PARK: Hyatt, what tab is
19 it Ms. Witness's binder?

20 MS. MUSTEFA: I'm sorry. You said 50
21 as in 5-0?

22 MS. KENNEDY-PARK: Yes.

23 MS. MUSTEFA: That's tab RR.

24 (Deposition Exhibit 16, 12/16/20
25 e-mail from Melissa DeRosa to the Witness

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 DLEVER00001 to DLEVER00003, was marked for
3 identification.)

4 Q. Let me know when you've had a chance
5 to look at the document.

6 Is this the op-ed that we were just
7 discussing?

8 A. Yes.

9 Q. And after your received it, what was
10 your reaction?

11 A. I sent back some edits. I advised
12 them not to run it.

13 Q. Why did you have a view that they
14 shouldn't run it?

15 A. In my response, I thought it was
16 attacking and castigating in nature of Lindsey.
17 I thought it wasn't -- I thought it was
18 unnecessary and -- yeah.

19 Q. Did you do anything to fact check it?

20 A. No.

21 Q. Are there things in the op-ed that
22 you think were not true?

23 A. I don't know. Not that I know of. I
24 suggested instead -- you know, at the time -- I
25 don't know that I would have done it later. But

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 at the time it was only -- this was the only
3 allegation and I had suggested to do a different
4 -- if they wanted to do anything at all, to do a
5 different approach.

6 Q. Yeah. We'll come to that suggestion.

7 A. Okay.

8 Q. And I just want to focus on this
9 op-ed for now.

10 Did you have personal knowledge of
11 any of the allegations that were made against Ms.
12 Boylan in this op-ed?

13 A. Did I have personal firsthand -- no,
14 I did not.

15 Q. There is a sentence on Page 2 of the
16 op-ed that says, "It is likely that almost every
17 interaction between the Governor and Ms. Boylan
18 took place either in our presence or the presence
19 of another senior staff member"; is that true?

20 A. I mean, it doesn't say every
21 interaction. So, yeah, I'd say it's probably
22 likely true.

23 Q. It's likely that almost every
24 interaction; is that true?

25 A. Yeah. I mean, I can't say for sure.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 I mean, there could have been times when they
3 were alone in his office for sure. I would also
4 say the majority of the time they were together
5 was probably with other people.

6 Q. Right. But earlier you told me it
7 was normal for people like Lindsey Boylan to be
8 alone with the Governor.

9 Do you remember that?

10 A. I do.

11 Q. Okay. And you still think this
12 sentence is true?

13 A. It might be exaggeration a bit but,
14 yeah.

15 Q. And on the third page -- yeah, "it
16 might be exaggeration," is that what you just
17 said?

18 A. Yes, yes.

19 Q. On the third page it says, "It says
20 ironic because we know Ms. Boylan referred to the
21 Governor as handsome."

22 Did you ever hear Ms. Boylan refer to
23 the Governor as handsome?

24 A. Not that I can remember.

25 Q. "And that she said she loved the

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Governor to staff."

3 Did you ever hear Ms. Boylan say
4 that?

5 A. Again, nothing I can specific -- not
6 that I can remember.

7 Q. And the next line says "which we do
8 believe were inappropriate comments."

9 Someone referred to the Governor as
10 handsome, did you think that was inappropriate?

11 A. No. Again, depending on the comment;
12 sorry.

13 Q. And then it says -- oh, sorry. I
14 didn't mean cut you off.

15 A. I said depending on the context, no.

16 Q. It says that, "As professional women
17 we also know her behavior to be inappropriately
18 intimate with her co-workers in public in the
19 presence of other co-workers."

20 Do you have any personal knowledge of
21 that?

22 A. No.

23 MS. DUNN: Counsel, you're not
24 suggesting that -- you're not suggesting that Ms.
25 Witness wrote this or that she signed it, are

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 you?

3 MS. KENNEDY-PARK: I have never
4 suggested that she wrote it. She just told me
5 Melissa DeRosa sent it to her.

6 MS. DUNN: Okay. I just want to be
7 clear about that. Thanks.

8 Q. After you got the draft op-ed, who
9 did you talk to about it?

10 A. Dani, Melissa and Stef, I think,
11 Linda and, I think, [REDACTED].

12 Q. Let's start with Dani.

13 What did you talk to Dani about about
14 this draft op-ed?

15 A. I remember we talked about it and
16 both agreed that it wasn't a good idea.

17 Q. And can you flush that out a bit
18 more? Fill in the conversation for me please.

19 A. I can't remember. I'm sorry. I
20 can't remember, exactly. But I know that we both
21 discussed it and talked about how we didn't think
22 it was a good idea and weren't going to sign it.
23 We talked also about how we talked to our
24 corporate Counsels about putting our names on
25 something publically, yeah.

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2 Q. What were the reasons in this letter
3 discussed that it was not a good idea to put this
4 op-ed out?

5 A. I don't know that we got into the --
6 I can't remember the exact details except that it
7 just didn't seem like a good idea. I mean, yeah.

8 Q. Did you discuss with Ms. Lever
9 whether this could be viewed as retaliation?

10 A. No, I don't think so. I think we
11 both had -- well, I can't speak for Dani because
12 I don't exactly remember. But I know that I
13 thought it sounded like it was attacking her,
14 yeah.

15 Q. Did you think that there might be a
16 legal concern for putting out this draft op-ed?

17 A. No, I didn't think about that.

18 Q. And tell us about your conversations
19 with [REDACTED] about the draft op-ed.

20 A. It was similar to what I discussed
21 with Dani.

22 Q. Any difference between those
23 conversations?

24 A. No. It was pretty much along the
25 same lines that she was suggesting that I don't

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 do it, not put my name to it.

3 Q. Did she suggest or ask whether it
4 could be considered retaliation?

5 A. No, we didn't discuss that.

6 Q. And then, I think, you said you
7 discussed it with -- I wrote down Linda Lacewell.

8 Did you say Linda Lacewell?

9 A. I did. But I don't -- I can't
10 remember if she called me in relation to this.
11 She had called me at some point regarding a
12 statement, but I can't remember if it was this
13 exactly.

14 MS. DUNN: Yeah. And here I'll just
15 ask the witness to take it slowly, because I
16 believe Linda is Counsel.

17 THE WITNESS: Yeah, okay.

18 Q. You mean the Superintendent of the
19 Department of Financial Services, Linda Lacewell
20 that's who we're talking about, right?

21 A. (No response.)

22 Q. Okay. And then you had a
23 conversation you said with Ms. DeRosa and Ms.
24 Benson about the op-ed.

25 What did you say?

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 A. Again, I don't remember if I spoke to
3 both of them or if it was just one or the other.
4 They had mentioned they were working on this and
5 they may want me to -- they would likely want me
6 to put my name to it.

7 Q. And what did you tell them after you
8 had read the op-ed?

9 A. After I had read and sent back, I
10 don't think I talked to them either. I don't
11 remember talking to either of them on the phone
12 about it exactly but, yeah.

13 Q. Okay. Let's look at what's in your
14 binder at tab -- this is coming up a little bit
15 weird. Mine is 55.

16 MS. KENNEDY-PARK: Hyatt, what is Ms.
17 Witness's?

18 MS. MUSTEFA: WW.

19 (Deposition Exhibit 17, 12/17/20
20 e-mail forward from the Witness to Melissa DeRosa
21 AWALSH00000060, was marked for identification.)

22 Q. This should be an e-mail from you to
23 Melissa DeRosa on December 17, 2020.

24 Do you see that?

25 A. I do.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Q. Okay. It begins by saying, "Below is
3 the Tom Brokaw letter."

4 Did you have a conversation with Ms.
5 DeRosa about a "Tom Brokaw letter" before this
6 e-mail?

7 A. Maybe. I mean, it seems like it from
8 this. I don't remember it exactly. I don't --
9 but maybe.

10 Q. And so explain what was your
11 proposal.

12 A. So, at this point in time, I thought,
13 again, without anything else having happened yet,
14 I thought that if they really felt the need to
15 respond, that it should be something more along
16 these lines instead of what the op-ed did.

17 Q. And what was the difference between
18 what you were proposing and the op-ed in your
19 mind?

20 A. It was -- instead of sort of going on
21 the offensive against Lindsey, it was instead
22 talking about what people knew to be true or
23 false about the Governor. It felt like a better
24 thing to do, if anything.

25 Q. And in this e-mail you write, "I

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 think there are many many people who would sign
3 onto a letter talking about how incredible he is
4 and how empowered they felt by him, et cetera."
5 I really think that -- "I think that this is a
6 much more powerful message that people would be
7 legally and otherwise okay signing onto."

8 What did you mean by "people would be
9 legally and okay signing onto"?

10 A. I mean, sort of as far as putting
11 your name on a letter, no longer working in the
12 Chamber, sort of as representative of a different
13 company or entity that you had moved onto. You
14 likely feel more comfortable sort of putting your
15 name to something like that instead of the
16 original proposed op-ed.

17 Q. So that reference to legal had
18 nothing to do with whether it would be considered
19 retaliation to release that op-ed?

20 A. No.

21 Q. Let's look at tab --

22 MS. KENNEDY-PARK: Hyatt, it's my
23 Tab 53.

24 MS. MUSTEFA: UU.

25 (Deposition Exhibit 18, 12/17/20

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 e-mail from Witness to Melissa DeRosa
3 AWALSH00000088 to AWALSH00000093, was marked for
4 identification.)

5 Q. Tab UU is an e-mail message that you
6 sent from Ms. Witness, to Ms. DeRosa.

7 Is this an e-mail that reflects your
8 comments on the op-ed?

9 A. Yes.

10 Q. Okay. If you look at Page 88, your
11 comments -- I can see in my version highlights.

12 Can you see highlights?

13 A. Yeah.

14 Q. Okay. So there's -- on the first
15 page, the first highlight it says, "And even then
16 she only complained that the Governor's Office
17 was an abusive environment."

18 And then you wrote, "There are a lot
19 of people that would combat this."

20 What did you mean by that?

21 A. I think that it would, you know,
22 ignite lots of people that would want to opine on
23 it both, you know, staffers or former staffers,
24 people on, you know, that hadn't worked there. I
25 think it just felt like a sort of unnecessarily

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2 inflammatory kind of thing.

3 Q. "Ignite" former staffers to say it
4 was, in fact, an abusive environment; is that the
5 concern you were expressing?

6 A. I think it wasn't just former
7 staffers. I think by saying that -- I think it
8 could have brought out lots of people having
9 thoughts or opinions that might not have actually
10 ever worked there. It could have just -- it just
11 felt like unnecessary.

12 Q. Let's turn to the next page on 89.
13 At the top it says, "Ms. Boylan texted Robert
14 Mujica."

15 And then you wrote, is bringing --
16 "let's be real is bringing him up in this a good
17 idea?"

18 What did you mean by that?

19 A. I meant it's not -- it wasn't, again,
20 necessary to either, A, quote a text from him
21 and, B, bring in another a person that could draw
22 fire, you know, another sort of target that
23 people could opine on.

24 Q. There's lots of people's names in
25 this op-ed, right?

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2 A. Besides Lindsey and the Governor, I
3 think, it's just Alfonso. But I could be wrong.
4 I apologize and Donald Trump but...

5 Q. Yeah, let's look two sentences later,
6 right. It says, Dani Lever, right? It talks
7 about text message with Dani Lever?

8 A. Yeah. Dani I know at this point in
9 time also wasn't planning on having her quote in
10 there.

11 Q. But you didn't raise a comment asking
12 is bringing her up in this a good idea?

13 A. No. But I also knew at this point
14 that Dani wouldn't actually be included in it.
15 But, yeah, I also just think that Robert is a
16 more divisive character and he's a Republican
17 and, you know.

18 Q. In the next paragraph that's
19 highlighted, there's a discussion about Donald
20 Trump and sources for Ms. Boylan's campaign
21 funding. And you wrote, "If I was running, I
22 would be PSYCHED TO HAVE THIS and talk about
23 bachelor party."

24 What did you mean by that?

25 A. I mean, it's just sort of a sert

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 thing, but that wasn't your question, I'm sorry.

3 I would be excited to be able to talk
4 about Donald Trump on a platform. And, also, I
5 forget there's something about the Governor's
6 bachelor party. I don't know if Donald Trump
7 went or if the Governor went to Donald Trump's,
8 something like that. But I just thought it would
9 be very easy for them to bring up.

10 Q. And let's go to the last paragraph on
11 this page where it's 889. It says,
12 "Unfortunately, we're also aware that during Ms.
13 Boylan's relatively brief tenure," and you wrote,
14 "two years is not that brief."

15 What did you mean by that?

16 A. I meant just that. That I don't
17 think two years was that -- that brief of a time
18 there. For them to --

19 Q. So you told --

20 A. State -- stated --

21 Q. Sorry, go ahead.

22 A. I just think that it didn't make
23 sense to say, you know, relatively brief. I just
24 -- you know, two years is not necessarily a brief
25 amount of time. So it just seemed like it really

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 didn't make sense.

3 Q. In fact, I think you told me earlier
4 there were a number of people in the Chamber that
5 were there for less than a year; is that right?

6 A. I think that was about, you know.
7 Staffing the Governor. But I don't -- you know,
8 not everybody stays for years and years and
9 years. So, you know, I would say that two years
10 is not necessarily a brief amount of time.

11 Q. And in that same paragraph it says,
12 "We are not here to castigate."

13 And you wrote, "This entire thing is
14 castigating her."

15 Was that your view of this op-ed?

16 A. Yeah, for the most part.

17 Q. What did you think about the fact
18 that this op-ed, which castigated Ms. Boylan, was
19 being circulated to a number of people?

20 A. Just like -- I guess, I just really
21 didn't think about it that much. I think it was
22 more -- I mean, most people I would imagine
23 wouldn't put their name to something without
24 reading it. So I would assume they were only
25 sending it to people who wanted -- that they

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 would have liked to have signed onto it.

3 Q. There are things in this op-ed that
4 you didn't know about Ms. Boylan's time in the
5 Chamber, right?

6 A. Yes.

7 Q. Did you think it was appropriate that
8 you were being shown details about Ms. Boylan's
9 time in the Chamber that you were not aware of
10 before?

11 A. At the time, I don't think I really
12 thought about it.

13 Q. And, in retrospect, do you have a
14 view about that?

15 A. I mean, in retrospect, I feel like
16 there's been so much that has happened over the
17 past couple of months, that I don't know how I
18 feel yet about it.

19 Q. After you sent back your comments,
20 did you have any discussions with Ms. DeRosa or
21 Ms. Benson about the op-ed?

22 A. I don't remember exactly if I did or
23 not. I think I texted Stef about it.

24 Q. Aside from the text messages, were
25 you on any phone calls with them?

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2 A. I think -- I believe I remember the
3 night I texted Stef. I believe that she and I
4 talked on the phone about it where I just told
5 her the same kind of, you know, reasoning why I
6 thought it wasn't a wise idea.

7 Q. What happens with your "Tom Brokaw"
8 idea?

9 A. Nothing I don't think.

10 Q. There wasn't a draft letter of
11 support prepared?

12 A. I don't think so. But I don't -- I
13 mean, I don't know for sure if they had one
14 there.

15 Q. Did you reach out to anybody to ask
16 if they would sign onto this op-ed?

17 A. No.

18 Q. Did you reach out to anybody to ask
19 if they would sign some sort of letter of support
20 or e-mail of support for the Governor?

21 A. Not that I remember.

22 Q. Okay. In December, did you start
23 talking to other former members of the Executive
24 Chamber?

25 A. In December, I reached out to [REDACTED]

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 [REDACTED].

3 Q. Is that the only former executive
4 member -- staff member that you reached out to?

5 A. Yes.

6 Q. And why did you reach out to [REDACTED]

7 [REDACTED]
8 A. The Chamber wanted to know if there
9 were other people that were going to support
10 Lindsey and sort of come out and say things about
11 the Governor's Office. And mostly get, you know,
12 be outreach to by press about stories and stuff.

13 Q. So someone from the Chamber asked you
14 to reach out to [REDACTED]; is that right?

15 A. That is correct.

16 Q. And why did you do that?

17 A. Because I had worked with these
18 people for a very long time and I wanted to help,
19 if I could.

20 Q. Did you understand that other
21 individuals were reaching out to people other
22 than [REDACTED] about whether they were going to
23 potentially support Ms. Boylan or say similar
24 things to her?

25 A. Yes.

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2 Q. And how did you come to that
3 understanding?

4 A. In -- well, I know when Melissa
5 texted me about [REDACTED], she had Ball on there too
6 about somebody else. So I know Andrew and then I
7 think it might -- I think they probably mentioned
8 it in phone calls.

9 Q. And so this is the group of people --
10 you told me earlier you were talking to Melissa
11 and Stephanie about trying to identify people
12 that might support Lindsey Boylan or say
13 something derogatory about the Chamber.

14 Is that the consequence of that
15 exercise, that people started reaching out to
16 those individuals?

17 A. I think --

18 MS. DUNN: Objection, misstates prior
19 testimony.

20 MS. KENNEDY-PARK: You can't actually
21 make objections. But that's fine.

22 Q. So go ahead, Ms. Witness.

23 MS. DUNN: I really restrained myself.
24 But this -- when it misstates something she's
25 already testified to today, I think, I appreciate

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 the latitude.

3 Q. Witness, go ahead.

4 A. I was going to say, I think, again,
5 when they had reached out to me about sort of all
6 these different people, it was mostly -- at this
7 point in time, Jill wasn't there. [REDACTED]

8 [REDACTED]. So a lot of that was
9 identifying who people were, what they did, et
10 cetera. But -- so that sort of became, I think,
11 later or in December when they -- or I don't know
12 I can't remember if these are all the same time
13 or not. It was sort of asking who these people
14 were. It was kind of more of the same, as they
15 were asking me, as they were kind of working, you
16 know, talking to people, asking me sort of who
17 they were, who they had worked with.

18 Q. Okay. Let's look at a document. And
19 refresh your memory. God bless you.

20 A. Sorry.

21 MS. KENNEDY-PARK: Hyatt, in my
22 binder it's Tab 60.

23 MS. DUNN: You need a tissue?

24 THE WITNESS: Yes, thank you.

25 MS. DUNN: Hold on. We need to find

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 a tissue.

3 MS. MUSTEFA: VZ.

4 (There is a discussion off the
5 record.)

6 MS. DUNN: Sorry, can we take a
7 break?

8 MS. KENNEDY-PARK: Yeah, let's just
9 go off the record.

10 MS. DUNN: Thanks.

11 THE VIDEOGRAPHER: Stand by. The
12 time is 4:15 p.m. We are going off the record
13 and this will end Media Unit No. 6.

14 (Recess taken 4:15 to 4:31 p.m.)

15 THE VIDEOGRAPHER: The time is
16 4:31 p.m. We are back on the record. This will
17 be the start of Media Unit No. 6.

18 Q. Can you turn to what is marked as
19 Tab 63 in my binder.

20 MS. KENNEDY-PARK: Hyatt, what tab is
21 that in Ms. Witness's binder?

22 MS. MUSTEFA: Tab 63 is CCC.

23 A. CCC.

24 (Deposition Exhibit 19, 12/23/20 text
25 message string AWALSH0000094 to AWALSH0000097,

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 was marked for identification.)

3 Q. So this is a text message chain on
4 December 23, 2020, a group text between you, Ms.
5 DeRosa and Mr. Ball and Ms. Benson. And if you
6 look at it and then turn to the second page. Let
7 me know when you're ready.

8 A. Okay.

9 Q. In the second page, Ms. DeRosa texted
10 you, "Anna Mae, shut down [REDACTED]."

11 What did you understand that to mean?

12 A. I understood that to mean to connect
13 with her.

14 Q. You took "shut down" to mean connect
15 with her?

16 A. Yeah. Yes.

17 Q. You didn't take that to mean
18 convincing [REDACTED] or telling [REDACTED] that
19 she shouldn't talk to reporters about the
20 allegations against the Governor?

21 A. No.

22 Q. Have you ever told someone to -- when
23 you were employed in the Executive Chamber to
24 "shut down" a story?

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

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2 Q. Did you ever hear Melissa DeRosa when
3 you were in the Executive Chamber use the word
4 "shut down" to describe a story?

5 A. I mean, I can't remember exactly
6 but...

7 Q. Have you ever heard anyone in the
8 Executive Chamber use those words in the context
9 of a story?

10 A. I'm sure that I had at some point,
11 yes.

12 Q. And when those words were used, what
13 did you understand them to mean?

14 A. Again, depending on the context, it
15 depends, like close out a story. Again, it's
16 hard to say without exactly knowing which one
17 we're talking about, so, yeah. It could be a
18 bunch of different things but, yes.

19 Q. Okay. What are the different bunch
20 of things that it could mean?

21 A. Close out a story, stop a story, get
22 the Governor's name out of the story, just, yeah,
23 I would say it was probably one of those three.

24 Q. But that's not you understood her to
25 be -- how you understood to be using the term in

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 this text message?

3 A. No.

4 Q. Okay. So what did you do? Did you
5 speak to [REDACTED]?

6 A. I did.

7 Q. And what did you tell her?

8 A. I told her that she might get
9 outreach by a reporter and if she did, she should
10 let the Executive Chamber staff know or Chamber
11 press people know.

12 Q. Is that what Ms. DeRosa told you to
13 tell [REDACTED]?

14 A. I can't remember exactly what she
15 told me, if she told me what to tell them
16 exactly. I think it was -- I think she told me
17 to reach out to [REDACTED] and that was sort of
18 how I felt comfortable reaching out to her.

19 Q. Did Ms. DeRosa tell you anything else
20 about what she wanted to get out of your
21 communication with [REDACTED]?

22 A. I think not just press but also if
23 she had been reached out to by Lindsey. And if
24 she sort of supported Lindsey, if she thought
25 that that -- you know, I guess her thoughts on

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 it.

3 Q. And what did [REDACTED] say in that
4 conversation?

5 A. She said, no, she hadn't been reached
6 out to by press. If she did, she would let
7 somebody in the Chamber's press team know, yeah.

8 Q. Did she say anything else?

9 A. No. She said that she was in New
10 York now, I think, so I think we talked about
11 maybe getting a drink but, yeah.

12 Q. Did you ask her if Lindsey had
13 reached out to her?

14 A. I don't remember, exactly. But -- I
15 don't remember exactly, yeah.

16 Q. Do you remember talking about Lindsey
17 Boylan at all in that conversation?

18 A. Yeah, I think, when I asked her
19 about, you know, that press might reach out about
20 sort of everything happening, she said -- she
21 referenced like all the Lindsey stuff. But I
22 can't -- again, I can't remember if I said it
23 first or if she did, so, yeah.

24 Q. And did you report back on your
25 conversation with [REDACTED] to Ms. DeRosa?

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 A. I did.

3 Q. And what did you tell her?

4 A. I'm looking at the next page. That
5 she had -- exactly that, that she hadn't been
6 reached out to, hadn't heard from anyone and
7 thought it was crazy.

8 Q. Thought what was "crazy"?

9 A. I think all of the press and sort of
10 stuff that was floating around about it.

11 Q. After that sort of reach out to [REDACTED]
12 [REDACTED] and go back to Ms. DeRosa, did you have
13 further conversations with Ms. DeRosa about
14 allegations of sexual harassment against Governor
15 Cuomo?

16 A. I don't remember. I don't know. I
17 can't remember, exactly. I feel like after the
18 end of December, I think, our correspondence fell
19 off a bit. But I can't remember, exactly.

20 Q. Did it pick back up anytime in
21 February or March?

22 A. I can't remember, exactly. I'm
23 sorry. Maybe, I don't -- I don't remember
24 exactly. I think I would have to see -- it's all
25 sort of a blur, yeah.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Q. After -- you know, that Ms. Boylan
3 made a medium post detailing her allegations
4 against the Governor, right?

5 A. Oh, yeah, yes, yes. Sorry, yes.

6 Q. After that came out, did you speak to
7 anybody in the Executive Chamber about the
8 allegations Ms. Boylan had made?

9 A. Yes, I think so. But I think there
10 was a lot of press outreach at that time. So I'm
11 sure that I did.

12 Q. And who did you speak to in the
13 Executive Chamber after Ms. Boylan's medium
14 article?

15 A. I can't remember. I would imagine it
16 would have been either, you know, Melissa, Stef
17 or, you know, Peter, maybe Rich. They certainly
18 let me know about stories that were happening
19 that might have included me.

20 Q. Were you on any group call with Ms.
21 DeRosa, Ms. Benson and other members of the
22 Executive Chamber about strategizing the response
23 to these stories?

24 A. No. I was on one call where I was
25 returning I can't remember whose phone call about

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 a heads up about Ronan Farrow likely reaching out
3 to me. So I was on with them. They had
4 suggested that I speak with Ronan to get a better
5 sense of the story. But other than that, no, I
6 wasn't on strategy calls about response.

7 Q. Did you speak to Mr. Farrow to get a
8 better sense of his story?

9 A. No, I just texted him to try and get
10 -- sort of understand what my piece of the role
11 -- what my piece of the story was.

12 Q. So your communications with
13 Mr. Farrow were by text message?

14 A. Yes. I mean, he LinkedIn messaged
15 me, but I didn't answer there.

16 Q. Okay. I should have asked you this
17 before.

18 A. I think --

19 Q. Go ahead.

20 A. I think -- I'm sorry. I think I
21 misspoke. I think that he and I spoke on the
22 phone once. But, again, it was sort of -- it was
23 brief and then I did -- all of sort of my
24 response was via text. I think we spoke once and
25 then I tried to call him and it didn't -- it just

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 rang. But, yes, I apologize, I do think I spoke
3 on the phone with him.

4 Q. Okay. I should have asked you this
5 before.

6 But the conversation you had with [REDACTED]
7 [REDACTED] in December, did anybody ask you to record
8 it?

9 A. No.

10 Q. Did you record it?

11 A. No.

12 Q. Were you in any conversations with
13 Ms. DeRosa or Ms. Benson in which recording phone
14 conversations were discussed?

15 A. No.

16 Q. Okay. After the medium article came
17 out with Ms. Boylan -- I'm going to try to do
18 this efficiently given time.

19 There's a reference in that medium
20 post to Ms. Boylan claiming that she was told by
21 you that she had to fly in a helicopter with the
22 Governor and Maria -- I'm going Maria --

23 A. Bartiromo.

24 Q. (Continuing.) Maria Bartiromo.

25 Do you remember that part of the

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 medium post?

3 A. I do.

4 Q. Do you have a recollection about
5 those events?

6 A. I didn't have a strong recollection
7 about it until I had documents about it. I
8 remember Maria flying. I remember difficulty
9 around that but, yeah.

10 Q. Let's look at what in my binder is
11 marked Tab 19.

12 MS. KENNEDY-PARK: Hyatt, what is
13 that in Ms. Witness's binder?

14 MS. MUSTEFA: Exhibit Q.

15 (Deposition Exhibit 20, 12/8/16 text
16 message string AWALSH0001056 & AWALSH0001057, was
17 marked for identification.)

18 A. Give me one second.

19 MR. DELANEY: I'm sorry, did you say
20 Q?

21 MS. KENNEDY-PARK: Q as in queen,
22 uh-huh.

23 A. Okay.

24 Q. Okay. This is a text message from
25 December 8th, 2016.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Is this a document you were referring
3 to that refreshed your recollection about Ms.
4 Boylan and the ride in the helicopter?

5 A. Yes, this and the text that I had
6 with Maria's person.

7 Q. Okay. And who is this text message
8 chain with?

9 A. I believe this is with Stephanie
10 Benton. She had a different phone number.

11 Q. And so, after having read this text,
12 now what do you remember about this occasion?

13 A. I remember -- so we wanted Maria to
14 host the RSBCs. I think she had done the
15 previous ones. But I don't know if the Governor
16 had been planning on returning back to New York
17 City, returning to Albany -- excuse me, returning
18 to New York City or staying in Albany. When the
19 issue was when press -- when a press person
20 flies, they usually -- they can't do it by
21 themselves, because then they would have to
22 recoup the expense. So they usually would -- if
23 they fly, if there's somebody else on the plane.
24 I mean, it depends. It's different outlet to
25 outlet.

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2 But I remember Maria's team and
3 Maria's person only wanting to fly if there was
4 somebody from the State on the plane or on the
5 helicopter. I can't remember which one it was.

6 Q. And so is it accurate that Ms. Boylan
7 was a person you asked to fly with Maria?

8 A. Yes, I believe so.

9 Q. Why did you ask Lindsey?

10 A. She would have been the policy lead
11 for the RSBCs.

12 Q. Okay. In looking at the text message
13 it begins with Ms. Benson -- now we know this is
14 Ms. Benson -- saying, "Also Sandra is asking me
15 about the schedule for tomorrow. And I'm scared.
16 Do I put him as flying down with Maria?"

17 Do you see that?

18 A. I do.

19 Q. Is that a reference to Sandra Lee?

20 A. Yes.

21 MR. DELANEY: Sorry. Object,
22 Jennifer. Jennifer, hang on. I think that's
23 confusing. The no sender information is Witness.
24 The [REDACTED] is Stephanie. So I just --

25 MS. KENNEDY-PARK: Oh, yeah, that's

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 helpful. That's helpful. Thank you. I'm
3 getting tired towards the end of the day.

4 Q. So you wrote that, even better.

5 So, when you said, you're scared to
6 put him down as flying with Maria, why were you
7 scared to do that?

8 A. I don't know if we had -- I can't
9 remember exactly, but I would imagine it was
10 either that I didn't know if I already told
11 Sandra about Maria hosting and I don't know if we
12 had invited Sandra to the event, to the RSBCs.

13 Q. Why did you view that Sandra might be
14 concerned about the Governor flying with Maria?

15 A. I don't know. I don't know if it's
16 that as much as that -- we would have been -- if
17 we did an event with Maria and we hadn't yet told
18 Sandra, she might want to be there or be involved
19 if it's sort of a caliber that Maria Bartiromo
20 would go to. So it was probably just that she
21 would ask a lot of questions about it, yeah.

22 Q. Were you ever involved in any
23 discussions about whether the Governor was having
24 an affair with Maria Bartiromo?

25 A. No.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Q. Did you ever hear that rumor?

3 A. I think so.

4 Q. Do you remember hearing that rumor
5 before this text message?

6 A. I think it was more of sort of a
7 running joke, but I don't know when I heard it,
8 if it was before or after.

9 Q. Does that having anything to do with
10 why you were scared to put him down as flying
11 with Maria?

12 A. I, again -- I mean, I can't say
13 exactly what I meant in 2016. But I definitely
14 know that from my personal view, it would
15 probably have been -- I would have had to answer
16 a lot of questions about how I didn't -- if I
17 hadn't let her know about it beforehand, sort of
18 what was the event, explaining it, why we had
19 Maria Bartiromo, when we knew Maria was coming,
20 sort of that pieces of it, it would have probably
21 been my main concern. But I might have -- but
22 that could have also factored in.

23 Q. Did Ms. Lee ever raise concerns about
24 not being informed about events?

25 A. Yeah. I mean, both -- both Sandra

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 and Governor Cuomo are very busy and important
3 people who worked a lot and had crazy schedules.
4 So there were sometimes, you know, crossover
5 issues where they couldn't attend one or we
6 didn't flag something with enough sort of heads
7 up kind of both ways.

8 Q. The first time that Ms. Bartiromo
9 hosted the awards, did -- was Ms. Lee dating
10 Governor Cuomo?

11 A. I don't know. I don't know that I --
12 I don't think I was involved the first time that
13 she did it. But I would assume so, because I
14 think they started dating a while before. But I
15 can't say for certain.

16 Q. Do you know if she attended that
17 first event, if Ms. Lee attended the first award
18 ceremony?

19 A. I don't know.

20 Q. You can put that away. After the
21 medium post came out, did you discuss with anyone
22 in the Executive Chamber your involvement or
23 recollections around this helicopter flight with
24 Ms. Boylan?

25 A. I don't know. I might have. I

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 remember talking to them as far as the Ronan
3 piece went. But I don't remember talking about
4 it exactly with them. Maybe but I can't say for
5 sure, yeah.

6 Q. Did you have these text messages
7 prior to being -- prior to producing them to us,
8 had you reviewed them in speaking to the
9 Executive Chamber?

10 A. No.

11 Q. Okay. Let's look at what's at Tab 22
12 in your binder.

13 MS. KENNEDY-PARK: And, Hyatt, sorry,
14 what's the letter?

15 MS. MUSTEFA: Tab 22 is S as in Sam.
16 (Deposition Exhibit 21, 2/25/21 text
17 message string AWALSH00001222 to AWALSH00001228,
18 was marked for identification.)

19 Q. And perhaps Counsel can clarify.
20 This is February 25th, 2001. The time is
21 12:12 a.m. UTC?

22 So does this text occur on the 24th?

23 MS. DUNN: Yeah. So every time it
24 says "UTC," you have to subtract four hours.

25 MS. KENNEDY-PARK: Great.

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2 Q. Okay. So this a text message that
3 occurred on February 24th between you and Dani
4 Lever.

5 Do you see that?

6 A. I do.

7 THE STENOGRAPHER: I'm sorry. You
8 said 2001.

9 MS. KENNEDY-PARK: Sorry 2021.

10 THE STENOGRAPHER: Thank you.

11 MS. KENNEDY-PARK: I'm two decades
12 off here.

13 A. I'm totally with you.

14 Q. Yeah. Let's dial it back.

15 The first text message is from Dani
16 Lever and it says, "I spent over six years
17 working closely and traveling with Andrew Cuomo.
18 He is exactly the same person in private as he is
19 in public. He can be playful. He can make bad
20 jokes. He can be direct but nothing that ever
21 crosses the line. It's not about this
22 statement."

23 Did you understand that text message
24 to be some sort of draft of a statement that was
25 to be made about the allegations against the

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Governor?

3 A. I think so.

4 Q. Okay. Do you understand where Ms.
5 Lever got that draft?

6 A. I don't know exactly where. I would
7 assume from Chamber but...

8 Q. And what is your understanding of the
9 purpose of that draft? Who was supposed to speak
10 these words or use this statement?

11 A. I don't know. I mean, it looks like
12 they have -- when they said they got -- she got
13 -- they got ████████ to do it -- so, yeah. But I
14 don't think --

15 Q. Were you ever asked to make a
16 statement -- were you asked by the Chamber to
17 make a statement along these lines?

18 A. No, I don't think would have been me
19 anyways. Because I was like seven and a half
20 years.

21 Q. Sure. Taking out the years, were you
22 ever asked by the Chamber to make a statement
23 along these lines about your time in the
24 Executive Chamber?

25 A. No, I don't think so. I know that --

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 like I said, there were lots of things happening
3 in the time. In addition to the op-ed, I know
4 there were a couple of other things floating
5 around. But I never saw anything like that or
6 was never asked to do something like that.

7 Q. Well, you saw it because she texted
8 it to you.

9 A. Oh, yeah. But I never in conjunction
10 with an ask for me to do something like that
11 other than apart from what Dani had sent here.

12 Q. And there's nothing that proceeds
13 this.

14 What do you remember about why Dani
15 texted this to you?

16 A. I don't remember, exactly. I would
17 probably say that I had missed a call from
18 Melissa or Stephanie and I could have been asking
19 Dani why and if she knew what was going to
20 happen, what they were going to ask.

21 Q. Do you remember having a conversation
22 with someone from the Executive Chamber where
23 they asked you to consider making a statement?

24 A. I think so, cause I think that the
25 way that the op-ed started was originally -- it

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 was sort of they were saying it was a statement.
3 And, remember, I had mentioned that Linda had
4 called me about something once. I think she
5 referred to it as a statement but -- but I don't
6 -- nothing was ever sent to me to sort of look at
7 or approve or a direct ask other than the op-ed.

8 Q. And this goes on to talk about your
9 -- talking about discussions with Staffer #4 And on
10 the second page, 1223, you write, "[REDACTED]
11 [REDACTED] he said we need to get our
12 stories straight and was grilling me and I told
13 him if I screw it up, I'll ruin my career."

14 What did you mean by "getting story
15 straight"?

16 MR. DELANEY: That's not the right
17 read. You misread it.

18 A. [REDACTED] he
19 said we need to get our stories straight and was
20 grilling me and told me if I screw it up, I'll
21 ruin my career.

22 Q. Okay. So what did you understand
23 Staffer #4 to mean when he told you that you
24 needed to get, "our stories straight"?

25 A. Staffer #4 and I [REDACTED]

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 would now look, you know, considering that was my
3 first and, you know, job I was proud of and how
4 it might not look -- might not as appealing
5 anymore on a résumé, yeah.

6 Q. But what is the thing that he was
7 telling you, essentially, not to screw up, right,
8 what is the thing you're not going to screw up?

9 A. Well, I think it was sort of multiple
10 different things are going into this. [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 then the screwing up and sort of ruining of my
14 careers was more so kind of like screwing up sort
15 of in life, generally.

16 I mean, I can't say exactly what he
17 was meant, again, [REDACTED]. And,
18 you know, he could speak to it better. But it
19 was more of the concern around -- concern for me
20 considering that it was sort of my main and only
21 job before this and now it might not hold the
22 same gravitas that it might have.

23 Q. Okay. And did you have any control
24 over that?

25 A. No, [REDACTED]. [REDACTED]

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 [REDACTED].
3 [REDACTED]. I was working
4 very hard at my job. There was a lot of, you
5 know, a lot went into that.

6 Q. So did you get your stories straight
7 [REDACTED]?

8 A. I don't think that we necessarily
9 kind of needed to. I think he kind of netted out
10 there too, yeah.

11 Q. Sorry, I didn't understand?

12 He kind of did you say knitted out
13 there?

14 A. Netted. I think he netted out there
15 too. I think after a breath, it was sort of this
16 is fine that we can both talk about this.

17 Q. Okay. [REDACTED]?

18 A. [REDACTED].

19 Q. [REDACTED]
20 [REDACTED] about the allegations
21 against the Governor?

22 A. I don't --

23 MS. DUNN: I'm sorry. This is -- I
24 feel like at this point we've really crossed the
25 line into topics that are not just irrelevant but

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 extremely personally invasive. I mean, she was
3 just asked numerous questions --

4 MS. KENNEDY-PARK: I don't agree.

5 MS. DUNN: -- [REDACTED]
6 [REDACTED].

7 Q. I'm not interested in what you had --
8 I'm not interested in what you [REDACTED]
9 [REDACTED].

10 I'm interested in how you got your
11 stories straight and whether you told the same
12 thing [REDACTED]
13 Staffer #4 [REDACTED] did.

14 So what did you tell [REDACTED]
15 [REDACTED] about the allegations against the
16 Governor?

17 A. I think, you know, as I said, we both
18 netted out that there was no need for us to get
19 our stories straight and we didn't need to say
20 the same thing. [REDACTED] I can't
21 remember exactly what he said, as far as how --
22 what his thoughts were on it. I am trying to
23 remember what I said.

24 I think that he stuck with sort of --
25 I think he said something along the lines of, you

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 know, he's, like, he's single and he flirts. And
3 I think I am more of just I'd rather not talk
4 about it [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]. [REDACTED]

8 [REDACTED].

9 Q. So Staff #4 [REDACTED] said something along
10 the lines of what is reflected in the text
11 message on Page 1224 where you wrote, "He's like
12 jumping ship on him because he talked to [REDACTED]?"
13 I mean, he's not his line is he's" -- there's a
14 little bit grammar there. "He's a single guy so
15 sometimes he would flirt because he's a single
16 guy but nothing bad."

17 Is it along the lines of that what
18 Staffer #4 [REDACTED] told [REDACTED]
19 [REDACTED]?

20 A. Yes, yes sorry.

21 Q. That part of the text message you
22 said, "He's like jumping ship on him."

23 Is "him" the reference to Governor --
24 the Governor?

25 A. Yes.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Q. And what did you mean by he's like
3 jumping ship on the Governor?

4 A. He had had a conversation with [REDACTED]
5 about [REDACTED] leaving, at that moment [REDACTED] own
6 frustration with the Governor about everything;
7 similar to what I said of sort of working hard
8 for a long time and now it not being -- it might
9 not be seen as sort of -- it might not be seen as
10 highly, you know, your time there, so, yeah.

11 Q. And when you say, [REDACTED] do you
12 mean [REDACTED]?

13 A. I do.

14 Q. Okay. At some point earlier -- and
15 this is my characterization, so your Counsel
16 doesn't need to note this isn't exactly what you
17 said.

18 But at some point earlier you
19 indicated that the op-ed and the recommendation
20 you made to do like a "Tom Brokaw" type thing,
21 that after a number of events happened you
22 wouldn't have made that recommendation is what
23 you intimated.

24 Would you explain to me what you were
25 trying to say then?

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 A. I think that I wouldn't have the same
3 suggestion today as I did then.

4 Q. And why not?

5 A. Because I don't think it's the same
6 climate. I don't think it would make sense to do
7 that now.

8 Q. And would it make sense to do
9 something different?

10 A. I don't know.

11 Q. Did anyone ask you for your views,
12 from the Executive Chamber ask you for your views
13 on how to respond to -- sorry -- how to respond
14 to Ms. Bennett's allegations?

15 A. No.

16 Q. There's been an allegation made
17 against the Governor that he groped someone in
18 the executive mansion.

19 Have you read about that allegation?

20 A. I have.

21 Q. Do you know who that individual is?

22 A. I think I have a good idea.

23 Q. Okay. And who is your "good idea"
24 who it is?

25 A. Can I -- I know she wanted to be

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 anonymous. Can I say that without that --

3 Q. Yes, you may.

4 A. Brittany Commisso.

5 Q. And what do you base that on?

6 A. She and Alyssa McGrath are very close
7 friends and they both sort of worked in the front
8 office in Albany with the Governor. So, after
9 reading them all and taking that into account,
10 that would be my assumption.

11 Q. And did you speak to anybody about
12 whether that individual who alleges she was
13 groped by the Governor was Brittany Commisso?

14 A. No, I don't think so. I think maybe
15 Staffer #4, actually, but I don't remember exactly
16 but...

17 Q. And after December of 2020, did you
18 have communications with Ms. Commisso?

19 A. No.

20 Q. After December of 2020, did you have
21 communications with Ms. McGrath?

22 A. No.

23 Q. After December of 2020, did you have
24 communications with Ms. Bennett?

25 A. No.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Q. After December of 2020, did you have
3 communications with Kaitlin ?

4 A. No.

5 Q. Okay. Let's look at what is Tab 77
6 in your binder.

7 MS. KENNEDY-PARK: Hyatt, which
8 number is that for Ms. Witness?

9 MS. MUSTEFA: OOO.

10 Q. A lot of on Os.

11 (Deposition Exhibit 22, 3/2 text
12 message string, was marked for identification.)

13 Q. It says, Miss Ray. It's the
14 March 5th text between you and Ms. Lever; is that
15 right?

16 MS. DUNN: That is -- OOO is a
17 March 2nd text.

18 MS. KENNEDY-PARK: Give me one
19 second.

20 Oh, okay. It's from March 2nd. I
21 apologize. I got the date wrong there.

22 Q. And the latter part of the text you
23 see the second page, Dani says, "Don't call Stef
24 back trust me."

25 And then you write, "She called me

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 and asked about a statement and said she'll call
3 me back and now I'm ducking. What was it."

4 And then Dani writes back, "I'll call
5 you later to explain."

6 What statement were you referring to
7 on March 2nd?

8 A. I have no idea. I don't remember. I
9 don't know if it's the -- I forget when the other
10 Dani text was, if it's the same thing. But I
11 don't remember exactly what this was.

12 Q. And then Ms. Lever says, "That but
13 I'll call you later to explain."

14 Did you speak to Ms. Lever?

15 A. I can't remember. But, yeah, I don't
16 know for sure but likely.

17 Q. Okay. So, during this March time
18 period, the allegations again Ms. -- against the
19 Governor by Ms. Boylan and the medium post have
20 come out. The allegations against the Governor
21 by Ms. Bennett have come out?

22 And do you recall what conversations
23 you had with Ms. Lever about those allegations or
24 about a response from the Executive Chamber to
25 those allegations?

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 A. I don't -- I'm sure that I did. I
3 can't again say exactly what the conversation
4 would be.

5 Q. I don't need the exact words.

6 What, generally, did the two of you
7 talk about?

8 A. I mean, I won't speak for Dani.

9 I remember it as being sort of a
10 surprise. But that's how I would categorize it,
11 generally. I mean, yeah.

12 Q. Do you remember anything else that
13 you talked about after the allegations in the
14 medium post and by Ms. Bennett came out with Ms.
15 Lever?

16 A. No, not really. I mean, the surprise
17 -- oh, Lindsey had texted me and had texted Dani.
18 So we talked about that. And she also sent us an
19 e-mail, a joint e-mail that we talked about.
20 But, again, I can't say if it was at this point,
21 it was after this call or I can't remember
22 exactly when it falls in the whole timeline. So
23 we talked about that, yeah.

24 Q. Did the statement that Ms. Lever was
25 referring to and that you said Ms. Benson had

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 spoken to you about on or around March 2nd have
3 anything to do with Ms. Boylan's correspondence
4 with you?

5 A. I don't know. I don't remember. I
6 don't know. I think at some point in time
7 somebody had said -- I can't. I don't want to --
8 I don't think so. I can't remember truthfully,
9 sorry.

10 MS. DUNN: Counsel, there's about
11 25 minutes left. So, if you want us to -- if you
12 want to ask Ms. Witness about this memo and the
13 attachment, then we should break to talk to her
14 about that.

15 MS. KENNEDY-PARK: I'm going to ask a
16 few more questions before I do that just to
17 finish this out.

18 MS. DUNN: Sure.

19 Q. Can you turn to what's in my binder
20 is Tab 80.

21 MS. KENNEDY-PARK: Hyatt, can you
22 tell Ms. Witness what tab it is in her binder.
23 We'll mark it the next exhibit.

24 MS. MUSTEFA: RRR.

25 (Deposition Exhibit 23, 2/6/20 text

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 message string AWALSH00001795, was marked for
3 identification.)

4 Q. And this is a text on February 6,
5 2020 from Brittany Commisso to you.

6 Do you see this?

7 A. I do.

8 Q. Do you remember getting this text
9 message from Ms. Commisso?

10 A. I do.

11 Q. Okay. It doesn't look like you
12 responded.

13 You didn't respond?

14 A. I don't remember. We sat, we
15 chatted, we sat down and talked.

16 Q. Okay. Tell me about your discussion
17 with Ms. Commisso.

18 A. She talked to me about wanting to
19 maybe take on a different role in the office.
20 She wanted to work with Lauren Grasso. And I
21 remember telling her that, you know, sort of like
22 asking her about why and saying she should talk
23 to Jill about it and sort of working with her to
24 sort of work through kind of, you know, help her
25 to identify like what the vacuum was that she

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 could -- so she could explain it as she would
3 have been, you know, presented as, you know, how
4 she could fill gaps, yeah.

5 MS. KENNEDY-PARK: Why don't we go
6 ahead and take that break. Why don't we go off
7 the record.

8 A. Oh.

9 THE VIDEOGRAPHER: Stand by. The
10 time is 5:15 p.m. Eastern Standard Time. We are
11 going off the record.

12 (Recess taken 5:15 to 5:31 p.m.)

13 THE VIDEOGRAPHER: The time is
14 5:31 p.m. We are back on the record.

15 Q. We sent over to your Counsel a
16 document that says, "Memorandum to File." We're
17 going to mark that as the next exhibit.

18 (Deposition Exhibit 24, Memorandum to
19 File and Attachment A, was marked for
20 identification.)

21 Q. Do you see that?

22 A. I do.

23 Q. And that along with a document that
24 is behind Tab BB will be part of one exhibit.
25 The memorandum and Attachment A to that

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 memorandum.

3 Do you see those?

4 A. I'm sorry. The tab is BB?

5 MS. KENNEDY-PARK: Hyatt, am I
6 correct that it's BB?

7 A. Oh.

8 MS. MUSTEFA: Yes, yes.

9 A. Okay, sorry.

10 Q. You got it?

11 A. Yes, sorry.

12 Q. Before today had you ever seen the
13 memorandum to file that's sitting in front of
14 you?

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

16 Q. Okay. On Page 2 of that memorandum
17 under [REDACTED] says the following:

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Do you see that?

23 A. I do.

24 Q. Is that statement correct that you
25 had made a complaint to Mr. David about Ms.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Boylan's behavior?

3 A. I remember talking to Alfonso after
4 this e-mail exchange. I remember talking to him
5 with Senior Staffer #2. I don't know that I thought that
6 was a complaint, I guess. But I remember having
7 a conversation with him about it, yeah.

8 Q. Okay. What did you tell Mr. David
9 about the e-mail that is [REDACTED] to this
10 memo?

11 A. Oof. I don't remember, exactly. I
12 just remember walking -- I know that -- I
13 remember walking over with SS #2 at the moment and
14 talking about it and being frustrated, but I
15 don't remember exactly what I said.

16 Q. I don't need your exact words, but
17 what was the thrust of what you told him?

18 A. That this was -- I don't -- I guess
19 just sort of talking about this e-mail.

20 MS. DUNN: She's not -- I just want
21 to remind the witness who is beginning her
22 answers with, "I guess." She doesn't want you to
23 speculate.

24 THE WITNESS: Sorry.

25 MS. DUNN: So, just tell her what you

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 remember.

3 A. I remember Senior Staffer #2 was mad and
4 frustrated and then we went over and we talked
5 about this with Alfonso. I don't have a
6 recollection of exactly what we said. And,
7 again, like I said, I didn't -- didn't realize --
8 I guess I didn't realize that that's how a
9 complaint -- I didn't really think of it as the
10 same -- as a formal complaint, but, I don't, you
11 know.

12 Q. Did Mr. David ask you if you wanted
13 to make a complaint against Ms. Boylan?

14 MS. DUNN: [INSTRUCTION] I also -- I
15 don't know what the scope of their privilege
16 waiver is on this document. So I don't -- I
17 can't really -- and we haven't been able to get
18 in touch with Chamber Counsel to ask that
19 question, though, we have tried. So I don't
20 really see how she can testify to her
21 conversations.

22 MS. KENNEDY-PARK: I mean, I can't
23 imagine Executive Chamber is going to take the
24 position that there hasn't been a subject matter
25 waiver as to this. But if you're directing her

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 not to answer, okay.

3 MS. DUNN: I just don't know. I
4 mean, this is not my privilege and I don't know
5 what to do with it.

6 MS. KENNEDY-PARK: Okay. So, if I
7 ask her if she told Mr. David that she found Ms.
8 Boylan's e-mail to be rude, will you direct her
9 not to answer?

10 MS. DUNN: You can ask her that.

11 Q. Okay. Did you tell Mr. David that
12 you found the e-mail to be rude?

13 A. I don't remember. If that was the
14 word I said, I can -- I don't remember.
15 Re-reading this e-mail I find it frustrating. So
16 I'm sure I would have voiced that opinion. The
17 language -- the choice -- word choice I used, I
18 can't say for sure sitting here.

19 Q. And what was -- well, let's look at
20 the e-mail.

21 What was "frustrating" to you about
22 this e-mail?

23 A. Personally, I was trying to help.
24 There was, clearly, a breakdown in communication
25 and, I think, I was the one who was fielding it.

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 And I don't think -- I didn't feel like I was
3 trying to question her work ethic, yeah.

4 Q. Did you think that this e-mail was
5 harassing to you?

6 A. No. Reading it today I don't find it
7 to be harassing.

8 Q. Reading it today to you find to it be
9 disrespectful to you?

10 A. No. I think frustration abounds on
11 both sides.

12 Q. You can put the documents aside.

13 I asked this earlier but now that
14 you've taken a look at these documents, do you
15 remember any other occasion in which you engaged
16 in conversations with Mr. David about complaints
17 about the behavior of members of the Executive
18 Chamber staff?

19 MS. DUNN: Wait. Can you -- I'm
20 sorry. Could you just repeat the question?

21 MS. KENNEDY-PARK: Sure. I can try
22 it. Probably come out different but...

23 Q. Do you remember any occasion other
24 than this on which you were involved in
25 discussions with Mr. David about complaints about

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 the behavior of members of the Executive Chamber
3 staff?

4 MS. DUNN: [INSTRUCTION] Yeah, I
5 think that would be privileged.

6 MS. KENNEDY-PARK: So you're going to
7 direct her not to answer?

8 MS. DUNN: Yeah, I am. I don't think
9 you're missing out on any facts here, just to be
10 clear. But I am -- to me this seems to be beyond
11 the scope of this memo.

12 MS. KENNEDY-PARK: Okay.

13 MS. DUNN: So, yes, I'm going to
14 instruct her not to answer.

15 MS. KENNEDY-PARK: Okay.

16 Q. Are you aware on any occasions in
17 which Ms. DeRosa received coaching?

18 A. No, not that I know of.

19 Q. And are you aware of any coaching
20 that any member of the Executive Chamber senior
21 staff regarded their behavior?

22 A. Not that I know of.

23 Q. Did you ever receive coaching?

24 A. In regards to my behavior, no.

25 Q. In regards to anything else while you

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 were in the Executive Chamber?

3 A. I'm sorry, no. And besides like, you
4 know, like, helping you learn how to do more
5 things, manage, yeah, sorry, yes -- no, so, no.

6 Q. Let's look at -- let's look at what
7 in my binder is tab -- you can put those away --
8 which is Tab 85, which should be the last
9 document in your binder, the last tab in your
10 binder.

11 A. Yes.

12 MS. MUSTEFA: WWW.

13 (Deposition Exhibit 25, 2/28/21 text
14 message string AWALSH00000020, was marked for
15 identification.)

16 Q. And if our binders align, this should
17 be a text message on February 28th, and it might
18 have even been the 27th given the timestamp
19 between you and Jill DesRosiers.

20 Do you see that?

21 A. I do.

22 Q. Okay. Why don't you take a look at
23 it?

24 A. Okay.

25 Q. So earlier I asked you which members

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21
2 of the Executive Chamber staff you had spoken to
3 about allegations against the Governor after the
4 medium post by Ms. Boylan and article about Ms.
5 Bennett and you didn't list Ms. DeRosa.

6 Do you remember now remember that you
7 had communications with Ms. DeRosa in the wake of
8 those articles?

9 A. Yes.

10 Q. And tell us what you remember about
11 the communications with Ms. DeRosa?

12 A. They weren't a lot, truthfully. She
13 had her own life happening. I can't remember,
14 really truthfully. [REDACTED]

15 [REDACTED]
16 [REDACTED].

17 Q. Do you remember being involved in a
18 conversation with Ms. DesRosiers and Ms. DeRosa
19 about the allegations against the Governor?

20 A. Yes. Oh, no, it was about -- sorry,
21 it was about the article about -- there was an
22 article written about that mentions Jill and had
23 her photo in it.

24 Q. Okay. And what do you remember about
25 that conversation?

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 A. I think it was -- I was telling Jill
3 that I was -- sorry, that she had to deal with --
4 I'm sorry, I don't mean to laugh. I just --

5 THE WITNESS: I appreciate whoever
6 just walked by, Silvia, that was impressive.
7 That was impressive on that gentleman we have.
8 So hats off to him.

9 A. I remember talking to Jill
10 apologizing that sort of [REDACTED]
11 [REDACTED] there was this, you
12 know, this article about her that mentioned her
13 name and had her picture. I remember Melissa
14 sort of echoing those sentiments and, yeah, that
15 was it. It wasn't very long, so, yeah.

16 Q. And the text message that Ms. DeRosa
17 wrote to you, she said, "That was the first time
18 she spoke to me."

19 That was a reference to Melissa
20 DeRosa, correct?

21 A. I believe so, yes.

22 Q. And then she wrote, "She needed an
23 airbag so she conferenced you."

24 What did you understand her to mean
25 by that?

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 A. I understood that to mean that she
3 needed a social airbag. She felt awkward.

4 Q. I don't know what the term "social
5 airbag" means.

6 What does that mean?

7 A. That she didn't want to talk to her
8 one on one, so she needed somebody else on the
9 phone to be less awkward.

10 Q. And is there any reason you would
11 understand that Ms. DeRosa would not want to talk
12 one on one with Ms. DesRosiers?

13 A. No. I can't speak for why she didn't
14 want to.

15 Q. Do you know if Ms. DesRosiers had
16 reached out to Ms. DeRosa since [REDACTED]
17 [REDACTED] ?

18 A. [REDACTED].

19 Q. You can go ahead and put that aside.

20 I apologize if I asked you this
21 before. As I mentioned, I don't have a realtime
22 transcript I can see.

23 So I just want to be clear that we
24 were talking about rumors that you had had a
25 sexual relationship of some sort with the

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 Governor.

3 What is your response to those
4 rumors?

5 A. No, I did not have a sexual
6 relationship with the Governor.

7 Q. And do you have any knowledge at all
8 about whether the Governor had sexual
9 interactions or relationship with any members of
10 the Executive Chamber staff?

11 A. No, I do not have knowledge of that.

12 MS. KENNEDY-PARK: We're ready to
13 close out. But I'd offer your Counsel an
14 opportunity to take a break in case there are
15 things you'd like to potentially clarifying.

16 MS. DUNN: Yeah, we appreciate that.
17 We would like to take a break.

18 MS. KENNEDY-PARK: Okay. So we'll
19 take a break and we'll just wait until you guys
20 come back. We can go off the record.

21 MS. DUNN: Thank you.

22 THE VIDEOGRAPHER: Stand by. The
23 time is 5:46. We are going off the record.

24 (Recess taken 5:46 to 6:07 p.m.)

25 THE VIDEOGRAPHER: The time is

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 6:07 p.m. We are back on the record.

3 Q. Ms. Witness, is there anything you
4 would like to add or any answers you wish to
5 clarify before we conclude your testimony today?

6 A. I would like to take this opportunity
7 to make a statement.

8 For eight years as a member of the
9 Executive Chamber, I served the people of New
10 York State. I am enormously proud that I worked
11 my way up from an Executive Assistant position to
12 be the Director of scheduling, hopefully,
13 demonstrating to others what is possible.

14 I am enormously proud of how hard I
15 worked, how much I accomplished and how I brought
16 my energy, dedication and intellect to my public
17 service position every day.

18 The testimony I've been asked to give
19 today does not remotely do justice to my hard
20 work, my accomplishments, my professionalism or
21 my intelligence.

22 I have been asked invasive and
23 personal questions including being asked to
24 respond to unsubstantiated rumors that are false,
25 demeaning and insulting. As a professional

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2 woman, I found that disappointing and
3 unfortunate.

4 I have done my best to assist in this
5 investigation and do request if any of my
6 testimony is made public, it is done so
7 anonymously. Because to do otherwise would only
8 serve to perpetuate these unsubstantiated rumors
9 and embarrass me publically without basis. That
10 would not be consistent with the goal which I
11 share of supporting women in the workplace.

12 I strongly believe that any woman and
13 any person has the right to share their own
14 experience on their own terms.

15 Thank you.

16 Q. Ms. Witness, would you have preferred
17 if we not ask you about the rumors and did not
18 give you an opportunity to address them on the
19 record?

20 MS. DUNN: I think that the seven
21 hours is up and that Ms. Witness has made her
22 statement. I will leave it to her discretion
23 whether she would like to answer. But,
24 otherwise, I just have one small thing I want to
25 say before we end.

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2 Q. Okay. Yeah, the record is still
3 open.

4 And so, Ms. Witness, you can respond
5 to the question.

6 MS. DUNN: I'm sorry. The seven
7 hours is over. She's no longer has to respond
8 and I think she was told earlier by Counsel that
9 she could make a statement of her own and she's
10 done so.

11 One statement from me --

12 MS. KENNEDY-PARK: Correct.

13 MS. DUNN: -- that I'd like to make.

14 MS. KENNEDY-PARK: No, no, no. We
15 don't agree. We don't agree. So we can bring
16 her back to answer the question and nor did we
17 say that we wouldn't ask for questions in
18 response to her sworn statement.

19 MS. DUNN: She's been on the record
20 for seven hours per our agreement. And we're
21 done. I mean, we are done. She's -- this is --

22 MS. KENNEDY-PARK: There was no
23 agreement. We can re-subpoena her then. We'll
24 re-subpoena her, if you would like us to.

25 MS. DUNN: I can't really imagine you

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 would do that. I think she said all she's going
3 to say and you invited her to do it and so she
4 did.

5 Q. Ms. Witness, would you like to
6 respond to that question?

7 A. Can you repeat the question? I'm
8 sorry.

9 Q. Sure. The question was, would you
10 have preferred if we didn't give you an
11 opportunity to address on the record the rumors
12 about you?

13 A. I'd rather not answer. But am I glad
14 to clear thump rumors about me, yes.

15 Am I -- was it unfortunate to have to
16 go through false rumors about myself for the past
17 quite some time? Yeah.

18 Q. Thank you.

19 MS. KENNEDY-PARK: Counsel, do you
20 have anything you want to add?

21 MS. DUNN: Yeah, I do. We just want
22 to note in the event this transcript is ever used
23 in either a judicatory or evidentiary proceeding,
24 you know, we have been asked for the purposes
25 today by and large not to make objections. But

1 HIGHLY CONFIDENTIAL - WITNESS 6/18/21

2 we do not waive any of our objections to form,
3 relevance, foundation or any other evidentiary
4 objections that we would have otherwise made.

5 I think at the beginning of the
6 session, we made clear our position that we
7 believe it's, you know, inappropriate and unfair
8 and unnecessary to withhold the transcript from
9 the witness, particularly, given the nature of
10 the personal questions asked to her and that we
11 believe Section 73 entitles the witness to the
12 transcript or any part thereof that reflects any
13 testimony the government makes public.

14 [REQUEST] But, you know, we would
15 respectfully ask that the government grant the
16 request that Ms. Witness just made on her own
17 behalf that if any testimony is made public, that
18 it's done so anonymously. And that's all we
19 have.

20 MS. KENNEDY-PARK: We'll take your
21 request under advisement. And I will again
22 request that if you have any authority to support
23 your position, that your witness is entitled to a
24 transcript, you should send us that authority.

25 MS. DUNN: Thank you. We appreciate

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2 that.

3 Q. Ms. Witness, is there anything else
4 you wish to clarify or add today?

5 A. No. Thank you.

6 Q. And I'll remind you what I said at
7 the beginning of your obligations under executive
8 law 63 Section 8 to keep this confidential.

9 Do you understand those obligations?

10 A. I do.

11 Q. Great. Thank you.

12 MS. KENNEDY-PARK: We can go off the
13 record now.

14 THE VIDEOGRAPHER: Stand by. This
15 concludes today's deposition of our witness. The
16 number of media units used is seven. They will
17 be retained by Veritext Legal Solutions. We are
18 going off the record at 6:12 p.m. Eastern
19 Standard Time.

20 (Time noted: 6:12 p.m.)

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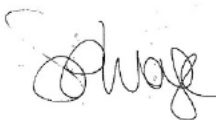
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HIGHLY CONFIDENTIAL - WITNESS 6/18/21

C E R T I F I C A T E O F R E P O R T E R

I, SILVIA P. WAGE, a Certified Shorthand Reporter, Certified Realtime Reporter and Registered Reporter, herby certify that the witness in the foregoing investigation was by me duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause; that said investigation was taken down in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision

I further certify that I am not of counsel or attorney for either or any of the parties to the said investigation, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.



_____ dated: June 24, 2021

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