

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

July 12, 2021
10:01 a.m.

HIGHLY CONFIDENTIAL
ATTORNEYS' EYES ONLY

VIDEOTAPED ZOOM DEPOSITION of WITNESS
7/12/2021, held in the above-entitled
investigation, located in New York State,
taken before Dawn Matera, a Notary Public
of the State of New York.

* * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

CLEARY GOTTLIEB STEEN & HAMILTON
On behalf of the New York Attorney
General

One Liberty Plaza
New York, New York 10006

By: LILIANNA REMBAR

-and-

VLADECK RASKIN & CLARK, P.C.
565 Fifth Avenue
New York, New York 10017

By: YANNICK GRANT, ESQ.
ygrant@vladeck.com

PHILLIPS NIZER LLP
Attorneys for the 7/12/2021 Witness
485 Lexington Avenue
New York, New York 10017

By: MATTHEW L. LEVINE, ESQ.
ELANA T. HENDERSON, ESQ.

Also Present:

MARC FRIEDMAN, Videographer

~oOo~

1 ATTORNEYS' EYES ONLY

2 THE VIDEOGRAPHER: Good morning. 10:10:43

3 We are going on the record at 10:01 10:10:43

4 a.m. Eastern Standard Time on Monday, 10:10:46

5 July 12th, 2021. Please silence your 10:10:49

6 cell phone, computer tones or any 10:10:52

7 other electronic devices you have near 10:10:54

8 you. Audio and video-recording will 10:10:57

9 continue to take place unless all 10:11:01

10 parties agree to go off the record. 10:11:03

11 This is media unit number 1 of 10:11:04

12 the video-recorded deposition of 10:11:07

13 witness 07/12/2020 in the matter of 10:11:09

14 Independent Investigation Under New 10:11:16

15 York State Executive Law 63(8). 10:11:17

16 My name is Marc Friedman. I am 10:11:20

17 your certified video legal specialist. 10:11:22

18 Your court reporter today is Dawn 10:11:25

19 Matera. And we are both with the firm 10:11:26

20 of Veritext Legal Solutions. 10:11:28

21 This deposition is being held 10:11:30

22 via remote videoconference. All 10:11:32

23 counsel consent to this remote video 10:11:36

24 arrangement and waive any objections 10:11:38

25 to this manner of recording. If there 10:11:40

1 ATTORNEYS' EYES ONLY

2 is any objection to the court reporter 10:11:42

3 swearing in this witness remotely and 10:11:44

4 this video arrangement, please state 10:11:47

5 them now. 10:11:49

6 Hearing no objection, will 10:11:50

7 counsel now state on the record their 10:11:52

8 appearances and affiliations beginning 10:11:53

9 with the noticing attorney. 10:11:55

10 MR. GRANT: Good morning. My 10:11:56

11 name is Yannick Grant from the law 10:11:57

12 firm of Vladeck Raskin & Clark, but 10:11:59

13 today I am here in my capacity as a 10:12:01

14 Special Deputy to the First Deputy of 10:12:03

15 the New York State Attorney General, 10:12:05

16 and I will let my colleague introduce 10:12:06

17 herself. 10:12:08

18 MS. REMBAR: Good morning. My 10:12:09

19 name is Lilianna Rembar, I am with 10:12:10

20 Clearly Gottlieb Steen & Hamilton. I 10:12:13

21 am appearing in my capacity today as 10:12:16

22 Special Assistant to the First Deputy 10:12:19

23 Attorney General for the New York 10:12:21

24 State Attorney General's Office. 10:12:22

25 MR. LEVINE: Good morning. This 10:12:23

1 ATTORNEYS' EYES ONLY

2 is Matthew Levine from the law firm of 10:12:25

3 Phillips Nizer, we are counsel for 10:12:28

4 Mr. Pollock. 10:12:29

5 MS. HENDERSON: And Elana 10:12:30

6 Henderson, also with Phillips Nizer. 10:12:32

7 THE VIDEOGRAPHER: Will the 10:12:36

8 court reporter please swear in our 10:12:37

9 witness and we can proceed. 10:12:38

10 J E F R E Y P O L L O C K, having been

11 first duly sworn by Dawn Matera, a Notary

12 Public, was examined and testified as

13 follows:

14 EXAMINATION BY MR. GRANT: 10:12:56

15 Q. Good morning again, 10:12:56

16 Mr. Pollock. 10:12:58

17 A. Good morning. 10:12:58

18 Q. Before I start questioning 10:12:59

19 today, I am going to give you some 10:13:00

20 background information and some ground 10:13:02

21 rules, so today will hopefully flow 10:13:04

22 smoothly, okay? 10:13:07

23 A. Yes. 10:13:07

24 Q. As you likely know, the New 10:13:08

25 York State Attorney General have 10:13:11

1 ATTORNEYS' EYES ONLY

2 appointed the law firms of Clearly 10:13:11

3 Gottlieb Steen & Hamilton and Vladeck 10:13:15

4 Raskin & Clark to conduct an independent 10:13:17

5 investigation under New York Executive 10:13:18

6 Law 63(8) into allegations of sexual 10:13:19

7 harassment brought against Governor 10:13:25

8 Andrew Cuomo, as well as the surrounding 10:13:27

9 circumstances. 10:13:29

10 You are here today pursuant to 10:13:29

11 a subpoena issued in connection with this 10:13:30

12 investigation. 10:13:32

13 I will note at the outset today 10:13:33

14 that today's proceeding is being 10:13:35

15 video-recorded. You are under oath. 10:13:37

16 That means that you must testify fully 10:13:38

17 and truthfully, just as you would in a 10:13:40

18 court of law sitting before a judge and a 10:13:44

19 jury. Your testimony is subject to a 10:13:46

20 penalty of perjury. Do you understand? 10:13:49

21 A. I do. 10:13:50

22 Q. If you would like to make a 10:13:51

23 brief sworn statement today, we ask that 10:13:54

24 you do so at the conclusion of the 10:13:56

25 examination. Is that understood? 10:13:58

1 ATTORNEYS' EYES ONLY

2 A. Yes. 10:13:59

3 Q. Although this is a civil 10:13:59

4 investigation, this office has criminal 10:14:02

5 enforcement powers. You have the right 10:14:03

6 to refuse to answer a question if 10:14:05

7 answering the question would incriminate 10:14:07

8 you. However, any failure to answer can 10:14:09

9 be used against you in a court of law in 10:14:11

10 a civil non-criminal proceeding. 10:14:13

11 Accordingly, asserting your 10:14:16

12 Fifth Amendment privilege does have 10:14:18

13 evidentiary significance. If you choose 10:14:20

14 to assert your Fifth Amendment privilege, 10:14:23

15 that fact can be presented to a judge or 10:14:25

16 a jury in a civil proceeding and the 10:14:27

17 judge and jury would be free to draw a 10:14:29

18 conclusion from the assertion of that 10:14:32

19 privilege. Do you understand? 10:14:34

20 A. I do. 10:14:35

21 Q. You are appearing today with 10:14:36

22 your attorney present. You may consult 10:14:38

23 with your attorney, and we ask that if 10:14:40

24 you have any questions concerning 10:14:43

25 attorney/client privilege, do you 10:14:45

1 ATTORNEYS' EYES ONLY

2 understand? 10:14:47

3 A. I do. 10:14:47

4 Q. Okay. As you see we have a 10:14:48

5 court reporter present with us on Zoom. 10:14:51

6 And the court reporter needs to be able 10:14:53

7 to take down the questions and answers 10:14:56

8 today to create a clean transcript. 10:14:58

9 Accordingly, I am going to ask that you 10:15:01

10 provide a verbal response in response to 10:15:03

11 my question. Do you understand? 10:15:08

12 A. I do. 10:15:09

13 Q. If you do not understand the 10:15:09

14 question, please let me know so I can 10:15:11

15 rephrase it. Do you understand? 10:15:14

16 A. Yes. 10:15:15

17 Q. And please also give me an 10:15:16

18 opportunity to finish answering my 10:15:19

19 question before you begin your answer and 10:15:20

20 I will do the same. Do you understand? 10:15:22

21 A. Yes. 10:15:24

22 Q. You will not be permitted to 10:15:25

23 review a transcript of this testimony. 10:15:27

24 If at any time today you want to clarify 10:15:30

25 an answer you've given before, please let 10:15:32

1 ATTORNEYS' EYES ONLY

2 me know and I will let you go back and 10:15:33

3 provide clarification. Understood? 10:15:35

4 A. Yes. 10:15:37

5 Q. I will be asking about names 10:15:37

6 and dates and other specific information. 10:15:41

7 Even if you don't recall a specific date 10:15:43

8 or time, I am going to ask you to give me 10:15:46

9 your best approximate answer. 10:15:47

10 Understood? 10:15:49

11 A. Yes. 10:15:49

12 Q. If you need to take a break at 10:15:50

13 any point today, please let me know and I 10:15:54

14 will accommodate that request. The only 10:15:56

15 thing I would say is if there is a 10:15:58

16 question pending, I would like you to 10:15:59

17 respond to that question before we take a 10:16:01

18 break. Understood? 10:16:03

19 A. Yes. 10:16:04

20 Q. And I am going to ask, can you 10:16:04

21 please confirm that you and your 10:16:07

22 attorneys are the only ones present in 10:16:08

23 the room on your end? 10:16:10

24 A. Correct. 10:16:11

25 Q. Okay. And can you please 10:16:12

1 ATTORNEYS' EYES ONLY

2 confirm that none of you are using any 10:16:13

3 technology to create a recording of this 10:16:15

4 proceeding, including screen capturing? 10:16:18

5 A. Correct. 10:16:21

6 Q. Okay. And please confirm that 10:16:22

7 you're not allowing anyone to 10:16:23

8 simultaneously listen in via any sort of 10:16:25

9 technology? 10:16:28

10 A. Correct. 10:16:28

11 Q. And please confirm for me that 10:16:29

12 you will not communicate in realtime 10:16:32

13 through text message or any other things 10:16:34

14 or any other technology during breaks or 10:16:36

15 during the course of this testimony? 10:16:38

16 A. Confirmed. 10:16:39

17 Q. Okay. 10:16:41

18 MR. LEVINE: You mean relating 10:16:46

19 to this proceeding? 10:16:47

20 MR. GRANT: Yes. 10:16:49

21 MR. LEVINE: Thank you. 10:16:49

22 Q. And I am just going to ask that 10:16:51

23 your attorney also confirm. 10:16:53

24 MR. LEVINE: Confirmed. 10:16:54

25 MR. GRANT: Thank you. 10:16:55

1 ATTORNEYS' EYES ONLY

2 Q. Executive Law Section 63(8), 10:17:01

3 the provision under which this 10:17:03

4 investigation is being conducted, 10:17:05

5 prohibits you or your counsel revealing 10:17:07

6 anything that I ask or what you say 10:17:08

7 during this testimony to anyone. If 10:17:10

8 anyone asks you to disclose any such 10:17:11

9 information, please let us know, 10:17:13

10 including any reason they provide for 10:17:15

11 seeking such information, and we will 10:17:17

12 discuss with you whether or not the 10:17:19

13 closure is permissible. Do you 10:17:21

14 understand? 10:17:22

15 A. Yes. 10:17:23

16 Q. Please note that you are 10:17:23

17 protected from retaliation for 10:17:25

18 participating in today's testimony. If 10:17:27

19 you're concerned about potential 10:17:30

20 retaliation, including retaliation from 10:17:32

21 the Executive Chamber, please let us 10:17:34

22 know. Understood? 10:17:39

23 A. Yes. 10:17:39

24 Q. Are you taking any medications 10:17:40

25 or drugs that may make it difficult for 10:17:42

1 ATTORNEYS' EYES ONLY

2 you to understand my questions today? 10:17:43

3 (Zoom froze). 10:18:08

4 THE VIDEOGRAPHER: The time is 10:18:22

5 10:09, we are going off the record. 10:18:23

6 (Off the record.) 10:18:26

7 THE VIDEOGRAPHER: The time is 10:20:27

8 10:11 a.m., we are back on the record. 10:20:32

9 BY MR. GRANT: 10:20:36

10 Q. What was the last question that 10:20:36

11 you heard me ask? 10:20:39

12 A. The last thing was that 10:20:40

13 Mr. Levine confirmed that I could, that 10:20:43

14 you were only asking about me using my 10:20:46

15 phone as it relates to the matters. 10:20:48

16 That's the last thing. 10:20:51

17 Q. All right. Thank you. 10:20:52

18 Executive Law Section 63(8), the 10:20:58

19 provision under which this investigation 10:21:00

20 is being conducted, prohibits you and 10:21:01

21 your counsel from revealing anything that 10:21:04

22 we may ask of you or that you may say 10:21:06

23 during this testimony today. If anyone 10:21:08

24 asks you to disclose any such 10:21:10

25 information, please let us know, 10:21:12

1 ATTORNEYS' EYES ONLY

2 including any reasons that that person 10:21:14

3 gives for seeking the information, and we 10:21:16

4 will discuss with you whether such 10:21:18

5 disclosure is permitted. Understood? 10:21:20

6 A. Yes. 10:21:22

7 Q. And please note that you are 10:21:23

8 protected from retaliation for 10:21:25

9 participating in today's testimony. We 10:21:28

10 ask that you let us know if you're 10:21:30

11 concerned about potential retaliation 10:21:31

12 from anyone, including members of the 10:21:33

13 Executive Chamber. Do you understand? 10:21:35

14 A. Yes. 10:21:37

15 Q. Are you taking any medications 10:21:37

16 or drugs that may affect your ability to 10:21:40

17 understand my questions or to testify 10:21:42

18 truthfully? 10:21:46

19 A. No. 10:21:47

20 Q. Have you taken any alcohol 10:21:47

21 today? 10:21:49

22 A. No. 10:21:49

23 Q. And is there any other reason 10:21:49

24 that you would not be able to answer my 10:21:51

25 questions fully and truthfully? 10:21:55

1 ATTORNEYS' EYES ONLY

2 A. No. 10:21:56

3 Q. Can you please state your name, 10:21:56

4 date of birth and current business 10:21:58

5 address for the record? 10:21:59

6 A. Jefrey Pollock, [REDACTED]. 10:22:00

7 Current business address is [REDACTED] 10:22:06

8 [REDACTED] 10:22:08

9 [REDACTED]. 10:22:11

10 Q. And have you ever given 10:22:14

11 testimony before? 10:22:16

12 A. Yes. 10:22:16

13 Q. In what case or in what 10:22:22

14 capacity? 10:22:24

15 A. Grand jury in [REDACTED]. 10:22:24

16 Q. Any other time? 10:22:27

17 A. I don't think so. 10:22:27

18 Q. And if not disclosing any sort 10:22:28

19 of privilege that may apply to the grand 10:22:36

20 jury proceeding, can you describe the 10:22:38

21 nature of that case? 10:22:41

22 A. [REDACTED] 10:22:42

23 [REDACTED] 10:22:43

24 Q. Have you ever testified at a 10:22:45

25 trial? 10:22:46

1	ATTORNEYS' EYES ONLY	
2	A. I don't think so, no.	10:22:46
3	Q. Have you ever had your	10:22:54
4	deposition taken before?	10:22:55
5	A. No.	10:22:58
6	Q. Did you do anything to prepare	10:23:01
7	for today's testimony?	10:23:02
8	A. Yes.	10:23:03
9	Q. How did you prepare?	10:23:04
10	A. Talked to my attorneys and	10:23:05
11	reviewed some of my e-mails.	10:23:07
12	Q. Okay. And when you say spoke	10:23:08
13	to your attorneys, I am assuming it's	10:23:13
14	Mr. Levine and Ms. Henderson?	10:23:15
15	A. Correct.	10:23:17
16	Q. Was anyone else present for	10:23:17
17	those meetings?	10:23:19
18	A. No.	10:23:20
19	Q. And how many times did you meet	10:23:20
20	with counsel and when?	10:23:22
21	A. Twice last week.	10:23:23
22	Q. When you said you reviewed	10:23:25
23	e-mails, do you know whether or not all	10:23:31
24	of those e-mails have been produced to	10:23:33
25	us?	10:23:35

1 ATTORNEYS' EYES ONLY

2 A. Yes. 10:23:36

3 Q. Okay. And how long did you 10:23:36

4 meet with counsel on each of those 10:23:39

5 occasions? 10:23:40

6 A. An hour each time, 10:23:41

7 approximately. 10:23:43

8 Q. Okay. Have you spoken to 10:23:46

9 anyone else? 10:23:47

10 A. No. 10:23:47

11 Q. Did you prepare for this 10:23:48

12 testimony on your own in any way? 10:23:50

13 A. Yes, by reviewing my e-mails. 10:23:51

14 Q. Anything else? 10:23:55

15 A. No. 10:23:56

16 Q. And the e-mails you said you 10:23:57

17 reviewed on your own, have all of those 10:23:59

18 e-mails been produced to us? 10:24:02

19 A. The ones that you have been -- 10:24:03

20 the ones that were requested, yes. 10:24:07

21 MR. GRANT: To the extent that 10:24:12

22 any e-mails Mr. Pollock reviewed on 10:24:13

23 his own are relevant to this 10:24:16

24 investigation, I would ask that they 10:24:17

25 be produced along with any further 10:24:19

1 ATTORNEYS' EYES ONLY

2 productions that are forthcoming. 10:24:20

3 MR. LEVINE: For the record, 10:24:23

4 Mr. Grant, as you know, we're in the 10:24:24

5 process of continuing to produce 10:24:26

6 responsive documents to your subpoena 10:24:28

7 and we will vet it through that 10:24:29

8 process. 10:24:31

9 MR. GRANT: Thank you very much. 10:24:32

10 MR. LEVINE: Yes, sir. 10:24:34

11 Q. And besides counsel, did you 10:24:39

12 speak with anyone about you speaking with 10:24:40

13 us today? 10:24:43

14 A. No. 10:24:43

15 Q. Have you spoken with anyone 10:24:43

16 about the testimony they have given to 10:24:50

17 members of the investigation? 10:24:52

18 A. Only one thing, yes. 10:24:59

19 Q. With whom did you speak? 10:25:01

20 A. I spoke with Lis Smith who just 10:25:02

21 told me it was ten hours, that was it, 10:25:05

22 literally. Meaning that she was in her 10:25:08

23 session for ten hours, that was it. 10:25:11

24 Q. And when was that? 10:25:12

25 A. Last week sometime. 10:25:13

1 ATTORNEYS' EYES ONLY

2 Q. Can you let me know how that 10:25:22

3 conversation came about? Did you tell 10:25:24

4 her that you were testifying? Did she 10:25:25

5 say she just testified? 10:25:27

6 A. She said she just testified and 10:25:28

7 it was ten hours. And that she was 10:25:29

8 leaving the country or leaving the state 10:25:31

9 or something like that. 10:25:33

10 Q. Okay. Did Ms. Smith say 10:25:34

11 anything else? 10:25:40

12 A. No. 10:25:40

13 Q. Did you ask Ms. Smith anything 10:25:40

14 else? 10:25:43

15 A. I did not. 10:25:43

16 Q. I am going to ask that you turn 10:25:44

17 to tab 1 in your binder. 10:25:49

18 A. We haven't opened the binder. 10:25:50

19 MR. LEVINE: You said you would 10:25:55

20 give us directions, so I guess this is 10:25:55

21 the directions. 10:25:57

22 A. It's not opened. 10:25:58

23 Q. All right. Please open the 10:25:59

24 binder. 10:26:02

25 MR. LEVINE: There are three 10:26:25

1 ATTORNEYS' EYES ONLY

2 sets of envelopes, one is for each of 10:26:25

3 us? 10:26:28

4 MR. GRANT: Yes. 10:26:28

5 MR. LEVINE: Thank you. 10:26:29

6 A. Say again, Mr. Grant, where? 10:26:58

7 Q. Would you please turn to tab 1. 10:26:59

8 A. Yes. Thank you. 10:27:02

9 Q. Please take a moment to review 10:27:04

10 the document and let me know when you're 10:27:06

11 ready. 10:27:08

12 A. Okay. Yes. 10:27:08

13 Q. Do you recognize this document? 10:27:45

14 A. I do. 10:27:46

15 Q. And this is the document 10:27:47

16 subpoena that you received from our 10:27:49

17 office, correct? 10:27:51

18 A. It is. 10:27:52

19 Q. Did you read the subpoena? 10:27:53

20 A. Yes. 10:27:55

21 Q. And what have you done so far 10:27:56

22 to collect documents in response to the 10:27:59

23 subpoena? 10:28:01

24 A. I gave -- the subpoena was 10:28:02

25 received by my attorney, and the attorney 10:28:07

1 ATTORNEYS' EYES ONLY

2 and I have worked with my IT department 10:28:09

3 at my firm in order to collect the 10:28:14

4 relevant e-mails that you're asking me 10:28:16

5 for. 10:28:19

6 Q. Mr. Pollock? 10:28:29

7 A. I see you guys. 10:28:31

8 Q. I just want to be sure you're 10:28:35

9 there. 10:28:37

10 THE VIDEOGRAPHER: If you do 10:28:38

11 freeze again, I think I would 10:28:39

12 appreciate if you just redial back in. 10:28:41

13 THE WITNESS: Okay. I don't 10:28:45

14 know that we froze, but -- 10:28:46

15 THE VIDEOGRAPHER: On our end 10:28:50

16 you froze for a little bit. 10:28:51

17 You may proceed, Counsel. 10:28:52

18 MR. GRANT: All right. Thank 10:28:54

19 you. 10:28:54

20 Q. Could you turn to tab 2. 10:28:57

21 Please take a moment to review the 10:29:04

22 document and let me know when you're 10:29:06

23 ready. 10:29:09

24 A. Okay. 10:29:12

25 Q. Do you recognize that document? 10:29:13

1 ATTORNEYS' EYES ONLY

2 A. Now I'm confused, isn't it the 10:29:15

3 same thing that I just saw? 10:29:19

4 Q. So maybe I'll ask a more direct 10:29:20

5 question. Is this the subpoena we sent 10:29:22

6 asking for your testimony here today? 10:29:27

7 A. Yes. 10:29:28

8 Q. Okay. And you read the 10:29:33

9 subpoena, correct? 10:29:34

10 A. Yes. 10:29:35

11 Q. And you understand that your 10:29:36

12 testimony today is being taken pursuant 10:29:40

13 to that subpoena, correct? 10:29:42

14 A. Yes. 10:29:43

15 Q. Okay. Could you describe your 10:29:45

16 educational history starting with 10:29:49

17 college? 10:29:52

18 A. Sure. I have a bachelor's 10:29:52

19 degree from the University of 10:29:54

20 Pennsylvania in American history and I 10:29:57

21 have a master's degree in public 10:29:59

22 administration from the School of 10:30:00

23 International and Public Affairs at 10:30:02

24 Columbia University. 10:30:04

25 Q. Great. And when did you 10:30:05

1 ATTORNEYS' EYES ONLY

2 graduate from the University of 10:30:07

3 Pennsylvania? 10:30:08

4 A. 1993. 10:30:08

5 Q. When did you get a degree from 10:30:11

6 Columbia? 10:30:13

7 A. 1997. 10:30:14

8 Q. Did you do anything between the 10:30:15

9 time you graduated from the University of 10:30:17

10 Pennsylvania and started attending 10:30:20

11 Columbia? 10:30:22

12 A. I started my firm. 10:30:22

13 Q. What is your firm? 10:30:24

14 A. Global Strategy Group. 10:30:30

15 Q. What sort of work does Global 10:30:31

16 Strategy Group do? 10:30:34

17 A. Global Strategy Group is a 10:30:34

18 public affairs firm. 10:30:37

19 Q. Can you describe in more detail 10:30:38

20 what sort of public affairs it handles? 10:30:40

21 A. Sure. So the firm is a public 10:30:43

22 affairs firm, which means we handle all 10:30:46

23 sorts of issues, regulatory things in the 10:30:49

24 public environment, and my specialty is 10:30:52

25 in political consulting and political 10:30:55

1 ATTORNEYS' EYES ONLY

2 campaigns, where I serve as a pollster is 10:30:57

3 my primary job. 10:31:01

4 Q. Got you. So you were attending 10:31:02

5 Columbia simultaneously while you were 10:31:05

6 working at, starting your firm Global 10:31:07

7 Strategy Group, correct? 10:31:10

8 A. That is correct. I was 10:31:10

9 attending school part time. 10:31:13

10 Q. And is the Governor one of your 10:31:15

11 clients? 10:31:17

12 A. Yes. 10:31:17

13 Q. How long had the Governor been 10:31:18

14 a client? 10:31:21

15 A. Since his first run for 10:31:22

16 Attorney General. So 17 years ago, 10:31:23

17 something like that. 10:31:28

18 Q. And in what capacity has the 10:31:28

19 Governor retained you and your firm? 10:31:35

20 A. I have been for all of those 10:31:37

21 years his pollster. 10:31:40

22 Q. And beyond being his pollster, 10:31:49

23 do you have any other relationship with 10:31:57

24 Governor Cuomo? 10:31:58

25 A. Try that question again. I'm 10:31:59

1 ATTORNEYS' EYES ONLY

2 not sure what I am answering. 10:32:04

3 Q. We'll turn to that later. Do 10:32:04

4 you have any relationship with Chris 10:32:09

5 Cuomo? 10:32:10

6 A. Only through, only through the 10:32:10

7 Governor. Not personal. We met each 10:32:16

8 other through media appearances, kind of 10:32:20

9 stuff like that. But only through his 10:32:25

10 brother. 10:32:28

11 Q. Do you have any sort of 10:32:32

12 relationship with Melissa DeRosa? 10:32:34

13 A. Yes. 10:32:35

14 Q. And describe your relationship 10:32:36

15 with Ms. DeRosa. 10:32:38

16 A. I worked with Ms. DeRosa for 10:32:40

17 years going back to when she was at the 10:32:43

18 New York State Democratic Party. 10:32:46

19 Q. When is the first time you met 10:32:56

20 Andrew Cuomo? 10:32:58

21 A. I have no idea. It was decades 10:32:58

22 ago. I don't know what the first time I 10:33:06

23 met him. 10:33:08

24 Q. Okay. You testified earlier 10:33:08

25 that you first -- you've acted as his 10:33:10

1 ATTORNEYS' EYES ONLY

2 pollster since his first run for Attorney 10:33:14

3 General, correct? 10:33:16

4 A. Correct. 10:33:17

5 Q. Do you know when you met 10:33:17

6 Governor Cuomo in relation to becoming 10:33:21

7 his pollster for that first race? 10:33:24

8 A. I don't. 10:33:26

9 Q. And how frequently or regularly 10:33:30

10 do you interact with Governor Cuomo? 10:33:32

11 A. Irregularly. Irregularly. 10:33:33

12 Q. Can you please describe what 10:33:41

13 you mean by irregularly? 10:33:43

14 A. In my job, it is -- your 10:33:46

15 conversation with somebody like the 10:33:49

16 Governor would be related largely to when 10:33:51

17 there is an issue or when there are polls 10:33:53

18 to be discussed. So one of those two 10:33:56

19 things. So there are frequent periods of 10:33:58

20 time where nothing is going on and we'll 10:34:03

21 have no interaction. I mean that by way 10:34:05

22 of not only Governor Cuomo but any of my 10:34:12

23 clients. 10:34:14

24 Q. You mentioned polls to be 10:34:14

25 discussed as well as issues, what sort of 10:34:16

1 ATTORNEYS' EYES ONLY

2 issues are you talking about? 10:34:18

3 A. If there is an issue in the 10:34:19

4 public domain that people want political 10:34:20

5 advice. As a pollster, I serve as the 10:34:23

6 person who is obviously looking at the 10:34:28

7 numbers. The public numbers and private 10:34:29

8 numbers, meaning public polls or polls 10:34:31

9 that the candidate themselves or entities 10:34:34

10 around the candidate are doing. But also 10:34:38

11 as a strategic advisor. So some 10:34:41

12 conversations have nothing to do with 10:34:44

13 polling. 10:34:46

14 Q. Okay. And in those instances 10:34:46

15 when things are active, meaning there are 10:34:53

16 polls to be discussed or issues in the 10:34:55

17 public domain, how regularly would you 10:34:57

18 say you communicate with the Governor? 10:34:59

19 A. It's still not particularly 10:35:00

20 regular. It could be once a week. It 10:35:04

21 could be a couple of times in a week and 10:35:05

22 then it goes away. Polls generally have 10:35:08

23 a shelf life of just a couple of weeks or 10:35:10

24 a month. So things sort of surround that 10:35:13

25 kind of, you know, time. 10:35:16

1 ATTORNEYS' EYES ONLY

2 Q. And do you communicate with the 10:35:24

3 Governor or interact with the Governor in 10:35:25

4 settings outside of acting as pollster 10:35:27

5 for him or providing him with business 10:35:31

6 services? 10:35:34

7 A. No. 10:35:34

8 Q. Have you ever gone to any 10:35:36

9 social events with the Governor? 10:35:44

10 A. None -- I am not including 10:35:46

11 political events. By that I assume you 10:35:52

12 mean social dinners and friendly dinners, 10:35:54

13 is that the question? 10:35:57

14 Q. Yes. 10:35:58

15 A. No. 10:35:58

16 Q. Okay. And how would you 10:35:59

17 describe a social political event? 10:36:01

18 A. Meaning like a fund raiser or 10:36:04

19 some sort of political event. That was 10:36:07

20 my question. 10:36:09

21 Q. Okay. And when you do 10:36:09

22 communicate with the Governor, how do you 10:36:18

23 communicate with the Governor? 10:36:20

24 A. By phone. 10:36:21

25 Q. Do you e-mail? 10:36:22

1	ATTORNEYS' EYES ONLY	
2	A. No.	10:36:24
3	Q. Do you text with the Governor?	10:36:25
4	A. Very rarely. And largely	10:36:28
5	it's -- largely it's can we chat.	10:36:33
6	Q. Okay. When you communicate	10:36:37
7	with the Governor, do you send pin	10:36:44
8	messages or do you use regular text?	10:36:46
9	A. Regular text. But I couldn't	10:36:49
10	remember the last time that happened, I	10:36:53
11	just want to be clear.	10:36:55
12	Q. Got you. When did you first	10:36:56
13	meet Chris Cuomo?	10:36:59
14	A. I have no idea.	10:37:01
15	Q. Okay. And how frequently or	10:37:01
16	regularly do you interact with Chris	10:37:04
17	Cuomo?	10:37:07
18	A. I do not interact with Chris	10:37:07
19	Cuomo regularly at all.	10:37:10
20	Q. Okay. Do you interact with him	10:37:12
21	in any capacity?	10:37:14
22	A. Regularly or have I interacted	10:37:15
23	with him?	10:37:19
24	Q. I am asking if you interact	10:37:20
25	with him in any capacity, not regularly.	10:37:22

1 ATTORNEYS' EYES ONLY

2 A. Try me again. I'm sorry, I'm 10:37:25

3 not -- 10:37:30

4 Q. Okay. Do you interact at all 10:37:31

5 with Chris Cuomo? 10:37:35

6 A. I have interacted with Chris 10:37:36

7 Cuomo in the last number of months. 10:37:39

8 Q. Okay. Did you -- you say in 10:37:40

9 the last number of months. Did you 10:37:44

10 interact with Chris Cuomo before the last 10:37:46

11 couple of months? 10:37:48

12 A. Incredibly irregularly. 10:37:48

13 Q. Okay. And why did you start 10:37:51

14 interacting with Chris Cuomo in any 10:37:52

15 capacity in the last couple of months? 10:37:54

16 A. Because Chris was a part of 10:37:56

17 some of the conversations about his 10:38:01

18 brother's political future. 10:38:02

19 Q. Okay. Can you recall how many 10:38:06

20 conversations you participated with Chris 10:38:09

21 Cuomo in? 10:38:13

22 A. No. 10:38:13

23 Q. And do you interact, have you 10:38:16

24 ever interacted with Chris Cuomo outside 10:38:22

25 the setting of the discussions of the 10:38:25

1 ATTORNEYS' EYES ONLY

2 sexual harassment allegations or the 10:38:27

3 infrequent encounters that you mentioned 10:38:29

4 earlier? 10:38:31

5 A. No. 10:38:31

6 Q. When did you first meet Melissa 10:38:32

7 DeRosa? 10:38:37

8 A. When she was working for, I 10:38:37

9 think when she was working for the New 10:38:41

10 York State Democratic Party, I think. 10:38:43

11 Q. And do you know approximately 10:38:45

12 what year that was? 10:38:46

13 A. No. We can look it up, I don't 10:38:47

14 know. 10:38:53

15 Q. How regularly do you interact 10:38:53

16 with Melissa DeRosa? 10:38:55

17 A. Regularly. 10:38:57

18 Q. Could you estimate a number of 10:39:00

19 time, meaning do you talk to Ms. DeRosa 10:39:03

20 once a month, once a week? 10:39:05

21 A. A couple of times a month is 10:39:07

22 probably the right number, on the sort of 10:39:11

23 regular basis. 10:39:14

24 Q. Okay. And in what settings do 10:39:15

25 you interact with Ms. DeRosa? 10:39:20

1 ATTORNEYS' EYES ONLY

2 A. Professional, as it relates to 10:39:22

3 the Governor. 10:39:28

4 Q. In any other capacity? 10:39:28

5 A. No. 10:39:31

6 Q. And how would you describe your 10:39:33

7 relationship with Andrew Cuomo, Governor 10:39:40

8 Cuomo, sorry? 10:39:44

9 A. Either one is fine. He's my 10:39:45

10 client. 10:39:50

11 Q. That's it? 10:39:54

12 A. Yeah. 10:39:54

13 Q. Okay. Have you been 10:39:57

14 retained -- in connection with 10:40:02

15 conversations you mentioned concerning 10:40:03

16 the sexual harassment allegations against 10:40:08

17 Governor Cuomo, has your firm been 10:40:11

18 retained in connection with providing 10:40:13

19 your guidance to Governor Cuomo? 10:40:14

20 A. No. 10:40:17

21 Q. Have you received any sort of 10:40:19

22 compensation? 10:40:20

23 A. No. 10:40:21

24 Q. Okay. 10:40:22

25 MR. LEVINE: Sorry, Mr. Grant, 10:40:34

1 ATTORNEYS' EYES ONLY

2 you're talking specifically about the 10:40:35

3 sexual harassment allegations, 10:40:36

4 correct? 10:40:38

5 MR. GRANT: I guess I should 10:40:39

6 open it up more broadly. 10:40:40

7 Q. Have you -- does Global 10:40:43

8 Strategy Group have any sort of business 10:40:47

9 relationship with Governor Cuomo? 10:40:48

10 A. Yes. 10:40:50

11 MR. LEVINE: I just want to 10:40:52

12 clarify that. 10:40:52

13 MR. GRANT: Thank you. 10:40:53

14 A. Yes. As pollster. So 10:40:54

15 conducting polls. But in that role, I am 10:40:57

16 required to be on call for lots of things 10:41:00

17 for all of my clients. 10:41:05

18 Q. Got you. And when you say 10:41:07

19 providing polls, can you describe what 10:41:14

20 sort of work you're regularly providing 10:41:17

21 to the Governor? 10:41:19

22 A. Two things. One is your own 10:41:19

23 polls, one is the public polls. Public 10:41:24

24 polls obviously I have nothing to do 10:41:28

25 with. They come out. Siena, Quinnipiac, 10:41:29

1 ATTORNEYS' EYES ONLY

2 whatever, Marist, but they relate to your 10:41:34

3 client and you respond. You have a 10:41:37

4 conversation about them. And then there 10:41:40

5 are private polls that are conducted on 10:41:45

6 behalf of the campaign or the New York 10:41:47

7 State Democratic Party or entities like 10:41:49

8 that, and that's, it's my job to conduct 10:41:51

9 and analyze those polls. 10:41:59

10 Q. Okay. And who specifically is 10:42:00

11 your client? Is your client Governor 10:42:03

12 Cuomo, is it Governor Cuomo's campaign, 10:42:05

13 is it the Executive Chamber? 10:42:09

14 A. No, it's the campaign. 10:42:10

15 Q. Okay. 10:42:11

16 A. The campaign or the New York 10:42:12

17 State Democratic Party, as I said. 10:42:14

18 Q. And do you provide similar 10:42:16

19 services to other elected State and 10:42:22

20 federal officials in New York? 10:42:26

21 A. Yes. 10:42:28

22 Q. Who? 10:42:28

23 A. Countless, like truly. I am 10:42:33

24 happy to go through the list, but it's a 10:42:35

25 long list. 10:42:38

1 ATTORNEYS' EYES ONLY

2 Q. Okay. Could you give us the 10:42:38

3 highlights? 10:42:40

4 A. Sure. Senator Gillibrand. 10:42:40

5 Senator Schumer. Congressman Kathleen 10:42:45

6 Rice. Congressman Sean Patrick -- you 10:42:50

7 just asked for New York, so Sean Maloney, 10:42:55

8 Congressman Jerry Nadler, Congresswoman 10:42:57

9 Nydia Velazquez. That's just some of 10:43:01

10 them. Bill de Blasio. 10:43:04

11 Q. And the Attorney General too, 10:43:06

12 correct? 10:43:08

13 A. Yes, yes, although she hasn't 10:43:08

14 had an active campaign, but, yes, the AG, 10:43:11

15 yes. 10:43:16

16 Q. Have you ever been retained by 10:43:16

17 the Executive Chamber in any capacity? 10:43:18

18 A. No. 10:43:20

19 Q. Do you have an understanding of 10:43:23

20 what sexual harassment is? 10:43:35

21 A. Yes. 10:43:36

22 Q. Could you please describe what 10:43:37

23 your understanding of sexual harassment 10:43:39

24 is? 10:43:41

25 MR. LEVINE: Are you asking him 10:43:43

1 ATTORNEYS' EYES ONLY

2 for a legal opinion or just sort of a 10:43:43

3 layperson, Mr. Grant? 10:43:46

4 MR. GRANT: A colloquial 10:43:47

5 understanding of what sexual 10:43:49

6 harassment is, so not a legal opinion. 10:43:50

7 MR. LEVINE: Thank you. 10:43:52

8 A. I would say sexual harassment 10:43:53

9 is when any individual has been unfairly 10:43:55

10 treated, punished, based on, based on 10:44:02

11 gender, appearance, et cetera. This is 10:44:10

12 far from my specialty. 10:44:16

13 Q. Understood. And do you have an 10:44:17

14 understanding of unlawful retaliation in 10:44:19

15 connection with people's employment 10:44:22

16 practices? 10:44:26

17 A. I do. 10:44:26

18 Q. What is your understanding of 10:44:27

19 what constitutes unlawful retaliation? 10:44:29

20 A. That you can't -- that you 10:44:31

21 can't retaliate against an individual who 10:44:34

22 is bringing a claim of sexual harassment. 10:44:36

23 I believe that's what you're asking. 10:44:39

24 Q. Is that your understanding or 10:44:43

25 are you guessing at what I am asking? 10:44:46

1 ATTORNEYS' EYES ONLY

2 A. No, that's my understanding. 10:44:47

3 Q. Okay. Great. And have you 10:44:49

4 received training on sexual harassment 10:44:51

5 and retaliation in connection with your 10:44:53

6 work at Global Strategy Group? 10:44:55

7 A. Yes. 10:44:57

8 Q. Okay. Before December 2020, 10:44:58

9 were you aware of any allegations of 10:45:02

10 potential sexual harassment against 10:45:04

11 Governor Cuomo? 10:45:06

12 A. No. 10:45:07

13 Q. Were you aware of anyone 10:45:07

14 raising any concerns about his or her 10:45:11

15 interactions with Governor Cuomo? 10:45:13

16 A. No. 10:45:15

17 Q. And when was the first time you 10:45:16

18 became aware of any allegations of 10:45:20

19 potential sexual harassment against 10:45:21

20 Governor Cuomo? 10:45:24

21 A. When -- I don't even remember 10:45:25

22 the first. When Lindsey Boylan first, I 10:45:31

23 don't remember how or the method, but 10:45:36

24 when the situation with Lindsey Boylan 10:45:39

25 was first arisen, arose. 10:45:41

1 ATTORNEYS' EYES ONLY

2 Q. Okay. And before December 10:45:47

3 2020, were you aware of any complaint by 10:45:50

4 Lindsey Boylan about working in the 10:45:55

5 Executive Chamber? 10:45:56

6 A. No. 10:45:57

7 Q. And when you describe when 10:45:57

8 Lindsey Boylan started, could you 10:46:00

9 clarify, meaning when and in what sort of 10:46:03

10 capacity you were made aware of it? 10:46:07

11 A. Unfortunately, I don't 10:46:08

12 remember. I really don't. 10:46:10

13 Q. Okay. Do you remember whether 10:46:13

14 or not you were informed about tweets Ms. 10:46:16

15 Boylan released in or about December of 10:46:21

16 2020? 10:46:24

17 A. I don't remember. 10:46:24

18 Q. If you look at tab 5. 10:46:28

19 A. Mm-hmm. 10:46:35

20 Q. Please take a moment to review 10:46:35

21 and let me know when you're ready. 10:46:37

22 A. Can I ask -- it jumps from 10:47:13

23 December 5th to December 8th, is there 10:47:16

24 nothing that's supposed to be between 10:47:18

25 there? That may be the case, I just want 10:47:20

1 ATTORNEYS' EYES ONLY

2 to make sure that is what happens here. 10:47:23

3 Q. Yeah, and I think we may have 10:47:25

4 also excluded tweets that were unrelated 10:47:26

5 to our presentation? 10:47:29

6 A. Maybe. That's just why I was 10:47:31

7 asking. 10:47:34

8 Q. Do you recall whether or not 10:47:42

9 you've seen these tweets before? 10:47:43

10 A. I don't recall. 10:47:46

11 Q. Do you recall whether or not 10:47:46

12 anyone described or talked to you about 10:47:50

13 these tweets? 10:47:53

14 A. I don't think so. I don't 10:47:53

15 know, but I don't think so. 10:48:00

16 Q. Okay. And did you discuss Ms. 10:48:01

17 Boylan's complaints with anyone in the 10:48:07

18 Executive Chamber in December of 2020? 10:48:12

19 A. I don't remember. 10:48:14

20 Q. Okay. If you can turn to tab 10:48:23

21 6. Take a moment to review and let me 10:48:25

22 know when you're ready. 10:48:33

23 (Witness reviews document.) 10:48:45

24 A. Okay. 10:49:00

25 Q. Do you recall whether or not 10:49:01

1 ATTORNEYS' EYES ONLY

2 you've seen these tweets before? 10:49:02

3 A. There is two pages on tab 6, 10:49:04

4 the front page and the back page. The 10:49:10

5 front page I don't remember. The back 10:49:14

6 page where she says, "I have no interest 10:49:17

7 in talking to journalists," I remember 10:49:19

8 that one. 10:49:21

9 Q. Okay. And what do you remember 10:49:22

10 about -- do you remember when you saw 10:49:23

11 that tweet? 10:49:25

12 A. I don't. 10:49:26

13 Q. Do you recall the circumstances 10:49:27

14 in which the tweet was brought to your 10:49:31

15 attention? 10:49:32

16 A. I don't. 10:49:33

17 Q. Okay. Before December 13th, 10:49:34

18 2020, were you aware of any complaints 10:49:38

19 Ms. Boylan had made of sexual harassment 10:49:41

20 against the Governor? 10:49:43

21 A. None. 10:49:45

22 Q. And do you recall when you 10:49:45

23 first became aware of Ms. Boylan's 10:49:49

24 complaints about sexual harassment? 10:49:52

25 A. Sometime around this time, 10:49:56

1 ATTORNEYS' EYES ONLY

2 whenever, December, this December 10:49:58

3 10th-ish time. I just don't remember 10:50:01

4 when exactly. 10:50:04

5 Q. Okay. And how did you learn 10:50:04

6 about Ms. Boylan's complaints? 10:50:06

7 A. I don't recall specifically. I 10:50:08

8 don't recall who brought it to me. 10:50:16

9 Somebody brought it to my attention. I 10:50:17

10 am not a Twitter guy. If you look at my 10:50:19

11 Twitter feed, you will see I'm not a 10:50:22

12 Twitter guy. So I do not spend my day 10:50:25

13 looking at Twitter like other people. 10:50:27

14 So somebody brought it to my 10:50:29

15 attention. I do not know who brought it 10:50:31

16 to my attention at that time. 10:50:33

17 Q. Do you know whether or not the 10:50:35

18 person who brought it to your attention 10:50:37

19 is somebody who works at Global Strategy 10:50:38

20 Group, was it somebody that works at the 10:50:42

21 Executive Chamber? 10:50:44

22 A. It could have been either, 10:50:45

23 which is why I really don't know. 10:50:46

24 Q. Do you recall if you had any 10:50:47

25 discussions with anyone in the Executive 10:50:51

1 ATTORNEYS' EYES ONLY

2 Chamber in December of 2020 about Ms. 10:50:53

3 Boylan's sexual harassment allegations? 10:50:55

4 A. About these specific 10:50:58

5 allegations, right here? 10:50:59

6 Q. Any sexual harassment 10:51:00

7 allegations. 10:51:03

8 A. I believe that I had 10:51:03

9 conversations with Melissa about -- this 10:51:07

10 is the only -- as I said, this is the one 10:51:12

11 that is sticking out. So I believe that 10:51:14

12 I had a conversation with Melissa about 10:51:17

13 this, but I don't recall specifically. 10:51:19

14 Q. Do you recall if you spoke with 10:51:25

15 anyone else besides Melissa? 10:51:27

16 A. I could have spoken to Lis 10:51:28

17 Smith. But -- 10:51:32

18 MR. LEVINE: The question is, 10:51:34

19 it's a specific question. Do you 10:51:35

20 recall that you spoke with anybody 10:51:36

21 else? 10:51:38

22 THE WITNESS: No, I don't. 10:51:38

23 Thank you. 10:51:43

24 MR. GRANT: And moving forward, 10:51:44

25 I would ask that there not be speaking 10:51:45

1 ATTORNEYS' EYES ONLY

2 objections. Thanks. 10:51:47

3 Q. So you recall speaking with 10:51:51

4 Melissa, you may have spoken with Lis 10:51:54

5 Smith. Anybody else? 10:51:56

6 A. I don't believe so. 10:51:57

7 Q. Do you recall when you spoke to 10:51:58

8 Ms. DeRosa? 10:51:59

9 A. I don't. 10:52:00

10 Q. Do you recall anything about 10:52:05

11 the conversation you had with Ms. DeRosa? 10:52:06

12 A. Not specifically, no. 10:52:09

13 Q. Generally? 10:52:11

14 A. I don't remember. I 10:52:12

15 remember -- again, I remember this tweet 10:52:18

16 or being brought this tweet and shown 10:52:20

17 this tweet. And having a conversation. 10:52:25

18 This is from a public relations 10:52:30

19 perspective, looking at this tweet 10:52:33

20 suggests somebody who doesn't want to 10:52:37

21 talk. So I remember having a 10:52:40

22 conversation about that. 10:52:41

23 Q. Anything else? 10:52:46

24 A. No. 10:52:46

25 Q. Do you recall anything that you 10:52:47

1 ATTORNEYS' EYES ONLY

2 said during that conversation? 10:52:49

3 A. I don't know which 10:52:50

4 conversation, but I have met Ms. Boylan 10:52:55

5 previous, previous to, a number of years 10:52:57

6 before, I actually don't even know what 10:52:59

7 year when she came to meet with me about 10:53:03

8 running for office. So that's the only 10:53:05

9 context that I have, that I recall sort 10:53:10

10 of talking about our meeting, which was 10:53:13

11 not a particularly good meeting. 10:53:15

12 Q. Okay. So you said you don't 10:53:18

13 know which conversation. Did you have 10:53:22

14 multiple conversations with Ms. DeRosa 10:53:23

15 about Ms. Boylan's sexual harassment 10:53:25

16 allegations? 10:53:29

17 A. Yes. I want to clarify, the 10:53:29

18 problem for me is I cannot remember 10:53:34

19 having a conversation in December versus 10:53:37

20 a conversation in February and which one 10:53:38

21 was which. That is part of my problem. 10:53:40

22 Q. Okay. Do you recall anything 10:53:42

23 else you may have said when you discussed 10:53:46

24 with Ms. DeRosa in December about Ms. 10:53:51

25 Boylan's allegations? 10:53:54

1 ATTORNEYS' EYES ONLY

2 A. I do not really. 10:53:56

3 Q. Do you know or if you recall 10:54:02

4 any specific conversations with Lis 10:54:04

5 Smith, do you recall anything that you 10:54:07

6 discussed with Lis Smith in December 2020 10:54:08

7 about Ms. Boylan's sexual harassment 10:54:10

8 allegations? 10:54:16

9 A. I do not. 10:54:17

10 Q. You said you met Ms. Boylan 10:54:21

11 before? 10:54:22

12 A. Yes. I have no idea when. 10:54:22

13 Like years ago. 10:54:25

14 Q. Okay. And do you know 10:54:25

15 approximately when? 10:54:27

16 A. No. She came to see me at my 10:54:27

17 office. Like she wanted to run for 10:54:34

18 office. 10:54:35

19 Q. Was anyone else at that meeting 10:54:37

20 besides you and Ms. Boylan? 10:54:39

21 A. No. Just the two of us. 10:54:41

22 Q. What was discussed during that 10:54:43

23 meeting? 10:54:44

24 A. Running for office. 10:54:45

25 Q. Anything else? 10:54:46

1 ATTORNEYS' EYES ONLY

2 A. No. 10:54:47

3 Q. Okay. And do you recall 10:54:49

4 anything more specific beyond did Ms. 10:54:51

5 Boylan come in and say I'm running for 10:54:54

6 office and you said okay. Meaning do you 10:54:57

7 recall what you said during this 10:54:59

8 conversation and what she said during 10:55:01

9 this conversation? 10:55:01

10 A. I don't remember. The answer 10:55:02

11 to your question is that it is a common 10:55:03

12 occurrence for people to come to see me 10:55:06

13 and say I would like to run for office 10:55:08

14 and look for advice for running for 10:55:10

15 office. 10:55:13

16 At the time it wasn't even, I 10:55:13

17 believe, about running for a specific 10:55:14

18 office. She would eventually run for 10:55:17

19 Congress against Jerry Nadler, who is my 10:55:19

20 client. But I don't think it was -- I 10:55:22

21 don't think it was for that race. So, 10:55:28

22 you know, we have -- like again, I have 10:55:30

23 these conversations every week with 10:55:34

24 somebody who wants to run for office. 10:55:35

25 And we talk about options and what to do 10:55:37

1 ATTORNEYS' EYES ONLY

2 and how to do it and that kind of stuff. 10:55:39

3 That's it. 10:55:40

4 It was all about running for 10:55:41

5 office. I don't even remember if she was 10:55:42

6 working for the Governor at the time. I 10:55:44

7 don't remember. 10:55:46

8 Q. Got you. And you said it 10:55:46

9 wasn't a good conversation. What do you 10:55:48

10 mean by that? 10:55:49

11 A. Because I think, I recall it 10:55:50

12 was leading up to her potentially running 10:55:56

13 up against one of my clients, which makes 10:55:59

14 it an awkward conversation. 10:56:01

15 Q. Okay. Understood. And in 10:56:03

16 December of 2020, did you have any 10:56:10

17 other -- did you have any conversations 10:56:13

18 about releasing information about Ms. 10:56:15

19 Boylan to the press? 10:56:17

20 A. No. 10:56:18

21 Q. Did you discuss it at all in 10:56:22

22 your conversations with Ms. DeRosa? 10:56:23

23 A. In December, no. 10:56:28

24 Q. Any time thereafter? 10:56:31

25 A. In February, in March or 10:56:34

1 ATTORNEYS' EYES ONLY

2 whenever, there were conversations 10:56:37
3 related to an article about Ronan 10:56:38
4 Farrow -- I'm sorry, excuse me, not about 10:56:44
5 Ronan Farrow, but that Ronan Farrow was 10:56:46
6 writing and how to handle it. 10:56:48

7 Q. And what information did you 10:56:54
8 potentially discuss disclosing to the 10:56:58
9 press at that time? 10:57:00

10 A. I don't recall specifically the 10:57:01
11 exact information, but there were 10:57:09
12 conversations about her, her track record 10:57:18
13 as a manager and as an employee. And 10:57:23
14 much of that was already in the public 10:57:27
15 domain at that time somehow. So we were 10:57:30
16 discussing largely things that were, I 10:57:37
17 believe things that were in the public 10:57:38
18 domain, I believe. 10:57:40

19 Q. Okay. And when you say 10:57:41
20 information concerning her track record, 10:57:45
21 are you referring to any specific 10:57:46
22 documents? What are you talking about? 10:57:48

23 A. I have never seen any documents 10:57:51
24 as it relates to Lindsey Boylan. 10:57:52

25 Q. Okay. I didn't necessarily ask 10:57:54

1 ATTORNEYS' EYES ONLY

2 you if you had seen them. I asked you 10:58:00
3 what were you discussing, meaning you 10:58:03
4 said you were discussing information 10:58:04
5 about her track record that may have been 10:58:05
6 in the public domain. What were you 10:58:08
7 discussing? 10:58:09

8 A. I don't know what the specific 10:58:10
9 term would be. But basically her, 10:58:11
10 whatever her record of how she had 10:58:13
11 performed, whether it's performance, I 10:58:16
12 don't know the technical word. I'm not 10:58:19
13 trying to avoid it. I just don't know 10:58:21
14 what it's called. Whether it's 10:58:23
15 performance review or how she had been 10:58:24
16 rated as an employee or manager, all of 10:58:28
17 those kind of things. That kind of 10:58:31
18 record. I just don't know what it's 10:58:33
19 called from a government perspective. I 10:58:35
20 know what I call it in my company. 10:58:37

21 Q. And what would you call it at 10:58:40
22 your company? 10:58:42

23 A. Performance review. I don't 10:58:43
24 know that that's what it's called at the 10:58:44
25 Chamber. 10:58:47

1 ATTORNEYS' EYES ONLY

2 Q. Understood. Okay. And you 10:58:48

3 were having conversations sometime in 10:58:51

4 February 2020 about disclosing this 10:58:54

5 performance review to somebody, correct? 10:58:58

6 MR. LEVINE: You said 2020. Did 10:59:01

7 you mean 2021? 10:59:02

8 MR. GRANT: 2021, my apologies. 10:59:03

9 Thank you. 10:59:05

10 MR. LEVINE: Thank you. 10:59:06

11 A. We weren't having conversations 10:59:07

12 about disclosing -- we were having 10:59:09

13 conversations about things that were 10:59:12

14 already in the public domain. So things 10:59:13

15 that had already been reported in some 10:59:17

16 way, shape or form and whether or not 10:59:19

17 that was relevant or highlighting those 10:59:20

18 things were relevant. 10:59:22

19 Q. Okay. And you said that they 10:59:23

20 were already in the public domain. Do 10:59:26

21 you have any understanding about how they 10:59:28

22 got into the public domain? 10:59:30

23 A. I do not. 10:59:34

24 Q. And it was not discussed during 10:59:34

25 any of these conversations how that 10:59:36

1 ATTORNEYS' EYES ONLY

2 information made its way to the public 10:59:38

3 domain? 10:59:40

4 A. No. 10:59:40

5 Q. Okay. 10:59:41

6 MR. LEVINE: Let him finish the 10:59:43

7 question. 10:59:44

8 Q. And you said there were 10:59:45

9 discussions about highlighting this 10:59:47

10 information. What do you mean by 10:59:48

11 highlighting? 10:59:49

12 A. It's my job in terms of 10:59:50

13 thinking about what the right response to 10:59:54

14 any story, any situation is to think 10:59:56

15 about what are the things that you might 11:00:01

16 put in a written statement or things that 11:00:02

17 you might discuss with reporters to 11:00:05

18 highlight. That's what I mean. 11:00:07

19 Q. And was there any discussion 11:00:11

20 about why highlighting this information 11:00:12

21 would have been useful? 11:00:13

22 A. Yes. 11:00:18

23 Q. What was the substance of those 11:00:20

24 conversations? 11:00:22

25 A. Because it potentially 11:00:22

1 ATTORNEYS' EYES ONLY

2 undermines her accusation of harassment, 11:00:23

3 period. 11:00:35

4 Q. And do you have any 11:00:37

5 understanding as to why Ms. Boylan's 11:00:41

6 performance review bears in any way on 11:00:46

7 her allegation of sexual harassment? 11:00:49

8 A. No. Sorry, try that again. 11:00:51

9 Q. Sure. So you would say, I 11:00:52

10 forget which particular verb you used, 11:00:55

11 but the takeaway from her allegations of 11:00:58

12 sexual harassment. My question is do you 11:00:59

13 have any understanding as to why these 11:01:02

14 performance documents undercut Ms. 11:01:05

15 Boylan's claims of sexual harassment? 11:01:08

16 A. Yes, because it would go to her 11:01:11

17 motivation, potentially, for saying these 11:01:12

18 things and her own credibility in this, 11:01:15

19 in this matter. 11:01:22

20 Q. But going back to December 11:01:31

21 2020, were you involved in any 11:01:34

22 conversations about disclosing 11:01:39

23 information from Ms. Boylan's personnel 11:01:41

24 file to anyone? 11:01:43

25 A. No. 11:01:44

1 ATTORNEYS' EYES ONLY

2 Q. Were you asked to communicate 11:01:45

3 with anyone about disclosing information 11:01:49

4 in Ms. Boylan's personnel file in 11:01:51

5 December of 2020? 11:01:53

6 A. No. 11:01:54

7 Q. In December of 2020, were you 11:02:01

8 involved in any communications about how 11:02:03

9 to respond to Ms. Boylan's complaints of 11:02:06

10 sexual harassment? 11:02:08

11 A. I don't remember. 11:02:10

12 Q. And do you recall whether or 11:02:19

13 not you were asked to contact any 11:02:20

14 reporters in December of 2020 about Ms. 11:02:21

15 Boylan's allegations? 11:02:23

16 A. I was not asked. Sorry, I was 11:02:25

17 not asked to do so. 11:02:30

18 Q. Do you recall whether or not in 11:02:35

19 December of 2020 you worked on any press 11:02:37

20 statements related to Ms. Boylan's 11:02:38

21 allegations of sexual harassment? 11:02:40

22 A. I don't think so. I don't 11:02:42

23 remember, but I don't think so. 11:02:47

24 Q. Okay. And in December of 2020, 11:02:49

25 do you recall working on any responses to 11:02:51

1 ATTORNEYS' EYES ONLY

2 press inquiries about Ms. Boylan's 11:02:54

3 complaint about sexual harassment? 11:02:57

4 A. I don't believe so. 11:02:59

5 Q. Were you asked to provide 11:03:01

6 comments at press conferences about Ms. 11:03:05

7 Boylan's allegations of sexual 11:03:07

8 harassment? 11:03:09

9 A. No. 11:03:10

10 Q. Were you asked to send 11:03:13

11 screenshots of texts that Ms. Boylan had 11:03:14

12 sent to Mr. Mujica and Ms. Lever that Ms. 11:03:17

13 Boylan had sent to Robert Mujica or Dani 11:03:22

14 Lever? 11:03:26

15 A. Was I asked, try that again. 11:03:27

16 Was I asked? 11:03:30

17 Q. Sure. Were you asked to send 11:03:30

18 screenshots of text messages that Ms. 11:03:33

19 Boylan had sent to Mr. Mujica or Ms. 11:03:35

20 Lever? 11:03:38

21 A. No. 11:03:39

22 Q. Are you aware of a draft letter 11:03:39

23 that was circulated by members of the 11:03:58

24 Executive Chamber in relation to the 11:04:05

25 allegations Ms. Boylan had made in 11:04:06

1	ATTORNEYS' EYES ONLY	
2	December of 2020?	11:04:09
3	A. The answer to your specific	11:04:10
4	question is no in December of 2020. I	11:04:18
5	became aware of it in February or March,	11:04:22
6	whenever.	11:04:25
7	Q. Okay. In December of 2020, do	11:04:25
8	you recall being involved in any	11:04:29
9	discussions?	11:04:30
10	A. No.	11:04:34
11	Q. When you say you learned about	11:04:34
12	it in February or March, do you recall	11:04:36
13	how you became aware of it?	11:04:38
14	A. I think I became aware of it by	11:04:39
15	way of a reporter asking. I think. I'm	11:04:42
16	not sure.	11:04:47
17	Q. Do you recall which reporter?	11:04:47
18	A. No.	11:04:49
19	Q. And do you recall specifically	11:04:49
20	when, February, March?	11:04:53
21	A. No.	11:04:57
22	Q. Do you know who was involved in	11:04:57
23	drafting that letter?	11:05:01
24	A. No.	11:05:02
25	Q. Do you know who was involved in	11:05:03

1 ATTORNEYS' EYES ONLY

2 commenting on that letter? 11:05:11

3 A. No. 11:05:13

4 Q. What discussion do you recall 11:05:13

5 having about that letter? 11:05:17

6 A. As I didn't know about it, I 11:05:18

7 learned about it, I don't remember sort 11:05:34

8 of, I don't remember specific 11:05:38

9 conversations about it. But I learned 11:05:40

10 about it at that time. So I just didn't 11:05:44

11 know much about it. 11:05:46

12 Q. Okay. And then subsequent to 11:05:47

13 learning about it, did you discuss it 11:05:49

14 with anyone? 11:05:51

15 A. I don't remember talking about 11:05:52

16 that letter. 11:05:57

17 Q. Okay. So your testimony is you 11:05:58

18 learned about the letter but you don't 11:06:01

19 recall discussing it with anyone after 11:06:04

20 the reporter brought it to your 11:06:06

21 attention? 11:06:09

22 A. No, I recall talking about how 11:06:09

23 to talk to the reporter about it. I 11:06:10

24 don't remember the specifics of the 11:06:12

25 conversation. But I am saying I don't 11:06:14

1 ATTORNEYS' EYES ONLY

2 recall talking about, like the details of 11:06:16

3 the letter. I don't think I've ever seen 11:06:19

4 the letter. 11:06:21

5 Q. Okay. And there were 11:06:22

6 discussions about what to say to the 11:06:25

7 reporters. Who did you have those 11:06:27

8 discussions with? 11:06:29

9 A. I couldn't tell you 11:06:30

10 specifically who. There was a group of 11:06:34

11 us who generally had conversations about 11:06:35

12 these kind of press responses. 11:06:38

13 Q. Okay. And who were the members 11:06:40

14 of that group? 11:06:42

15 A. They varied from time to time. 11:06:42

16 You mean in general? 11:06:46

17 Q. Yeah. Could you tell me the 11:06:49

18 entire universe of people who would be 11:06:51

19 consulted? 11:06:53

20 A. Generally it included Melissa 11:06:54

21 DeRosa. Lis Smith. Beth Garvey. Judy 11:06:59

22 Mogul. Linda Lacewell. Rich Azzopardi. 11:07:06

23 Peter Ajemian. Dani Lever. Josh Vlasto. 11:07:18

24 Steve Cohen. I am sure there were -- if 11:07:25

25 you asked me sort of the general, that's 11:07:32

1 ATTORNEYS' EYES ONLY

2 that Ms. Boylan had raised? 11:08:40

3 A. No, I was not a regular, in 11:08:43

4 regular communication in December for 11:08:44

5 this matter. 11:08:46

6 Q. Were you involved in any 11:08:52

7 discussions about that statement? 11:08:53

8 A. No. 11:08:55

9 Q. Did you receive a copy of that 11:08:55

10 statement or did someone read it to you? 11:08:59

11 A. No. 11:09:01

12 Q. Were you involved in any 11:09:01

13 capacity in drafting that statement? 11:09:03

14 A. No. 11:09:08

15 Q. Were you involved in commenting 11:09:09

16 on that statement at any time? 11:09:10

17 A. I don't believe so. 11:09:11

18 Q. Do you recall if you had any 11:09:12

19 discussions related to that statement? 11:09:14

20 A. I do not recall. But I do not 11:09:18

21 believe so. 11:09:20

22 Q. Do you recall if you sent the 11:09:23

23 statement to anyone? 11:09:24

24 A. No, I did not send it. 11:09:25

25 Q. Sorry, go ahead. 11:09:30

1 ATTORNEYS' EYES ONLY

2 A. Well, you said do you recall. 11:09:33

3 I said, I said no, but I said no, I did 11:09:35

4 not send that statement to anyone. 11:09:38

5 Q. Do you have an understanding of 11:09:41

6 who was involved in drafting that 11:09:43

7 statement? 11:09:45

8 A. I do not. 11:09:45

9 Q. Do you have any understanding 11:09:48

10 of Governor Cuomo's role in drafting that 11:09:49

11 statement? 11:09:52

12 A. No. 11:09:52

13 Q. And I know you referenced this 11:09:52

14 earlier, that you became involved later 11:09:58

15 on. Can you tell me why you became 11:10:00

16 involved later on? 11:10:02

17 A. I don't know actually why, why. 11:10:04

18 I was asked to. 11:10:07

19 Q. Asked by who? 11:10:09

20 A. I believe it probably would 11:10:10

21 have been Melissa. 11:10:14

22 Q. And what do you recall about 11:10:16

23 Melissa asking you to get involved? 11:10:24

24 A. I don't remember the specifics. 11:10:26

25 I believe it related to some sort of 11:10:30

1 ATTORNEYS' EYES ONLY

2 press inquiry about sexual harassment. 11:10:40

3 But I don't remember. 11:10:42

4 Q. Do you recall when that 11:10:47

5 conversation was? 11:10:48

6 A. No. 11:10:49

7 Q. And do you recall anything that 11:10:49

8 Ms. DeRosa said to you during that 11:10:53

9 conversation? 11:10:56

10 A. No. 11:10:56

11 Q. Do you recall anything you said 11:10:57

12 to Ms. DeRosa during that conversation? 11:11:00

13 A. No. I don't even know if it 11:11:02

14 was a conversation. It may have just 11:11:04

15 been get on a call. I don't remember. 11:11:06

16 Q. Okay. Between December 2020 11:11:08

17 and February -- in or about February 24, 11:11:18

18 2021, do you recall having any 11:11:24

19 conversations with anyone in the 11:11:25

20 Executive Chamber about Ms. Boylan's 11:11:29

21 complaints about the workplace culture or 11:11:34

22 sexual harassment? 11:11:36

23 A. No. 11:11:37

24 Q. Were you involved in any 11:11:40

25 capacity between December 2020 and in or 11:11:43

1 ATTORNEYS' EYES ONLY

2 about February 24, 2021 in responding to 11:11:45

3 any of Ms. Boylan's complaints about the 11:11:47

4 workplace or sexual harassment? 11:11:50

5 A. No. 11:11:52

6 Q. Meaning you did not work on any 11:11:52

7 press statements? 11:11:55

8 A. No. 11:11:56

9 Q. You didn't deal with any press 11:11:58

10 inquiries? 11:12:00

11 A. No. 11:12:00

12 Q. You didn't provide any comment 11:12:01

13 on any press conferences? 11:12:04

14 A. No. 11:12:06

15 Q. Do you recall if anyone asked 11:12:06

16 you to, even if you didn't do it? 11:12:08

17 A. No. 11:12:10

18 Q. Okay. So you said sometime 11:12:11

19 that Melissa said get on a call or in 11:12:22

20 some capacity roped you into responding 11:12:25

21 to the sexual harassment allegation. Do 11:12:28

22 you have any understanding as to why Ms. 11:12:31

23 DeRosa included you in these discussions? 11:12:32

24 A. I do not. 11:12:34

25 Q. Did you ever ask to no longer 11:12:35

1 ATTORNEYS' EYES ONLY

2 participate in these discussions? 11:12:40

3 A. No. 11:12:41

4 Q. Why not? 11:12:41

5 A. Because it's my job. 11:12:41

6 Q. You're not employed by the 11:12:44

7 Executive Chamber, correct? 11:12:48

8 A. I am not employed by the 11:12:49

9 Executive Chamber, but I am employed by 11:12:50

10 Andrew Cuomo for Governor, and if any of 11:12:54

11 my clients ask me to get on a call, I get 11:12:57

12 on a call to talk about whatever it is 11:12:59

13 they are dealing with. 11:13:02

14 Q. And it's your understanding 11:13:03

15 that the work that you're providing in 11:13:04

16 connection with responding to any sort of 11:13:05

17 the sexual harassment allegations against 11:13:07

18 Governor Cuomo related to your work as 11:13:14

19 pollster? 11:13:18

20 A. Yes. 11:13:18

21 Q. I think this is a good moment 11:13:19

22 for a ten-minute break, is that okay? 11:13:20

23 A. Sure. Whatever you want. 11:13:22

24 THE VIDEOGRAPHER: The time is 11:13:23

25 11:04, we are going off the record. 11:13:32

1 ATTORNEYS' EYES ONLY

2 This will end media unit number 1. 11:13:35

3 (Off the record.) 11:24:12

4 THE VIDEOGRAPHER: The time is 11:24:13

5 11:15 a.m., we are back on the record. 11:24:22

6 This will be the start of media unit 11:24:24

7 number 2. Counsel. 11:24:27

8 BY MR. GRANT: 11:24:29

9 Q. All right. Thank you. Earlier 11:24:29

10 we were discussing certain performance 11:24:32

11 review information about Ms. Boylan that 11:24:34

12 had made its way to the public and that 11:24:38

13 you were in discussions about potentially 11:24:40

14 highlighting that information in the 11:24:42

15 statement, correct? 11:24:44

16 A. Yes. 11:24:46

17 Q. Okay. I just want to be clear, 11:24:46

18 you have no understanding of how that 11:24:48

19 information made its way to the public? 11:24:51

20 A. I do not. 11:24:52

21 Q. Okay. Did you ever ask anybody 11:24:53

22 how it made its way to the public? 11:24:55

23 A. No. 11:24:58

24 Q. Why not? 11:24:58

25 A. Because it was there and it was 11:24:59

1 ATTORNEYS' EYES ONLY

2 not relevant to me in figuring out 11:25:05

3 whether it was useful. 11:25:08

4 Q. Well, you were using that 11:25:10

5 information to -- you were going to 11:25:13

6 highlight that information in responding 11:25:16

7 to the press, right? 11:25:17

8 A. Maybe. Maybe. I actually was 11:25:19

9 somewhat skeptical of highlighting it. 11:25:23

10 But how it came about was not relevant to 11:25:27

11 me. 11:25:29

12 Q. Well, in potentially 11:25:29

13 highlighting it, the truth of it would 11:25:31

14 matter, correct? 11:25:34

15 A. Sure, yeah. 11:25:34

16 Q. So would you not think to ask 11:25:36

17 how it made its way there, meaning is it 11:25:39

18 fictitious, whatever, or did you just 11:25:43

19 assume it was true? 11:25:46

20 A. I assumed it was true because 11:25:46

21 it was in the public domain, and from 11:25:48

22 what I recall, a legitimate news source 11:25:51

23 like the New York Times or something like 11:25:53

24 that. 11:25:55

25 Q. Are you aware of Ms. Boylan 11:25:55

1 ATTORNEYS' EYES ONLY

2 making more detailed complaints about 11:26:03

3 sexual harassment in or around February 11:26:05

4 2021? 11:26:10

5 A. Yes. 11:26:10

6 Q. And how did you learn about 11:26:18

7 these more detailed complaints? 11:26:22

8 A. I don't recall. 11:26:24

9 Q. If we can turn to tab 7. 11:26:30

10 A. Mm-hmm. 11:26:38

11 Q. Can you take a moment to review 11:26:38

12 and let me know when you're ready? 11:26:40

13 A. Mm-hmm. Yes. 11:26:41

14 Q. Do you recognize that document? 11:26:52

15 A. Yes. 11:26:56

16 Q. What do you recognize it to be? 11:26:57

17 A. It's Lindsey Boylan's medium 11:26:59

18 post. 11:27:02

19 Q. Okay. And is this how you 11:27:02

20 learned about more detailed -- or, sorry, 11:27:07

21 the more detailed allegations that we 11:27:10

22 were discussing earlier, was it those 11:27:13

23 that were set forth in the medium post? 11:27:15

24 A. Yes. 11:27:18

25 Q. And do you recall how the 11:27:18

1 ATTORNEYS' EYES ONLY

2 medium post, when the medium post was 11:27:19

3 brought to your attention? 11:27:22

4 A. No, I don't. 11:27:23

5 Q. Do you recall who you discussed 11:27:24

6 the medium post with? 11:27:28

7 A. Meaning it coming up? 11:27:29

8 Q. Or the allegations in the post, 11:27:34

9 in the medium post? 11:27:40

10 A. I don't recall. 11:27:41

11 Q. You don't recall having any 11:27:44

12 conversations with anyone about the 11:27:46

13 allegations that were in the medium post? 11:27:47

14 A. No, sorry. I was answering 11:27:49

15 your specific question. I don't remember 11:27:50

16 how like did I get on a call, was it 11:27:53

17 something. I don't recall that. I do 11:27:58

18 recall talking about it. I didn't think 11:27:59

19 that was your first question. 11:28:03

20 Q. How many conversations do you 11:28:05

21 recall having about the allegations that 11:28:06

22 are set forth in the medium post? 11:28:07

23 A. Many. 11:28:09

24 Q. And who participated in those 11:28:10

25 discussions? 11:28:16

1 ATTORNEYS' EYES ONLY

2 A. That general group of people 11:28:16

3 that I mentioned before. 11:28:17

4 Q. That group you described 11:28:18

5 earlier? 11:28:20

6 A. Correct. 11:28:20

7 Q. Would there be any additions or 11:28:22

8 subtractions from this group as it 11:28:24

9 related to the medium post? 11:28:26

10 A. I can't say specifically, but I 11:28:28

11 don't think so. 11:28:31

12 Q. Okay. And can you tell me 11:28:32

13 everything you recall being discussed 11:28:37

14 during these conversations about the 11:28:39

15 medium post allegations? 11:28:41

16 A. The conversation, as all of our 11:28:42

17 conversations on those, on something like 11:28:51

18 this is how to respond, how best to 11:28:54

19 respond to this medium post. 11:28:58

20 Q. Okay. And what were you 11:29:03

21 discussing in terms of how best to 11:29:05

22 respond to this post? 11:29:07

23 A. Well, you have many options in 11:29:07

24 terms of responding. Could the Governor 11:29:10

25 go to a press conference. Should the 11:29:12

1 ATTORNEYS' EYES ONLY

2 Governor do a statement. Should somebody 11:29:15

3 else do a statement. So as in all 11:29:17

4 crises, which I am used to dealing with 11:29:22

5 like this, you have conversations about 11:29:25

6 your options. And that's, that's what we 11:29:27

7 talked about. 11:29:31

8 Q. Okay. What options 11:29:32

9 specifically did you discuss? 11:29:34

10 A. I really don't remember. I 11:29:35

11 think I just raised three of them. But I 11:29:37

12 don't even recall that that was 11:29:42

13 specifically in that, those 11:29:43

14 conversations. I don't remember. 11:29:46

15 Q. Beyond what you've already 11:29:46

16 described, do you remember or do you 11:29:50

17 recall anything generally about what else 11:29:52

18 was discussed at these meetings, during 11:29:54

19 these conversations? 11:29:56

20 A. Aside from what I said, no. 11:29:58

21 Q. So he was only discussing 11:30:06

22 options, nothing else. 11:30:08

23 A. I don't remember. 11:30:15

24 Q. Do you know if there is any 11:30:15

25 discussion about looking into or 11:30:17

1 ATTORNEYS' EYES ONLY

2 investigating the veracity of the 11:30:18

3 allegations Ms. Boylan had made during 11:30:22

4 these conversations? 11:30:23

5 A. Yes. If by investigating the 11:30:30

6 veracity -- I am going to pause, 11:30:33

7 Mr. Grant, if you don't mind. You all 11:30:37

8 are frozen. I hear you fine. You see 11:30:39

9 me, I think you're hearing me fine. But 11:30:41

10 I don't want to have to do this again. 11:30:43

11 So what would you like me to do? 11:30:46

12 Q. Meaning you can't see us 11:30:49

13 moving, like can you -- 11:30:51

14 A. No, I see, I see your face, but 11:30:52

15 you're frozen. 11:30:55

16 THE WITNESS: So why don't we 11:30:58

17 log out or log back in as Marc 11:30:58

18 discussed, does that work? 11:31:00

19 THE VIDEOGRAPHER: That would be 11:31:03

20 my recommendation. Nothing is frozen 11:31:04

21 on my end, but it is on your end, my 11:31:06

22 recommendation is to log out and I 11:31:10

23 will go off the record, if that's okay 11:31:11

24 with everybody. So we are going off 11:31:12

25 the record at 11:22 a.m. 11:31:14

1 ATTORNEYS' EYES ONLY

2 (Off the record.) 11:31:17

3 THE VIDEOGRAPHER: The time is 11:32:52

4 11:24 a.m., we are back on the record. 11:32:55

5 BY MR. GRANT: 11:33:02

6 Q. During the conversations you 11:33:02

7 were having with this group about how 11:33:04

8 best to respond to Ms. Boylan's 11:33:07

9 allegations in her medium post, do you 11:33:09

10 recall if there was any discussion about 11:33:12

11 the veracity of Ms. Boylan's allegations? 11:33:13

12 A. Yes. 11:33:16

13 Q. And what do you recall about -- 11:33:20

14 what do you recall being discussed? 11:33:23

15 A. I don't recall the specifics of 11:33:24

16 that conversation in detail, but in any 11:33:29

17 of these conversations, meaning any time 11:33:32

18 a client like this is facing a crisis, we 11:33:34

19 ask questions. We ask, tell us the 11:33:39

20 story. Explain, explain these things. 11:33:43

21 How would you explain them. Those kind 11:33:47

22 of questions. 11:33:53

23 Q. Okay. And were those questions 11:33:53

24 asked here? 11:33:55

25 A. Yes. 11:33:56

1 ATTORNEYS' EYES ONLY

2 Q. And what were the responses to 11:33:57

3 those questions? 11:33:59

4 A. The response was that these 11:34:00

5 were untrue and that Ms. Boylan had a 11:34:03

6 significant axe to grind and had not 11:34:09

7 been, had not been particularly well 11:34:17

8 received in terms of her tenure in the 11:34:20

9 office and that these were untrue -- that 11:34:26

10 these allegations were untrue. 11:34:29

11 Q. Okay. 11:34:31

12 A. Yes, period. 11:34:31

13 Q. Go ahead. 11:34:35

14 A. No, that was it. 11:34:36

15 Q. Okay. And when you say -- or 11:34:37

16 who did you pose these questions to? 11:34:43

17 A. I don't recall specifically. 11:34:44

18 But we would have generally asked them to 11:34:49

19 Melissa, although a number of people on 11:34:51

20 that call were a part of the 11:34:55

21 administration, and therefore also would 11:34:57

22 have some knowledge. 11:35:00

23 Q. Okay. And do you recall if the 11:35:01

24 Governor provided any information 11:35:06

25 concerning the truth or falsity of the 11:35:08

1	ATTORNEYS' EYES ONLY	
2	allegations?	11:35:12
3	A. I don't think so. Meaning I	11:35:13
4	don't think he was on a call or on those	11:35:14
5	calls. I don't think so.	11:35:17
6	Q. Do you recall whether or not	11:35:18
7	anyone who was on the calls discussed	11:35:20
8	having discussed with the Governor the	11:35:22
9	truth or falsity of any of the	11:35:24
10	allegations that Ms. Boylan set forth in	11:35:26
11	the medium post?	11:35:31
12	A. Yes.	11:35:31
13	Q. And what do you recall being	11:35:31
14	said?	11:35:33
15	A. I don't recall the exact	11:35:33
16	language, but Ms. DeRosa said that she	11:35:36
17	had spoken to the Governor about the	11:35:40
18	allegations.	11:35:45
19	Q. And what did Ms. DeRosa say she	11:35:46
20	had discussed with the Governor about the	11:35:52
21	allegations?	11:35:53
22	A. The veracity of them. And he	11:35:54
23	rejected all of them. Also, obviously,	11:35:58
24	some of these allegations are about her,	11:36:03
25	about Ms. DeRosa. So she obviously, in	11:36:05

1 ATTORNEYS' EYES ONLY

2 this particular post, she is one of the 11:36:11

3 subjects. 11:36:13

4 Q. Okay. And beyond what Ms. 11:36:14

5 DeRosa may have said during this call and 11:36:20

6 what others may have said concerning the 11:36:24

7 truth, do you recall if there is anything 11:36:26

8 else that was done to investigate the 11:36:29

9 veracity of Ms. Boylan's allegations? 11:36:32

10 A. I do not know. 11:36:34

11 Q. Were there discussions 11:36:35

12 concerning how to potentially -- were 11:36:39

13 there discussions about potentially 11:36:43

14 investigating the veracity of her 11:36:44

15 allegations in any way? 11:36:46

16 A. I don't remember. 11:36:47

17 Q. Do you recall if anybody said 11:36:51

18 anything concerning potentially 11:36:57

19 investigating the allegations? 11:37:00

20 A. I am reading through. There 11:37:02

21 are things that we wanted to find out 11:37:16

22 whether or not they were factually true. 11:37:18

23 Take, for example, the October 2017 event 11:37:21

24 in Western New York on the jet. So the 11:37:24

25 conversation was who was on that jet. 11:37:29

1 ATTORNEYS' EYES ONLY

2 Who was on -- who was on the manifest. 11:37:31

3 That kind of stuff. Looking at the 11:37:39

4 details. 11:37:44

5 So there was a conversation 11:37:44

6 about figuring out what we could verify 11:37:46

7 and potentially not verify. What we 11:37:50

8 could and could not verify. So, yes, I 11:37:55

9 don't remember who, how, but, yes. 11:37:58

10 Q. And was it focused on specific 11:38:02

11 allegations or was there discussion about 11:38:05

12 having a broader investigation into the 11:38:07

13 allegations Ms. Boylan had made? 11:38:08

14 A. No. Specific. 11:38:10

15 Q. Do you recall anything more 11:38:12

16 that was discussed during your 11:38:28

17 conversations with the group you 11:38:30

18 described earlier in relation to how to 11:38:31

19 respond to Ms. Boylan's allegations? 11:38:36

20 A. No. 11:38:38

21 Q. And when you were having these 11:38:42

22 communications, how did you have these 11:38:43

23 communications? Was it phone calls, 11:38:45

24 texts? 11:38:47

25 A. I would say 80 percent phone 11:38:47

1 ATTORNEYS' EYES ONLY

2 calls. 70 percent phone calls. 11:38:52

3 20 percent e-mails. Maybe 10 percent 11:38:57

4 texts. 11:39:02

5 Q. And I believe you testified to 11:39:03

6 this earlier, you don't recall how many 11:39:10

7 times you've had calls related to the 11:39:11

8 allegations? 11:39:13

9 A. I couldn't even count. 11:39:15

10 Q. Okay. And do you recall the 11:39:16

11 general time period when these 11:39:20

12 conversations happened? 11:39:22

13 A. Starting with this post. 11:39:22

14 Q. Until when? 11:39:28

15 A. A month or two ago. 11:39:37

16 Q. And why the conversations about 11:39:38

17 Ms. Boylan allegations in the medium post 11:39:45

18 until about one or two months ago? 11:39:50

19 A. All of the -- I mean sort of 11:39:52

20 larger regular conversations stopped a 11:39:54

21 month or two ago. 11:39:57

22 Q. So the larger conversations. 11:39:58

23 Just generally about responding to -- 11:40:00

24 A. Inquiries. 11:40:02

25 Q. Okay. Do you have an 11:40:03

1 ATTORNEYS' EYES ONLY

2 understanding of why that ended about a 11:40:07

3 month or two ago? 11:40:09

4 A. It never ended per se, just the 11:40:13

5 inquiries stopped coming, press 11:40:16

6 inquiries. 11:40:18

7 Q. On or after February 24th were 11:40:25

8 you involved in responding to Ms. 11:40:28

9 Boylan's complaints of sexual harassment 11:40:32

10 set forth in the medium post? 11:40:35

11 A. And if by responding, you mean 11:40:37

12 public response, right? 11:40:39

13 Q. Well, not necessarily -- it 11:40:40

14 would depend how you would define public. 11:40:42

15 A. Meaning -- 11:40:45

16 Q. Sorry, you finish. Meaning 11:40:46

17 that would depend on how you would define 11:40:49

18 public. There is one thing of saying 11:40:51

19 something on the record and saying 11:40:53

20 something off the record. I mean 11:40:55

21 generally were you involved in any 11:40:57

22 capacity in the Executive Chamber's 11:41:01

23 response effort concerning this 11:41:02

24 allegations? 11:41:04

25 A. Yes. 11:41:05

1 ATTORNEYS' EYES ONLY

2 MR. LEVINE: Just a point of 11:41:06

3 clarification, Mr. Grant, you mean 11:41:07

4 beyond what he's testified to already? 11:41:09

5 MR. GRANT: Beyond what he's 11:41:11

6 testified to already. 11:41:12

7 MR. LEVINE: Thank you. Sorry. 11:41:13

8 A. Yes. 11:41:14

9 Q. And what did you do? 11:41:15

10 A. As discussed before, strategy. 11:41:18

11 Right, how do you respond. Should you do 11:41:20

12 X, Y or Z. And then sometimes I would 11:41:22

13 talk to reporters about whatever it is we 11:41:27

14 decided the right strategy was going to 11:41:31

15 be. 11:41:33

16 Q. Anything else you did? 11:41:39

17 A. I don't think so. I would have 11:41:40

18 to -- I don't think so. 11:41:42

19 Q. Did you reach out to any 11:41:45

20 current or former members of the 11:41:46

21 Executive Chamber staff? 11:41:49

22 A. No. 11:41:50

23 Q. And which reporters do you 11:41:50

24 recall contacting? 11:41:55

25 A. The number of reporters I 11:41:56

1 ATTORNEYS' EYES ONLY

2 contacted is very small. It's not 11:41:59

3 generally my thing. So I think I spoke 11:42:03

4 to, I think I spoke to the New York Times 11:42:07

5 once or -- I definitely spoke to them a 11:42:09

6 couple of times. Would have been Katie 11:42:11

7 Glueck and Luis Ferre, I think would have 11:42:13

8 been the two. Jimmy Vielkind. That 11:42:19

9 sounds about -- I rarely speak to 11:42:32

10 reporters. 11:42:34

11 Q. And when do you recall talking 11:42:34

12 to these reporters? 11:42:40

13 A. I don't remember specifically. 11:42:42

14 I am sure we can figure it out. But I 11:42:44

15 don't recall specifically. 11:42:47

16 Q. Do you recall generally? 11:42:48

17 A. In this time period, I just 11:42:49

18 can't tell you between this February 24th 11:42:55

19 and sometime in March/April, like 11:42:56

20 somewhere in that range. 11:42:59

21 Q. And you say you don't typically 11:43:01

22 reach out to reporters. That's not your 11:43:01

23 thing, right? 11:43:03

24 A. Mm-hmm. Mm-hmm. Yup, correct. 11:43:04

25 Q. So why did you do so now? 11:43:10

1 ATTORNEYS' EYES ONLY

2 A. Because it was a part of the 11:43:12
3 strategy that we had decided. And in 11:43:14
4 particular, my -- if I am reaching out to 11:43:17
5 a reporter, it has to do with numbers 11:43:23
6 usually. So polling something out in the 11:43:26
7 public domain and so that's generally why 11:43:28
8 I'm talking. 11:43:34

9 So at the time during this 11:43:35
10 period of time, February, March, 11:43:37
11 whatever, there were public polls. And 11:43:40
12 so that would be the most common instance 11:43:41
13 for me to be asked to reach out. 11:43:44

14 Q. And you said that was the 11:43:50
15 strategy that was decided, can you tell 11:43:51
16 me what the strategy was? 11:43:53

17 A. I need you to be more specific, 11:43:55
18 because there are multiple allegations, 11:43:57
19 obviously, here. 11:44:01

20 Q. Okay. Let's focus on the stuff 11:44:01
21 in the medium post, right? 11:44:03

22 A. Mm-hmm. 11:44:04

23 Q. What was the strategy that's in 11:44:05
24 the conversations you had that was 11:44:06
25 decided for how to respond to these 11:44:07

1 ATTORNEYS' EYES ONLY

2 allegations? 11:44:10

3 A. Now the truth is I don't 11:44:10

4 remember specifically to this one. I 11:44:16

5 don't even remember what we decided on. 11:44:18

6 I don't even remember what we eventually 11:44:20

7 did on this specifically. 11:44:23

8 Q. Okay. More generally, then, at 11:44:26

9 the end of February, what was the 11:44:30

10 strategy? 11:44:32

11 A. The strategy was to try to have 11:44:32

12 the Governor do his job and continue to 11:44:40

13 do his job and to focus on his job. And 11:44:42

14 for those of us who were handling the 11:44:45

15 inquiries, to try to give either 11:44:51

16 statements, statements to the press, 11:44:55

17 meaning written statements or verbal 11:44:58

18 statements to the press. And then at 11:45:01

19 some point -- well, I think that's what 11:45:02

20 we did on this. I think. Sorry. I am 11:45:07

21 pretty sure that's what we did, but I am 11:45:10

22 not positive. 11:45:13

23 Q. Okay. What sort of written or 11:45:13

24 verbal statements to the press? 11:45:18

25 A. I don't remember. I don't 11:45:20

1 ATTORNEYS' EYES ONLY

2 remember if we did a statement or not. I 11:45:21
3 don't. 11:45:23

4 Q. Okay. And in discussing the 11:45:23
5 strategy generally, meaning what sort of 11:45:27
6 statements were you pushing -- what sort 11:45:31
7 of statements were going to help the 11:45:33
8 Governor to be able to do his job? 11:45:35

9 A. Well, one of them would be to 11:45:37
10 look at the facts and if there were facts 11:45:38
11 that didn't check out. So one of the 11:45:40
12 first things that we saw was that, I 11:45:43
13 mentioned the flight manifest and who was 11:45:48
14 on that flight. And so somebody asked 11:45:51
15 the people on that flight whether they 11:45:54
16 recalled this and I believe everybody 11:45:56
17 said that they had not. 11:46:00

18 I did not, I did not make those 11:46:02
19 phone calls and I don't know who did. 11:46:04
20 But that was one of the first things that 11:46:07
21 we said to show that there was some 11:46:09
22 skepticism about this media post. 11:46:13

23 Q. Okay. And besides checking 11:46:16
24 into whether facts in Ms. Boylan's medium 11:46:19
25 post didn't check out, what other things 11:46:25

1 ATTORNEYS' EYES ONLY

2 were part of the strategy? 11:46:26

3 A. That was what we discussed. 11:46:27

4 Like looking into the facts, and whether 11:46:31

5 putting out those facts would be -- 11:46:33

6 whatever facts we could determine, 11:46:37

7 whether those facts would be useful to 11:46:43

8 put out in the public domain. And again, 11:46:44

9 I'm sorry, I just don't remember whether 11:46:48

10 we did a written statement or not. I 11:46:50

11 assume we did, but I don't know. 11:46:52

12 Q. And from what you recall about 11:46:53

13 your conversation, what do you recall 11:46:56

14 being the facts that you thought would be 11:46:58

15 useful to get out? 11:47:01

16 A. Well, to the point about the 11:47:01

17 flight, for example. All of the 11:47:04

18 individuals who were on the flight claim 11:47:05

19 that the thing that Ms. Boylan says in 11:47:08

20 the beginning of the medium post didn't 11:47:10

21 happen. 11:47:13

22 Q. Okay. So facts that -- were 11:47:13

23 there any discussions about releasing 11:47:21

24 facts that did check out? 11:47:23

25 A. No. 11:47:24

1 ATTORNEYS' EYES ONLY

2 Q. Okay. So it was limited to 11:47:28

3 facts undermining the allegations that 11:47:31

4 Ms. Boylan had raised, correct? 11:47:34

5 A. No. All we -- no. We wanted 11:47:36

6 to -- we looked into whatever it is we 11:47:40

7 could, could factually determine. Most 11:47:42

8 of this is undeterminable. So there were 11:47:49

9 a limited number of things to look at, 11:47:52

10 such as that other things that are, for 11:47:54

11 example, asking a question. Whether -- 11:47:59

12 just hold on while I read something. 11:48:01

13 Because I don't remember all of this. 11:48:04

14 Q. Okay. 11:48:05

15 (Witness reviews document.) 11:48:12

16 A. Questions asked, for example, 11:48:12

17 whether or not, how often it was that the 11:48:16

18 Governor was alone with an individual, 11:48:17

19 for example. Which multiple people said 11:48:22

20 never happened. Like did not happen. 11:48:26

21 That there were always people there. 11:48:29

22 Q. How would people know when two 11:48:33

23 people are alone? 11:48:37

24 A. So you wouldn't, except the 11:48:38

25 point was practice. Question of regular 11:48:39

1 ATTORNEYS' EYES ONLY

2 practice, was the question. 11:48:42

3 Q. But how would those people be 11:48:44

4 able to comment on the regularity of that 11:48:46

5 practice if they were not there? Meaning 11:48:49

6 if two people meet alone 50 times and 11:48:50

7 nobody is able to see it, how could they 11:48:53

8 comment on the practice? 11:48:55

9 A. That's absolutely true. Except 11:48:56

10 this is -- there is a piece in here which 11:48:58

11 says, I left past the desk of Stephanie 11:49:01

12 Benton, for example. So the question was 11:49:04

13 to Stephanie Benton, for example, who is 11:49:05

14 listed in there, had she seen the kiss, 11:49:08

15 right? That's a -- 11:49:11

16 Q. Got you. 11:49:16

17 A. -- piece of it, right. So that 11:49:16

18 kind of a thing, where Stephanie Benton, 11:49:19

19 in terms of regular practice of how 11:49:21

20 people got in and out of the Governor's 11:49:23

21 Office. Just sort of generally how 11:49:27

22 things happen. 11:49:29

23 Nobody obviously would be able 11:49:30

24 to say whether two people were alone or 11:49:31

25 not and I wasn't suggesting otherwise. 11:49:33

1 ATTORNEYS' EYES ONLY

2 Q. Okay. You said earlier that 11:49:35
3 you were considering putting out the 11:49:40
4 facts that didn't check out. And then 11:49:43
5 when I asked if there was conversation 11:49:44
6 about putting out the facts that did 11:49:46
7 check out, you said no, there was no 11:49:49
8 conversation about that, right? 11:49:50

9 A. I don't believe so. I don't 11:49:51
10 know. 11:49:54

11 Q. Okay. So my question is, was 11:49:54
12 the strategy focused on getting out the 11:49:57
13 facts, the ones that could be verified in 11:50:01
14 some capacity, that did not check out? 11:50:04

15 A. Generally in my job, I am 11:50:07
16 trying to figure out what are the facts 11:50:10
17 that support my client's side of the 11:50:12
18 story, and that is what I spend time 11:50:14
19 doing. 11:50:17

20 Q. And here your client's side of 11:50:17
21 the story would be undermining Ms. 11:50:19
22 Boylan's allegations, correct? 11:50:22

23 A. No, no. My client's side of 11:50:23
24 the story would be whatever my client, 11:50:25
25 Mr. Cuomo, believes are -- Mr. Cuomo or 11:50:27

1	ATTORNEYS' EYES ONLY	
2	Ms. DeRosa or whoever, believe the facts	11:50:30
3	are.	11:50:32
4	Q. Did you work on any press	11:50:33
5	statements?	11:50:39
6	A. As I said, I am not -- I think	11:50:39
7	we did a press statement. I just don't	11:50:42
8	remember. If there was one, the answer	11:50:44
9	is yes.	11:50:49
10	Q. And did you respond to any	11:50:50
11	press inquiries?	11:50:51
12	A. I don't think so on this.	11:50:52
13	Q. Okay. And did you provide	11:50:53
14	comments at any press conferences?	11:50:56
15	MR. LEVINE: Just to be clear,	11:50:58
16	Mr. Grant, you're talking about the	11:50:59
17	medium post response or more	11:51:01
18	generally?	11:51:03
19	MR. GRANT: The medium post	11:51:03
20	response.	11:51:05
21	MR. LEVINE: Okay. Thank you.	11:51:05
22	A. And also you keep asking a	11:51:06
23	question about press conferences. I have	11:51:08
24	never given a public statement at a press	11:51:10
25	conference.	11:51:12

1 ATTORNEYS' EYES ONLY

2 Q. Okay. 11:51:12

3 A. For anything, so. 11:51:13

4 Q. Okay. Did you provide comments 11:51:18
5 on press conferences that others gave? 11:51:21

6 A. Meaning, sorry, did I talk to a 11:51:23
7 reporter about press conferences? 11:51:29

8 Q. Yeah. 11:51:31

9 A. Not as it relates to Ms. 11:51:32
10 Boylan. 11:51:40

11 Q. Okay. And did you help prep 11:51:40
12 anybody for press conferences that he or 11:51:46
13 she gave? 11:51:49

14 A. Regarding Ms. Boylan? 11:51:50
15 Regarding this medium post? 11:51:52

16 Q. Regarding the allegations in 11:51:54
17 the medium post. Meaning the allegations 11:51:55
18 become a part of the public domain. They 11:51:58
19 were being discussed. You were part of 11:52:00
20 the discussions of how to deal with them. 11:52:01
21 So they don't have to necessarily be 11:52:03
22 tethered to this medium post, but to the 11:52:08
23 allegations themselves. 11:52:10

24 A. No. And again, I don't 11:52:11
25 remember whether he did a public -- maybe 11:52:13

1 ATTORNEYS' EYES ONLY

2 he did. I don't remember. 11:52:15

3 Q. And to the extent you've 11:52:17

4 testified to participating in the 11:52:20

5 response effort to some degree, do you 11:52:22

6 recall who asked you to participate in 11:52:23

7 the response effort? 11:52:24

8 A. I believe it was Melissa 11:52:25

9 DeRosa. 11:52:30

10 Q. Anyone else? 11:52:31

11 A. I don't know. 11:52:36

12 Q. Okay. If you turn to tab 8. 11:52:37

13 A. Yup. 11:52:44

14 Q. If you take a moment to review 11:52:44

15 that and let me know when you're ready. 11:52:46

16 A. Sorry, I thought it was just 11:52:48

17 one thing. 11:52:51

18 Q. Yeah. So Mr. Pollock, can you 11:52:51

19 tell me what the background of this 11:53:47

20 conversation is? 11:53:49

21 A. This is the beginning of the, I 11:53:49

22 think it's -- is it an e-mail chain or 11:53:56

23 text exchange, I'm not sure, I have no 11:54:02

24 idea. 11:54:04

25 Q. I will represent to you that is 11:54:05

1 ATTORNEYS' EYES ONLY

2 a text message exchange. 11:54:06

3 A. Okay. So text message chain 11:54:07

4 where we start to -- where Lis says 11:54:09

5 "Let's organize so that we can all be in 11:54:15

6 touch in terms of rapid response, as we 11:54:18

7 would call it." 11:54:21

8 Q. Okay. And can you tell me how 11:54:22

9 this text started? 11:54:24

10 A. I don't know, other than, other 11:54:26

11 than what you're showing me. 11:54:30

12 Q. And if you go to the pages at 11:54:32

13 the bottom, 28 and 29. 11:54:40

14 A. Okay. Yes, I'm there. 11:54:43

15 Q. Those are messages from you, 11:54:47

16 correct? 11:54:49

17 A. They are indeed. 11:54:49

18 Q. Okay. And you say, "That would 11:54:51

19 not be my inclination unless they have 11:54:55

20 direct knowledge of something." 11:54:57

21 What did you mean by that? 11:54:58

22 A. Again, I am giving a sort of, 11:55:00

23 my general feeling about crisis response. 11:55:04

24 The question before was should, would it 11:55:10

25 be helpful if people who work in the 11:55:14

1 ATTORNEYS' EYES ONLY

2 Chamber said supportive statements about 11:55:18

3 the Governor or said that these things 11:55:22

4 were not true. That's the two texts that 11:55:24

5 precede me. 11:55:28

6 And I say, as I would say in 11:55:29

7 any case, that is not -- I don't think 11:55:31

8 that's very helpful, because those are 11:55:33

9 people who are employed by said 11:55:36

10 individual, and therefore I think don't 11:55:40

11 have, I don't think add credibility from 11:55:42

12 a public relations perspective. 11:55:43

13 Q. And what would have been your 11:55:49

14 inclination, if this were not your 11:55:51

15 inclination? 11:55:53

16 A. I don't know. But I was asked 11:55:53

17 a specific question and responded. So I 11:55:59

18 did not think this was the way to go. 11:56:03

19 Q. In connection with your 11:56:05

20 discussions about responding or about the 11:56:07

21 strategy of this response, what strategy 11:56:08

22 did you promote? 11:56:13

23 A. I don't remember specifically. 11:56:13

24 Q. Do you remember generally? 11:56:18

25 A. No, I don't. I am looking at 11:56:19

1 ATTORNEYS' EYES ONLY

2 everything and trying to figure out what 11:56:27

3 we should and should not respond to, and 11:56:33

4 in this particular case, my judgment was 11:56:35

5 that this was not the way to go. I could 11:56:37

6 not tell you at this period of time that 11:56:40

7 I had a conclusion about the right way to 11:56:41

8 respond. 11:56:44

9 Q. And do you know who was 11:56:44

10 promoting the idea that you should put 11:56:51

11 statements out there? 11:56:53

12 A. Other than the text that you 11:56:54

13 just sent me, no. 11:56:55

14 Q. You don't recall anyone else 11:56:56

15 who, as a part of this text chain said, 11:56:58

16 yeah, we should go ahead and put out 11:57:01

17 statements? 11:57:03

18 A. Any number of us could have 11:57:03

19 said that, so I don't know other than 11:57:07

20 what you're showing me. 11:57:09

21 Q. Okay. All right. If you can 11:57:10

22 go to tab 9. 11:57:14

23 A. Mm-hmm. 11:57:18

24 Q. Take a moment to review and let 11:57:19

25 me know when you're ready. 11:57:21

1	ATTORNEYS' EYES ONLY	
2	A. Okay.	11:57:23
3	Q. That's another text chain in	11:57:38
4	which you are participating, correct?	11:57:39
5	A. Yes.	11:57:41
6	Q. Okay. And if you look at the	11:57:41
7	first page, it says, "Robbie Kaplan is	11:57:43
8	the best play right now." Correct?	11:57:47
9	A. Yes.	11:57:49
10	Q. Can you tell me the background	11:57:50
11	of this exchange?	11:57:51
12	A. So I don't know Ms. Kaplan	11:57:52
13	myself. I think I talked to her once or	11:57:58
14	twice, but she is viewed as an expert in	11:58:01
15	the area, from a public perspective,	11:58:06
16	viewed as an expert in the area of sexual	11:58:10
17	harassment, and she had been a part of	11:58:12
18	the Governor's team's work on sexual	11:58:16
19	harassment legislation. And therefore	11:58:18
20	the suggestion was to reach out to her	11:58:20
21	and I think have a statement from her, I	11:58:24
22	think. I'm not 100 percent sure.	11:58:30
23	Q. Okay. What sort of statement	11:58:31
24	from Ms. Kaplan?	11:58:36
25	A. I actually don't know. But a	11:58:37

1 ATTORNEYS' EYES ONLY

2 statement -- either a statement in 11:58:40

3 support of the Governor or a statement 11:58:41

4 about the facts. I don't know in 11:58:43

5 particular, the text chain doesn't give 11:58:44

6 me much. 11:58:47

7 Q. If you go to the next page, it 11:58:48

8 says, "Get it out and refer everything to 11:58:49

9 that." What do you recall that meaning? 11:58:52

10 A. I actually don't know. I 11:58:55

11 believe in reference to the text before, 11:58:59

12 it was a, get out a statement from Robbie 11:59:01

13 Kaplan, I believe. But I don't remember. 11:59:04

14 Q. Do you recall ever having any 11:59:07

15 conversations about having Ms. Kaplan 11:59:09

16 serve as an independent investigator in 11:59:13

17 this matter? 11:59:16

18 A. No, I don't. 11:59:17

19 Q. Okay. If you can go to tab 11. 11:59:19

20 A. Not 10? 11:59:29

21 Q. Not 10. 11:59:30

22 A. I'm on 10, I'm sorry, this is 11:59:32

23 11, got it. 11:59:34

24 Q. Okay. Please review and let me 11:59:35

25 know when you're ready. 11:59:37

1	ATTORNEYS' EYES ONLY	
2	A. Yes.	11:59:38
3	MR. LEVINE: I'm sorry, are we	11:59:50
4	on 10 or 11?	11:59:57
5	THE WITNESS: 11.	12:00:04
6	MR. LEVINE: Mr. Pollock is	12:00:05
7	looking at 10. He's now on 11.	12:00:06
8	A. Okay.	12:00:13
9	MR. LEVINE: I need a minute,	12:00:18
10	please.	12:00:19
11	THE WITNESS: As do I, I don't	12:00:19
12	know.	12:00:21
13	(Witness reviews document.)	12:00:21
14	A. I am double-checking, this is a	12:00:44
15	text chain between Lis and Melissa,	12:00:46
16	correct?	12:00:47
17	Q. Yes.	12:00:48
18	A. Okay. Go ahead.	12:00:48
19	Q. And if you look at the bottom,	12:00:51
20	the report on the bottom of the second	12:00:53
21	page of the exhibit.	12:00:56
22	A. Yes.	12:00:58
23	Q. There is a message in which Ms.	12:00:58
24	DeRosa writes to Ms. Smith. "I know Jeff	12:01:00
25	told me my instincts have been off on	12:01:03

1 ATTORNEYS' EYES ONLY

2 this." 12:01:05

3 Do you know what Ms. DeRosa is 12:01:05

4 referring to there? 12:01:07

5 A. Indeed. 12:01:07

6 Q. What's that?

7 A. Ms. DeRosa's general philosophy 12:01:12

8 on press relations in terms of how to 12:01:15

9 handle any story, any issue, is to be 12:01:19

10 forceful. Forceful in language. Show 12:01:29

11 strength. My inclination, in particular 12:01:35

12 in this situation, was the opposite. And 12:01:43

13 to be softer, is the best way I can put 12:01:45

14 it. And that's what she's referring to. 12:01:55

15 In particular, she's referring 12:02:01

16 to, this text, I think there was a tweet 12:02:03

17 or something about Alessandra Biaggi, I 12:02:11

18 don't recall. I think, I think, I think. 12:02:16

19 And both Lis and I were pretty unhappy 12:02:18

20 about that exchange. About that Twitter 12:02:21

21 exchange. 12:02:25

22 Q. Why were you and Ms. Smith 12:02:29

23 unhappy? 12:02:31

24 A. For the exact reason I just 12:02:32

25 said. Lis and I both came from a place 12:02:33

1 ATTORNEYS' EYES ONLY

2 of, and Lis and I both, there are times 12:02:37

3 where we think that the right strategy is 12:02:40

4 to be forceful and there are times that 12:02:43

5 we think the right strategy is to be 12:02:45

6 softer and patient and contrite, and Lis 12:02:47

7 and I were generally in agreement on that 12:02:53

8 during all of this situation. And I 12:02:55

9 believe that that tweet, again, I don't 12:03:00

10 remember the specific one, but I believe 12:03:03

11 it was sort of sticking it to Ms. Biaggi 12:03:04

12 in some sort of way. And that went 12:03:07

13 against kind of the strategy of soft, not 12:03:10

14 hard. 12:03:14

15 Q. Do you recall specifically what 12:03:17

16 Ms. DeRosa said in response to Ms. 12:03:19

17 Biaggi? 12:03:21

18 A. No, I don't. 12:03:22

19 Q. Do you recall generally saying 12:03:23

20 that it was forceful? 12:03:30

21 A. I don't. They had a number of 12:03:31

22 exchanges, so I truly don't remember what 12:03:34

23 this one was. 12:03:35

24 Q. And you recall advising Ms. 12:03:36

25 DeRosa about how she should approach 12:03:39

1 ATTORNEYS' EYES ONLY

2 things moving forward? 12:03:41

3 A. Yes. You can see at the 12:03:41

4 bottom, "I know Jeff told me my instincts 12:03:50

5 have been off on this." I very clearly 12:03:52

6 told her to back off of said approach. 12:03:54

7 Q. And earlier -- sorry, give me a 12:04:01

8 moment. If you go back to the first page 12:04:05

9 of the exhibit. 12:04:07

10 A. Of which one? Just one page 12:04:08

11 back? 12:04:12

12 Q. Yeah. 12:04:12

13 A. Mm-hmm. 12:04:13

14 Q. Where it says, "Jeff has 12:04:14

15 talked," in the third column. 12:04:15

16 A. Yes, yes. 12:04:17

17 Q. "Jeff will talk me off of it, 12:04:18

18 but I feel like we didn't go hard 12:04:20

19 enough." 12:04:22

20 A. Mm-hmm. 12:04:22

21 Q. Do you recall what was said 12:04:23

22 during that -- what that related to? 12:04:24

23 A. I don't specifically. But her, 12:04:27

24 again, the preceding text is Melissa's 12:04:31

25 self-doubt that the strategy that we were 12:04:37

1 ATTORNEYS' EYES ONLY

2 going to employ was off, and Lis and I 12:04:41

3 saying nope, this is the right path. 12:04:46

4 Q. And in describing Ms. DeRosa's 12:04:52

5 approach as forceful earlier, is that in 12:04:55

6 relation to responding generally in the 12:04:59

7 allegations or specifically to stuff that 12:05:01

8 Ms. Biaggi had said? 12:05:04

9 A. That was in her general theory 12:05:06

10 of press response was my comment. 12:05:12

11 Melissa comes out of communications as 12:05:14

12 well. That's where she started her life. 12:05:17

13 So she has her own communication 12:05:20

14 strategy. And hers, her approach is 12:05:24

15 generally to be more forceful in 12:05:26

16 response. 12:05:31

17 Q. Okay. And what did you advise 12:05:34

18 her about, beyond what you already 12:05:39

19 testified to, what advice did you give to 12:05:41

20 Ms. DeRosa concerning how she should 12:05:43

21 respond to the allegations generally? 12:05:45

22 A. I am confident I told her to 12:05:47

23 stay off Twitter. 12:05:51

24 Q. Okay. Anything else that you 12:05:52

25 recall advising Ms. DeRosa concerning how 12:05:54

1 ATTORNEYS' EYES ONLY

2 to respond? 12:05:57

3 A. Not specifically. 12:05:58

4 Q. And beyond Ms. DeRosa, what do 12:06:02

5 you recall advising the Executive Chamber 12:06:04

6 in connection to how to respond to the 12:06:06

7 allegations? 12:06:08

8 A. So I can't separate those two 12:06:09

9 things. The response to one is the 12:06:10

10 response to the Chamber. So those were 12:06:15

11 one and the same. 12:06:19

12 Q. Okay. If you can turn to tab 12:06:20

13 12. 12:06:26

14 A. Okay, thank you. 12:06:26

15 Q. Take a moment to review and let 12:06:30

16 me know when you're ready. 12:06:32

17 A. It's just hard to read this 12:06:34

18 way. Okay. 12:06:40

19 Q. Do you need more time? 12:06:54

20 A. No, I got it. 12:06:56

21 MR. LEVINE: Thank you, we're 12:06:57

22 good. 12:06:58

23 Q. In the exchange DeRosa asked, 12:07:02

24 "Do we think worthwhile to get sign on 12:07:03

25 letter from former female staffers." And 12:07:08

1 ATTORNEYS' EYES ONLY

2 later in the conversation you say, "I 12:07:11

3 think it's a good idea." Correct? 12:07:13

4 A. Yeah. 12:07:14

5 Q. Can you describe the background 12:07:14

6 of this exchange. 12:07:16

7 A. Similar to the exchange a 12:07:22

8 couple of times ago, I thought maybe this 12:07:24

9 was a good idea, because it was former 12:07:26

10 staffers. The one I objected to before 12:07:28

11 are current staffers who I thought would 12:07:31

12 have no -- be of no use, no asset. And I 12:07:33

13 thought maybe former staffers could be 12:07:39

14 helpful to speak to, to offer supportive 12:07:41

15 statements of the Governor, and Lis says, 12:07:47

16 "I don't think they do much but I guess 12:07:49

17 no harm." And I don't know where it went 12:07:51

18 from there. 12:07:54

19 Q. Do you recall if there were 12:07:55

20 ever drafting of a statement that would 12:07:56

21 be attributed to former female staffers? 12:08:01

22 A. If there was, I don't remember. 12:08:04

23 I don't recall seeing it. 12:08:08

24 Q. Now, why did you think this was 12:08:09

25 a good idea? 12:08:10

1 ATTORNEYS' EYES ONLY

2 A. Exact same answer that I just 12:08:11
3 gave. I thought because they were female 12:08:16
4 staffers who could speak to working with 12:08:18
5 the Governor, but because they were 12:08:20
6 former, that means they were not on the 12:08:21
7 payroll and therefore didn't have any -- 12:08:25
8 they had no reason to speak, they didn't 12:08:29
9 have to do it, right. They aren't 12:08:37
10 employees or they don't feel like they 12:08:38
11 have to. So it's just a conversation 12:08:40
12 about what a good press strategy would be 12:08:41
13 and I was open to it. 12:08:44

14 You can see I didn't love it. 12:08:46
15 I said it's a good idea. It's not like I 12:08:47
16 was like great. But I thought it was a 12:08:49
17 reasonable, reasonable potential idea. 12:08:53

18 Q. Got you. And what was your 12:08:54
19 understanding as to why this would have 12:08:58
20 been useful in terms of responding to the 12:08:59
21 allegations that Ms. Boylan had made? 12:09:01

22 A. Because in a public relations 12:09:03
23 battle, you try to find your allies who 12:09:07
24 stand by you, and this is what this would 12:09:10
25 have been. 12:09:13

1 ATTORNEYS' EYES ONLY

2 Q. So in your understanding, the 12:09:13
3 Executive Chamber was having a battle 12:09:15
4 against Ms. Boylan? 12:09:17

5 A. No. 12:09:19

6 Q. What was it having a battle 12:09:19
7 against? 12:09:21

8 A. I'm sorry, I mean that in the 12:09:22
9 context of a press. When you're having a 12:09:23
10 conversation -- when you're having a 12:09:26
11 public relations challenge, you figure 12:09:28
12 out, you want your allies to stand with 12:09:34
13 you. 12:09:37

14 Q. And you're battling the 12:09:37
15 allegations, correct? 12:09:42

16 A. I think that is a fair 12:09:42
17 statement. 12:09:44

18 Q. Okay. Now, my question is how 12:09:44
19 did -- what is your understanding of how 12:09:46
20 the positive experiences or whatever the 12:09:49
21 stories of these former staffers beared 12:09:53
22 on the allegations that Boylan had made? 12:09:55

23 A. They provide -- they might 12:10:01
24 provide context for other people's 12:10:02
25 experience with the Governor that are 12:10:04

1 ATTORNEYS' EYES ONLY

2 different than Ms. Boylan's. And 12:10:07

3 therefore important, potentially 12:10:10

4 important for people to understand. 12:10:13

5 Q. And am I correct you understand 12:10:17

6 that simply because certain women have 12:10:19

7 positive interactions with that person 12:10:24

8 does not mean that that man did not 12:10:26

9 harass another specific person? 12:10:29

10 A. I do understand that. 12:10:30

11 Q. All right. If you look at tab 12:10:35

12 13. 12:10:37

13 (Witness reviews document.) 12:10:57

14 Q. Do you recall this exchange? 12:11:12

15 A. The text exchange as opposed to 12:11:13

16 the Twitter thing, the text exchange? 12:11:20

17 Q. Yes. And I will represent to 12:11:23

18 you that this was a screenshot. So if 12:11:25

19 you look at the first page, it says the 12:11:26

20 attachment is image 5056. 12:11:28

21 A. Yes, got it. 12:11:31

22 Q. Okay. 12:11:34

23 A. I got it. Yes. 12:11:35

24 Q. And what do you recall about 12:11:38

25 this exchange? 12:11:40

1 ATTORNEYS' EYES ONLY

2 A. Not much, honestly, other than 12:11:40

3 Lindsey Boylan, other than supportive, 12:11:49

4 supportive comments from Kaitlin [REDACTED] 12:11:56

5 and Charlotte Bennett. 12:11:58

6 Q. Do you recall if you had any 12:12:01

7 discussions about Kaitlin [REDACTED] and 12:12:04

8 Charlotte Bennett before this exchange? 12:12:05

9 A. Yes. I don't recall 12:12:08

10 specifically when and how, but yes. 12:12:13

11 Q. What do you recall -- let's 12:12:16

12 break that up. So Kaitlin [REDACTED]. What do 12:12:18

13 you recall? 12:12:23

14 A. That one is much easier. 12:12:23

15 Nothing. Truly, I don't remember her. I 12:12:24

16 actually didn't even, couldn't remember 12:12:28

17 really when you sent the subpoena. 12:12:31

18 Q. Okay. And Ms. Bennett, what 12:12:34

19 conversation do you recall having about 12:12:36

20 Ms. Bennett prior to this exchange? 12:12:38

21 A. I don't know specifically prior 12:12:49

22 to this exchange. I do know at some 12:12:51

23 point we had conversations about 12:12:53

24 Charlotte Bennett and how she had left 12:12:55

25 the Governor's Office. 12:13:00

1 ATTORNEYS' EYES ONLY

2 Q. When did you have those 12:13:08

3 conversations? 12:13:09

4 A. I really, really, really don't 12:13:10

5 remember. 12:13:11

6 Q. Do you remember generally was 12:13:12

7 it in February, was it in January, was it 12:13:13

8 in December? 12:13:15

9 A. It would have been in February. 12:13:16

10 It would have been in February. 12:13:20

11 Q. Okay. And who did you have 12:13:21

12 those conversations with? 12:13:24

13 A. Generally, the group that is on 12:13:25

14 this, most of the people that's on this 12:13:28

15 text chain. 12:13:31

16 Q. Okay. And what do you recall 12:13:32

17 being said during those conversations 12:13:34

18 about Ms. Bennett and how she left the 12:13:36

19 Chamber? 12:13:40

20 A. That Ms. Bennett had some, 12:13:40

21 had -- I don't remember the exact 12:13:55

22 conversation, but that Ms. Bennett had 12:13:56

23 left the Chamber. Had left, I believe 12:13:58

24 satisfied, but had raised some issues 12:14:05

25 during her employment. 12:14:13

1 ATTORNEYS' EYES ONLY

2 Q. What issues were those? 12:14:21

3 A. That she had had some 12:14:23

4 uncomfortable interactions with the 12:14:26

5 Governor. 12:14:28

6 Q. And do you recall when, in your 12:14:29

7 discussions with the group, was there a 12:14:39

8 conversation as to when Ms. Bennett 12:14:40

9 raised her being uncomfortable -- an 12:14:42

10 interaction being uncomfortable with the 12:14:46

11 Governor? 12:14:48

12 A. Try that on me again. 12:14:49

13 Q. Sorry. I butchered that, so my 12:14:50

14 apologies. So you were discussing Ms. 12:14:52

15 Bennett with this group, correct? 12:14:58

16 A. Yes. 12:15:00

17 Q. And you said there was a 12:15:00

18 discussion about an incident between Ms. 12:15:01

19 Bennett and the Governor that Ms. Bennett 12:15:04

20 described as making her feel 12:15:06

21 uncomfortable, correct? 12:15:08

22 A. Yeah. I don't remember that 12:15:09

23 she used the word "uncomfortable," but 12:15:10

24 yes. 12:15:13

25 Q. Not attributing the word to Ms. 12:15:13

1 ATTORNEYS' EYES ONLY

2 Bennett? 12:15:16

3 A. Yes. 12:15:16

4 Q. But discussion about an 12:15:16

5 interaction of discomfort with the 12:15:17

6 Governor and Ms. Bennett, correct? 12:15:20

7 A. Yes, yes. 12:15:22

8 Q. My question is during that 12:15:23

9 conversation or during those 12:15:25

10 conversations, did anyone discuss when 12:15:26

11 Ms. Bennett had raised these issues or 12:15:29

12 raised this issue? 12:15:32

13 A. Yeah. 12:15:33

14 Q. And when was that? 12:15:37

15 A. I don't know when her tenure 12:15:37

16 was, but during her tenure in office. I 12:15:40

17 don't know almost any of these people, so 12:15:47

18 I don't know the tenure. 12:15:49

19 Q. Okay. But you know that it was 12:15:50

20 when she was still employed in the 12:15:53

21 Executive Chamber? 12:15:54

22 A. I do, yes. Well, whether when 12:15:56

23 she was employed or on her way out, I 12:16:00

24 actually don't, I am not positive about 12:16:02

25 that. But I believe, yes. 12:16:04

1 ATTORNEYS' EYES ONLY

2 Q. And was there any discussion 12:16:05

3 about the nature of Ms. Bennett's 12:16:07

4 separation from the Executive Chamber? 12:16:11

5 A. Yes. 12:16:12

6 Q. And what was discussed? 12:16:13

7 A. That she left satisfied. That 12:16:15

8 she had, I think she got transferred to 12:16:21

9 an agency that, as I recall, I believe 12:16:25

10 she was transferred to an agency or to -- 12:16:28

11 I shouldn't say agency, a job, some job, 12:16:31

12 a job that she had wanted and that's what 12:16:34

13 I knew. 12:16:42

14 Q. Okay. And do you have any 12:16:42

15 understanding as to what precipitated 12:16:46

16 this transfer? 12:16:48

17 A. No. 12:16:48

18 Q. Okay. So you don't know 12:16:49

19 whether or not Ms. Bennett asked for this 12:16:52

20 transfer? 12:16:54

21 A. I do not. I do not know. 12:16:55

22 Q. Okay. And you don't know 12:16:58

23 whether or not someone else in the 12:17:00

24 Executive Chamber decided to transfer Ms. 12:17:02

25 Bennett? 12:17:05

1 ATTORNEYS' EYES ONLY

2 A. Correct. I do not know. 12:17:05

3 Q. Okay. Was there any discussion 12:17:07

4 related to those circumstances? 12:17:10

5 A. The circumstances of the 12:17:12

6 transfer? 12:17:14

7 Q. Yes. 12:17:19

8 A. No, only that there was a job 12:17:20

9 that she had wanted and that's what she 12:17:21

10 had been transferred or offered. I 12:17:23

11 shouldn't even say transferred, I don't 12:17:25

12 know if it's transferred, but that's all 12:17:27

13 I know. 12:17:29

14 Q. And is it your understanding 12:17:29

15 that this job offer, this transfer, this 12:17:31

16 offer, came after Ms. Bennett -- the 12:17:33

17 Chamber learned that Ms. Bennett had an 12:17:36

18 interaction that was uncomfortable with 12:17:39

19 the Governor? 12:17:41

20 A. I don't know. I don't know the 12:17:41

21 timing. 12:17:43

22 Q. So you do know that Ms. Bennett 12:17:43

23 raised a concern while she was employed 12:17:47

24 there, correct? 12:17:50

25 A. Well, remember, I said I am not 12:17:50

1 ATTORNEYS' EYES ONLY

2 positive whether it's as employee or on 12:17:52

3 her way out. I actually don't know the 12:17:55

4 answer to that. So that's why you're 12:17:57

5 asking a tricky timing question that I 12:17:58

6 don't know. 12:18:00

7 Q. Okay. Putting that aside, what 12:18:00

8 else do you recall -- sorry. Who relayed 12:18:07

9 the information about Ms. Bennett's 12:18:18

10 departure from the Chamber? Meaning who 12:18:20

11 during the conversation was saying -- was 12:18:23

12 relaying this information? 12:18:26

13 A. It would have been either, 12:18:27

14 either Melissa or it could have been Judy 12:18:30

15 Mogul. 12:18:35

16 Q. Okay. And who said that Ms. 12:18:35

17 Bennett was, quote unquote, satisfied? 12:18:42

18 A. I don't remember, I don't 12:18:44

19 remember who. 12:18:55

20 Q. Do you have any understanding 12:18:55

21 as to why you were discussing this 12:18:57

22 transfer at this time, meaning in 12:18:59

23 February? 12:19:02

24 A. No. I don't remember why 12:19:02

25 specifically. I don't remember whether 12:19:06

1 ATTORNEYS' EYES ONLY

2 there was an inquiry or whether there was 12:19:07

3 a discussion. I don't remember. 12:19:10

4 Q. Okay. Do you recall anything 12:19:11

5 else that was said about Ms. Bennett 12:19:15

6 during these conversations? 12:19:16

7 A. You mean particular to this 12:19:17

8 exhibit that you're showing me? 12:19:21

9 Q. Meaning at the end of February 12:19:22

10 or whenever you were -- sorry. 12:19:24

11 I showed you an exhibit. You 12:19:28

12 said prior to this, there had been some 12:19:31

13 conversations about Ms. Bennett, correct? 12:19:33

14 A. I think, yeah, I think so. 12:19:35

15 Q. Okay. What else was said about 12:19:36

16 Ms. Bennett during those conversations? 12:19:39

17 A. There were conversations about 12:19:41

18 Ms. Bennett's issues about being 12:19:49

19 uncomfortable with the Governor. And 12:19:52

20 conversations about what the Governor's 12:19:55

21 Office knew of those complaints or 12:20:04

22 issues. That was the conversation. 12:20:14

23 Q. And what was said about the 12:20:15

24 issues? 12:20:17

25 A. There were conversations about, 12:20:17

1 ATTORNEYS' EYES ONLY

2 if I may, on the Governor's side. Not 12:20:26
3 the right technical term, but what the 12:20:30
4 Governor felt about, not even felt -- 12:20:32
5 what the Governor would say about these, 12:20:37
6 these incidents of feeling uncomfortable. 12:20:40

7 Q. And what was the Governor's 12:20:46
8 side? 12:20:49

9 A. That the Governor was being 12:20:50
10 paternalistic. That the Governor had 12:20:56
11 taken this woman in. That he had had 12:21:01
12 this personal experience with [REDACTED] 12:21:06
13 [REDACTED] which is one of the things that 12:21:12
14 kind of inspired him to do work on sexual 12:21:18
15 harassment stuff as Governor. And that 12:21:21
16 that experience with [REDACTED] made 12:21:27
17 him think that he should be like [REDACTED] 12:21:37
18 with this woman and take her under his 12:21:42
19 wing. And that was, that was kind of the 12:21:46
20 general conversation. 12:21:52

21 Q. Was the Governor a participant 12:21:56
22 in these conversations? 12:21:58

23 A. Not most of them, but some of 12:21:59
24 them. 12:22:01

25 Q. Okay. And it was the Governor 12:22:01

1 ATTORNEYS' EYES ONLY

2 you understand that would explain that in 12:22:09

3 responding to this, his side of the story 12:22:11

4 being that he was being ██████████ or 12:22:13

5 paternalistic? 12:22:15

6 A. Yeah. 12:22:16

7 Q. Okay. Do you recall anything 12:22:16

8 else that was discussed about these 12:22:22

9 issues or about the Governor's side of 12:22:23

10 the story on these issues? 12:22:25

11 A. No. 12:22:27

12 Q. Did the Governor refute the 12:22:30

13 things that Ms. Bennett had said? 12:22:32

14 A. Refute is a tough word for me 12:22:33

15 to answer. The Governor wasn't -- the 12:22:46

16 Governor believed that he was being 12:22:51

17 fatherly in his interactions and did not 12:22:53

18 realize that he might have been making 12:22:57

19 her feel uncomfortable. 12:23:00

20 Q. So the Governor never said that 12:23:01

21 these interactions never happened? 12:23:05

22 A. No. 12:23:06

23 Q. The Governor acknowledged that 12:23:07

24 they did happen, correct? 12:23:09

25 A. I don't know if he acknowledged 12:23:10

1 ATTORNEYS' EYES ONLY

2 all of them, but he acknowledged that he 12:23:16

3 remembered some of these interactions or 12:23:19

4 knew about some of these interactions and 12:23:20

5 then pushed, pushed to explain them. 12:23:22

6 Q. The explanation being he was 12:23:32

7 being paternalistic? 12:23:34

8 A. Yes. 12:23:35

9 Q. So this view was about the 12:23:36

10 characterization of the events and not 12:23:39

11 whether the events happened? 12:23:41

12 A. Those, yes. Those events, yes. 12:23:42

13 Q. Those events? 12:23:46

14 A. Right. I am only 12:23:46

15 distinguishing from the Ms. Boylan stuff, 12:23:50

16 that's all. 12:23:52

17 Q. Okay. And what was your 12:23:53

18 opinion as to whether or not paternalism 12:23:57

19 was an excuse for that particular conduct 12:24:00

20 at issue? 12:24:06

21 MR. LEVINE: Just to be clear, 12:24:07

22 you're asking for his own personal 12:24:08

23 opinion as opposed to a fact here? 12:24:10

24 MR. GRANT: Yeah. 12:24:11

25 A. From a PR perspective, I 12:24:15

1 ATTORNEYS' EYES ONLY

2 thought paternalistic was, was certainly 12:24:17

3 acceptable. Actually, I have some 12:24:26

4 recollection of not liking the word 12:24:29

5 "paternalistic." I don't remember 12:24:31

6 exactly why. But I don't think I liked 12:24:33

7 the word. I thought it sounded sort of 12:24:36

8 old, frankly. 12:24:40

9 Q. Okay. Did you have any other 12:24:41

10 opinion as to how effective this was from 12:24:45

11 a PR perspective? 12:24:47

12 A. Paternalistic? 12:24:48

13 Q. The paternalism. 12:24:52

14 A. I thought it was a fine -- I 12:24:53

15 thought that it was an acceptable answer 12:24:57

16 and approach. Also acceptable because 12:25:04

17 those are the facts as he saw them. 12:25:09

18 Q. And did the Governor ever give 12:25:11

19 any other explanation for why he felt he 12:25:28

20 should have a paternalistic or fatherly 12:25:33

21 relationship with his staffer? 12:25:35

22 A. No. That's it. 12:25:37

23 Q. All right. Can you turn to tab 12:25:41

24 15. 12:25:43

25 A. Okay. 12:25:48

1 ATTORNEYS' EYES ONLY

2 Q. Take a moment to review and let 12:25:49

3 me know when you're ready. 12:25:51

4 (Witness reviews document.) 12:26:19

5 Q. Do you recognize this document? 12:26:34

6 A. I do. 12:26:35

7 Q. And what is it? 12:26:36

8 A. It was a potential draft, and 12:26:37

9 again I don't remember a statement or 12:26:42

10 public, I don't remember. But a 12:26:45

11 potential draft statement, let's just 12:26:48

12 say, from the Governor about the Lindsey 12:26:50

13 Boylan situation. 12:26:55

14 Q. Okay. And do you know who 12:26:57

15 drafted the statement? 12:26:59

16 A. I don't know. I don't know. 12:27:00

17 In fact I believed it to be the Governor. 12:27:05

18 Q. What was the basis of your 12:27:08

19 belief that it was the Governor? 12:27:14

20 A. Because it says let me, was the 12:27:15

21 first. And the second was that it came 12:27:17

22 through Stephanie Benton, who is one of 12:27:23

23 the Governor's closest aides. So that is 12:27:26

24 my assumption. I didn't know, it could 12:27:28

25 also have been written by Ms. DeRosa. 12:27:31

1 ATTORNEYS' EYES ONLY

2 Q. And did you have -- were you 12:27:33

3 involved in any discussions about this 12:27:35

4 statement? 12:27:38

5 A. Prior to it or after? 12:27:38

6 Q. After. Meaning -- 12:27:41

7 A. Yes. 12:27:43

8 Q. -- you got a draft of this 12:27:43

9 statement -- okay. So how many 12:27:45

10 discussions did you have about this 12:27:47

11 statement? 12:27:48

12 A. Many. 12:27:48

13 Q. Okay. And when did you have 12:27:50

14 these discussions? 12:27:51

15 A. Subsequent to receiving -- 12:27:52

16 subsequent to receiving it. But I don't 12:27:55

17 remember when. 12:27:57

18 Q. Okay. And for how long 12:27:57

19 afterwards? 12:28:00

20 A. I don't know. As you see, this 12:28:00

21 came at 12:32 at midnight. So I truly 12:28:04

22 don't remember. 12:28:11

23 Q. And what do you recall being 12:28:11

24 discussed during the conversations about 12:28:12

25 this statement? 12:28:15

1 ATTORNEYS' EYES ONLY

2 A. I don't recall the specifics. 12:28:15

3 The first thing would have been is this 12:28:19

4 the right tone, statement, et cetera. 12:28:21

5 What is the right approach. And I 12:28:25

6 believe I thought it was the wrong 12:28:33

7 approach. 12:28:34

8 Q. Anything else you recall being 12:28:34

9 discussed? 12:28:36

10 A. No. 12:28:37

11 Q. Okay. And why did you think it 12:28:40

12 was the wrong approach? 12:28:41

13 A. Well, because first of all, 12:28:42

14 it's way too long. Second of all, it is 12:28:45

15 sort of point -- I don't know if it's 12:28:50

16 point by point, but it is an attempt to 12:28:56

17 refute many of the elements of the Boylan 12:28:58

18 medium post. 12:29:03

19 I believed two things. One, it 12:29:06

20 was not helpful to have a 12:29:11

21 point/counterpoint, just from a PR 12:29:12

22 perspective, that the back and forth 12:29:16

23 battle, again, public battle, was not the 12:29:19

24 right approach. 12:29:22

25 And secondarily, going back to 12:29:23

1 ATTORNEYS' EYES ONLY

2 where I was before, I generally believe 12:29:25
3 softer, not harder. I wanted statements 12:29:29
4 that were -- I wanted statements or 12:29:33
5 comments to be shorter, more contrite and 12:29:36
6 to not be like a point by point -- 12:29:43
7 point/counterpoint. 12:29:48

8 Q. Okay. Any other reason why you 12:29:49
9 thought this was the wrong approach? 12:29:55

10 A. I don't think so. I think 12:29:56
11 generally that was my belief. 12:30:06

12 Q. Do you recall who during these 12:30:08
13 conversations thought this was a good 12:30:09
14 approach or an acceptable approach? 12:30:10

15 A. I'm not sure if anyone thought 12:30:13
16 it was a good approach, truthfully. 12:30:16

17 Q. Besides the person who drafted 12:30:18
18 it, obviously. 12:30:20

19 A. I can't speak to that, but yes, 12:30:22
20 I assumed. But that's also not a 12:30:28
21 surprise to me. Like the notions of 12:30:31
22 politicians doing one thing and the 12:30:34
23 advisor group thinking another. That's a 12:30:37
24 regular occurrence. 12:30:40

25 Q. And why were you, being a 12:30:42

1 ATTORNEYS' EYES ONLY

2 pollster, why were you participating in 12:30:44

3 these discussion? 12:30:46

4 A. So pollster is just a strict 12:30:47

5 job that I get paid to do. To be fair, I 12:30:49

6 am involved, I have clients who I haven't 12:30:53

7 done polling for in a couple of years, 12:30:55

8 and if they have some sort of issue in 12:30:57

9 the public domain that might impact them 12:30:59

10 and their political future, I am engaged. 12:31:03

11 So my technical job in what I'm 12:31:05

12 paid is to be the pollster, but 12:31:08

13 unfortunately that means I have to get on 12:31:10

14 a call whenever I'm wanted, even though I 12:31:12

15 don't get paid for it. 12:31:14

16 Q. Got you. And about how much 12:31:16

17 time do you think you spent over the 12:31:17

18 course of the last few months in 12:31:19

19 conversations about these allegations 12:31:20

20 that you haven't been paid for? 12:31:23

21 A. Well, I am paid, because I am 12:31:24

22 paid to be the pollster. So I am paid to 12:31:28

23 be the pollster. That's how I am 12:31:31

24 compensated. And then as with all 12:31:33

25 campaigns and all clients, then my 12:31:34

1 ATTORNEYS' EYES ONLY

2 contract has me contracted to be a part 12:31:37

3 of any of their conversations. So it's 12:31:43

4 not a technicality. I am engaged with 12:31:44

5 these people no matter what. But 12:31:46

6 countless hours. Countless hours. 12:31:54

7 Q. And just to be clear, you 12:31:56

8 described it as, even though I am not 12:31:57

9 paid, correct? 12:32:01

10 A. You asked me the question 12:32:01

11 originally about am I getting compensated 12:32:02

12 specifically for this. What I said to 12:32:05

13 you is I am compensated by polling and 12:32:06

14 then my contract has me working for the 12:32:09

15 campaign, so it's a four-year campaign. 12:32:10

16 So you had asked me a question 12:32:12

17 originally, have you gotten any 12:32:14

18 compensation as it relates to these 12:32:15

19 specific charges. My point is that's not 12:32:17

20 how I get compensated. I get compensated 12:32:20

21 sort of for the campaign. 12:32:23

22 Q. Okay. My question earlier, and 12:32:24

23 you can have this read back at some point 12:32:28

24 if necessary, is why did you participate. 12:32:29

25 And you gave an answer. And then part of 12:32:31

1 ATTORNEYS' EYES ONLY

2 that answer, you said even though I am 12:32:33

3 not paid, right? 12:32:34

4 A. Yeah, yeah, yeah, even though I 12:32:35

5 am not paid specifically for this, for 12:32:37

6 this -- I am not paid by engagement. I 12:32:40

7 am paid by the campaign. 12:32:43

8 Q. Now, great, I am -- 12:32:44

9 A. If you need to reclarify that 12:32:46

10 last one, I am happy to do that. 12:32:49

11 Q. And I asked you about how much 12:32:51

12 time, collectively, over the last few 12:32:53

13 months, in dealing or, you know, giving 12:32:55

14 advice about the sexual harassment 12:32:57

15 allegations, have you given to the 12:33:01

16 Executive Chamber? 12:33:02

17 A. 50 hours. I'm guessing. 12:33:03

18 MR. LEVINE: Don't guess. 12:33:10

19 A. I'm not guessing. Countless 12:33:10

20 hours. 12:33:12

21 Q. You are free to guess. 12:33:13

22 MR. LEVINE: I would object to 12:33:14

23 that. 12:33:16

24 A. Countless hours. 12:33:16

25 MR. LEVINE: The subpoena does 12:33:16

1 ATTORNEYS' EYES ONLY

2 not call for guessing, Mr. Grant, 12:33:17

3 please. 12:33:19

4 Q. Okay. If you could ballpark, 12:33:22

5 how much? 12:33:24

6 MR. LEVINE: Thank you, 12:33:25

7 Mr. Grant. 12:33:25

8 A. I have given you an answer, so. 12:33:26

9 Q. And that's your ballpark 12:33:29

10 answer, 50? 12:33:30

11 A. That is my ballpark answer. 12:33:30

12 Q. All right. Thank you very 12:33:32

13 much. If you can turn to tab 16. Please 12:33:37

14 review it and let me know when you're 12:33:45

15 ready. 12:33:47

16 (Witness reviews document.) 12:34:23

17 A. Okay. 12:34:33

18 Q. Do you recognize this e-mail 12:34:33

19 exchange? 12:34:35

20 A. I do. 12:34:35

21 Q. And what is the background to 12:34:36

22 this e-mail exchange? 12:34:37

23 A. This is a second version, I 12:34:38

24 would have to obviously line it up to do 12:34:41

25 the difference between the first and the 12:34:47

1 ATTORNEYS' EYES ONLY

2 second, which I can't do now. And both 12:34:48

3 Lis and I respond, this isn't what we 12:34:52

4 thought we were doing. 12:34:56

5 Q. What do you mean by that? 12:34:59

6 A. Exactly as I said before. And 12:35:00

7 actually the words are, the words that I 12:35:02

8 thought that I used, contrition, is what 12:35:05

9 I said, and it did not feel, feel, 12:35:10

10 complete perception, it did not feel 12:35:15

11 contrite to me. 12:35:17

12 Q. Okay. And turning to that 12:35:18

13 statement, which I believe is on page 12:35:34

14 292. 12:35:36

15 A. My statement? 12:35:37

16 Q. Yeah. An e-mail from you, 12:35:38

17 David, February 26, 2021, at 11 a.m., and 12:35:43

18 you say, "This doesn't feel different. I 12:35:46

19 think someone needs to stop and do an 12:35:48

20 outline of what needs to be accomplished, 12:35:50

21 and if it were me, it would start with 12:35:52

22 contrition, not Boylan." Correct? 12:35:54

23 A. Correct. 12:35:57

24 Q. Why did you think contrition 12:35:57

25 was appropriate? 12:35:58

1 ATTORNEYS' EYES ONLY

2 A. Because I thought that there, 12:35:59

3 because from a public relations 12:36:05

4 perspective, I thought that it was 12:36:07

5 important for the tone to be softer than 12:36:09

6 harder in any response, because I thought 12:36:12

7 that the harder edged responses were not 12:36:16

8 going to be effective, again. 12:36:21

9 Q. Sorry, go ahead. 12:36:26

10 A. I said that was a guess, I said 12:36:27

11 that was a guess, that's all. 12:36:31

12 Q. Okay. And do you know whether 12:36:32

13 or not anyone ever made an outline of 12:36:36

14 what needs to be accomplished? 12:36:38

15 A. I don't think so. 12:36:40

16 Q. Okay. And in advising that 12:36:41

17 there should be some level of contrition, 12:36:47

18 was that a reflection that certain 12:36:49

19 misconduct had occurred? 12:36:51

20 A. No. 12:36:53

21 Q. And did you provide any other 12:36:53

22 advice along these lines in conversations 12:36:58

23 about this draft? 12:37:01

24 A. Not to my knowledge. 12:37:02

25 Q. Sitting here today, what did 12:37:05

1 ATTORNEYS' EYES ONLY

2 you think was the best strategy for 12:37:07

3 approaching this response? 12:37:13

4 MR. LEVINE: Sitting here today 12:37:13

5 or back then, just for clarity? 12:37:14

6 MR. GRANT: Sitting here today. 12:37:16

7 A. I believed that my strategy 12:37:20

8 then is the right one today, which was 12:37:21

9 softer, not harder. Contribution was 12:37:23

10 important. 12:37:26

11 Q. Okay. If you turn to tab 17. 12:37:32

12 A. Okay. 12:37:51

13 Q. If you turn to the second page, 12:37:52

14 which I think is on 451, where Ms. DeRosa 12:37:55

15 says that stays in his voice, what did 12:38:00

16 you understand Ms. DeRosa to mean? 12:38:02

17 A. So I truly have no clue what 12:38:04

18 these things were about, but that just 12:38:08

19 means that a statement would be in his 12:38:10

20 voice as opposed to a statement as a 12:38:12

21 spokesperson, that's all. 12:38:13

22 Q. And in understanding the 12:38:14

23 Governor's voice, that would be based on 12:38:19

24 communications with the Governor 12:38:21

25 concerning what he wants to say about a 12:38:22

1		
	ATTORNEYS' EYES ONLY	
2	particular --	12:38:24
3	A. No, no. Incorrect. Incorrect.	12:38:25
4	This is a pure, this is a pure press --	12:38:27
5	is a statement in the principal's voice	12:38:31
6	or is it principal in spokesperson's	12:38:35
7	voice. That's it.	12:38:37
8	Q. Okay. If you can go to tab 50.	12:38:38
9	A. 5-0?	12:38:45
10	Q. Yes.	12:38:46
11	A. I like you already.	12:38:47
12	Q. We'll go back.	12:38:49
13	A. See. 5-0. Sorry, that's after	12:38:50
14	the tab, right?	12:38:59
15	Q. Yes.	12:39:00
16	MR. LEVINE: After the tab.	12:39:00
17	(Witness reviews document.)	12:40:00
18	A. Okay.	12:40:00
19	MR. GRANT: And you're ready,	12:40:03
20	Matt?	12:40:04
21	MR. LEVINE: Yes, thank you.	12:40:05
22	Q. And do you recognize this text	12:40:06
23	exchange?	12:40:08
24	A. Yes.	12:40:09
25	Q. Okay. And what is the	12:40:09

1 ATTORNEYS' EYES ONLY

2 background to this text exchange? 12:40:11

3 A. Dani Lever shows, what I think 12:40:13

4 is, I think it was a public tweet. I 12:40:23

5 don't know whether it's a public tweet or 12:40:25

6 a private tweet or direct message or 12:40:27

7 whatever you call it from Lindsey Boylan 12:40:29

8 that's gone after Annabel Walsh and Dani 12:40:33

9 Lever. And a conversation about whether 12:40:36

10 or not that is useful to show in the 12:40:39

11 public domain in terms of how Lindsey 12:40:43

12 Boylan approached people in the Chamber. 12:40:50

13 Q. Okay. And you say at some 12:40:53

14 point, and I will go to the back page. 12:40:56

15 A. I say no. 12:41:02

16 Q. It's 1601. 12:41:03

17 A. Mm-hmm. 12:41:07

18 Q. And going onto 1602. 12:41:08

19 A. Yup. 12:41:11

20 Q. Okay. What did you mean -- or 12:41:11

21 why did you say it was not useful to use 12:41:14

22 it now? 12:41:19

23 A. The exact same reason as 12:41:19

24 before. It did not scream contrition in 12:41:21

25 any way. It was raising the temperature 12:41:24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ATTORNEYS' EYES ONLY

of things and I was generally opposed to 12:41:25
that. 12:41:33

Q. Okay. And then you go on to 12:41:34
say, "But it's worth thinking about how 12:41:36
we use it at some point"? 12:41:38

A. Yes. 12:41:40

Q. What did you understand -- or 12:41:40
in what context do you think it would 12:41:42
have been useful to use the message? 12:41:44

A. I don't know. I think that my 12:41:46
opinion was contrition. That doesn't 12:41:50
mean that in three weeks or four weeks I 12:41:54
wouldn't have felt that the strategy 12:41:56
should change, depending on things. So 12:41:58
that's what I am kind of referring to. 12:42:00
But it's not like I had a plan. 12:42:02

Q. Got you. And when in your 12:42:04
assessment should a particular press 12:42:08
strategy move from contrition to being 12:42:10
forceful? 12:42:12

MR. LEVINE: To make it clear, 12:42:15
you're talking about generally or in 12:42:16
this case? 12:42:17

MR. GRANT: Based on your 12:42:18

1 ATTORNEYS' EYES ONLY

2 perspective as a PR professional. 12:42:21

3 A. I actually don't have an answer 12:42:23

4 on this, Mr. Grant. A lot of this is 12:42:25

5 playing it by ear and playing a situation 12:42:27

6 by ear and thinking through whether you 12:42:29

7 need to shift the strategy. I mean the 12:42:31

8 simplest thing is your original strategy 12:42:33

9 working. And if it's not, switch. But 12:42:35

10 also what does that mean, what does 12:42:38

11 working mean. So it is far from a 12:42:40

12 science. 12:42:42

13 Q. Got you. If you can go to tab 12:42:43

14 51. Okay? 12:42:47

15 A. Mm-hmm. 12:43:09

16 Q. Okay. Do you recognize this 12:43:09

17 text exchange? 12:43:11

18 A. I do. Would you mind if I went 12:43:12

19 back just one second? 12:43:14

20 Q. Sure. 12:43:16

21 A. Okay. Continue. 12:43:20

22 Q. All right. What is the 12:43:21

23 background to this exchange? 12:43:25

24 A. I'm not sure. And I don't even 12:43:26

25 know what I mean by Lindsey e-mail. I 12:43:29

1 ATTORNEYS' EYES ONLY

2 may be talking about the thing before, 12:43:31

3 but I'm not sure. I really am not sure. 12:43:34

4 Q. If we go back to 50? 12:43:36

5 A. Yeah. I think that's what I'm 12:43:37

6 talking about, but I don't know. 12:43:40

7 Q. And if we look at the 12:43:44

8 screenshot that Ms. Lever sent at 15:95. 12:43:46

9 A. Yes, that's what I'm saying. 12:43:51

10 Q. If you look at the bottom of 12:43:53

11 the page, it says reply, reply, all 12:43:56

12 forward. So I am going to represent to 12:43:58

13 you that this may clarify that this is an 12:44:00

14 e-mail. 12:44:02

15 A. Oh, it looks like a tweet. 12:44:02

16 It's not. I understand. I understand. 12:44:04

17 Thank you. Okay. Now I got it. Sorry. 12:44:07

18 Thank you for doing that. 12:44:10

19 Q. So you write, "I don't think we 12:44:13

20 can use Lindsey's e-mail unless she 12:44:18

21 begins to get more traction, and she 12:44:21

22 hasn't." What did you mean by that? 12:44:23

23 A. I think there was a general 12:44:26

24 sentiment that Lindsey Boylan's, her 12:44:28

25 medium post wasn't getting a ton of 12:44:35

1 ATTORNEYS' EYES ONLY

2 public interaction. Again, not a 12:44:38

3 science. Just sort of my assessment. 12:44:45

4 And I didn't think it was getting a lot 12:44:49

5 of interest. 12:44:50

6 Q. And why did you think it was 12:44:58

7 useful to not respond since she hadn't 12:45:00

8 been getting interest? 12:45:02

9 A. Well, that would go to my 12:45:03

10 general philosophy of quiet, not loud. 12:45:08

11 Soft, not hard. 12:45:11

12 Q. Okay. This may be a good time 12:45:12

13 to break for lunch. 12:45:16

14 A. Sure. 12:45:17

15 Q. I'm not sure if you would 12:45:18

16 prefer if we continue going. 12:45:19

17 A. Sure, we'll take a break. 12:45:26

18 THE VIDEOGRAPHER: Let me go off 12:45:27

19 the record. Please stand by. The 12:45:28

20 time is 12:36. We are going off the 12:45:30

21 record, and this will end media unit 12:45:32

22 number 2. 12:45:34

23 (Off the record.) 13:20:13

24 THE VIDEOGRAPHER: The time is 13:20:14

25 1:11, we are back on the record. This 13:20:39

1	ATTORNEYS' EYES ONLY	
2	will be the start of media unit number	13:20:42
3	3.	13:20:44
4	BY MR. GRANT:	13:20:44
5	Q. All right. Earlier today we	13:20:44
6	had a discussion about a conversation you	13:20:49
7	had concerning Ms. Bennett at some point.	13:20:52
8	And part of that discussion is about the	13:20:55
9	circumstances of Ms. Bennett's departure	13:21:05
10	from the Executive Chamber, correct?	13:21:08
11	A. Yes.	13:21:10
12	Q. Do you recall whether or not	13:21:10
13	that conversation took place before or	13:21:11
14	after Ms. Bennett's allegations became	13:21:13
15	public?	13:21:16
16	A. Before.	13:21:16
17	Q. How long before the allegations	13:21:20
18	had become public?	13:21:21
19	A. I want to clarify. Before, but	13:21:22
20	I don't know -- before could have easily	13:21:26
21	been because we got a reporter's inquiry.	13:21:29
22	I realize that's not like in the public	13:21:32
23	domain, but it could have been that. I	13:21:35
24	just don't remember.	13:21:37
25	Q. But it was before there was a	13:21:38

1 ATTORNEYS' EYES ONLY

2 New York Times story or et cetera? 13:21:43

3 A. Yeah. 13:21:45

4 Q. And do you recall who brought 13:21:51

5 up Ms. Bennett? 13:21:52

6 A. No. 13:21:53

7 Q. Do you recall if during that 13:21:53

8 conversation, there was any discussion 13:21:57

9 about whether or not the conduct about 13:21:58

10 which Ms. Bennett complained constituted 13:22:00

11 sexual harassment? 13:22:03

12 A. No. 13:22:04

13 Q. Do you recall if during that 13:22:05

14 discussion there was a discussion of any 13:22:10

15 investigation that had taken place at the 13:22:12

16 time Ms. Bennett had complained? 13:22:14

17 A. Yes. Investigation, I'm not 13:22:16

18 sure about that technical word, but the 13:22:25

19 conversations had been had during that 13:22:27

20 time with people in the Chamber. 13:22:30

21 Q. Understanding that 13:22:36

22 investigation can be a sagacious noun, 13:22:41

23 what discussions were discussed, what 13:22:41

24 discussions were had about what took 13:22:43

25 place at the time that Ms. Bennett had 13:22:45

1	ATTORNEYS' EYES ONLY	
2	complained?	13:22:47
3	A. We were told about Ms.	13:22:47
4	Bennett's allegations. I don't recall	13:22:53
5	being told about the process stuff, but	13:23:00
6	we talked about what Ms. Bennett had said	13:23:03
7	to individuals in the Chamber.	13:23:08
8	Q. Okay. And was there any	13:23:10
9	discussion about what those individuals	13:23:14
10	in the Chamber did after Ms. Bennett said	13:23:15
11	something?	13:23:18
12	A. Yes.	13:23:19
13	Q. And what was said?	13:23:23
14	A. I don't remember specifically.	13:23:24
15	They were largely about conversations,	13:23:26
16	meaning Ms. Bennett spoke to X person and	13:23:31
17	this is what Ms. Bennett said. But I	13:23:38
18	don't recall sort of any kind of	13:23:43
19	discussion of the formal investigations	13:23:45
20	beyond that, because I believe that one	13:23:49
21	of the conclusions was Ms. Bennett was	13:23:55
22	satisfied with the conversation or did	13:23:57
23	not want to press on. I am using bad	13:24:00
24	words. Not exact words. That Ms.	13:24:08
25	Bennett was satisfied with the	13:24:12

1	ATTORNEYS' EYES ONLY	
2	conversations.	13:24:13
3	Q. Okay. And you don't recall	13:24:14
4	whether or not there was any discussion	13:24:18
5	about whether or not this conduct was in	13:24:20
6	fact sexual harassment?	13:24:22
7	A. No.	13:24:25
8	Q. And in terms of discussing	13:24:25
9	whether or not Ms. Bennett had been	13:24:28
10	satisfied by, you know, the resolution,	13:24:30
11	was there any discussion about whether or	13:24:33
12	not any other action should be taken,	13:24:36
13	whether or not she was satisfied?	13:24:38
14	A. Should actions, meaning should	13:24:39
15	actions have been taken -- should more	13:24:44
16	actions have been taken at the time?	13:24:47
17	Q. Or later on?	13:24:50
18	A. I don't think so.	13:24:51
19	Q. Okay.	13:24:54
20	A. I don't think so.	13:24:54
21	Q. So even if the conduct were	13:24:56
22	harassing, there was no conversation	13:24:58
23	about what should have been done?	13:25:00
24	MR. LEVINE: That's a difficult	13:25:05
25	question for him to answer.	13:25:06

1 ATTORNEYS' EYES ONLY

2 MR. GRANT: No worries, okay. 13:25:10

3 Q. So then how did you become 13:25:12

4 aware of Ms. Bennett's public allegations 13:25:20

5 against the Governor? 13:25:24

6 A. I think from a reporter 13:25:25

7 inquiry. 13:25:27

8 Q. Okay. 13:25:30

9 A. I think, I think. 13:25:30

10 Q. And would that reporter inquiry 13:25:32

11 have been directed to you or to the 13:25:36

12 Executive Chamber? 13:25:37

13 A. It would have been to somebody 13:25:38

14 at the Chamber. 13:25:40

15 Q. Okay. And do you recall who 13:25:41

16 told you, who at the Executive Chamber 13:25:44

17 told you about the public allegations? 13:25:46

18 A. I do not. 13:25:48

19 Q. So besides the conversation we 13:25:49

20 just discussed with Ms. Mogul, have you 13:25:54

21 since -- since Ms. Bennett's allegations 13:25:58

22 have become public, have you had any 13:26:01

23 other conversations with Executive 13:26:02

24 Chamber members about Ms. Bennett's 13:26:04

25 allegations? 13:26:06

1 ATTORNEYS' EYES ONLY

2 A. Yes. 13:26:07

3 Q. Okay. When were those 13:26:07

4 conversations? 13:26:10

5 A. During, during that period of 13:26:10

6 time that we were in anticipation of the 13:26:13

7 New York Times. And again how to handle 13:26:18

8 that from a press perspective. 13:26:19

9 Q. Okay. And just to be clear, I 13:26:23

10 am not limiting just to the time in 13:26:25

11 anticipation of the New York Times. I 13:26:28

12 also am including after the story breaks. 13:26:30

13 A. Sure. Yeah. Okay. 13:26:33

14 Q. Okay. So how long after that, 13:26:35

15 when did you have discussions after that 13:26:37

16 about Ms. Bennett? 13:26:39

17 A. There have been conversations 13:26:40

18 about Ms. Bennett as recently as a number 13:26:43

19 of weeks ago, because these allegations 13:26:48

20 are now kind of from a political 13:26:55

21 consultant perspective, I am trying to 13:27:01

22 think about all these various things that 13:27:03

23 are going on and how they might impact 13:27:06

24 the Governor's future. 13:27:08

25 Q. Okay. And when you say as 13:27:09

1 ATTORNEYS' EYES ONLY

2 recently as a few weeks ago, when is 13:27:12

3 that? 13:27:15

4 A. Four weeks ago. Four weeks 13:27:15

5 ago. Five weeks ago. Six weeks ago. 13:27:18

6 Something like that. It hasn't been a 13:27:21

7 regular conversation in the most recent 13:27:25

8 time. 13:27:29

9 Q. And that conversation four 13:27:33

10 weeks ago, five weeks ago, who was 13:27:34

11 involved? 13:27:36

12 A. The Governor. Lis. Melissa. 13:27:37

13 Charlie King. Dana who works for the 13:27:47

14 Governor. I apologize, I don't remember 13:27:50

15 her last name. 13:27:55

16 Q. And what did the Governor say 13:27:56

17 during this discussion? 13:28:02

18 A. The Governor always says the 13:28:03

19 same thing, he talks about his mistaken 13:28:09

20 notion of being paternalistic. I 13:28:15

21 continue to use that word because it's 13:28:18

22 his word that he uses. And his belief 13:28:20

23 that this is a difference in perceptions. 13:28:30

24 Q. Did anyone challenge the 13:28:41

25 Governor's explanation during the call? 13:28:42

1 ATTORNEYS' EYES ONLY

2 A. Not the most recent one, but 13:28:44
3 only because we've been through this. If 13:28:49
4 you're talking about in the past, sure. 13:28:52
5 Any time you're dealing with a situation 13:28:56
6 like this, you challenge the principal 13:28:58
7 and ask questions and try to, from a 13:28:59
8 press perspective, simulate kind of the 13:29:06
9 incoming questions. 13:29:09
10 Q. Got you. Okay. We'll get back 13:29:10
11 to that then. What do you recall Lis 13:29:12
12 saying during this conversation? 13:29:15
13 A. Which one? 13:29:16
14 Q. The one that happened four or 13:29:18
15 five weeks ago. 13:29:20
16 A. It's the same. Lis and I are 13:29:21
17 always repeating the same thing. Calm, 13:29:24
18 calm. Contrition. But right now, in 13:29:29
19 terms of the most recent like, in terms 13:29:33
20 of five, six weeks ago or five weeks ago, 13:29:36
21 whatever it was, our advice is very 13:29:39
22 simple. Go do your job. And that's been 13:29:43
23 the majority of it, go do your job. And 13:29:47
24 try to get support from folks who support 13:29:51
25 what you're doing, which is why Charlie 13:29:54

1 ATTORNEYS' EYES ONLY

2 King and Dana are relevant, because 13:29:57

3 that's their sort of portfolio, if I may. 13:30:01

4 Q. And what's part of Charlie King 13:30:07

5 and Dana's portfolio? 13:30:08

6 A. I mean talking to people who 13:30:10

7 might be supportive of the Governor. 13:30:11

8 Q. And who are those people who 13:30:16

9 might be supportive of the Governor? 13:30:17

10 A. It depends. It depends. I 13:30:18

11 mean, in any situation, if the Governor 13:30:20

12 is going and doing something in 13:30:22

13 Westchester, I am making this up, it 13:30:27

14 could be the Westchester County 13:30:29

15 executive, to who might be impacted by 13:30:31

16 whatever the Governor is doing would be 13:30:33

17 the sort of outreach. 13:30:39

18 Q. And with respect to this 13:30:40

19 particular conversation, who were the 13:30:42

20 people? 13:30:43

21 A. There wasn't a conversation 13:30:44

22 about particular people. 13:30:45

23 Q. Okay. And what did Melissa say 13:30:46

24 during this conversation four or five 13:30:49

25 weeks ago? 13:30:51

1 ATTORNEYS' EYES ONLY

2 A. Generally the same thing. 13:30:52

3 Generally similar. That the Governor 13:30:54

4 should keep doing his job. And that we 13:30:58

5 should continue to highlight the good job 13:31:02

6 he's doing. And when he does things that 13:31:04

7 impact a community, find the people who 13:31:06

8 are satisfied and want to say so. 13:31:09

9 Q. You said that you and Lis 13:31:17

10 during this conversation conveyed that 13:31:19

11 the Governor should do his job and 13:31:20

12 Melissa conveyed the same thing. Who was 13:31:22

13 promoting something besides that? 13:31:25

14 A. Nobody. 13:31:27

15 Q. Okay. And the discussion about 13:31:28

16 Charlotte during this conversation, was 13:31:34

17 it limited to what you described earlier 13:31:36

18 about the Governor believing he was being 13:31:38

19 paternalistic and there being a 13:31:40

20 difference in perception? 13:31:43

21 A. Yes. 13:31:45

22 Q. Anything else about Ms. Bennett 13:31:48

23 during this conversation? 13:31:49

24 A. No. 13:31:50

25 Q. And between the time of this 13:31:54

1 ATTORNEYS' EYES ONLY

2 conversation, the last one, and the time 13:31:56

3 that the news broke of Ms. Bennett's 13:31:58

4 allegations, how many, if you can 13:32:00

5 ballpark, how many conversations have you 13:32:02

6 had about Ms. Bennett -- how many 13:32:03

7 conversations have you had that involved 13:32:06

8 Ms. Bennett's allegations? 13:32:08

9 A. Countless conversations at the 13:32:09

10 time of the New York Times allegation. 13:32:16

11 And I really couldn't ballpark a number. 13:32:19

12 Sort of like -- it's really about how 13:32:21

13 many days are you dealing with it as 13:32:23

14 opposed to number of conversations. 13:32:25

15 So I don't remember when the 13:32:29

16 original inquiry from the New York Times 13:32:30

17 came out. And then the Times came out. 13:32:32

18 And then there were a couple of TV hits, 13:32:34

19 Charlotte went and did some TV 13:32:39

20 interviews. So that would have been the 13:32:42

21 time of almost all of those 13:32:44

22 conversations. 13:32:46

23 Q. When was that period? 13:32:49

24 A. Whenever the story broke. 13:32:51

25 Whatever. 13:32:56

1 ATTORNEYS' EYES ONLY

2 Q. So to him, if I represent to 13:32:58

3 you that the New York Times story came 13:33:00

4 out February 27th, 2021? 13:33:02

5 A. Okay, so then it would be like 13:33:04

6 24th, 5th, something like that, through 13:33:07

7 March 15th, I'm guessing. Actually, no, 13:33:12

8 I went on vacation, so at some point I 13:33:16

9 stopped, so in that March 15th range, 13:33:19

10 that's why I said that. 13:33:20

11 Q. And who was involved in these 13:33:24

12 conversations about Ms. Bennett's 13:33:26

13 allegations during this period of time? 13:33:27

14 A. The same group that I 13:33:29

15 referenced before. 13:33:30

16 Q. And do you recall what was 13:33:31

17 discussed during these calls, during 13:33:33

18 these discussions? 13:33:35

19 A. Very much about how to respond 13:33:36

20 to the allegations against Ms. Bennett. 13:33:41

21 And so there was a conversation about 13:33:46

22 whatever facts that we knew or had at our 13:33:48

23 disposal in terms of what folks at the 13:33:51

24 Chamber might have known at the time. 13:33:55

25 And frankly, most of what we do in those 13:33:59

1 ATTORNEYS' EYES ONLY

2 situations is listen, we're taking 13:34:02

3 reporters' questions and kind of going 13:34:05

4 through each one and saying how do you 13:34:07

5 deal with X, Y, Z and sort of itemize it. 13:34:09

6 I couldn't remember all of those 13:34:12

7 questions. That's what it was. 13:34:13

8 Q. Okay. Anything else beyond how 13:34:19

9 to respond and gathering facts? 13:34:23

10 A. No. 13:34:30

11 Q. Do you recall if anyone asked 13:34:33

12 if Ms. Bennett's allegations were true? 13:34:34

13 A. That specific question, no. 13:34:37

14 But these are the things that have been 13:34:45

15 said. What is your recollection. Yes. 13:34:47

16 Q. Okay. And what was involved in 13:34:52

17 those discussions? 13:34:54

18 A. Conversations with, I sort of 13:34:55

19 referenced it before, conversations with 13:35:01

20 Judy Mogul and the team about what had 13:35:02

21 been discussed by Charlotte Bennett at 13:35:11

22 the time, whenever that time was. And 13:35:13

23 then conversations about the Governor's 13:35:19

24 beliefs or version of the facts and to 13:35:24

25 the exact same stuff. 13:35:28

1 ATTORNEYS' EYES ONLY

2 Q. Okay. So you said there were 13:35:30
3 discussions about how to respond. What 13:35:38
4 was decided in relation to how the 13:35:39
5 Chamber would respond? 13:35:42

6 A. The decision at the time of the 13:35:43
7 story, which is what you're asking, 13:35:50
8 right? 13:35:54

9 Q. Let's focus on the time of the 13:35:54
10 story for now as opposed to in the weeks 13:35:56
11 following. 13:35:59

12 A. Right. Because it's different. 13:35:59
13 That's why I said that, right. So at the 13:36:00
14 time of the story, it was to respond to 13:36:03
15 the reporters' inquiries and kind of go 13:36:04
16 question by question and figure out which 13:36:07
17 ones to respond to. Some of them you 13:36:13
18 decide not to respond to, because you 13:36:14
19 don't think that it's helpful. 13:36:16

20 Again, I couldn't remember 13:36:17
21 which ones we decided to and decided not 13:36:18
22 to and which ones of course the reporter 13:36:20
23 decided not to put into the piece. But 13:36:22
24 it was largely a point by point look at 13:36:26
25 each one of, whatever the questions were, 13:36:30

1 ATTORNEYS' EYES ONLY

2 point by point on the questions and how 13:36:31

3 to respond to each one. 13:36:36

4 Q. Do you recall anything about 13:36:37

5 the questions that had been raised? 13:36:38

6 A. Truthfully, I don't. I know 13:36:39

7 I'm not supposed to say truthfully. 13:36:42

8 Obviously truthfully. But I don't. 13:36:44

9 Q. Well, you're telling the truth 13:36:47

10 today? 13:36:51

11 A. Well, that's why I said that, 13:36:51

12 obviously truthfully. I don't remember. 13:36:54

13 Q. Do you recall anything more 13:36:56

14 specific about how you were approaching 13:36:58

15 how to respond to the allegations in the 13:37:00

16 New York Times story? 13:37:02

17 A. Same theory as before. I, 13:37:03

18 during this entire period, have not 13:37:08

19 changed my stripes. Softer. Contrition. 13:37:10

20 Particularly given the circumstances that 13:37:17

21 the Governor firmly believed that it was 13:37:23

22 a difference in perception. So I don't 13:37:25

23 remember the specific questions, but that 13:37:37

24 was my general philosophy. 13:37:38

25 Q. I think we covered this earlier 13:37:39

1 ATTORNEYS' EYES ONLY

2 in relation to discussions about Ms. 13:37:41
3 Bennett's allegation, there hasn't been a 13:37:43
4 reputation of certain facts, meaning did 13:37:45
5 particular conversations happen. It was 13:37:50
6 about the perception of these 13:37:51
7 conversations, correct? 13:37:53

8 A. I am sure that some of the 13:37:54
9 facts there is dispute over, but that 13:37:57
10 wasn't the conversation. It's much more 13:38:00
11 about the perception of various 13:38:03
12 conversations, not a disputing of certain 13:38:04
13 facts. 13:38:07

14 Q. Okay. But even if there are 13:38:08
15 certain facts, there are certain facts 13:38:12
16 that are not disputed, meaning that the 13:38:14
17 Governor acknowledges that certain 13:38:16
18 conversations took place? 13:38:18

19 A. I would let him say that. I am 13:38:18
20 not going to say what the facts that the 13:38:20
21 Governor believes are. 13:38:22

22 Q. Well, you're presenting these 13:38:24
23 to the press, right? 13:38:25

24 A. Whatever I presented to the 13:38:26
25 press was presented as this is what the 13:38:27

1	ATTORNEYS' EYES ONLY	
2	Governor believes, yes.	13:38:29
3	Q. And you were involved in	13:38:31
4	conversations with the Governor about	13:38:33
5	these particular instances, correct?	13:38:35
6	A. Yes.	13:38:39
7	Q. During those conversations, had	13:38:39
8	the Governor indicated that, in fact,	13:38:40
9	some of the conversations at issue in Ms.	13:38:43
10	Bennett's allegations took place?	13:38:46
11	A. Yes. I am being careful only	13:38:48
12	in that I don't know -- so I'm not saying	13:38:52
13	that he said those exact words where it	13:38:54
14	happened. So I am just being specific on	13:38:57
15	that. But yes, but that conversations	13:38:58
16	had taken place and there was a	13:39:03
17	difference in perception.	13:39:05
18	Q. Had the Governor acknowledged	13:39:06
19	that a conversation took place that	13:39:07
20	involved discussion about Ms. Bennett	13:39:09
21	being a victim of sexual assault?	13:39:12
22	A. Yes.	13:39:14
23	Q. Okay.	13:39:15
24	A. For sure.	13:39:17
25	Q. All right. Had the Governor	13:39:18

1 ATTORNEYS' EYES ONLY

2 ever explained why his perception of the 13:39:25

3 situation matters? 13:39:28

4 A. Why it matters? 13:39:28

5 Q. Sorry. Maybe if I break it 13:39:35

6 down a bit. So his side of the story has 13:39:37

7 been that, you know, he was being 13:39:39

8 paternalistic, something like that? 13:39:41

9 A. Mm-hmm. 13:39:42

10 Q. Has he ever given further 13:39:43

11 explanation as to why he thinks his 13:39:45

12 paternalism matters? 13:39:47

13 A. I don't think so. 13:39:57

14 Q. Has anyone ever pushed him on 13:39:58

15 that or asked him? 13:40:00

16 A. I don't know. 13:40:00

17 Q. And were you involved in 13:40:04

18 helping or taking part in the Executive 13:40:10

19 Chamber's response to the allegations? 13:40:14

20 A. Yes. 13:40:15

21 Q. And what did you do? 13:40:18

22 A. We crafted responses to the 13:40:19

23 reporter's inquiry. Again, because I 13:40:24

24 don't remember -- I don't remember 13:40:27

25 whether we did a statement. I think 13:40:29

1 ATTORNEYS' EYES ONLY

2 maybe we did a statement. Maybe. But 13:40:30

3 the exact thing was how do you deal with 13:40:35

4 the reporter's response. 13:40:38

5 Frequently, as you know, you do 13:40:39

6 a reporter's response and then you offer 13:40:41

7 a statement that goes to other people. I 13:40:43

8 just can't remember whether we did that 13:40:45

9 or not. I am sure you'll tell me, but I 13:40:46

10 just don't remember. 13:40:49

11 Q. Did you have contact with 13:40:51

12 current or former Executive Chamber 13:40:53

13 staff? 13:40:55

14 A. Only the people who were on the 13:40:56

15 calls. 13:40:58

16 Q. So you didn't reach out to any 13:41:00

17 former staffers asking about staff? 13:41:02

18 A. No. 13:41:05

19 Q. Did you have contact with 13:41:05

20 reporters? 13:41:07

21 A. A little bit, although I'm not 13:41:07

22 sure, I'm not sure if it was then. I 13:41:11

23 don't remember. I'm not sure. I don't 13:41:13

24 think so. Not as it relates to this, I 13:41:18

25 don't think so. 13:41:21

1 ATTORNEYS' EYES ONLY

2 Q. And I think you acknowledged 13:41:21

3 this earlier, you did work on press 13:41:27

4 statements? 13:41:28

5 A. Yes. 13:41:29

6 Q. And responses to press 13:41:29

7 inquiries? 13:41:30

8 A. Yes. 13:41:31

9 Q. Did you call any elected 13:41:46

10 officials? 13:41:48

11 A. No. 13:41:49

12 Q. Did you speak with Senator 13:41:49

13 Gillibrand about it? 13:41:52

14 A. I did not. 13:41:52

15 Q. And did you speak to Scott 13:41:57

16 Stringer about it in any way? 13:41:59

17 A. Not until after he made his own 13:42:00

18 statement. So in terms of in advance, 13:42:02

19 no. 13:42:05

20 Q. Going back to Gillibrand, 13:42:08

21 putting aside responding to this 13:42:10

22 particular New York Times story, have you 13:42:12

23 ever discussed with Ms. Gillibrand the 13:42:16

24 sexual harassment allegations levered 13:42:17

25 against Governor Cuomo? 13:42:18

1 ATTORNEYS' EYES ONLY

2 A. I have actually not. 13:42:19

3 Q. What do you recall speaking to 13:42:21

4 Mr. Stringer about in relation to the 13:42:22

5 allegations? 13:42:25

6 A. I'm not sure I spoke to 13:42:25

7 Mr. Stringer at the time. It would have 13:42:27

8 been the campaign team. The campaign 13:42:28

9 team wanted to make a statement about 13:42:33

10 Mr. Cuomo and obviously didn't include me 13:42:34

11 in that conversation, because of my 13:42:37

12 obvious conflict. And then at some point 13:42:40

13 we had a conversation. 13:42:44

14 Q. And who did you have that 13:42:45

15 conversation with? 13:42:46

16 A. The campaign team. 13:42:47

17 Q. Who on the campaign team? 13:42:51

18 A. I don't remember, but probably 13:42:52

19 the campaign manager [REDACTED] would 13:42:57

20 have been -- [REDACTED] or [REDACTED] 13:43:05

21 would have been the only -- would have 13:43:06

22 been the two. 13:43:07

23 Q. Got you. And when did that 13:43:07

24 conversation happen? 13:43:09

25 A. Either after they issued their 13:43:10

1 ATTORNEYS' EYES ONLY

2 statement or in conjunction, I don't 13:43:15

3 remember, something like that. 13:43:17

4 Q. And what was said during that 13:43:18

5 conversation? 13:43:20

6 A. This is what we have to do, and 13:43:20

7 I said, I understand you have to do what 13:43:24

8 you have to do. 13:43:27

9 Q. That's it? 13:43:28

10 A. On that conversation, yes. I 13:43:29

11 had a conversation with Mr. Stringer at 13:43:32

12 some point, but I don't remember when. 13:43:35

13 Q. Do you recall what was said 13:43:37

14 during that conversation with 13:43:38

15 Mr. Stringer? 13:43:40

16 A. He asked me about the 13:43:40

17 situation. I said I probably was not the 13:43:48

18 right person to have a conversation with 13:43:50

19 because of my bias. And he did what he 13:43:52

20 had to do. That was the general tone. 13:43:56

21 Q. Your bias being that the 13:44:01

22 Governor is a client of yours? 13:44:04

23 A. Yes. Bias is wrong. Client 13:44:05

24 contact would be what I would say more 13:44:08

25 than bias. 13:44:10

1 ATTORNEYS' EYES ONLY

2 Q. Okay. And did you discuss Ms. 13:44:11
3 Bennett's sexual harassment, have you 13:44:20
4 discussed -- let me start narrowly. Have 13:44:22
5 you discussed Ms. Bennett's allegations 13:44:27
6 with any other elected official or 13:44:29
7 potential elected official? 13:44:31

8 A. No. 13:44:36

9 Q. Have you discussed the 13:44:36
10 allegations more generally that have been 13:44:37
11 levied against Governor Cuomo with any 13:44:39
12 elected or potential elected official? 13:44:41

13 A. Sure. 13:44:43

14 Q. Who? 13:44:44

15 A. I have no idea. Sorry. I 13:44:44
16 talked to countless representatives and 13:44:49
17 people. But New York representatives who 13:44:51
18 want to know about the Governor's 13:44:53
19 numbers. And again, most politicians I 13:44:55
20 know are selfish, they want to know how 13:44:57
21 it impacts them. And so sure, we had 13:44:59
22 conversations about the Governor's 13:45:04
23 numbers, politically, but not about the 13:45:06
24 specific allegations. 13:45:09

25 Q. Okay. So am I correct that you 13:45:10

1 ATTORNEYS' EYES ONLY

2 have spoken about the numbers with 13:45:16

3 elected officials, but you haven't 13:45:18

4 discussed the substance of any of the 13:45:19

5 allegations with any of the elected 13:45:21

6 officials? 13:45:22

7 A. I believe that's the case. 13:45:23

8 Q. And I am asking to the best of 13:45:28

9 your recollection, do you recall any 13:45:29

10 specific elected officials that you 13:45:30

11 discussed the numbers with? 13:45:34

12 A. No. 13:45:35

13 Q. Not a single one? 13:45:35

14 A. No, I don't recall the specific 13:45:36

15 people. I have talked to -- I already 13:45:38

16 said I've spoken to many people about the 13:45:42

17 Governor's numbers. I just couldn't tell 13:45:45

18 you who in my list of New York State and 13:45:46

19 City clients. 13:45:48

20 Q. And just to be clear, I wasn't 13:45:56

21 limiting it to just New York. So for 13:45:57

22 instance, if you spoke to a California 13:45:59

23 rep? 13:46:01

24 A. Maybe. I don't know that they 13:46:02

25 would care. So maybe I did, but I don't 13:46:03

1	ATTORNEYS' EYES ONLY	
2	think so.	13:46:06
3	Q. And did you provide any	13:46:12
4	comments on potential press conference	13:46:13
5	statements that would be issued in	13:46:17
6	relation to the Charlotte Bennett	13:46:18
7	allegations?	13:46:19
8	A. I don't think there -- I just	13:46:20
9	don't remember -- eventually we get to a	13:46:22
10	press conference, so you're asking me a	13:46:24
11	question I just don't remember the timing	13:46:26
12	of when we got there and when we decided.	13:46:28
13	Obviously once we did decide to do	13:46:30
14	something public, then, yes. But I just	13:46:34
15	don't remember that we did one here.	13:46:37
16	Q. If you can turn to tab 19.	13:46:42
17	A. Yup.	13:46:55
18	Q. Take a moment to review and let	13:46:55
19	me know when you're ready.	13:46:58
20	(Witness reviews document.)	13:46:59
21	A. Okay.	13:47:22
22	Q. Okay. Do you recognize that	13:47:23
23	document?	13:47:27
24	A. I do.	13:47:27
25	Q. And is that a press statement	13:47:28

1 ATTORNEYS' EYES ONLY

2 that Governor Cuomo made on or about 13:47:31

3 February 27, 2021, correct? 13:47:33

4 A. Yes. That's after the New York 13:47:35

5 Times or you don't know? 13:47:41

6 Q. I think it's the same date. 13:47:43

7 A. Okay. 13:47:45

8 Q. So were you involved in 13:47:51

9 discussions about crafting this 13:47:52

10 statement? 13:47:54

11 A. Yes. 13:47:54

12 Q. Okay. And who did you have 13:47:54

13 those conversations with? 13:47:58

14 A. The same group of people who 13:47:59

15 was on the regular conversation. 13:48:00

16 Q. Okay. And what do you 13:48:02

17 recall -- when were these conversations? 13:48:10

18 A. In anticipation of the New York 13:48:12

19 Times coming out, and that as I said 13:48:16

20 before, you had to respond to the 13:48:20

21 individual questions of the New York 13:48:22

22 Times and then have a statement that went 13:48:23

23 to a broader universe. 13:48:25

24 Q. Okay. And what do you recall 13:48:27

25 being discussed during the conversations 13:48:32

1 ATTORNEYS' EYES ONLY

2 about crafting the statement? 13:48:34

3 A. I don't recall this specific 13:48:35

4 conversation, but the notion was to give 13:48:38

5 a global statement about, that would 13:48:42

6 answer reporters who were not at the New 13:48:49

7 York Times as to what the Governor wanted 13:48:54

8 to say about what was in or what was 13:48:56

9 going to be in the New York Times. 13:48:58

10 Q. Okay. And what do you mean 13:49:00

11 when you say a global statement? 13:49:03

12 A. Meaning there wasn't -- as 13:49:11

13 opposed to where you asked about the New 13:49:11

14 York Times where you're getting point by 13:49:14

15 point whatever the questions are. This 13:49:16

16 is something that's just a statement that 13:49:18

17 goes out, by Global, I sort of meant 13:49:19

18 large press list. So that's what I 13:49:21

19 meant. 13:49:29

20 Q. Got you. If you could turn to 13:49:29

21 tab 20. Take a moment to review and let 13:49:30

22 me know when you're ready. 13:49:37

23 A. Mm-hmm. 13:49:39

24 (Witness reviews document.) 13:50:09

25 A. Yes. 13:50:23

1 ATTORNEYS' EYES ONLY

2 Q. Do you recognize this document? 13:50:24

3 A. I do. 13:50:26

4 Q. And what do you recognize this 13:50:27

5 document to be? 13:50:29

6 A. So it's some draft of the 13:50:30

7 statement or some drafts, I should say, 13:50:33

8 of the statement and some back and forth 13:50:36

9 on it. 13:50:42

10 Q. Okay. And one of the e-mails, 13:50:42

11 the first page of the exhibit, 3454, 13:50:46

12 that's an e-mail from you to the group, 13:50:49

13 correct? 13:50:51

14 A. Correct. 13:50:51

15 Q. Okay. And you say, "My two 13:50:52

16 thoughts. One, don't know why we need to 13:50:55

17 first line, it almost feels dismissive to 13:50:59

18 talk about her length of service in the 13:51:03

19 office. Two, I think we should discuss 13:51:04

20 whether or not there is any language of 13:51:06

21 contrition in the short paragraph last 13:51:07

22 night and now it's gone from here." 13:51:12

23 A. Mm-hmm. 13:51:15

24 Q. So first question, do you know 13:51:15

25 who drafted this statement originally 13:51:17

1 ATTORNEYS' EYES ONLY

2 before the group started editing? 13:51:18

3 A. No. 13:51:20

4 Q. Okay. Do you know what role 13:51:21

5 the Governor played in drafting the 13:51:26

6 statement? 13:51:28

7 A. I don't. 13:51:28

8 Q. Okay. And why did you think it 13:51:29

9 was dismissive to talk about Ms. 13:51:36

10 Bennett's length of service in the first 13:51:38

11 line? 13:51:40

12 A. Just sounds dismissive. When 13:51:40

13 you read it, Ms. Bennett came to work for 13:51:42

14 the Governor's Office for a short period 13:51:44

15 of time. So as is the art piece, it just 13:51:46

16 sounded kind of, I don't know, it sounded 13:51:49

17 dismissive. Short period of time. But 13:51:53

18 that's perception. 13:51:56

19 Q. Do you know who put that in 13:51:58

20 there? 13:52:01

21 A. I don't. 13:52:01

22 Q. Okay. And you say, "I think we 13:52:02

23 should discuss whether or not there is 13:52:08

24 any language of contrition. It was in 13:52:10

25 the short paragraph last night and it's 13:52:12

1	ATTORNEYS' EYES ONLY	
2	gone from here."	13:52:13
3	Do you know who took it out?	13:52:15
4	A. No.	13:52:16
5	Q. Well, the last person to	13:52:17
6	respond, the person to whom you were	13:52:19
7	responding is Melissa DeRosa, correct?	13:52:21
8	A. Correct, yes.	13:52:23
9	Q. Do you know whether or not Ms.	13:52:26
10	DeRosa had taken it out?	13:52:27
11	A. I have no idea.	13:52:29
12	Q. Okay. Why did you think the	13:52:30
13	information about contrition was	13:52:34
14	important?	13:52:36
15	A. I feel like I've overused that	13:52:36
16	word. It is what I believed was critical	13:52:43
17	for people to hear from the Governor.	13:52:46
18	Q. Beyond what's said in here, do	13:52:49
19	you recall any other advice you gave	13:52:54
20	about this, about the Governor's	13:52:56
21	statement?	13:52:58
22	A. I don't.	13:52:59
23	Q. Okay. If you turn to tab 21.	13:52:59
24	A. 21, yes.	13:53:10
25	Q. Yes. Give it a read and let me	13:53:13

1 ATTORNEYS' EYES ONLY

2 know when you're ready. 13:53:17

3 A. This is from me, okay. 13:53:31

4 (Witness reviews document.) 13:53:33

5 A. Sorry, this is prior to the one 13:54:14

6 you just showed me, just from a time 13:54:16

7 stamp perspective, am I correct? 13:54:18

8 Q. Well, the prior e-mails, I 13:54:21

9 think were one you had at 8:46:41 a.m., 13:54:22

10 and this I think is at 12:15 p.m. 13:54:26

11 A. So February 27th, got it. 13:54:30

12 8:48. Yup, yup, yup. Okay. Got it. 13:54:38

13 Thank you. Sorry, was just clarifying. 13:54:41

14 Okay. 13:54:49

15 Q. Why did you suggest adding "I 13:54:50

16 always wanted to make her feel supported 13:54:54

17 and valued"? 13:54:57

18 A. It's the language of both 13:54:58

19 contrition, but also paternalism. 13:55:03

20 Q. And then did you know whether 13:55:12

21 or not that was true, whether or not 13:55:15

22 that's what the Governor actually wanted? 13:55:16

23 A. That is what the Governor said. 13:55:18

24 Q. When did he say that? 13:55:20

25 A. I don't know. 13:55:21

1 ATTORNEYS' EYES ONLY

2 Q. Okay. And you say, "We shared 13:55:26
3 a lot of personal information." Why did 13:55:28
4 you want to include that? 13:55:31

5 A. Because I thought that it 13:55:32
6 underscored the paternalism. That she 13:55:37
7 was coming to him with things. And he 13:55:39
8 was sharing with her in a fatherly way. 13:55:42

9 Q. Is it your understanding that 13:55:47
10 Ms. Bennett came to him at this 13:55:49
11 particular, in that instance? 13:55:51

12 A. Yes. 13:55:56

13 Q. What is your understanding of 13:55:57
14 how that conversation took place? 13:55:58

15 A. I don't know the specifics. So 13:56:00
16 try me again. 13:56:04

17 Q. Sure. So you said it was your 13:56:06
18 understanding that Ms. Bennett came to 13:56:09
19 the Governor at that instance, right? 13:56:10

20 A. Yeah. At some instance. I 13:56:12
21 don't know what instance. And I don't 13:56:15
22 know what, I don't know what point, but 13:56:16
23 yes. 13:56:20

24 Q. Okay. "We shared a lot of 13:56:20
25 personal information," correct? Okay. 13:56:30

1 ATTORNEYS' EYES ONLY

2 And do you know in fact that the Governor 13:56:31
3 shared lots of personal information with 13:56:34
4 Ms. Bennett? 13:56:36

5 A. I do not have personal 13:56:36
6 knowledge, because I wasn't in the room, 13:56:38
7 but that is what the Governor said. 13:56:39

8 Q. Did he describe any of the 13:56:41
9 personal information he shared with Ms. 13:56:43
10 Bennett? 13:56:45

11 A. He talked about his experience 13:56:45
12 with [REDACTED] 13:56:49

13 Q. Did he say anything else about 13:56:50
14 the personal information he shared with 13:56:58
15 Ms. Bennett? 13:57:04

16 A. No, but the reason for saying 13:57:05
17 personal information is not to name [REDACTED] 13:57:06
18 [REDACTED] in this. That's the reason the 13:57:08
19 language is as it is. 13:57:09

20 Q. And why did you suggest having 13:57:11
21 "something good about her"? 13:57:14

22 A. I think it was important that 13:57:16
23 they talk about the positive role that 13:57:18
24 she had in whatever things she was doing. 13:57:19

25 Q. Okay. And why did you offer or 13:57:22

1 ATTORNEYS' EYES ONLY

2 suggest, "I shared some of the troubles 13:57:29

3 in my own life"? 13:57:33

4 A. That's the same as "We shared a 13:57:36

5 lot of personal information." Frankly 13:57:38

6 it's redundant to some extent. 13:57:40

7 Q. So the information or the 13:57:42

8 troubles in his own life relate to the 13:57:45

9 same personal information he shared? 13:57:47

10 A. That's correct. 13:57:48

11 Q. Meaning the stuff about [REDACTED] 13:57:50

12 [REDACTED] and nothing else? 13:57:51

13 A. That is correct. 13:57:52

14 Q. During the conversation that we 13:57:53

15 discussed earlier when the Governor and 13:58:06

16 Ms. Bennett had a conversation involving 13:58:09

17 Ms. Bennett being a sexual assault 13:58:12

18 victim, could you tell me everything you 13:58:15

19 recall about what the Governor said about 13:58:18

20 how that conversation took place? 13:58:26

21 A. I don't -- she came to the 13:58:27

22 Governor. How she came to the Governor, 13:58:31

23 I have no idea. But that she had 13:58:33

24 initiated a conversation about either how 13:58:37

25 excited she was or how happy she was to 13:58:41

1 ATTORNEYS' EYES ONLY

2 work for the Governor. And explained her 13:58:43

3 traumatic situation that she had suffered 13:58:45

4 in college, I think, I think, I think. 13:58:48

5 And that working for the Governor was 13:58:58

6 sort of a real highlight, something 13:59:02

7 positive because of the work that he had 13:59:04

8 done on sexual assault legislation in 13:59:08

9 Albany. 13:59:12

10 Q. What else has the Governor said 13:59:12

11 about the conversation? 13:59:20

12 A. I don't think there is much 13:59:21

13 more than that. 13:59:30

14 Q. Meaning the Governor hasn't 13:59:37

15 conveyed to you how the subject of -- how 13:59:39

16 conversation about whether or not 13:59:49

17 Ms. Bennett had been raped was raised? 13:59:50

18 A. At that initial conversation, 13:59:52

19 when she came to him and told him that 13:59:57

20 story, I don't know. 13:59:59

21 Q. Okay. All right. And why did 14:00:00

22 you think all of these suggestions were 14:00:06

23 important for the press strategy here? 14:00:10

24 A. Because this version, this 14:00:14

25 version of the facts suggest the 14:00:21

1 ATTORNEYS' EYES ONLY

2 paternalistic relationship that Governor 14:00:23

3 Cuomo believed that, that he had with 14:00:27

4 her. 14:00:30

5 Q. Okay. If you can turn to tab 14:00:36

6 22. 14:00:39

7 A. Okay. 14:00:48

8 Q. Tell me when you're ready. 14:00:49

9 (Witness reviews document.) 14:00:50

10 A. So this is like one on top of 14:01:10

11 the other. Okay. Just a change in -- 14:01:14

12 got it, okay. Yup. 14:01:16

13 Q. Okay. Now why did you suggest 14:01:23

14 trying to relate to her troubles by 14:01:27

15 sharing some of mine? 14:01:31

16 A. I think it sounds better. I 14:01:31

17 think it relates to the questions that 14:01:32

18 you asked me before in terms of shared 14:01:34

19 personal information and tried to relate 14:01:36

20 with her struggles by sharing some of my 14:01:39

21 own, it just sounded better. 14:01:40

22 Q. The struggles being what? 14:01:42

23 A. ████████████████████ 14:01:43

24 Q. Okay. Now if you turn to tab 14:01:44

25 24. Please review and let me know when 14:01:51

1	ATTORNEYS' EYES ONLY	
2	you're ready.	14:01:58
3	(Witness reviews document.)	14:01:59
4	A. Okay. This is later in the	14:02:00
5	day, okay. Got it.	14:02:11
6	Q. Ready?	14:02:12
7	A. Yes.	14:02:15
8	Q. And you ask: "And why are we	14:02:15
9	changing 'have never made sexual advances	14:02:21
10	towards women in the workplace' with one	14:02:24
11	that just says Ms. Bennett? I would	14:02:27
12	think he would like the broader denial."	14:02:29
13	A. Mm-hmm.	14:02:32
14	Q. Do you know why it was changed?	14:02:33
15	A. No.	14:02:36
16	Q. No one ever told you why it was	14:02:37
17	changed?	14:02:40
18	A. No. But I -- no. I know what	14:02:41
19	I am referring to.	14:02:48
20	Q. What are you referring to?	14:02:49
21	A. I believed -- I have a notion	14:02:51
22	that the response should be larger than	14:02:52
23	just about Ms. Bennett, meaning that it	14:02:58
24	covered, going back to Ms. Boylan, that	14:03:01
25	it covered a situation like Ms. Boylan.	14:03:04

1 ATTORNEYS' EYES ONLY

2 I actually, I remember this, I 14:03:08
3 remember sort of either somebody says it 14:03:10
4 or somebody, you know, somebody says it 14:03:13
5 or I come to the realization that 14:03:17
6 actually that's the wrong approach 14:03:19
7 because the story is about Charlotte 14:03:21
8 Bennett and therefore the statement 14:03:23
9 should be about Ms. Bennett. 14:03:24

10 Q. Okay. So you no longer thought 14:03:26
11 a broader denial would be better? 14:03:31

12 A. Just for this particular -- 14:03:33
13 because it was responding to a story, I 14:03:34
14 came to agree, I don't know who said it 14:03:36
15 and I don't know who suggested it, and it 14:03:40
16 may even be that I came to the conclusion 14:03:42
17 myself, that because we were responding 14:03:46
18 to the New York Times story, that it 14:03:48
19 should be about the New York Times story, 14:03:49
20 and therefore Ms. Bennett specific, not 14:03:51
21 anything broader. 14:03:55

22 Q. Do you know of there being any 14:03:56
23 other reason why a broader denial was 14:03:59
24 removed from the statement? 14:04:02

25 A. No, I do not. 14:04:03

1 ATTORNEYS' EYES ONLY

2 Q. Okay. But you acknowledge that 14:04:04
3 the broader denial was admitted and the 14:04:09
4 more narrow denial was added? 14:04:12

5 A. No, I don't actually. Because 14:04:14
6 it says, "I would think he would like the 14:04:16
7 broader denial." That doesn't say that 14:04:18
8 there was something -- maybe there was, 14:04:19
9 you would have to show me. But you don't 14:04:22
10 know that there was. That to me is 14:04:24
11 speculating. 14:04:25

12 Q. Okay. Can you turn to tab 25. 14:04:30

13 A. There you go. Okay. 14:04:33

14 Q. Ready? 14:04:44

15 A. Yes. This one I remember. 14:04:45

16 Q. Okay. What do you remember 14:04:47
17 about it? 14:04:48

18 A. I remember, as I said, either I 14:04:48
19 came to the conclusion or somebody 14:04:52
20 suggested it to me. I don't remember 14:04:54
21 which, but that it shouldn't have a 14:04:56
22 broader denial. It should just be about 14:04:58
23 the individual charges from Ms. Bennett. 14:05:06

24 Q. And do you know why you came to 14:05:10
25 retract your last comment? 14:05:11

1 ATTORNEYS' EYES ONLY

2 A. As I said, I don't know whether 14:05:12
3 it was me or a conversation. Actually, I 14:05:14
4 think it may have been me on my own, but 14:05:17
5 I don't know. 14:05:19

6 Q. And you say, "But I still think 14:05:20
7 unless paternalistic is in the story we 14:05:23
8 should change"; what did you mean by 14:05:27
9 that? 14:05:28

10 A. So as I've said a couple of 14:05:29
11 times, "paternalistic" is a word that the 14:05:31
12 Governor has used. As I said before, I 14:05:33
13 don't love the word. I just think it 14:05:37
14 sounds kind of -- it just sounds kind of 14:05:39
15 old fashioned in some ways. And so I 14:05:42
16 thought unless somebody had said in 14:05:47
17 quotes "paternalistic," that I would 14:05:52
18 rather not use that word. Art not 14:05:54
19 science. 14:06:00

20 Q. Got you. And what word do you 14:06:00
21 think would have been better? 14:06:02

22 A. I don't remember what I said. 14:06:03
23 I don't remember what I felt. Whether I 14:06:05
24 thought it was "mentor" was one of them, 14:06:07
25 I think I liked, for example. But I 14:06:12

1 ATTORNEYS' EYES ONLY

2 don't remember. 14:06:16

3 Q. And why did you or -- why do 14:06:17

4 you think "paternalism" was a bad word in 14:06:19

5 this context? 14:06:24

6 A. It's not a bad word in this 14:06:24

7 context, but I just didn't like it. 14:06:26

8 I know that's not a great 14:06:27

9 answer but again there is no science 14:06:29

10 here. It's just a matter of what I 14:06:31

11 thought sounded good and I just didn't 14:06:33

12 like the sound of paternalistic, and I 14:06:35

13 could have been wrong on that. 14:06:37

14 Q. Well, sorry for putting words 14:06:38

15 in your mouth, meaning you didn't say it 14:06:40

16 was bad? 14:06:42

17 A. No. 14:06:43

18 Q. What gave you pause about using 14:06:43

19 the word "paternalism"? 14:06:48

20 A. I believe it sounded old 14:06:56

21 fashioned. I don't think paternalistic 14:06:57

22 is a word of common parlance. And I 14:07:00

23 think that when you are responding to a 14:07:02

24 press story, you try to use words that 14:07:04

25 are far more common parlance than not. 14:07:10

1 ATTORNEYS' EYES ONLY

2 Q. Got you. Did your concerns 14:07:15
3 about the use of the word "paternalism" 14:07:21
4 relate in any way to the fact that it may 14:07:24
5 be odd for an employee or a boss to have 14:07:25
6 a paternalistic relationship with their 14:07:28
7 new employee? 14:07:31

8

9 MR. LEVINE: I'm sorry, can you 14:07:32
10 say that question again? I apologize. 14:07:33

11 MR. GRANT: Sure. 14:07:36

12 Q. Understanding what you 14:07:36
13 testified to as the basis for your 14:07:37
14 concern, was there also some concern 14:07:39
15 based on the fact that it would be odd 14:07:41
16 for a boss to have a paternalistic 14:07:45
17 relationship with a subordinate? 14:07:49

18 A. No. 14:07:56

19 Q. And if you turn to tab 26. My 14:07:57
20 question relates to the first e-mail. 14:08:19

21 A. Yup, got it. 14:08:22

22 Q. Do you have any understanding 14:08:23
23 of what Mr. Ajemian meant when he said 14:08:25
24 "He's got it"? 14:08:28

25 A. Not in this particular, not in 14:08:29

1 ATTORNEYS' EYES ONLY

2 this particular one. I don't know 14:08:31

3 whether the he is -- I really don't know. 14:08:33

4 Q. Okay. Take a moment to review 14:08:38

5 the rest of the correspondence and see 14:08:41

6 whether or not that refreshes your 14:08:43

7 recollection. 14:08:46

8 A. It still wouldn't, because the 14:08:46

9 he -- 14:08:48

10 MR. LEVINE: Take a moment. 14:08:56

11 Take the advice of Mr. Grant and take 14:08:58

12 a moment. 14:09:01

13 A. I don't know. I don't know. 14:09:01

14 Q. If you can go to tab 27. Take 14:09:04

15 a moment to review. 14:09:15

16 (Witness reviews document.) 14:09:16

17 A. This is not related to this, is 14:09:17

18 it? 14:09:20

19 Q. No. 14:09:20

20 A. Okay. There you go. 14:09:21

21 Q. What do you mean? 14:09:52

22 A. My answer about paternalistic 14:09:53

23 is here. You could have helped me. 14:09:54

24 Q. You should remember. 14:09:58

25 A. Good luck with that. Okay. 14:09:59

1 ATTORNEYS' EYES ONLY

2 Q. Okay. Focusing your attention 14:10:03

3 at the bottom of the first page, 6741. 14:10:05

4 A. Okay, yup, bottom, yup. 14:10:09

5 Q. And there is an e-mail from 14:10:10

6 Josh Vlasto dated February 27th, 2021 at 14:10:13

7 3:02 p.m.? 14:10:18

8 A. Hold on. Hold on. I don't see 14:10:19

9 that. At 3:04 p.m. 14:10:21

10 Q. 3:02. 14:10:24

11 A. I don't see that. Just hold on 14:10:25

12 one second. 14:10:27

13 MR. LEVINE: It's hard to see 14:10:32

14 because it was indented. 14:10:33

15 A. Sorry, it's indented, hard to 14:10:34

16 see. Yes. 14:10:36

17 Q. And it says: "Spoke to MDR, 14:10:36

18 this clause has to come out." And then 14:10:40

19 below that it says: "Nor did I ever 14:10:42

20 think I was acting in any way that was 14:10:45

21 inappropriate." 14:10:47

22 A. Mm-hmm. 14:10:48

23 Q. And am I correct that MDR 14:10:49

24 refers to Melissa DeRosa? 14:10:51

25 A. Correct. 14:10:54

1 ATTORNEYS' EYES ONLY

2 Q. Do you have any understanding 14:10:54

3 as to why that clause had to come out? 14:10:57

4 A. No. 14:10:59

5 Q. Did you ask anyone why the 14:11:04

6 clause is coming out? 14:11:06

7 A. No. It's incredibly regular 14:11:07

8 that that happens. 14:11:09

9 Q. Do you think there is any issue 14:11:10

10 with the fact that this clause came out? 14:11:12

11 A. No. 14:11:13

12 Q. Why not? 14:11:22

13 A. Well, if I did I would have 14:11:22

14 spoken up at the time. So I don't, I 14:11:25

15 don't think I, I don't think I did. I 14:11:28

16 don't think it meant anything to me. 14:11:30

17 Meaning, I didn't, I don't think it was 14:11:33

18 critical to the statement. 14:11:35

19 So when somebody says take 14:11:36

20 something out, if I don't think it's 14:11:37

21 critical for the statement, I am not 14:11:41

22 going to argue for it. But I don't 14:11:42

23 remember, I don't remember this specific 14:11:44

24 exchange. 14:11:45

25 Q. All right. If you go to tab 14:11:46

1 ATTORNEYS' EYES ONLY

2 29. 14:11:54

3 A. Okay. 14:12:22

4 Q. Do you have any understanding 14:12:23

5 as to why Ms. DeRosa was sending this to 14:12:25

6 the group? 14:12:27

7 A. Because Karen Hinton, who had 14:12:28

8 been known to have issues with the 14:12:33

9 Governor, sent this tweet. 14:12:34

10 Q. Okay. She sent the tweet, but 14:12:41

11 do you have any understanding of why 14:12:45

12 Ms. DeRosa was sharing it with you all? 14:12:46

13 What were you all supposed to do with 14:12:48

14 that? 14:12:50

15 A. In the context of what we were 14:12:50

16 dealing with, it suggested, because it 14:12:58

17 said Charlotte Bennett isn't a liar, it 14:13:03

18 suggested that Karen Hinton had something 14:13:06

19 to say. So therefore we need to think 14:13:08

20 about it or prepare. 14:13:10

21 Q. All right. Do you know what 14:13:13

22 role, if any, Chris Cuomo played in terms 14:13:18

23 of drafting or crafting the statement? 14:13:19

24 A. Which statement? 14:13:21

25 Q. The statement we were just 14:13:27

1 ATTORNEYS' EYES ONLY

2 discussing, meaning the Governor's -- 14:13:28

3 let's make it more broad. 14:13:31

4 Can you describe Chris Cuomo's 14:13:32

5 role in connection with conversations 14:13:34

6 about responding to the allegations of 14:13:35

7 sexual harassment that had been made 14:13:39

8 against the Governor? 14:13:40

9 A. Sure, Chris Cuomo has been 14:13:41

10 involved, was involved from time to time 14:13:45

11 in various conversations about, about how 14:13:48

12 to respond to allegations against the 14:13:51

13 Governor. 14:13:53

14 Q. Anything more specific, meaning 14:13:55

15 what sort of advice he proffered, 14:13:57

16 anything like that? 14:13:58

17 A. It would depend on the 14:13:59

18 situation. And I don't remember which. 14:14:07

19 He was a part of some conversations, but 14:14:09

20 not a part of many. 14:14:11

21 Q. Okay. And Ajemian, what role 14:14:12

22 was he serving? 14:14:15

23 A. Mr. Ajemian worked with the 14:14:16

24 Governor, so he was a part of every 14:14:18

25 conversation, almost every conversation 14:14:20

1	ATTORNEYS' EYES ONLY	
2	in these.	14:14:21
3	Q. Okay.	14:14:22
4	A. Because he had to function, he	14:14:22
5	had to actually do the stuff.	14:14:25
6	Q. Lis Smith?	14:14:26
7	A. What about her?	14:14:33
8	Q. What role was she serving in	14:14:34
9	terms of -- what was she doing in	14:14:37
10	connection with the response effort?	14:14:40
11	A. Lis would help with the	14:14:41
12	crafting of statements and sometimes	14:14:43
13	would talk to reporters.	14:14:51
14	Q. Okay. Do you know which	14:14:52
15	reporters Ms. Smith had talked to?	14:14:53
16	A. Not, not, not specifically.	14:14:55
17	Q. What role is Josh Vlasto	14:14:57
18	serving in this effort?	14:15:04
19	A. Same, advisor, counsel,	14:15:05
20	somebody who had been in the Chamber that	14:15:07
21	understood press and communications.	14:15:09
22	Q. Melissa DeRosa?	14:15:11
23	A. Two heads. One as somebody who	14:15:14
24	understands communications and one as who	14:15:21
25	understood the Governor and what was	14:15:28

1 ATTORNEYS' EYES ONLY

2 going on in the Chamber. 14:15:30

3 Q. Rich Azzopardi? 14:15:32

4 A. Same as Peter Ajemian. 14:15:35

5 Q. Linda Lacewell? 14:15:37

6 A. Advisor. Long-time Cuomo 14:15:39

7 person. So knowledgeable about years of, 14:15:47

8 years of working with the Governor. 14:15:50

9 Q. Judith Mogul or Judy Mogul? 14:15:54

10 A. Legal. Legal internal working 14:15:57

11 at the Chamber. 14:16:05

12 Q. Jeff Garvey? 14:16:10

13 A. Same. 14:16:12

14 Q. Stephanie Benton? 14:16:12

15 A. I don't know what 14:16:14

16 Stephanie's -- Stephanie is right hand to 14:16:15

17 the Governor. I don't know what her 14:16:18

18 actual title is, but Stephanie is the 14:16:21

19 person who makes the train sort of run on 14:16:23

20 time in terms of the Governor's schedule. 14:16:25

21 Q. And for each of these, I mean 14:16:27

22 more specifically what role were they 14:16:29

23 serving in terms of responding to these 14:16:30

24 allegations? 14:16:34

25 A. Thank you, I'm sorry. And I 14:16:35

1 ATTORNEYS' EYES ONLY

2 gave, I gave the right answer on all of 14:16:37

3 those other people. 14:16:41

4 Stephanie's role was not in 14:16:42

5 general advisor, it was much more 14:16:46

6 factual. Because Stephanie knew how 14:16:54

7 things worked and where things were kind 14:16:55

8 of a thing. So much more kind of factual 14:16:57

9 person. 14:17:03

10 Q. Steve Cohen? 14:17:11

11 A. Communications advisor with a 14:17:12

12 little bit of legal advisor. Not as 14:17:13

13 lawyer, quote unquote, but with lawyer -- 14:17:16

14 but with lawyer's mind in the back of his 14:17:18

15 head. 14:17:22

16 Q. Got you. So it's your 14:17:22

17 understanding that during these 14:17:23

18 conversations Mr. Cohen wasn't providing 14:17:24

19 legal advice? 14:17:27

20 A. I don't, I don't know that. 14:17:27

21 Q. Dani Lever? 14:17:33

22 A. Communications, advice. Same 14:17:34

23 as Josh and myself and Lis. 14:17:39

24 Q. Even though she no longer 14:17:40

25 worked there, right? 14:17:42

1 ATTORNEYS' EYES ONLY

2 A. Well, neither did Josh. 14:17:43

3 Q. Fair enough. And what was the 14:17:45

4 Governor doing as part of these 14:17:53

5 conversations? 14:17:54

6 A. He was involved in a few 14:17:55

7 conversations but not all conversations. 14:17:57

8 So I couldn't tell you specifically what. 14:17:59

9 But the most important thing was to hear 14:18:00

10 his version of the facts in any 14:18:05

11 conversation. 14:18:07

12 Q. And when you say hear this 14:18:10

13 version of the facts, at any point did 14:18:12

14 anyone suggest that other inquiries 14:18:15

15 should happen to test the veracity of 14:18:17

16 what the Governor said? 14:18:20

17 A. The conversation with the 14:18:21

18 Governor was largely about what he said 14:18:33

19 versus what somebody else said. So I'm 14:18:36

20 not sure what independent veracity there 14:18:40

21 could be in those, as you pointed out 14:18:43

22 before. I'm not sure that -- I don't 14:18:45

23 know what independent veracity there 14:18:48

24 would be. 14:18:50

25 Q. Can you turn to tab 30. 14:18:55

1 ATTORNEYS' EYES ONLY

2 A. Yup. 14:18:58

3 Q. Did you have any -- do you 14:18:59

4 recognize this document? 14:19:03

5 A. I do. 14:19:04

6 Q. And what do you recognize this 14:19:05

7 document to be? 14:19:08

8 A. Statement after the statement. 14:19:09

9 Statement after the first statement. 14:19:16

10 Q. Okay. Do you have any 14:19:17

11 understanding as to why this statement, 14:19:24

12 why the Governor put out this statement 14:19:28

13 only one day after the prior statement? 14:19:30

14 A. I don't, I don't remember. 14:19:32

15 Q. Okay. And were you involved in 14:19:34

16 discussions about the crafting of this 14:19:36

17 statement? 14:19:38

18 A. Yes. 14:19:39

19 Q. Okay. And what was your role 14:19:39

20 in those discussions? 14:19:42

21 A. Language of what the statement 14:19:43

22 should say. 14:19:46

23 Q. Okay. Anything else you 14:19:47

24 recall? 14:19:51

25 A. I really don't remember why we 14:19:51

1 ATTORNEYS' EYES ONLY

2 did this 24 hours later. I don't. 14:19:54

3 Q. And do you have -- if you look 14:19:59

4 at the third paragraph, it says: "At 14:20:03

5 work sometimes I think I am being playful 14:20:07

6 and make jokes that I think are funny. I 14:20:09

7 do on occasion tease people on what I 14:20:12

8 think is a good-natured way. I do it in 14:20:14

9 public and in private. You have seen me 14:20:17

10 do it at briefings hundreds of times. I 14:20:19

11 have teased people about their personal 14:20:21

12 lives, their relationships, about getting 14:20:23

13 married or not getting married. I mean 14:20:25

14 no offense and only attempt to add some 14:20:27

15 levity and banter to what is a very 14:20:29

16 serious business." 14:20:31

17 Did you provide any commentary 14:20:34

18 or suggestions as to that statement? 14:20:36

19 A. I think I did. And now I 14:20:37

20 remember why we did the statement. 14:20:40

21 Q. Okay. Why did you do the 14:20:43

22 statement? 14:20:44

23 A. Because I think Charlotte did 14:20:44

24 an interview and I think this was in 14:20:46

25 response -- I shouldn't say I know. I 14:20:48

1 ATTORNEYS' EYES ONLY

2 think Charlotte did an interview and 14:20:51

3 therefore this was responsive to the 14:20:53

4 interview that she did with Nora 14:20:57

5 O'Donnell, I believe. 14:21:00

6 MR. LEVINE: That is what you 14:21:05

7 remember? 14:21:06

8 THE WITNESS: That is what I 14:21:06

9 remember. 14:21:07

10 Q. Okay. 14:21:07

11 A. And as to that specific 14:21:08

12 paragraph, I don't remember anything in 14:21:11

13 particular as it relates to that 14:21:15

14 paragraph, but it is something that he 14:21:16

15 has said multiple times. 14:21:18

16 Q. Okay. If you can turn to tab 14:21:25

17 35. 14:21:27

18 A. Okay. 14:21:34

19 Q. Take a moment to review and let 14:21:35

20 me know when you're ready. 14:21:37

21 A. Okay. 14:22:01

22 Q. If you look at the first page, 14:22:02

23 Mr. Vlasto writes "I can't seem to dial 14:22:04

24 back in"?

25 A. Yes. 14:22:09

1 ATTORNEYS' EYES ONLY

2 Q. Do you know what he was 14:22:09

3 referring to? 14:22:10

4 A. We were on the phone. 14:22:10

5 Q. Were you on the phone just the 14:22:13

6 two of you or the group? 14:22:15

7 A. You're asking me to say what 14:22:16

8 he's saying, what he's saying in this 14:22:21

9 thing? 14:22:22

10 Q. I'll be more clear. 14:22:23

11 Do you recall having a group 14:22:25

12 conversation about this press statement? 14:22:26

13 A. We had many conversations about 14:22:35

14 this statement, so this is a reference to 14:22:37

15 him not being able to get back into the 14:22:39

16 conference call. 14:22:40

17 Q. Do you remember what was said 14:22:41

18 about this conference call? 14:22:43

19 A. Not specifically. 14:22:44

20 Q. Anything generally? 14:22:45

21 A. No, not generally, no. 14:22:45

22 Q. If you go back to tab 33? 14:22:51

23 MR. LEVINE: 33? 14:22:54

24 MR. GRANT: 33. 14:22:54

25 Q. Let me know when you're ready. 14:23:09

1 ATTORNEYS' EYES ONLY

2 A. Mm-hmm. 14:23:10

3 Q. In this text exchange Ms. Lever 14:23:11

4 writes: "Never okay to flirt with 14:23:13

5 someone who works for you in their 20s." 14:23:15

6 You respond "Nope." 14:23:18

7 Can you give me some background 14:23:19

8 on this exchange? 14:23:21

9 A. I don't remember what's the 14:23:21

10 timing, I would have to look at the 14:23:24

11 timing of this related to what you just 14:23:25

12 talked about. Is there language about 14:23:28

13 flirt, can I look back at the last one? 14:23:32

14 MR. LEVINE: That's up to 14:23:35

15 Mr. Grant. 14:23:36

16 A. Which one was that, what was 14:23:36

17 the number? 14:23:37

18 Q. Sure. If you need to go back 14:23:39

19 to the press statement from the Governor 14:23:41

20 on February 28th, that's tab 30. 14:23:44

21 A. No, the one that we were just 14:23:46

22 doing, the one, the one where you asked 14:23:47

23 me about the conference call. 14:23:49

24 Q. Okay. The conference call, 14:23:52

25 that was tab 33. 14:23:54

1	ATTORNEYS' EYES ONLY	
2	A. 33. 35?	14:23:54
3	Q. 35, sorry.	14:23:58
4	A. Okay.	14:24:00
5	MR. LEVINE: Don't speculate.	14:24:03
6	A. Okay.	14:24:34
7	Q. Having looked back or referring	14:24:35
8	back to that, does that give you any more	14:24:38
9	context of what you and Ms. Lever were	14:24:41
10	discussing?	14:24:43
11	A. In context, I think the word	14:24:43
12	"flirtation," as opposed to "flirt," but	14:24:45
13	flirtation, that's in one of the versions	14:24:48
14	of the statement. And what's the final	14:24:49
15	statement, which number was that.	14:24:51
16	Q. The final statement was 30. I	14:24:53
17	should clarify, the final statement on	14:24:57
18	February 28th.	14:24:59
19	A. Yeah, the press statement,	14:25:00
20	yeah, yeah, that one. So that's the	14:25:01
21	answer.	14:25:12
22	Q. The answer being what?	14:25:13
23	A. That she did not say flirt with	14:25:14
24	somebody, flirtation, in terms of their	14:25:25
25	age difference.	14:25:27

1 ATTORNEYS' EYES ONLY

2 Q. And you agreed with that, 14:25:29

3 right? 14:25:30

4 A. I did. 14:25:30

5 Q. Do you know why that language 14:25:32

6 is included in a draft of this statement? 14:25:34

7 A. I don't actually. 14:25:36

8 Q. But you acknowledge that is 14:25:37

9 probably not appropriate conduct for a 14:25:41

10 boss and a subordinate? 14:25:45

11 MR. LEVINE: Are you asking 14:25:48

12 about every situation possible or in 14:25:49

13 this specific situation? 14:25:51

14 A. And I don't know. I am not -- 14:25:54

15 I don't like it in the statement. 14:25:57

16 Q. Okay. All right. If you can 14:25:59

17 turn to tab 71. And just so you know, 14:26:02

18 we're going to go back again, I'm sorry. 14:26:11

19 A. That's okay. You've already 14:26:13

20 broken the chain, you went back once. 14:26:15

21 Okay. 71. 14:26:18

22 Q. Please review it and let me 14:26:18

23 know when you're ready. 14:26:21

24 A. Okay. 14:26:49

25 Q. Do you recognize this text 14:26:50

ATTORNEYS' EYES ONLY

1

2 exchange? 14:26:54

3 A. No. 14:26:54

4 Q. Okay. Do you have any reason 14:26:54

5 to doubt that Chris Cuomo texted this 14:26:58

6 image to you, sent a screenshot to you? 14:27:00

7 A. No. 14:27:04

8 Q. Do you recall anything about 14:27:04

9 the background to this exchange? 14:27:07

10 A. No. 14:27:09

11 Q. Do you recall being a part of 14:27:09

12 any conversations with Chris Cuomo or 14:27:13

13 anyone else in the group about 14:27:15

14 Ms. Bennett's history at Hamilton 14:27:19

15 College? 14:27:21

16 A. Obviously that's the 14:27:21

17 conversation -- the Governor is telling 14:27:30

18 us that Charlotte came to him about her 14:27:32

19 experience at college. That's the 14:27:35

20 context. But this I, this one, I don't 14:27:37

21 know. This specific exchange that you're 14:27:41

22 talking about doesn't ring a bell at all. 14:27:48

23 Q. And you don't recall having any 14:27:50

24 conversations with Chris Cuomo or members 14:27:52

25 of the group about a [REDACTED] 14:27:54

1 ATTORNEYS' EYES ONLY

2 [REDACTED] during 14:27:56

3 her time at Hamilton College? 14:28:00

4 A. I want to be specific, because 14:28:02

5 I said it before. Backwards when we were 14:28:03

6 talking about what Charlotte Bennett said 14:28:06

7 to Andrew Cuomo, yes. As it relates that 14:28:08

8 you're showing me and sort of like 14:28:12

9 something subsequent to that, no. 14:28:14

10 Q. Do you know if there were any 14:28:15

11 efforts to get the [REDACTED] that is 14:28:18

12 referenced in the screenshot? 14:28:19

13 A. No. 14:28:22

14 Q. Do you recall if there was any 14:28:22

15 discussion about disseminating that 14:28:26

16 information? 14:28:29

17 A. No. 14:28:30

18 Q. Okay. Were you involved in any 14:28:30

19 discussions about getting an independent 14:28:37

20 investigation -- or starting an 14:28:40

21 independent investigation into the 14:28:42

22 allegations against Governor Cuomo? 14:28:43

23 A. Independent of the -- 14:28:45

24 Q. So before the AG investigation 14:28:53

25 took place were you involved in any 14:28:55

1 ATTORNEYS' EYES ONLY

2 discussions about starting an independent 14:28:59

3 investigation into the allegations 14:29:01

4 against Governor Cuomo? 14:29:03

5 A. Okay. So other than the press 14:29:04

6 statements where you see him talking 14:29:07

7 about Barbara Jones, for example. You're 14:29:09

8 talking about independent of that, like 14:29:10

9 independent of some formal legal review 14:29:12

10 or what? 14:29:14

11 Q. Including Barbara Jones. 14:29:15

12 Meaning if you were calling it an 14:29:17

13 independent investigation? 14:29:19

14 A. That's -- yeah, that's the 14:29:20

15 first time, was like the notion of 14:29:23

16 Barbara Jones, who I had never heard of 14:29:24

17 until I read the statement. 14:29:27

18 Q. Okay. And when did you first 14:29:28

19 learn of consideration of Barbara Jones 14:29:34

20 to conduct an independent investigation? 14:29:38

21 A. That statement on one of the 14:29:39

22 exhibits that you just showed me was the 14:29:42

23 first time that I learned about it. 14:29:44

24 Q. Okay. And before that, had you 14:29:46

25 ever suggested that there be an 14:29:49

1 ATTORNEYS' EYES ONLY

2 independent investigation to the group? 14:29:51

3 A. I don't remember specifically, 14:29:54

4 but I did support, I just don't remember 14:30:01

5 if it was my idea, but I did support it. 14:30:06

6 So I just don't remember if it was my 14:30:08

7 idea or not. It could have been, but I 14:30:10

8 don't know. 14:30:12

9 Q. And who were part of those 14:30:13

10 discussions, meaning about starting an 14:30:15

11 independent investigation? 14:30:19

12 A. The exact same group of people. 14:30:19

13 Q. Was the Governor involved in 14:30:21

14 any of those discussions? 14:30:23

15 A. I do not believe so. 14:30:24

16 Q. And what was said during these 14:30:28

17 discussions? 14:30:30

18 A. That an independent 14:30:30

19 investigation was going to be an 14:30:33

20 important tool to try to get to the 14:30:35

21 bottom of the facts. 14:30:39

22 Q. Anything else? 14:30:40

23 A. No, that was like, again, from 14:30:43

24 a press strategy, that an independent 14:30:46

25 investigation was going to be critical 14:30:48

1 ATTORNEYS' EYES ONLY

2 towards getting to a conclusion of this. 14:30:51

3 Q. Okay. And do you know if there 14:30:55

4 are any other names that were circulated 14:30:58

5 besides Barbara Jones? 14:31:00

6 A. No. As I said, I learned about 14:31:02

7 Barbara Jones when I read it. 14:31:04

8 Q. Okay. And do you know how 14:31:06

9 any -- how Ms. Jones was identified as a 14:31:08

10 potential? 14:31:11

11 A. No. I don't know her. 14:31:12

12 Q. Okay. Do you know if there was 14:31:14

13 any sort of selection process or did you 14:31:16

14 just say "We should get Barbara"? 14:31:19

15 A. I don't know. I don't know. 14:31:20

16 Q. And were you involved in 14:31:26

17 discussions about the referral that 14:31:28

18 ultimately went to the AG's office? 14:31:30

19 A. Yes, about the statement. 14:31:33

20 Q. Okay. And when did you become 14:31:39

21 involved in those discussions? 14:31:43

22 A. I don't remember when. When it 14:31:45

23 became clear that the Governor's -- that 14:31:50

24 the Governor made suggestions to Barbara 14:31:57

25 Jones. And then I think, and then I 14:32:00

1 ATTORNEYS' EYES ONLY

2 believe that either Senator 14:32:02
3 Stewart-Cousins said no, I think. 14:32:07

4 And then the next, the only, 14:32:14
5 the next or most logical thing was a 14:32:16
6 referral to the AG's office. 14:32:18

7 Q. And when you mentioned a 14:32:28
8 statement earlier, what statement are you 14:32:29
9 referring to specifically? 14:32:32

10 A. I don't remember. 14:32:33

11 Q. And who was part of those 14:32:34
12 discussions concerning the referral to 14:32:35
13 the AG's office? 14:32:42

14 A. Again, we didn't discuss the 14:32:42
15 referral to the AG's office, we discussed 14:32:44
16 whatever statement we were going to be 14:32:47
17 making about it at whatever time within 14:32:48
18 the same group. But sort of the legal 14:32:52
19 referral, we didn't talk about that. 14:32:53

20 Q. Was the Governor part of those 14:32:58
21 conversations? 14:33:00

22 A. I believe he may have been a 14:33:00
23 part of one or two, but not most of them. 14:33:09

24 Q. Do you recall what was 14:33:11
25 discussed during these conversations? 14:33:12

1 ATTORNEYS' EYES ONLY

2 A. I think the politics of, the 14:33:13

3 politics of his original concept not 14:33:21

4 working and needing to go to the Attorney 14:33:24

5 General's Office and sort of the 14:33:26

6 political need or political process to 14:33:32

7 sort of move it forward. 14:33:36

8 Q. Anything else? 14:33:37

9 A. No. 14:33:40

10 Q. What was the discussion around 14:33:42

11 the political need to move it forward? 14:33:45

12 A. Just that was the only, that 14:33:47

13 was the only option and as it relates to 14:33:50

14 anything with a client like this, I don't 14:33:52

15 remember if it was me or other people 14:33:54

16 saying it, but you have to go to your 14:33:57

17 client and say "This is what I think you 14:33:59

18 have to do." And that's where we, I 14:34:03

19 think that was the conversation. 14:34:09

20 Q. Okay. 14:34:12

21 A. And the Governor agreed in one 14:34:14

22 of those conversations. 14:34:16

23 Q. Okay. If you can turn to tab 14:34:17

24 28. 14:34:19

25 A. Okay. 14:34:34

1 ATTORNEYS' EYES ONLY

2 Q. Let me know when you're ready. 14:34:35

3 (Witness reviews document.) 14:34:58

4 Q. So my question relates to 491, 14:35:26

5 if that helps? 14:35:28

6 A. Oh, good, okay. 491. I 14:35:29

7 apologize, on 488, it's a picture of 14:35:37

8 nothing. So I don't know what we're 14:35:42

9 referring to. If that doesn't matter, 14:35:46

10 that's fine. 487 and 488 is a nothing. 14:35:48

11 Q. In an effort to clarify, if you 14:35:56

12 go to 487? 14:35:58

13 A. Yes. 14:35:59

14 Q. Ms. Smith attaches a link? 14:36:00

15 A. Yes. 14:36:01

16 Q. And it has a payload attachment 14:36:01

17 file, I believe that's what's showing on 14:36:04

18 488? 14:36:06

19 A. I don't know what a payload 14:36:07

20 attachment is. Is that a movie or 14:36:09

21 something? 14:36:11

22 Q. Basically. 14:36:12

23 A. But what's the Twitter, what is 14:36:14

24 the Maggie Haberman Twitter thing or is 14:36:15

25 that not relevant on 487? 14:36:19

1 ATTORNEYS' EYES ONLY

2 Q. So the next page, I think is 14:36:21
3 the more relevant page, 489. "What can I 14:36:23
4 say to Maggie here?" 14:36:28

5 A. I understand. I can't answer 14:36:30
6 that without knowing the answer to what 14:36:31
7 487 says. 14:36:33

8 Q. Okay. If you can understand -- 14:36:34

9 MS. REMBAR: It's the last two 14:36:39
10 pages of the document. 14:36:42

11 MR. LEVINE: Last two pages. 14:36:54

12 THE WITNESS: Got it. So the 14:36:55
13 Maggie Haberman tweet is on -- I got 14:36:56
14 it, yes. Okay. Thank you, very 14:36:58
15 helpful, thanks Anna. 14:37:05

16 Q. This is why I should have not 14:37:07
17 said my question was at 491. 14:37:10

18 Do you have any understanding 14:37:13
19 why you said, "Why not off say 14:37:15
20 independent could choose to review if she 14:37:21
21 wants"? 14:37:24

22 A. Mm-hmm. 14:37:24

23 Q. Why did you say that? 14:37:25

24 A. Because -- well, "off" meaning 14:37:26
25 off the record as opposed to on the 14:37:32

1 ATTORNEYS' EYES ONLY

2 record. And that -- we are still talking 14:37:33

3 about Judge Jones here, right? So that 14:37:39

4 Judge Jones could choose to review both 14:37:41

5 incidents, Charlotte Bennett and Lindsey 14:37:47

6 Bennett, if she wanted. 14:37:50

7 Q. Okay. And why did you advise 14:37:51

8 all the record? 14:37:53

9 A. I don't remember. 14:37:54

10 Q. Meaning you don't remember why 14:38:01

11 you advised it back then or even sitting 14:38:03

12 here today, you don't know why you would 14:38:05

13 advise that? 14:38:06

14 A. I don't even know who I am 14:38:07

15 talking to, necessarily, with that. 14:38:09

16 If it would have been Lis, she 14:38:12

17 would have been off the record anyway 14:38:13

18 because she did most stuff off the record 14:38:15

19 as opposed to an on-the-record 14:38:17

20 spokesperson for the Governor. I'm not 14:38:21

21 sure who I am referring to. 14:38:23

22 Q. Okay. If you can go to tab 31. 14:38:24

23 A. Okay. 14:38:45

24 Q. Okay. So a question -- sorry, 14:38:46

25 give me one second. 14:38:55

1 ATTORNEYS' EYES ONLY

2 Dana Rubenstein from the New 14:39:02

3 York Times asked can you comment as to 14:39:03

4 why it makes sense for Barbara Jones, who 14:39:04

5 worked with Steve Cohen, to conduct this 14:39:07

6 independent investigation and, more 14:39:10

7 broadly, why it makes sense for the 14:39:12

8 Governor to have any role in electing who 14:39:13

9 conducts the investigation? 14:39:17

10 A. Yup. 14:39:19

11 MR. LEVINE: And just for the 14:39:19

12 record, Mr. Pollock is not on this 14:39:20

13 e-mail, correct. 14:39:21

14 THE WITNESS: I am not. 14:39:22

15 Q. No, you are not. 14:39:24

16 In any event, were you involved 14:39:25

17 in any discussions about how to respond 14:39:27

18 to that request? 14:39:28

19 A. That specific one I don't know. 14:39:30

20 Q. Okay. Were you involved in any 14:39:35

21 discussions about how to respond to 14:39:40

22 criticisms of Barbara Jones being an 14:39:42

23 appropriate person for being the 14:39:45

24 independent investigator? 14:39:46

25 A. Yes. 14:39:47

1 ATTORNEYS' EYES ONLY

2 Q. What discussions do you recall 14:39:49

3 having? 14:39:51

4 A. As I told you, I actually 14:39:51

5 didn't know about the Barbara Jones thing 14:39:54

6 until I read it. I didn't know who she 14:39:57

7 was. I had no interaction with her. And 14:39:58

8 at some point in this period, I actually 14:40:00

9 come to find out that she had worked with 14:40:04

10 Steve Cohen. I didn't know that. 14:40:06

11 Q. Okay. My question was a little 14:40:08

12 bit more specific, meaning -- okay, when 14:40:10

13 did you have conversations about how to 14:40:13

14 respond to the appropriateness of Barbara 14:40:15

15 Jones being the independent investigator? 14:40:18

16 A. At this point, when it was, 14:40:19

17 when it was raised. 14:40:21

18 Q. Okay. When it was raised 14:40:22

19 meaning by Maggie or by Dana Rubenstein? 14:40:26

20 A. Whoever, when it was being 14:40:28

21 publicly raised. I don't remember the 14:40:31

22 specific New York Times question, but 14:40:34

23 when it was raised as a problem, we had a 14:40:36

24 conversation about what to do. 14:40:39

25 Q. And who was involved in that 14:40:41

1 ATTORNEYS' EYES ONLY

2 conversation? 14:40:43

3 A. Same group of people. 14:40:44

4 Q. And what was discussed? 14:40:45

5 A. At first how to respond, how to 14:40:48

6 potentially support the Barbara Jones 14:40:55

7 suggestion, because that was the, that 14:41:00

8 was the first, first option was to try to 14:41:05

9 support the decision that had been made. 14:41:08

10 Q. Okay. And why was that the 14:41:10

11 first or the chosen option? 14:41:12

12 A. Almost always the chosen 14:41:15

13 option, because you are the first, your 14:41:18

14 first job is to defend the decision that 14:41:21

15 was done, unless that you think that it's 14:41:23

16 sort of egregiously off. 14:41:25

17 So -- and again, I really 14:41:30

18 didn't know the details of the Barbara 14:41:32

19 Jones stuff at all. It was kind of a 14:41:34

20 surprise. The whole thing was a little 14:41:37

21 bit more of a surprise to me. 14:41:40

22 Q. Okay. Do you recall during 14:41:42

23 these conversations a discussion of what 14:41:49

24 you would say to support Barbara Jones' 14:41:54

25 appointment? 14:41:57

1 ATTORNEYS' EYES ONLY

2 A. I don't think I was involved in 14:41:57
3 these conversations, because just reading 14:42:00
4 the like [REDACTED] and [REDACTED] that you see 14:42:02
5 up at the top, I'm not sure I was that 14:42:06
6 engaged in this conversation. 14:42:10

7 Q. Okay. But you testified to me 14:42:11
8 earlier that you were involved in some 14:42:17
9 discussions about responding to Barbara 14:42:19
10 Jones, to criticisms about Barbara Jones' 14:42:21
11 selection? 14:42:28

12 A. That's correct. But I don't 14:42:28
13 know that I was involved in this response 14:42:30
14 versus when -- 14:42:31

15 Q. Putting the response aside, I 14:42:33
16 am asking about the response that you 14:42:34
17 were involved in, what was discussed? 14:42:36

18 A. I don't remember. I know I 14:42:37
19 said I was involved -- I am trying to 14:42:43
20 answer your question. I said I was 14:42:45
21 involved in conversations about 14:42:47
22 Ms. Jones, but I'm not sure that I was 14:42:49
23 involved in sort of this part or later 14:42:51
24 when it became clear that that was not a 14:42:54
25 political possibility. 14:42:57

1 ATTORNEYS' EYES ONLY

2 Q. Okay. And why did it become 14:43:00

3 clear that that was not a political 14:43:07

4 possibility? 14:43:09

5 A. Because, as I believe I said, I 14:43:09

6 believe somebody, I believe either Andrea 14:43:12

7 Stewart-Cousins or somebody said that was 14:43:15

8 not an option. 14:43:16

9 Q. And do you have any 14:43:22

10 understanding as to why that person said 14:43:22

11 it was not an option? 14:43:25

12 A. My only understanding is what I 14:43:25

13 read, which is the connection to Steve 14:43:30

14 Cohen. 14:43:31

15 Q. Got you. All right. If you 14:43:31

16 can turn to tab 34? 14:43:33

17 MR. LEVINE: Mr. Grant, is there 14:43:38

18 a good breaking time at some point for 14:43:39

19 a five-minute break. 14:43:41

20 MR. GRANT: Let me ask about 14:43:42

21 this text and then we'll take a break. 14:43:45

22 MR. LEVINE: Thank you. 14:43:46

23 A. Yup. 14:44:11

24 Q. And what's the background to 14:44:12

25 this exchange? 14:44:13

1 ATTORNEYS' EYES ONLY

2 A. This is at the point of time 14:44:13

3 that we -- and this is just a small group 14:44:18

4 of the communications people -- decide -- 14:44:21

5 "decide" is the wrong word -- acknowledge 14:44:25

6 that the Attorney General has to take 14:44:30

7 charge of this process politically. Not 14:44:33

8 legally, but politically, that we are 14:44:40

9 coming to that conclusion. 14:44:42

10 Q. Why did you say "I actually 14:44:43

11 think they are"? 14:44:46

12 A. Because I believe that wheels 14:44:48

13 had been put into motion, that the 14:44:55

14 Barbara Jones option was dead. And that 14:44:58

15 the wheels had been put into motion to 14:45:01

16 get the referral to the AG. 14:45:04

17 Q. And what do you mean on the 14:45:06

18 next page when you say "She doesn't want 14:45:07

19 this"? 14:45:09

20 A. I don't know actually. 14:45:10

21 Q. Do you know who the "she" is 14:45:15

22 referring to? 14:45:17

23 A. I don't. 14:45:18

24 Q. Okay. 14:45:18

25 MR. GRANT: Actually apologies, 14:45:21

1 ATTORNEYS' EYES ONLY

2 can I ask about one more text and then 14:45:22

3 we'll take a break? 14:45:24

4 MR. LEVINE: Go ahead. 14:45:25

5 Q. Can you turn to tab 60. 14:45:26

6 A. 6-0? 14:45:28

7 Q. 6-0. 14:45:30

8 A. Okay. 14:46:35

9 Q. All right. Can you tell me the 14:46:36

10 background of this exchange? 14:46:37

11 A. This is a statement, when, I 14:46:38

12 don't remember, at what stage, meaning I 14:46:44

13 don't remember, a statement that would 14:46:45

14 say that the allegations are being 14:46:48

15 referred to, I don't remember where this 14:46:52

16 started. I honestly would need a 14:46:56

17 timeline refresher. But this is a 14:47:01

18 statement about the referral to the AG's 14:47:03

19 office, but really the referral to your 14:47:08

20 respective law firms. And that's what it 14:47:12

21 is. 14:47:14

22 Q. Okay. If you go to 1480. 14:47:16

23 A. Yeah. 14:47:19

24 Q. And you say -- there is two Fs 14:47:19

25 there? 14:47:32

1 ATTORNEYS' EYES ONLY

2 A. Two Fs everywhere. People 14:47:32

3 don't really like me. 14:47:34

4 Q. You say "What do you want with 14:47:34

5 the last sentence? I don't love it, but 14:47:36

6 I don't want them saying that we didn't 14:47:37

7 address it." 14:47:39

8 A. Yup. 14:47:40

9 Q. And that's referring to the 14:47:41

10 last sentence being the Governor's 14:47:43

11 previous statement that he has never 14:47:45

12 touched anyone inappropriately stands, 14:47:47

13 correct? 14:47:49

14 A. Correct. 14:47:49

15 Q. What did you mean when you said 14:47:50

16 that? 14:47:52

17 A. Well, a sort of staple of press 14:47:52

18 response is to not repeat whatever 14:47:57

19 allegation has been made. And this is 14:48:00

20 repeating, this is repeating the 14:48:02

21 allegation. And so I am questioning 14:48:05

22 whether or not that last sentence is 14:48:06

23 necessary as a part of the statement. 14:48:08

24 That being said, I also 14:48:11

25 understand that, I am suggesting that I 14:48:12

1 ATTORNEYS' EYES ONLY

2 understand that if you don't have it in 14:48:16

3 there, it's almost as if you ignored, 14:48:19

4 ignored the situation. But it is sort 14:48:22

5 of, to some extent, kind of press 101 to 14:48:25

6 not repeat the charge. 14:48:29

7 Q. Okay. 14:48:31

8 MR. GRANT: We can take, let's 14:48:33

9 take a five or a ten, whichever you 14:48:34

10 prefer. 14:48:39

11 THE WITNESS: Five is fine. 14:48:41

12 THE VIDEOGRAPHER: Stand by. 14:48:44

13 The time is 2:39 p.m., we are going 14:48:45

14 off the record. And this will end 14:48:47

15 media unit number 3. 14:48:49

16 (Off the record.) 14:56:03

17 THE VIDEOGRAPHER: The time is 14:56:03

18 2:47 p.m., we are back on the record 14:56:12

19 and this will be the start of media 14:56:15

20 unit number 4. 14:56:16

21 BY MR. GRANT: 14:56:20

22 Q. Are you aware of allegations 14:56:20

23 that Anna Ruch has made against the 14:56:22

24 Governor? 14:56:28

25 A. Yes. 14:56:28

1 ATTORNEYS' EYES ONLY

2 Q. When did you learn about 14:56:29

3 Ms. Ruch's complaints? 14:56:30

4 A. From whatever press, either 14:56:31

5 from the inquiry -- from an inquiry, the 14:56:36

6 press inquiry. I don't remember which 14:56:38

7 one. 14:56:40

8 Q. Was it a press inquiry related 14:56:42

9 to a New York Times article dated March 14:56:44

10 1st, 2021? 14:56:48

11 A. Sounds right. 14:56:49

12 Q. And did you communicate with 14:56:50

13 anyone in the Executive Chamber about 14:56:54

14 Ms. Ruch's allegations against the 14:56:56

15 Governor? 14:56:58

16 A. Yes. 14:56:58

17 Q. Okay. When did you speak with 14:56:59

18 these people? 14:57:00

19 A. I don't recall when. We had 14:57:06

20 calls and conversations about it. 14:57:07

21 Q. When you say "we," are you 14:57:09

22 referring to the same group of people we 14:57:10

23 discussed previously? 14:57:12

24 A. I am indeed. 14:57:13

25 Q. And do you recall anything that 14:57:18

1 ATTORNEYS' EYES ONLY

2 was discussed during these conversations 14:57:21

3 about Ms. Ruch's allegations? 14:57:22

4 A. Largely as our role, how to 14:57:24

5 handle them. 14:57:27

6 Q. And how were you discussing 14:57:33

7 handling them? 14:57:34

8 A. We as a group did not find them 14:57:35

9 to be particularly -- her complaint about 14:57:39

10 the Governor was something we were so 14:57:58

11 familiar with because we had seen him do 14:58:00

12 it many times that we weren't sure it was 14:58:03

13 going to be, from a PR perspective, is 14:58:06

14 that a big story or not, and our 14:58:12

15 perception was that it was not a 14:58:19

16 significant incident. 14:58:21

17 Q. Okay. And because your 14:58:25

18 collective understanding was that it was 14:58:29

19 not a significant incident, what was your 14:58:30

20 strategy for handling, what did you 14:58:33

21 discuss being the strategy for handling 14:58:36

22 the complaint or the allegations? 14:58:37

23 A. I don't remember specifically, 14:58:39

24 but I did not take the charges as 14:58:42

25 seriously as I took others. 14:58:50

1 ATTORNEYS' EYES ONLY

2 Q. Understood. My question was 14:58:52
3 more directed to what discussions were, 14:58:54
4 in your discussions, what was discussed 14:58:56
5 about what to do in light of the fact 14:58:57
6 that you didn't take them seriously? 14:59:00

7 A. I get it. I think that whereas 14:59:04
8 I had, I think there was -- whereas for 14:59:11
9 so much of the past, as we discussed, I 14:59:16
10 was more about contrition, I didn't -- I 14:59:19
11 think there was -- I don't remember if it 14:59:23
12 was me or others, there was a 14:59:25
13 conversation about whether that kind of 14:59:26
14 level of contrition was needed in this 14:59:28
15 circumstance because it was such a common 14:59:31
16 occurrence that we had seen the Governor 14:59:37
17 do and had never been problematic. Never 14:59:39
18 been viewed as problematic. 14:59:45

19 But I don't remember my 14:59:49
20 specific advice and I don't remember what 14:59:51
21 we ended up doing. 14:59:52

22 Q. Do you remember whether or not 14:59:57
23 you had contact with reporters concerning 14:59:58
24 Ms. Ruch's allegations? 15:00:00

25 A. I did not. 15:00:02

1 ATTORNEYS' EYES ONLY

2 Q. Do you recall whether or not 15:00:03

3 you worked on press statements in 15:00:04

4 relation to Ms. Ruch's allegations? 15:00:06

5 A. Yes, but I don't remember them. 15:00:08

6 Q. You remember nothing of those 15:00:15

7 press statements? 15:00:16

8 A. I don't. If we looked at it, 15:00:17

9 but I don't. 15:00:19

10 Q. And did you work on responses 15:00:20

11 to press inquiries related to Ms. Ruch's 15:00:21

12 allegations? 15:00:24

13 A. Yes. 15:00:24

14 Q. Which press inquiries do you 15:00:30

15 recall? 15:00:31

16 A. I recall the New York Times, 15:00:31

17 but there were others as well, I think 15:00:33

18 most New York Times. I think once the 15:00:35

19 New York Times did it or maybe the New 15:00:37

20 York Post did it at the same time. I 15:00:39

21 don't remember if it was the same time or 15:00:44

22 different time. Just hard to remember. 15:00:45

23 Q. All right. Can you turn to tab 15:00:47

24 37. 15:00:49

25 A. Mm-hmm. 15:00:59

1 ATTORNEYS' EYES ONLY

2 Q. Look at that. Let me know when 15:01:00

3 you're ready. 15:01:06

4 A. Okay. 15:01:23

5 Q. On the first page you write: 15:01:24

6 "Steve Peoples from the AP calling me. I 15:01:27

7 assume I call and talk the political 15:01:33

8 angle." 15:01:36

9 A. Okay. 15:01:37

10 Q. What's the background to that 15:01:38

11 message? 15:01:40

12 A. Steve Peoples is a national 15:01:40

13 political reporter for the Associated 15:01:43

14 Press and was calling me to discuss 15:01:45

15 politically how was the Governor in 15:01:49

16 trouble politically. 15:01:52

17 Q. Do you know if this was in 15:01:59

18 relation to Ms. Ruch's allegations that 15:02:00

19 was in a New York Times article that was 15:02:02

20 dated March 1st? 15:02:04

21 A. It was. 15:02:06

22 Q. What were they about? 15:02:06

23 A. The larger context of 15:02:07

24 allegations against him, were they going 15:02:08

25 to sort of be problematic for the 15:02:10

1 ATTORNEYS' EYES ONLY

2 Governor in terms of running for 15:02:14

3 reelection or something like that. 15:02:18

4 Q. And do you recall what you 15:02:19

5 specifically said about the political 15:02:20

6 angle? 15:02:22

7 A. Yes. I pointed to -- I 15:02:23

8 shouldn't say that. 15:02:31

9 Q. What were you going to say? 15:02:32

10 A. Well, that was well done. 15:02:33

11 There is political polling that happened, 15:02:39

12 so I would have talked about polling. I 15:02:41

13 just don't remember -- what I was going 15:02:43

14 say is I don't remember which poll or 15:02:45

15 what it was, but that I had seen data 15:02:47

16 that suggested that the Governor's 15:02:51

17 numbers were still holding up amongst, 15:02:54

18 particularly amongst Democrats. That 15:03:00

19 would have been the conversation. 15:03:02

20 I stopped myself because I just 15:03:04

21 didn't know what polls, I just don't 15:03:06

22 remember. 15:03:07

23 Q. Understood. All right. 15:03:08

24 And what did you mean when you 15:03:14

25 said "or want someone else to talk to him 15:03:18

1	ATTORNEYS' EYES ONLY	
2	first"?	15:03:20
3	A. Just should somebody else talk	15:03:21
4	to him before me.	15:03:23
5	Q. Why, do you have any	15:03:24
6	understanding as to why somebody else	15:03:27
7	would have been better to talk to	15:03:29
8	Mr. Peoples first?	15:03:33
9	A. No reason at all. I was being	15:03:34
10	genuine in offering up someone else.	15:03:37
11	Q. And do you recall -- and then	15:03:39
12	the next page you say, "And now the	15:03:40
13	Washington Post's Michael Scherer."	15:03:43
14	Did you speak with Mr. Scherer?	15:03:49
15	A. I did.	15:03:51
16	Q. And what did you discuss with	15:03:52
17	Mr. Scherer?	15:03:54
18	A. The same thing.	15:03:54
19	Q. Meaning that the numbers and	15:03:56
20	they looked like --	15:03:58
21	A. How was the Governor -- the	15:03:59
22	Governor's political standing in the	15:04:02
23	state.	15:04:04
24	Q. Okay. Beyond the numbers, what	15:04:04
25	else did you say in either of these	15:04:08

1 ATTORNEYS' EYES ONLY

2 conversations about the Governor's 15:04:09

3 political standing in the state? 15:04:11

4 A. That's my job. That's what I 15:04:12

5 would have talked about. 15:04:18

6 Q. Okay. On the next page, 2067, 15:04:19

7 you say: "I know both of these reporters 15:04:26

8 so happy to do and be careful." 15:04:28

9 Why did you have be careful? 15:04:30

10 A. I am just always careful with 15:04:32

11 my words and what I say. 15:04:34

12 Q. Well, if you're always careful, 15:04:36

13 why did you have to say it? 15:04:39

14 A. Such a good point, I shouldn't 15:04:40

15 have. I retract the e-mail. 15:04:42

16 Q. It's a text message. 15:04:43

17 A. Oh, worse. Yeah, that's it. 15:04:45

18 Q. Did anyone ask you to make 15:04:54

19 these contacts or was it simply because 15:04:57

20 the inquiries came to you? 15:05:00

21 A. Because the inquiries came to 15:05:01

22 me. 15:05:03

23 Q. Okay. If you can turn to tab 15:05:03

24 38. Let me know when you're ready. 15:05:12

25 A. Okay. This is Anna Ruch, got 15:05:45

1 ATTORNEYS' EYES ONLY

2 it. Okay. 15:05:47

3 Q. What's the background to this 15:06:00

4 e-mail exchange? 15:06:02

5 A. This is the first outreach 15:06:03

6 about the Anna Ruch situation. Didn't 15:06:04

7 remember this. But came from the New 15:06:06

8 York Times, from Jessie McKinley asking, 15:06:08

9 and then we sort of go back and forth 15:06:11

10 about what we might say. 15:06:13

11 Q. Okay. And you write -- so 15:06:15

12 sorry, at one point Ms. Garvey writes: 15:06:21

13 "I think we need to lean into because we 15:06:24

14 have an ongoing review now or referral 15:06:27

15 that has been made. No further comment 15:06:29

16 on this or related matters." 15:06:31

17 And to that you say "Agreed." 15:06:33

18 And you later write: "I do not 15:06:35

19 like 'out of respect.' I would say from 15:06:37

20 Beth. As we said, given the ongoing 15:06:39

21 investigation by the State Attorney 15:06:41

22 General, we have no further comment on 15:06:42

23 this or related matters until the review 15:06:44

24 is complete"? 15:06:46

25 A. Yup. 15:06:48

1 ATTORNEYS' EYES ONLY

2 Q. "And then re-up yesterday's 15:06:48

3 statement"? 15:06:52

4 A. Yup. 15:06:52

5 Q. Why was that your advice? 15:06:53

6 A. So in or about this time, and 15:06:54

7 actually largely going forward with a lot 15:07:01

8 of things, my opinion was to say the AG 15:07:03

9 is handling this. We are not commenting. 15:07:10

10 That wasn't legal. It's not like I am a 15:07:16

11 lawyer. But politically, it was 15:07:18

12 important not to get in the middle of the 15:07:22

13 investigation, like I said, politically, 15:07:23

14 not legally, politically that we be sort 15:07:29

15 of creating more chaos or statements or 15:07:33

16 anything like that as the Attorney 15:07:35

17 General was doing her investigation, 15:07:37

18 because that should be, you know, 15:07:39

19 preeminent or that should rule. 15:07:47

20 I didn't like "out of respect." 15:07:51

21 I thought it was extra words and not 15:07:53

22 necessary, because out of respect, 15:07:55

23 writing out of respect suggested that 15:07:57

24 there was not respect. So I just don't 15:07:59

25 like it. Continue, then again re-up 15:08:03

1 ATTORNEYS' EYES ONLY

2 yesterday's statement. 15:08:05

3 Q. And was there anyone in the 15:08:06

4 group that disagreed with this sort of 15:08:09

5 strategy? 15:08:13

6 A. I don't think so. 15:08:13

7 Q. Was there ever a time that 15:08:14

8 anyone said that you should make a 15:08:20

9 comment beyond saying it's before the 15:08:22

10 Attorney General? 15:08:23

11 A. I don't know specific for this. 15:08:24

12 I don't know what we did. I would have 15:08:31

13 to read the story. I don't think so. I 15:08:33

14 don't think so. 15:08:35

15 Q. Okay. Can you turn to 40. 15:08:35

16 A. Okay. 15:09:25

17 Q. We are looking at Mr. Ajemian's 15:09:26

18 e-mail at 33:11. "Spoke to Jessie and 15:09:29

19 then to Dean King and later points." 15:09:33

20 Do you know what points are 15:09:36

21 being referred to there, meaning in your 15:09:37

22 discussions that you were having about 15:09:39

23 how to respond concerning Ms. Ruch's 15:09:40

24 allegations, what were the points that 15:09:43

25 were being raised? 15:09:44

1	ATTORNEYS' EYES ONLY	
2	A. I don't remember the specific	15:09:46
3	questions. But there would have been	15:09:48
4	specific reporter questions and that's	15:09:49
5	what he's referring to.	15:09:52
6	Going back to the original	15:09:58
7	e-mail that he sent, for example, hand on	15:09:59
8	the back, kisser, et cetera. Those would	15:10:02
9	have been the points, but I don't know	15:10:09
10	anything beyond that.	15:10:11
11	Q. You can't recall what the	15:10:12
12	specific --	15:10:13
13	A. No, I don't even know --	15:10:17
14		15:10:18
15	MR. LEVINE: Let him finish the	15:10:19
16	question.	15:10:20
17	Sorry, go ahead, Mr. Grant.	15:10:21
18	MR. GRANT: No problem.	15:10:22
19	Q. Meaning, you don't recall	15:10:23
20	specifically what points were conveyed to	15:10:25
21	the New York Times on, for instance,	15:10:27
22	whether a touch happened, et cetera?	15:10:29
23	A. I do not know.	15:10:31
24	Q. Okay. Do you recall everything	15:10:32
25	in relation to your conversations about	15:10:36

1 ATTORNEYS' EYES ONLY

2 Ms. Ruch's allegation, about how you 15:10:39

3 would respond to those allegations beyond 15:10:43

4 saying they were not significant? 15:10:45

5 A. No. 15:10:48

6 Q. Do you recall whether or not 15:10:55

7 the Governor had a press conference on or 15:10:56

8 about March 3rd, 2021? 15:10:59

9 A. I do. 15:11:01

10 Q. What do you recall about that 15:11:02

11 press conference? 15:11:03

12 A. The press conference was called 15:11:05

13 at a point in time where we, the 15:11:08

14 collective group of advisors, felt it was 15:11:12

15 important that the Governor speak to the 15:11:15

16 public. 15:11:19

17 Q. Why did the group think it was 15:11:19

18 important for the Governor to speak to 15:11:22

19 the public? 15:11:25

20 A. In the art, not science. It 15:11:26

21 was a judgment call that it was the right 15:11:28

22 time to have the Governor speak as 15:11:30

23 opposed to a written statement. 15:11:31

24 Q. Okay. And who was involved in 15:11:33

25 these discussions about what would be 15:11:41

1 ATTORNEYS' EYES ONLY

2 said at the March 3rd press conference? 15:11:42

3 A. Same group of people. 15:11:45

4 Q. And what discussions did you 15:11:47

5 offer? 15:11:49

6 A. Contrition. Largely 15:11:50

7 contrition. Calm, apologetic if anybody 15:12:00

8 had been offended or hurt by him, and an 15:12:06

9 understanding that he needed to do 15:12:08

10 better. 15:12:15

11 Q. Did you participate in any in- 15:12:15

12 person meeting about the allegations 15:12:16

13 against the Governor? 15:12:18

14 A. I did. 15:12:19

15 Q. When? 15:12:19

16 A. The night before. 15:12:20

17 Q. Meaning the night before this 15:12:21

18 March 3rd press conference? 15:12:25

19 A. Correct. 15:12:27

20 Q. And how long -- was that the 15:12:27

21 only in-person meeting you recall? 15:12:29

22 A. Yes. 15:12:31

23 Q. How long is that meeting? 15:12:32

24 A. Sorry, there was a meeting that 15:12:33

25 evening and a meeting the next morning. 15:12:36

1 ATTORNEYS' EYES ONLY

2 that evening, what was discussed? 15:13:40

3 A. What he would say at the press 15:13:42

4 conference. 15:13:46

5 Q. Anything beyond that or more 15:13:47

6 specific? 15:13:49

7 A. No. 15:13:54

8 Q. What was the subject matter 15:13:54

9 that was being discussed with you again 15:13:55

10 that he would say at the press 15:13:57

11 conference? 15:14:00

12 A. The language of what he would 15:14:00

13 say. In a situation like that, you start 15:14:03

14 with what you think somebody is going to 15:14:09

15 say and then you start to workshop it and 15:14:10

16 work on it. 15:14:12

17 Q. Anything beyond simply the 15:14:13

18 language of what he would say? 15:14:18

19 A. There were questions as it 15:14:19

20 relates to what the Governor believed in 15:14:22

21 terms of facts, because when crafting 15:14:26

22 such a statement or thinking about what 15:14:28

23 he would say, you want to make sure that 15:14:32

24 he has a full understanding of what he's 15:14:37

25 saying and what he believes is the facts. 15:14:39

1 ATTORNEYS' EYES ONLY

2 So certainly some back and 15:14:41
3 forth about facts as he knew them. But 15:14:42
4 all in the vein of crafting the right 15:14:51
5 statement. Statements feels weird, since 15:14:55
6 he's going to speak, but you know what I 15:15:00
7 mean. 15:15:02

8 Q. And do you recall anything 15:15:02
9 specifically about what any of the 15:15:03
10 participants said about what particular 15:15:06
11 language or what sort of things he should 15:15:07
12 say at the press conference? 15:15:11

13 A. No, I don't specifically. 15:15:12

14 Q. And during the informal part 15:15:22
15 afterwards when you guys were drinking a 15:15:24
16 lot of wine, do you recall what was said 15:15:27
17 during that part of the evening? 15:15:27

18 A. No, no. And that was much 15:15:28
19 more, we had all been working long hours, 15:15:32
20 so much more about friendly blowing off 15:15:34
21 steam, which is why it came with bottles 15:15:40
22 of wine. 15:15:44

23 Q. Understood. And I am focusing 15:15:44
24 mainly -- I am not concerned about 15:15:46
25 discussions that are unrelated, but to 15:15:48

1 ATTORNEYS' EYES ONLY

2 the extent that there was any discussion 15:15:49

3 during that segment of the evening 15:15:51

4 concerning the allegations against the 15:15:52

5 Governor, do you have any recollection as 15:15:54

6 to what was said? 15:15:57

7 A. No. 15:15:57

8 Q. And can you tell me what was 15:15:58

9 said the following morning at the 15:16:02

10 breakfast? 15:16:03

11 A. The following was almost 15:16:04

12 entirely a repetition of the night 15:16:08

13 before, just sort of like, kind of a dry 15:16:10

14 run kind of a thing. 15:16:12

15 Q. And I am assuming without wine? 15:16:14

16 A. Without? 15:16:16

17 Q. Without wine? 15:16:17

18 A. No wine. Yes, without wine. 15:16:18

19 Q. All right. And was this at the 15:16:24

20 executive mansion or the mansion? 15:16:28

21 A. It was, yes. 15:16:31

22 Q. And who organized this meeting 15:16:32

23 or how did these meetings come about? 15:16:34

24 A. I don't know who organized 15:16:36

25 them. I got either the call or the 15:16:42

1 ATTORNEYS' EYES ONLY

2 e-mail that said we're going to do this 15:16:48

3 in person. 15:16:52

4 And obviously it was during 15:16:53

5 COVID; it is the only in-person meeting 15:16:54

6 that I had done in a year. 15:16:58

7 Q. Got you. Was the Governor 15:17:03

8 there? 15:17:05

9 A. Yes. 15:17:05

10 Q. Do you recall anything the 15:17:05

11 Governor said during any of those 15:17:08

12 discussions, meaning the formal part, the 15:17:10

13 informal part or the breakfast? 15:17:14

14 A. The Governor wasn't in the 15:17:15

15 informal part. The formal part would be, 15:17:17

16 there were many conversations about use 15:17:21

17 this word, use that word. And he is an 15:17:23

18 active participant in those kinds of 15:17:25

19 conversations. 15:17:28

20 Specifically, I don't remember. 15:17:29

21 But that was the -- the nature was which 15:17:30

22 words, which words were appropriate and 15:17:34

23 which were, which are better and which 15:17:39

24 are worse words to use. 15:17:40

25 Q. Anything else that you haven't 15:17:42

1 ATTORNEYS' EYES ONLY

2 told me yet that you recall about those 15:17:45

3 discussions? 15:17:48

4 A. No. 15:17:48

5 Q. If you can turn to tab 10. 15:17:52

6 A. Yes. Okay. 15:18:04

7 Q. Let me know when you're ready? 15:18:09

8 A. I am ready. 15:18:10

9 Q. Okay. Can you give me the 15:18:11

10 background -- first, do you recognize 15:18:13

11 this e-mail exchange? 15:18:15

12 A. I do. 15:18:16

13 Q. Okay. And Lis Smith is 15:18:18

14 forwarding you questions that she had 15:18:21

15 received from Melissa DeRosa, correct? 15:18:23

16 A. Yes. 15:18:25

17 Q. Okay. Do you recall -- could 15:18:26

18 you tell me what the background of this 15:18:31

19 exchange is, like what these questions 15:18:33

20 were prepared for? 15:18:34

21 A. I don't remember it. When you 15:18:35

22 asked me even if I remember this e-mail, 15:18:40

23 I don't actually. It's an e-mail to me, 15:18:41

24 but I don't really remember it, so I 15:18:44

25 don't know, I don't know when this was, 15:18:46

1 ATTORNEYS' EYES ONLY

2 but it's in response to the Lindsey 15:18:51

3 Boylan stuff. But I don't know, I don't 15:18:53

4 know where or when. 15:18:59

5 Q. And do you know why Lis 15:19:00

6 forwarded it to you? 15:19:03

7 A. The two of us would talk about 15:19:03

8 communication strategy. And so I think 15:19:08

9 that's why I wasn't on the original one. 15:19:13

10 But I don't remember. I don't know what 15:19:16

11 the derivation of this is. 15:19:18

12 Q. Got you. And you have no 15:19:21

13 recollection as to the formulation of 15:19:22

14 these questions? 15:19:23

15 A. No. 15:19:24

16 Q. Okay. If you can turn to tab 15:19:27

17 45? 15:19:30

18 A. Yup, okay. 15:19:30

19 Q. And this is March 3rd, 2021 15:19:45

20 meeting invitation, "TM MC call now"? 15:19:47

21 A. Yes. 15:19:54

22 Q. Do you recall what this call 15:19:54

23 was for? 15:19:55

24 A. No. 15:19:55

25 Q. Well, I guess this makes sense, 15:19:59

1 ATTORNEYS' EYES ONLY

2 do you recall whether or not you joined 15:20:01

3 this call? 15:20:02

4 A. No. 15:20:02

5 Q. Okay. And do you recall who 15:20:02

6 was on this call that you did not join? 15:20:06

7 A. No. No. 15:20:08

8 Q. All right. If you can turn to 15:20:10

9 tab 83 -- do we have 83, we don't have 83 15:20:14

10 in the book, please. 15:20:25

11 MR. GRANT: Anna, can you put it 15:20:27

12 up. 15:20:29

13 A. Can we go to the top for a 15:21:12

14 second, March 3rd, 5:54 p.m., okay. 15:21:13

15 MR. LEVINE: Got it, thank you. 15:21:17

16 Q. Do you recognize this exchange? 15:21:22

17 A. I do. 15:21:24

18 Q. And what's the background of 15:21:24

19 this exchange? 15:21:25

20 A. It's, again, about the 15:21:26

21 statement and the conversation here is 15:21:30

22 about in the most preposterous of ways, 15:21:32

23 "but" versus "and" in some sentence. 15:21:36

24 Q. And what did you mean when you 15:21:40

25 say "You're right and I'm wrong"? 15:21:42

1 ATTORNEYS' EYES ONLY

2 A. Rich said "team and," as in 15:21:45

3 "and" versus "but," and I gave in. 15:21:49

4 Frankly, I have no idea. I 15:21:52

5 don't even remember. The "but" or "and" 15:21:54

6 at the bottom of that. But or and. I 15:22:00

7 have no idea why I -- I think I felt 15:22:03

8 outvoted and gave up. 15:22:05

9 Q. Got you. All right. 15:22:06

10 MR. GRANT: Thank you, Anna. 15:22:09

11 Q. If you can turn to tab 46. 15:22:12

12 A. Okay. 15:22:15

13 Q. Let me know when you're ready. 15:22:17

14 A. Okay. 15:23:03

15 Q. Do you recall the background to 15:23:04

16 this text exchange? 15:23:06

17 A. I do, although it's confusing 15:23:06

18 because the time stamps are all wrong. 15:23:10

19 Q. I apologize for the time stamp, 15:23:12

20 but if you recall, just tell me. 15:23:14

21 A. No, I do. But that's the only 15:23:15

22 thing that threw me, just the time 15:23:20

23 doesn't make sense. 15:23:23

24 Q. What is the background to this 15:23:24

25 text exchange? 15:23:25

1 ATTORNEYS' EYES ONLY

2 A. This is during his press 15:23:26

3 conference. 15:23:28

4 Q. And why were you live texting 15:23:28

5 during the press conference? 15:23:31

6 A. Because we were thinking about 15:23:31

7 how we would have to respond after, 15:23:33

8 particularly to press, but also during it 15:23:40

9 because Melissa was in the press 15:23:48

10 conference. 15:23:49

11 Q. Got you. All right. 15:23:50

12 If you can go to tab 47. 15:23:55

13 A. Mm-hmm. 15:23:57

14 Q. Let me know when you're there. 15:23:59

15 A. Okay. 15:24:36

16 Q. What's the background to this 15:24:37

17 text exchange? 15:24:39

18 A. I don't remember the first one. 15:24:41

19 I don't know, I think that one is 15:24:49

20 irrelevant to the rest of it, I think. 15:24:52

21 The rest of it is our quick 15:24:57

22 reaction to what he was saying at the 15:25:00

23 time. He said -- I don't remember 15:25:03

24 exactly -- he said something about his 15:25:09

25 own pain. And Lis felt that that was the 15:25:10

1 ATTORNEYS' EYES ONLY

2 wrong thing to say. Not wrong legally, 15:25:12

3 but wrong PR-wise to say, because our 15:25:17

4 point was it wasn't about him, it was 15:25:19

5 about how others felt. And I kind of 15:25:21

6 reiterate that. And that's kind of the 15:25:24

7 back and forth. 15:25:26

8 And then it's a little bit 15:25:27

9 about his tone, because we had discussed 15:25:31

10 sounding contrite. And at some point I 15:25:33

11 think, and at some point I think he got a 15:25:35

12 little more aggressive, maybe with a 15:25:40

13 reporter. And we were suggesting that he 15:25:42

14 calm down. Not that we could do anything 15:25:45

15 about it. 15:25:48

16 Q. And when Ms. DeRosa writes: 15:25:49

17 "Should he clean up" and you respond 15:25:51

18 "Don't know how to, I'd leave it," what 15:25:53

19 were you referring to? 15:25:56

20 A. Well, the cleanup is because 15:25:58

21 Lis objects to this notion of him talking 15:26:01

22 about his own pain. Melissa is asking 15:26:05

23 right then, is there something press- 15:26:10

24 wise, something that he should say or do 15:26:12

25 or that she should say or do frankly, 15:26:14

1 ATTORNEYS' EYES ONLY

2 I don't think she could do 15:27:10

3 anything about what he did but she 15:27:11

4 possibly could have. And eventually she 15:27:13

5 gets asked a question. 15:27:15

6 Q. Were the Governor's remarks at 15:27:17

7 the press conference consistent with what 15:27:18

8 the group had discussed the night before 15:27:21

9 or the morning of? 15:27:22

10 A. Absolutely. 15:27:22

11 Q. Okay. 15:27:23

12 A. The only thing is this feel 15:27:26

13 thing that Lis mentions. I don't 15:27:30

14 remember the exact words. That was it. 15:27:32

15 Q. You can't think of anything 15:27:33

16 else that was off, inconsistent? 15:27:35

17 A. No, no. 15:27:37

18 Q. Now, if you turn to tab 44? 15:27:43

19 A. Okay. 15:27:55

20 Q. Let me know when you're ready. 15:27:56

21 A. June 22nd, okay. Sorry, it's 15:27:57

22 confusing, the June 22nd is irrelevant. 15:28:30

23 So it's really -- 15:28:33

24 Q. I will represent to you that 15:28:34

25 this is it a transcript of Governor 15:28:35

1 ATTORNEYS' EYES ONLY

2 Cuomo's March 3rd -- 15:28:39

3 A. Thank you, now it makes sense. 15:28:41

4 Okay. 15:28:48

5 Q. And if you look at the seventh 15:28:48

6 page, I believe? 15:28:50

7 MR. LEVINE: Seven? 15:28:54

8 MR. GRANT: Yes. 15:28:55

9 Q. I know they aren't numbered, so 15:28:58

10 my apologies. 15:29:00

11 A. The last page? 15:29:00

12 15:29:01

13 MR. LEVINE: The last page. 15:29:02

14 MR. GRANT: Yeah. 15:29:02

15 Q. The Governor says, "I never 15:29:03

16 touched anyone inappropriately," correct? 15:29:05

17 A. Correct. 15:29:07

18 Q. Okay. Were there any 15:29:09

19 discussions about any touching that the 15:29:11

20 Governor may have done which he deemed 15:29:13

21 appropriate? 15:29:15

22 A. Yeah. 15:29:15

23 Q. What were those conversations? 15:29:18

24 A. The point was that he couldn't 15:29:19

25 say that he never touched anyone because 15:29:27

1 ATTORNEYS' EYES ONLY

2 he hugs people. He's actually, he's got 15:29:30

3 these very large hands, actually. He 15:29:33

4 sort of shakes. He embraces. He's 15:29:35

5 actually a very touchy guy. And so 15:29:38

6 saying "I never touched anyone 15:29:46

7 inappropriately" was, to us, very 15:29:47

8 important. Those words were very 15:29:50

9 important. 15:29:54

10 Q. Understood. My question was a 15:29:55

11 little bit different. 15:29:57

12 Was there any conversation 15:29:57

13 about touching that he engaged in that he 15:29:59

14 thought was appropriate? And let's 15:30:04

15 narrow it down even more, beyond, you 15:30:06

16 know, hugging or, you know, handshakes? 15:30:10

17 A. But then I don't know what the 15:30:12

18 question is. That was the notion that if 15:30:14

19 he had, that if he had touched somebody 15:30:19

20 in some way, it would have been 15:30:22

21 appropriate or what he felt was 15:30:24

22 appropriate like hugging, shaking hands, 15:30:25

23 arm around the back. Things that he did 15:30:29

24 think were appropriate. Versus 15:30:35

25 inappropriate touching, which was in 15:30:37

1 ATTORNEYS' EYES ONLY

2 particular was what Lindsey Boylan was 15:30:42

3 referring to, inappropriate kissing. 15:30:48

4 Q. Was there any discussion of 15:30:51

5 inappropriate touching beyond forcible 15:30:53

6 kissing? 15:30:56

7 A. I don't think so. 15:30:56

8 Q. And was there any discussion 15:30:58

9 about what the participants had about 15:30:59

10 what the line of appropriateness is, 15:31:01

11 meaning how to define inappropriate 15:31:03

12 versus appropriate touching? 15:31:06

13 A. No. 15:31:07

14 Q. What conversations did you have 15:31:08

15 after the press conference with the group 15:31:09

16 about the press conference? 15:31:11

17 A. We debriefed, meaning what did 15:31:12

18 we think went right, what did we think 15:31:20

19 didn't go right. We made a couple of 15:31:22

20 calls to -- I actually didn't. Lis made 15:31:27

21 some calls to reporters. 15:31:31

22 I don't think I actually called 15:31:35

23 any reporters. They actually weren't 15:31:36

24 there that long, and Lis and I actually 15:31:42

25 drove home. 15:31:44

1 ATTORNEYS' EYES ONLY

2 Q. You and Ms. Smith came 15:31:49
3 together? 15:31:55

4 A. We did, we drove together. 15:31:55

5 Q. When you said Lis reached out 15:31:57
6 to some reporters, which reporters? 15:31:59

7 A. I don't know specifically. The 15:32:01
8 only one I can tell you is Chuck Todd, 15:32:03
9 who was on the air at the time. And part 15:32:07
10 of it was watching the reporter's 15:32:11
11 response in realtime. And so Chuck 15:32:13
12 Todd's program was on the air at the 15:32:16
13 time. 15:32:18

14 And Lis's concern was largely 15:32:23
15 about, again, the thing that she 15:32:25
16 references earlier in those texts that we 15:32:27
17 just talked about. So I think she 15:32:29
18 probably, I think she -- well, she wanted 15:32:31
19 to talk about that. But other than Chuck 15:32:33
20 Todd, I actually don't know who she spoke 15:32:37
21 to. She spoke to Katie Tur, T-U-R. 15:32:39
22 Those are the two I remember. I don't 15:32:48
23 remember anything else. 15:32:49

24 Q. The one that had the large 15:32:52
25 press with former President Trump, that 15:32:58

1 ATTORNEYS' EYES ONLY

2 to be problematic, since it wasn't 15:33:49

3 central to -- to the -- to what the 15:33:51

4 statement was supposed to say. 15:33:54

5 Q. Got you. Can you go to tab 48. 15:33:55

6 A. Yeah. 15:34:02

7 Q. Let me know when you're there. 15:34:03

8 A. Okay. 15:34:28

9 Q. Do you remember having this 15:34:29

10 text exchange with Ms. DeRosa and others? 15:34:30

11 A. I don't remember it. I think 15:34:35

12 it's after the -- after the press 15:34:37

13 conference from a time stamp perspective, 15:34:39

14 that's what it looks like to me. 15:34:42

15 Q. Got you. And what did you mean 15:34:44

16 when you said "Business is getting back 15:34:45

17 to work"?

18 A. That we should start talking 15:34:54

19 about the Governor getting back to work, 15:34:55

20 which is what I said we wanted to 15:34:57

21 communicate. That the Governor was 15:34:59

22 getting back to work to do his job, which 15:35:01

23 would also enable us to continue to refer 15:35:02

24 back to previous statement, as opposed to 15:35:05

25 what I said, getting involved, having new 15:35:09

1 ATTORNEYS' EYES ONLY

2 conversations. So getting back to work 15:35:11

3 and doing the work of governing. 15:35:15

4 Q. Got you. Could you go to tab 15:35:17

5 49. 15:35:18

6 A. Yup. 15:35:23

7 Q. Let me know when you're ready. 15:35:24

8 A. I got it. 15:35:27

9 Q. And what's the background to 15:35:28

10 this text message? 15:35:32

11 A. This is the follow-up from 15:35:33

12 Lis's point about something that he said 15:35:42

13 intended or something. I would have to 15:35:45

14 go back and read it. And then ashamed, I 15:35:47

15 don't remember the ashamed part. We have 15:35:53

16 to go and read the statement. It was 15:35:55

17 just that I thought that the language 15:36:00

18 that he used, unintended was not what we 15:36:01

19 had discussed. If you go read it, I will 15:36:06

20 read the ashamed part. I just don't 15:36:08

21 remember. 15:36:10

22 Q. What was the cleanup that 15:36:10

23 needed to be done? 15:36:12

24 A. The cleanup would be in a press 15:36:13

25 conversation, that that was not central 15:36:16

1 ATTORNEYS' EYES ONLY

2 to what he was trying to communicate. 15:36:19

3 Q. Got you. And what did you mean 15:36:24

4 when you said it's not about intent? 15:36:26

5 A. Can I go read the statement? 15:36:27

6 Q. Sure. 15:36:32

7 A. Which number is that? 15:36:34

8 Q. The statement, I believe -- 15:36:37

9 A. I got it. 15:36:39

10 Q. -- is 84. 15:36:42

11 A. I didn't like him saying it was 15:36:58

12 unintentional. That I felt that the -- 15:37:00

13 that whether it was intentional or 15:37:04

14 unintentional, the point was to apologize 15:37:06

15 for it and not to qualify it. So that's 15:37:09

16 merely a PR piece. 15:37:11

17 And on the second piece I 15:37:34

18 actually think, I didn't remember it 15:37:35

19 right, which I am kind of saying, in my 15:37:37

20 text. 15:37:39

21 Q. Okay. Meaning what? 15:37:39

22 A. I thought he used the word 15:37:42

23 "ashamed." But I even say in there, I 15:37:45

24 don't really remember whether he said 15:37:51

25 that. 15:37:52

1 ATTORNEYS' EYES ONLY

2 Q. Got you. If you can turn to 15:37:52

3 tab -- 15:37:54

4 A. Because I didn't have the 15:37:54

5 transcript. I was just sort of -- 15:37:55

6 Q. No worries. 15:37:58

7 Anything else you recall 15:38:00

8 about -- did you do anything to clean up? 15:38:01

9 A. No. 15:38:05

10 Q. Can you turn to tab 52. 15:38:06

11 A. Mm-hmm. 15:38:14

12 Q. Okay. And this is -- let me 15:38:15

13 know when you're ready. 15:38:21

14 A. Okay. I am ready. 15:38:26

15 Q. And Ms. Smith writes: "Can 15:38:28

16 small group do call with him tomorrow to 15:38:30

17 prep for his press call." 15:38:32

18 A. Mm-hmm. 15:38:33

19 Q. Did you join that call to help 15:38:36

20 for the press call? 15:38:37

21 A. I don't remember. There were 15:38:38

22 lots of calls, can you do a call or not 15:38:45

23 do a call. And sometimes they happened 15:38:49

24 and sometimes they didn't. So I don't 15:38:50

25 remember. 15:38:53

1 ATTORNEYS' EYES ONLY

2 Q. Okay. And -- 15:38:53

3 A. Did he do a press call that 15:38:57

4 day? I don't remember. 15:38:58

5 Q. My next question was, what was 15:38:58

6 this press call for? 15:39:03

7 A. I don't remember. 15:39:04

8 Q. Okay. 15:39:05

9 A. I mean, it says it's about 15:39:06

10 "Charlotte is doing CBS This Morning," 15:39:09

11 that's what it says. So it would have 15:39:12

12 been about that, but I don't remember 15:39:13

13 whether he did do a press call after 15:39:15

14 that. I don't know. 15:39:17

15 Q. Okay. So you don't recall 15:39:18

16 whether or not the Governor ever had a 15:39:20

17 press call concerning Ms. Bennett being 15:39:22

18 on CBS? 15:39:25

19 A. I don't remember. It's 15:39:27

20 possible, I don't remember. 15:39:31

21 Q. I shouldn't say concerning, but 15:39:33

22 involving in some part, because there 15:39:35

23 could be a press call about 15 things? 15:39:37

24 A. There would have been a press 15:39:39

25 call on other stuff. And then this would 15:39:42

1 ATTORNEYS' EYES ONLY

2 have -- and the notion would have been 15:39:45

3 preparing for questions about the CBS 15:39:47

4 This Morning. 15:39:52

5 You can tell me whether or not 15:39:52

6 there was a press call. I just don't 15:39:54

7 remember. If there was, that's what we 15:39:57

8 are talking about. But not a press call 15:39:58

9 specifically about this. That there was 15:40:01

10 a press call and then he might have to 15:40:04

11 answer stuff about this. Sorry to not 15:40:05

12 remember that. 15:40:08

13 Q. That's okay. Can you turn to 15:40:15

14 tab 54. 15:40:19

15 A. Mm-hmm. Okay. I keep reading, 15:40:27

16 okay. 15:40:31

17 Q. Okay. Let me know when you're 15:40:31

18 ready. 15:40:34

19 A. Okay. 15:40:35

20 Q. All right. Do you recall the 15:40:42

21 background to this text exchange? 15:40:46

22 A. I do. 15:40:48

23 Q. Okay. What was the background 15:40:48

24 of that, what's the background? 15:40:50

25 A. I don't know how the original 15:40:53

1 ATTORNEYS' EYES ONLY

2 e-mail was found from Melissa, but it's 15:40:54
3 obviously a very supportive message from 15:40:58
4 Charlotte to Melissa and to Stephanie 15:41:00
5 Benton. 15:41:05

6 And the question is, again, 15:41:06
7 whether or not -- it's not even a 15:41:07
8 question, like should it, Melissa asked 15:41:10
9 should we get it out there, meaning is it 15:41:14
10 worthwhile to the press. And I again say 15:41:16
11 no, because I don't want him to have a 15:41:19
12 conversation about every single thing. 15:41:21

13 And so the notion is wait, let 15:41:22
14 the AG look at it, it's not for us to do. 15:41:26

15 Q. Do you have any understanding 15:41:28
16 as to why Ms. DeRosa thought this e-mail 15:41:30
17 was significant? 15:41:33

18 A. Sure. It suggests that 15:41:34
19 Charlotte Bennett was quite happy with 15:41:36
20 both Melissa and Stephanie in contrast to 15:41:40
21 some of the things that she had said 15:41:43
22 otherwise. 15:41:45

23 Q. What other things that she had 15:41:45
24 said otherwise? 15:41:53

25 A. In the New York Times and in 15:41:53

1 ATTORNEYS' EYES ONLY

2 the CBS interview she talked about the 15:41:58

3 work environment being bad. And these 15:42:02

4 e-mails suggest, these e-mails would not 15:42:06

5 suggest somebody who had a difficult work 15:42:10

6 environment. 15:42:12

7 Q. Do you recall whether or not 15:42:16

8 Ms. Bennett had specifically named 15:42:24

9 negative interactions with Ms. DeRosa and 15:42:25

10 Ms. Benton in her allegations or 15:42:27

11 complaints? 15:42:29

12 A. I don't remember. 15:42:29

13 Q. Okay. Are you aware of 15:42:30

14 allegations that Ms. Karen Hinton has 15:42:44

15 made concerning the Governor? 15:42:49

16 A. Yes. 15:42:50

17 Q. And when did you first learn 15:42:50

18 about Ms. Hinton's allegations? 15:42:53

19 A. By way of a press inquiry or by 15:42:55

20 way of something that she said publicly. 15:42:58

21 I don't remember which. 15:43:00

22 Q. Do you recall when that 15:43:01

23 happened? 15:43:02

24 A. No. 15:43:02

25 Q. And did you communicate with 15:43:07

1 ATTORNEYS' EYES ONLY

2 any current or former members of the 15:43:08

3 Executive Chamber about Ms. Hinton's 15:43:12

4 allegations? 15:43:13

5 A. The same group of people. 15:43:14

6 Q. And do you recall when those 15:43:16

7 conversations took place? 15:43:17

8 A. No. 15:43:18

9 Q. What do you recall being 15:43:25

10 discussed about Ms. Hinton's allegations 15:43:26

11 among members of the group? 15:43:28

12 A. Any time any allegation is 15:43:30

13 raised in this or anything, the first 15:43:35

14 thing is to ask questions about the 15:43:37

15 circumstances surrounding them. 15:43:40

16 So does anyone recall this. 15:43:42

17 Does anyone recall the time, particularly 15:43:44

18 Ms. Hinton was talking about something a 15:43:48

19 long, long time ago. And the bad blood 15:43:50

20 between Ms. Hinton and the Governor and 15:43:55

21 his staff was very well known to all of 15:43:58

22 us. But largely a conversation about the 15:44:01

23 facts that she was laying out, did anyone 15:44:14

24 sort of know anything about the facts and 15:44:16

25 then how to respond to said things. 15:44:18

1 ATTORNEYS' EYES ONLY

2 Q. So like stepping away from like 15:44:20

3 a higher level of abstraction, what 15:44:22

4 specifically was discussed about 15:44:25

5 Ms. Hinton's allegations as well as how 15:44:27

6 to respond to Ms. Hinton's allegations? 15:44:29

7 A. I don't remember. 15:44:32

8 Q. You don't remember a single 15:44:33

9 thing that was discussed? 15:44:34

10 A. No, honestly. Sorry, no. 15:44:35

11 Q. Did the Governor participate in 15:44:37

12 any of these conversations, if you 15:44:44

13 recall? 15:44:47

14 A. I don't think so. 15:44:47

15 Q. Do you recall if anyone ever 15:44:48

16 asked the Governor or looked into whether 15:44:49

17 or not Ms. Hinton's allegations are true? 15:44:52

18 A. I was either told that he was 15:44:53

19 asked or he was asked on a call by us. I 15:45:04

20 don't remember. I don't remember if the 15:45:09

21 Governor was on any of those calls. But 15:45:12

22 I had at least been -- I either was told 15:45:16

23 or I heard it from him. I just don't 15:45:18

24 remember which. 15:45:20

25 Q. And do you know whether there 15:45:24

1 ATTORNEYS' EYES ONLY

2 is any inquiry beyond asking the Governor 15:45:25

3 whether it was true or not? 15:45:29

4 A. Not to my knowledge. 15:45:30

5 Q. Were you involved in responding 15:45:33

6 to the allegations? 15:45:36

7 A. Yes. 15:45:36

8 Q. What did you do? 15:45:37

9 A. I don't remember specifically. 15:45:37

10 Q. Did you contact reporters? 15:45:44

11 A. No. 15:45:46

12 Q. Did you work on any press 15:45:46

13 statements? 15:45:48

14 A. I don't remember what press 15:45:48

15 statement we did. But if there was one, 15:45:51

16 I did. 15:45:54

17 Q. And did you work on any 15:45:55

18 responses to press inquiries? 15:45:56

19 A. Same. If there were, I did. 15:45:58

20 Q. Did you provide comments on any 15:46:02

21 things that would be said at press 15:46:05

22 conferences or to the press by the 15:46:07

23 Governor? 15:46:09

24 A. If there was a statement or 15:46:10

25 preparation, then, yes, I did. I just 15:46:12

1 ATTORNEYS' EYES ONLY

2 don't remember that specific one. 15:46:13

3 Q. Can you turn to tab 57. 15:46:31

4 A. Okay. 15:46:42

5 (Witness reviews document.) 15:47:19

6 A. Okay. 15:47:59

7 Q. What's the background to this 15:48:00

8 exchange? 15:48:02

9 A. The Washington Post reaches out 15:48:02

10 about Karen Hinton and her allegations. 15:48:04

11 And I think kind of at the same time, the 15:48:12

12 Washington Post sort of expands their 15:48:15

13 questions to a larger stuff that is not 15:48:18

14 just about Karen Hinton. 15:48:21

15 Q. Okay. One question I have for 15:48:22

16 you is, who is [REDACTED]? 15:48:24

17 A. I have no idea. 15:48:27

18 Q. And he's in -- 15:48:28

19 A. Where is he? 15:48:30

20 Q. If you look at the first page, 15:48:31

21 the "To," it includes a [REDACTED], who 15:48:33

22 I believe, based on the address, works at 15:48:38

23 the Boston Consulting Group? 15:48:41

24 A. Sounds like an accident. 15:48:42

25 Q. Gotcha. 15:48:44

1 ATTORNEYS' EYES ONLY

2 A. I have no idea who that is. 15:48:44

3 Q. To your knowledge, [REDACTED] 15:48:51

4 didn't have any role in responding to the 15:48:53

5 allegations against the Governor? 15:48:55

6 A. No. No. 15:48:57

7 Q. Were you part of any 15:49:02

8 discussions about how to respond to this 15:49:03

9 inquiry? 15:49:04

10 A. Yes. 15:49:05

11 Q. Okay. And when did those 15:49:05

12 discussions happen? 15:49:07

13 A. In or around March 5th. 15:49:10

14 Q. Who was a part of these 15:49:18

15 discussions? 15:49:19

16 A. Same group of people. 15:49:20

17 Q. And do you recall anything 15:49:23

18 specifically that was said in relation to 15:49:24

19 how to respond to this press inquiry? 15:49:26

20 A. This is one where I changed -- 15:49:27

21 "changed" isn't the right word. I 15:49:40

22 believed that we could be more aggressive 15:49:41

23 about talking about Karen Hinton than 15:49:43

24 some of the other people. 15:49:48

25 Because both the circumstances 15:49:52

1 ATTORNEYS' EYES ONLY

2 of Karen, her departure from the 15:49:53

3 Governor's Office, her husband, it was, 15:49:56

4 there were real questions about whether 15:49:59

5 or not people would see these as 15:50:09

6 credible, and so this is one of the 15:50:09

7 places where you will see the statement 15:50:14

8 on 898 from Peter Ajemian where I was 15:50:16

9 okay with being a little more aggressive 15:50:22

10 with Karen Hinton in a way that I was not 15:50:25

11 okay with anybody else. 15:50:28

12 Q. Any other reason that you can 15:50:30

13 think of why you were okay -- well, 15:50:31

14 first, what questions were there 15:50:35

15 concerning Ms. Hinton's departure? 15:50:36

16 A. I didn't ask questions about 15:50:38

17 Ms. Hinton's departure. It was well 15:50:43

18 known that she left to go work for Bill 15:50:45

19 de Blasio. And that is like going to 15:50:50

20 work for somebody's enemy in this 15:50:52

21 particular situation. And that's, in 15:50:56

22 politics, very, very, very unusual. 15:50:58

23 Q. And what were the questions 15:51:01

24 concerning Ms. Hinton's husband? 15:51:06

25 A. I don't have any questions -- I 15:51:09

1 ATTORNEYS' EYES ONLY

2 don't know that there were questions 15:51:10

3 about Mrs. Hinton's husband. 15:51:11

4 Q. In describing earlier, you said 15:51:14

5 there were questions about the veracity 15:51:18

6 or credibility of these allegations. You 15:51:20

7 mentioned the husband. So what about the 15:51:21

8 husband? 15:51:23

9 A. Because it had been known that 15:51:26

10 the husband, that the husband's departure 15:51:28

11 from the administration was less than 15:51:32

12 amicable. 15:51:34

13 Q. Anything specific? 15:51:39

14 A. No, and I don't know the 15:51:41

15 specifics of it. Just more of the common 15:51:42

16 known stuff. 15:51:45

17 Q. Okay. Do you have any other 15:51:48

18 knowledge concerning the source of the 15:51:50

19 bad blood between Ms. Hinton and Governor 15:51:52

20 Cuomo? 15:51:56

21 A. I don't. 15:51:56

22 Q. Any other reason you thought it 15:52:03

23 was okay for the Governor to be more 15:52:04

24 forceful in his response to Ms. Hinton? 15:52:06

25 A. Yes, because Ms. Hinton was 15:52:08

1 ATTORNEYS' EYES ONLY

2 writing a book called *Penis Politics*, and 15:52:09

3 that was a relevant -- to me a relevant 15:52:13

4 bit of information as one could 15:52:16

5 reasonably come to a conclusion that 15:52:19

6 somebody was using this as a press stunt 15:52:24

7 to try to get attention. 15:52:26

8 Q. Anything else? 15:52:37

9 A. No. 15:52:38

10 Q. Do you recall anything else 15:52:38

11 that was said about Ms. Hinton and her 15:52:39

12 allegations in relation to responding to 15:52:41

13 this press inquiry? 15:52:43

14 A. Only that the Governor said 15:52:44

15 that it wasn't true. 15:52:46

16 Q. That's it? 15:52:49

17 A. I mean, I am sure there was 15:52:49

18 more flowery language than that but yes, 15:52:53

19 that this was not true, this did not 15:52:55

20 happen. 15:52:57

21 Q. Okay. Can you turn to tab 53. 15:53:00

22 A. Okay. 15:53:12

23 Q. Ready? 15:53:21

24 A. Yes. 15:53:21

25 Q. What is the background of this 15:53:26

1 ATTORNEYS' EYES ONLY

2 she says "throwback Thursday" or 15:54:42

3 "throwback Tuesday" to me and "Pollock 15:54:45

4 gaming out Inner Circle," that she was 15:54:47

5 just showing that her long-term antipathy 15:54:49

6 towards Ms. Hinton. But I don't know any 15:54:53

7 other reason. 15:54:56

8 Q. All right. Are you aware of 15:55:00

9 allegations an Ana Liss has made 15:55:00

10 concerning the Governor's contact? 15:55:05

11 A. Yes. 15:55:07

12 Q. And when did you first heard 15:55:08

13 about the allegations that Ms. Liss made 15:55:11

14 about the Governor? 15:55:13

15 A. Through a press inquiry. 15:55:15

16 Q. Okay. And what did you learn 15:55:17

17 about Ms. Liss's allegations at that 15:55:22

18 time? 15:55:24

19 A. I don't remember. I don't 15:55:24

20 remember specifically. 15:55:29

21 Q. Did you communicate with any 15:55:30

22 current or former members of the 15:55:31

23 Executive Chamber about Ms. Liss's 15:55:33

24 allegations? 15:55:35

25 A. Yes, the same group. 15:55:36

1 ATTORNEYS' EYES ONLY

2 Ms. Liss's allegation, what specifically 15:56:26

3 about how to respond to those 15:56:28

4 allegations? 15:56:30

5 A. Understood. And unfortunately, 15:56:30

6 I don't remember, other than whatever is 15:56:32

7 in the newspaper. 15:56:34

8 Q. And were you involved in -- so 15:56:40

9 you don't recall anything from any 15:56:42

10 conversation about Ms. Liss's allegations 15:56:43

11 about, you know, this is true, this is 15:56:46

12 false, this is how we're going to respond 15:56:48

13 to this, et cetera? 15:56:51

14 A. Every -- the part of this is 15:56:52

15 that every conversation that we've had on 15:56:54

16 these things are very similar. So I 15:56:55

17 couldn't tell you -- meaning the approach 15:56:57

18 is similar. What are the facts. What do 15:56:59

19 people know. How do we respond. And 15:57:03

20 remembering what and when and how and 15:57:04

21 what's specifically on each of these 15:57:06

22 things, I just don't know. 15:57:08

23 Q. Okay. If you can turn to tab 15:57:09

24 56. 15:57:12

25 A. Yes. 15:57:18

1 ATTORNEYS' EYES ONLY

2 Q. Let me know when you're ready. 15:57:18

3 A. Hold on. 15:57:51

4 (Witness reviews document.) 15:57:51

5 MS. HENDERSON: After the line 15:58:12

6 of questioning about this exhibit, do 15:58:12

7 you mind if we take a short break? 15:58:14

8 A. Would you mind if we take a 15:58:17

9 short break after this line of 15:58:18

10 questioning? 15:58:19

11 Q. No. 15:58:20

12 A. Thank you. I didn't remember 15:58:21

13 most of this article, so okay. 15:58:54

14 Q. Okay. Does this refresh your 15:58:55

15 recollection as to what allegations 15:58:58

16 Ms. Liss had made? 15:58:59

17 A. Yes. 15:59:04

18 Q. With that refreshed 15:59:04

19 recollection, do you recall anything more 15:59:05

20 specific about what was discussed in 15:59:07

21 relation to Ms. Liss's allegations among 15:59:09

22 members? 15:59:11

23 A. You can actually see that we 15:59:13

24 don't have -- there is very little 15:59:15

25 comment from -- on the allegations other 15:59:17

1 ATTORNEYS' EYES ONLY

2 than the two things on the front of the 15:59:20
3 article. So one is about sort of hugging 15:59:22
4 and kissing and there is that comment. 15:59:27

5 And then I think that's the 15:59:32
6 only, I think that's the only comment 15:59:35
7 that was made directly in response to 15:59:43
8 this article. 15:59:45

9 Q. Okay. So I'm clear, not simply 15:59:46
10 related to responding to this article, 15:59:51
11 but more broadly? 15:59:54

12 A. Right. But I don't remember -- 15:59:57
13 I remember this statement and coming up 15:59:58
14 with this statement about reporters and 16:00:01
15 photographers who have covered the 16:00:03
16 Governor. I didn't craft it, but I 16:00:04
17 remember going back and forth on it. 16:00:07

18 And I don't remember any other 16:00:15
19 sort of back and forth on it. And as you 16:00:16
20 see, there is not much back and forth in 16:00:21
21 here. 16:00:23

22 Q. But even after this article was 16:00:24
23 written, was there any discussions that 16:00:27
24 you recall about Ms. Liss's allegations 16:00:30
25 with any member of that group? 16:00:31

1 ATTORNEYS' EYES ONLY

2 A. The only conversations about 16:00:33

3 Ms. Liss was just that she -- whether or 16:00:35

4 not it was relevant that she worked for 16:00:39

5 Howard Glaser and therefore in close 16:00:42

6 contact with both Howard Glaser and Karen 16:00:44

7 Hinton. But I don't believe we thought 16:00:46

8 that was relevant. 16:00:53

9 Q. Anything else you recall being 16:00:54

10 discussed about Ms. Liss's allegations 16:00:57

11 with members of the team? 16:01:00

12 A. I don't think so. 16:01:03

13 MR. GRANT: We can take that 16:01:04

14 break. 16:01:05

15 THE VIDEOGRAPHER: The time is 16:01:06

16 3:52, we are going off the record and 16:01:07

17 this will end media unit number 4. 16:01:09

18 (Off the record.) 16:01:12

19 THE VIDEOGRAPHER: The time is 4 16:08:52

20 p.m., we are back on the record. This 16:09:05

21 will be the start of media unit number 16:09:08

22 5. 16:09:09

23 BY MR. GRANT: 16:09:14

24 Q. Okay. Before we took that 16:09:14

25 break, you said that you were involved in 16:09:18

1 ATTORNEYS' EYES ONLY

2 helping craft the language, response in 16:09:20

3 the Wall Street Journal article, correct? 16:09:24

4 A. Yeah. I said I think. I mean, 16:09:27

5 the quote looks familiar. I don't think 16:09:30

6 I drafted it. But I would have been 16:09:36

7 involved in looking at it. 16:09:38

8 Q. Okay. Do you recall any other 16:09:39

9 things you did in relation to the 16:09:42

10 Executive Chamber's response to 16:09:48

11 Ms. Liss's allegations? 16:09:50

12 A. No. 16:09:51

13 Q. Before or after the Wall Street 16:09:51

14 Journal article? 16:09:55

15 A. No. 16:09:55

16 Q. Are you aware of the 16:09:56

17 allegations of the Governor groping a 16:09:57

18 woman who works in the Executive Chamber? 16:10:02

19 A. Yes. 16:10:05

20 Q. When did you learn of these 16:10:06

21 allegations? 16:10:07

22 A. I learned about them by way of 16:10:08

23 Times Union reaching out and asking about 16:10:11

24 it. 16:10:13

25 Q. And subsequent to that, did you 16:10:13

1 ATTORNEYS' EYES ONLY

2 learn anything additional about these 16:10:15

3 allegations? 16:10:17

4 A. Same process. Take the story, 16:10:23

5 ask the questions, think about the 16:10:25

6 response. 16:10:27

7 Q. And you and the members of the 16:10:27

8 group, what did you discuss in relation 16:10:29

9 to this story and to this response? Let 16:10:31

10 me clarify. 16:10:40

11 Who did you discuss this with? 16:10:42

12 A. Same group. 16:10:42

13 Q. Okay. Now, back to the earlier 16:10:43

14 question, what about -- what in this 16:10:45

15 story was discussed and what about the 16:10:50

16 response was discussed? 16:10:52

17 A. This one was particularly vivid 16:11:03

18 in terms of details. And so we had a 16:11:05

19 conversation about, well, first and 16:11:12

20 foremost, what were the facts as the 16:11:14

21 Governor knew them to be. And he 16:11:19

22 rejected them out of hand. Said they 16:11:24

23 weren't true. 16:11:27

24 I don't remember if he was part 16:11:30

25 of the first conversation or second or 16:11:31

1 ATTORNEYS' EYES ONLY

2 whatever, but some conversation where he 16:11:32
3 made it very clear that this was 16:11:36
4 absolutely not true. 16:11:39

5 Q. Meaning there was at least one 16:11:44
6 conversation that included the Governor 16:11:45
7 in which he denied the veracity of the 16:11:47
8 allegations? 16:11:50

9 A. Correct. 16:11:50

10 Q. Okay. Anything else you recall 16:11:52
11 being discussed about these allegations? 16:11:55

12 A. Well, because these were more 16:11:57
13 salacious, there was -- and by salacious, 16:12:01
14 I don't mean, I am not disrespecting the 16:12:06
15 other ones at all. I am just saying 16:12:09
16 there are details here that are, that 16:12:11
17 from a press perspective, are more 16:12:15
18 salacious. That we wanted to understand 16:12:19
19 what this woman's role was, what the -- 16:12:27
20 what her experience at the office, had 16:12:34
21 she had problems. 16:12:36

22 And I don't know her name. She 16:12:37
23 was anonymous. So I don't know her -- I 16:12:38
24 didn't know her name at the time. I 16:12:43
25 don't know her name now, truthfully. But 16:12:46

1 ATTORNEYS' EYES ONLY

2 to us this required like real 16:12:55

3 understanding of this woman's history 16:12:57

4 with the Governor and the Chamber. 16:13:02

5 Q. And was there any discussion 16:13:06

6 about what this woman's role was? 16:13:07

7 A. Yes. 16:13:10

8 Q. Okay. And what was said during 16:13:11

9 those conversations? 16:13:13

10 A. That she was an assistant, but 16:13:14

11 that in particular, that she had been, 16:13:17

12 she had been having some problems in her 16:13:21

13 personal life. And that she had 16:13:25

14 actually, financially, and that she had 16:13:27

15 actually requested more hours, to 16:13:29

16 actually work more hours at the 16:13:36

17 Governor's mansion and specifically hours 16:13:39

18 on the weekend in order to kind of work 16:13:41

19 around ██████████ issues. But that she 16:13:45

20 had specifically requested those weekend 16:13:49

21 hours that are kind of part of the 16:13:53

22 conversation eventually as it relates to 16:13:55

23 the story about her. 16:13:58

24 Q. So there was a discussion about 16:14:03

25 how financial issues for this woman led 16:14:05

1 ATTORNEYS' EYES ONLY

2 her to request to work more hours, 16:14:07

3 including hours at the mansion? 16:14:12

4 A. That's correct. That's 16:14:14

5 correct. And I don't remember who said 16:14:17

6 that. 16:14:21

7 Q. Anything else that was said 16:14:26

8 about these allegations during these 16:14:27

9 conversations? 16:14:29

10 A. No. 16:14:30

11 Q. Was there any discussion as to 16:14:30

12 why the woman requesting to work for 16:14:31

13 hours at the mansion bore on whether or 16:14:35

14 not she was groped? 16:14:37

15 A. No. The Governor vociferously 16:14:39

16 denied the groping. And then beyond 16:14:52

17 that, the conversation was why somebody 16:14:54

18 might bring these allegations against 16:14:57

19 him. So speculation. 16:15:06

20 Q. And there was there any 16:15:07

21 discussion as to when this woman's 16:15:09

22 request had been made? Meaning was it 16:15:12

23 before or after the time of the alleged 16:15:14

24 groping? 16:15:16

25 16:15:17

1 ATTORNEYS' EYES ONLY

2 MR. LEVINE: So which request 16:15:18

3 are you referring to, Mr. Grant? 16:15:18

4 MR. GRANT: The request to work 16:15:21

5 more hours at the mansion. 16:15:22

6 MR. LEVINE: Thank you. 16:15:24

7 A. I believe before. My 16:15:27

8 understanding was before. I don't 16:15:31

9 remember specifically. But my belief was 16:15:33

10 that that request was before. But I -- 16:15:34

11 you know what? I shouldn't say that. I 16:15:39

12 don't know. I don't know. 16:15:42

13 Q. And was there any discussion 16:15:43

14 during these conversations as to why it 16:15:48

15 was significant that prior to allegedly 16:15:51

16 being groped she had requested more time 16:15:52

17 to work? 16:15:54

18 A. I am correcting it. It could 16:15:54

19 have just as easily been after. I don't 16:15:59

20 remember. That may have been why it was 16:16:00

21 relevant because it was after and not 16:16:02

22 before. But I don't recall. 16:16:05

23 Q. Okay. And you had said 16:16:06

24 previously that it was before, right? 16:16:09

25 A. I said I didn't remember. And 16:16:09

1 ATTORNEYS' EYES ONLY

2 I said I think, I'm not sure. And then I 16:16:13

3 just told you it may have been after. 16:16:16

4 And I think that's why it's relevant. So 16:16:18

5 I'm not sure. 16:16:21

6 Q. Okay. 16:16:21

7 A. I picked the whole spectrum. 16:16:27

8 MR. LEVINE: You got the whole 16:16:29

9 record there, Mr. Grant. 16:16:29

10 Q. All right. Anything else you 16:16:31

11 recall being discussed about this woman's 16:16:36

12 allegations? 16:16:39

13 A. No. 16:16:39

14 Q. And was there any inquiry into 16:16:43

15 the veracity of the allegations besides 16:16:45

16 hearing the Governor's, as you say, 16:16:46

17 vociferous denial? 16:16:50

18 A. No. This one was also trickier 16:16:51

19 because there were issues of -- because 16:16:57

20 it was anonymous and I think at some 16:16:58

21 point I think the police department or 16:17:05

22 the Albany DA, I don't know who it was, 16:17:06

23 some local entity was a part of the 16:17:10

24 conversation, so we just didn't know 16:17:12

25 much. 16:17:15

1 ATTORNEYS' EYES ONLY

2 It became sort of more 16:17:15
3 anonymous. And so the specifics were not 16:17:21
4 the same way as we were dealing with some 16:17:25
5 of these other more public conversations. 16:17:27

6 Q. Got you. All right. 16:17:29

7 And were you involved in 16:17:32
8 response efforts to the groping 16:17:36
9 allegations? 16:17:39

10 A. Yes, although -- yes, I don't 16:17:40
11 remember how we responded, because that 16:17:47
12 was where things started getting dicey 16:17:48
13 with anonymous stuff. 16:17:50

14 Q. And who do you recall 16:17:58
15 discussing -- what sort of activities do 16:17:59
16 you recall doing in connection with 16:18:01
17 response to these allegations? 16:18:02

18 A. The same group of people talked 16:18:03
19 about how to respond. I don't know 16:18:12
20 whether we did a written statement or I 16:18:13
21 don't remember if it was just 16:18:15
22 conversations to the reporter. I don't 16:18:16
23 recall. 16:18:18

24 Q. Did you contact any reporters? 16:18:18

25 A. No. 16:18:20

1 ATTORNEYS' EYES ONLY

2 Q. Do you know which reporters 16:18:20

3 were contacted? 16:18:22

4 A. No. 16:18:23

5 Q. Going back, during the 16:18:31

6 discussion what was discussed about how 16:18:33

7 you would respond or what the story would 16:18:34

8 be? 16:18:36

9 A. I don't remember. 16:18:36

10 Q. Anything at all? 16:18:37

11 A. No, I don't. 16:18:41

12 Q. And do you recall whether or 16:18:48

13 not you did in fact work on any press 16:18:48

14 statements? 16:18:49

15 A. I don't remember if we did one. 16:18:50

16 Q. And do you recall if there were 16:18:55

17 any response, or if you worked on any 16:19:00

18 responses to press inquiries? 16:19:03

19 A. The press inquiry was, I think, 16:19:04

20 just the Times Union at the time. And so 16:19:06

21 what I am not remembering is whether we 16:19:12

22 responded to the reporter or whether we 16:19:13

23 responded with a statement. I don't 16:19:15

24 remember. 16:19:16

25 Q. Do you recall if you spoke to 16:19:19

1 ATTORNEYS' EYES ONLY

2 any elected officials about these 16:19:20

3 allegations? 16:19:21

4 A. No. 16:19:22

5 Q. All right. If you can turn to 16:19:29

6 tab 59. Do you recall the background of 16:19:30

7 this exchange? 16:19:50

8 A. No. 16:19:50

9 Q. Understanding it is dated March 16:19:51

10 9th, does that refresh your recollection 16:19:53

11 of the purpose of this call? 16:19:56

12 A. No. 16:19:57

13 Q. And I assume you don't recall 16:19:58

14 what was discussed during this call? 16:20:00

15 A. No. 16:20:01

16 Q. Do you recall whether or not 16:20:02

17 the Governor had a press conference on 16:20:05

18 the day that the article about the 16:20:07

19 groping allegations came out? 16:20:08

20 A. I don't. I don't remember. 16:20:10

21 Q. Did the Governor say anything 16:20:12

22 about these allegations beyond his 16:20:25

23 denial? 16:20:27

24 A. No. 16:20:27

25 Q. At any time? 16:20:29

1 ATTORNEYS' EYES ONLY

2 A. The response to the 16:23:43

3 allegations. 16:23:46

4 Q. What about the response? 16:23:46

5 A. So we were crafting a response 16:23:48

6 and there was, I recall vividly the 16:23:51

7 conversation about the term 16:23:57

8 "gut-wrenching," which I think was mine, 16:24:00

9 mine or somebody else's. There was a 16:24:06

10 conversation of whether that term was 16:24:09

11 appropriate, and certainly told the 16:24:11

12 picture of what we believed. 16:24:20

13 But largely the goal was again 16:24:28

14 to say as little as possible because so 16:24:32

15 as to not make news -- not to make news 16:24:36

16 is the wrong word. So to not get 16:24:39

17 involved in the Attorney General's 16:24:40

18 investigation. 16:24:45

19 Q. And do you recall what was 16:24:45

20 discussed in relation to why the word 16:24:48

21 "gut-wrenching" and its appropriateness? 16:24:52

22 A. I don't remember what the other 16:24:55

23 term was. Maybe it was "heart-breaking" 16:24:56

24 or something. But I know a number of us 16:24:58

25 felt it was opposed to -- as opposed to 16:25:06

1 ATTORNEYS' EYES ONLY

2 just reissuing a statement and saying 16:25:10

3 we're not going to comment in light of 16:25:12

4 the Attorney General's investigation. 16:25:18

5 We thought it was important to 16:25:20

6 show that he understood that this was 16:25:22

7 particularly, I used the word 16:25:29

8 "salacious," but in the same way, 16:25:32

9 gut-wrenching. That this was a 16:25:33

10 significant accusation. And that's why. 16:25:36

11 Q. Anything else you recall being 16:25:46

12 discussed during this call in relation to 16:25:47

13 the allegations? 16:25:49

14 A. No. 16:26:03

15 Q. If you can turn to tab 65. 16:26:04

16 A. Yes. 16:26:16

17 Q. Do you recall the background to 16:26:17

18 this document? 16:26:18

19 A. Political support started to 16:26:19

20 crumble. And people, political people, 16:26:30

21 were beginning to call on the Governor to 16:26:36

22 resign or I guess more people were 16:26:40

23 calling on Governor to resign. 16:26:44

24 Q. Do you recall who drafted this 16:26:49

25 statement? 16:26:51

1 ATTORNEYS' EYES ONLY

2 A. I don't. 16:26:51

3 Q. Do you recall whether or not 16:26:51

4 the Governor participated in the drafting 16:26:52

5 of this statement? 16:26:54

6 A. I don't. 16:26:55

7 Q. If you can turn to tab 67? 16:27:01

8 A. Okay. 16:27:03

9 Q. Do you recognize this document? 16:27:41

10 A. Yes. 16:27:43

11 Q. And what's the background to 16:27:44

12 this document? 16:27:45

13 A. This is a statement by the 16:27:45

14 Governor in response to politicians, 16:27:51

15 other politicians calling on the Governor 16:28:03

16 to step down. 16:28:05

17 Q. Okay. And is it your 16:28:05

18 understanding that the Governor drafted 16:28:12

19 this statement? 16:28:13

20 A. Not necessarily, no. 16:28:13

21 Q. What is your understanding as 16:28:20

22 to how this document was drafted? 16:28:21

23 A. And it could have been Melissa 16:28:24

24 as well. But the fact that it came from 16:28:28

25 Stephanie said it could have been from 16:28:35

1 ATTORNEYS' EYES ONLY

2 either of those, either of those people. 16:28:40

3 Q. Could it have been from anyone 16:28:43

4 else? 16:28:45

5 A. Possible. 16:28:45

6 Q. If it was from Ms. DeRosa, why 16:28:49

7 did Stephanie have to e-mail to 16:28:54

8 Ms. DeRosa? 16:28:56

9 A. I don't know. 16:28:57

10 Q. Okay. 16:29:03

11 A. I'm not trying to be 16:29:12

12 obfuscative here. I don't know. I don't 16:29:14

13 know. 16:29:17

14 Q. I don't think you're trying to 16:29:17

15 obfuscate. I am just asking a question: 16:29:22

16 If I write something, am I going to 16:29:26

17 e-mail it to Ms. Benton and have 16:29:28

18 Ms. Benton e-mail it back to me? 16:29:30

19 A. Only if it was verbally spoken, 16:29:32

20 that's why. If it was verbally spoken 16:29:34

21 and then written down, that would be the 16:29:36

22 reason. 16:29:40

23 Q. Were there any discussions 16:29:40

24 about this draft statement? 16:29:42

25 A. I don't remember whether he did 16:29:44

1 ATTORNEYS' EYES ONLY

2 a statement at this point or not, so 16:29:48

3 you'll have to tell me. I don't remember 16:29:51

4 there was a statement or if he said 16:29:54

5 something at a press conference. I don't 16:29:55

6 know. 16:29:58

7 Q. Just to be clear, I am not 16:29:58

8 asking whether or not an actual statement 16:30:00

9 was released. More were there 16:30:02

10 discussions about the drafting of the 16:30:05

11 statement or what the statement says or 16:30:06

12 what this draft statement says? 16:30:09

13 A. I don't remember. I would need 16:30:10

14 more than just this. I don't remember. 16:30:16

15 Q. Okay. If you can turn to tab 16:30:18

16 66. That's a text message from you, 16:30:20

17 correct? 16:30:34

18 A. That's correct. 16:30:34

19 Q. And do you recall what the 16:30:35

20 background is to this text message in 16:30:37

21 which you state "U.S. senators are 16:30:40

22 holding, not moving"? 16:30:42

23 A. Yes. 16:30:44

24 Q. Okay. What's the background? 16:30:44

25 A. So a number of the 16:30:46

1 ATTORNEYS' EYES ONLY

2 Congressional delegation had come out and 16:30:52
3 called for the Governor to resign. I had 16:30:54
4 called Senator Gillibrand's office to ask 16:30:57
5 where they were. And Josh Vlasto had 16:31:01
6 called Senator Schumer's office. 16:31:04

7 Q. I recall earlier you said you 16:31:10
8 didn't recall discussing the allegations 16:31:13
9 with Senator Gillibrand? 16:31:15

10 A. I have not. I did not. 16:31:17

11 Q. So what did you say in this 16:31:18
12 conversation with Ms. Gillibrand? 16:31:20

13 A. I didn't speak to Ms. 16:31:23
14 Gillibrand. I spoke to her Chief of 16:31:24
15 Staff. 16:31:26

16 Q. Okay. When you spoke to 16:31:26
17 somebody who works from Ms. Gillibrand, 16:31:30
18 what was said? 16:31:33

19 A. That's not what you asked me 16:31:33
20 before. You asked me if I had spoken to 16:31:37
21 Senator Gillibrand. 16:31:39

22 So in this conversation I 16:31:40
23 called Senator Gillibrand's Chief of 16:31:41
24 Staff after the Congressional delegation, 16:31:44
25 many of them, had come out and said 16:31:51

1 ATTORNEYS' EYES ONLY

2 Governor Cuomo should resign. I asked 16:31:52

3 whether they were going to call on him as 16:31:54

4 well, and he said no, not at that time. 16:31:57

5 Q. And I believe I did ask a 16:32:04

6 clarifying question earlier, that not 16:32:06

7 only directed at Ms. Gillibrand, but also 16:32:08

8 her staff, after you raised talking to 16:32:12

9 staff for another elected person. But in 16:32:14

10 any event we have a transcript, so... 16:32:19

11 A. Okay. 16:32:21

12 Q. And did Mr. Vlasto tell you 16:32:21

13 about his conversation with Schumer's 16:32:25

14 office or with Schumer? 16:32:27

15 A. I don't -- I don't know who 16:32:28

16 from Mr. -- who from Senator Schumer's 16:32:30

17 office Mr. Vlasto spoke to. 16:32:33

18 Q. Did Mr. Vlasto share with you 16:32:39

19 anything that was shared during that 16:32:42

20 conversation? 16:32:43

21 A. He said that Senator Schumer 16:32:43

22 was not calling on Governor Cuomo to 16:32:45

23 resign. 16:32:49

24 Q. Okay. And was the purpose of 16:32:49

25 you and Mr. Vlasto calling these 16:32:53

1 ATTORNEYS' EYES ONLY

2 representatives to gather information or 16:32:55

3 to convey that these senators should not 16:32:57

4 act in a particular way? 16:33:01

5 A. Only to gather information and 16:33:02

6 to, because it was important to the, to 16:33:03

7 what was happening that day, which is the 16:33:09

8 Congressional delegation or much of the 16:33:12

9 Congressional delegation had come out and 16:33:14

10 said resign. 16:33:17

11 Q. All right. Before December 16:33:18

12 2020, were you aware of any issues 16:33:22

13 involving a woman named Kaitlin and her 16:33:24

14 interactions with the Governor? 16:33:27

15 A. No. 16:33:29

16 Q. Did you subsequently learn of 16:33:29

17 any issues relating to a woman named 16:33:31

18 Kaitlin and her interactions with the 16:33:34

19 Governor? 16:33:36

20 A. Only later by way of a New York 16:33:36

21 Magazine inquiry. 16:33:43

22 Q. Can you turn to tab 64. 16:33:44

23 A. Yes. 16:33:54

24 Q. Is that the New York Magazine 16:33:54

25 article you're referencing? 16:33:56

1 ATTORNEYS' EYES ONLY

2 A. It is indeed. 16:33:57

3 Q. Did you communicate with any 16:34:01

4 member, current or former member of the 16:34:03

5 Executive Chamber about the allegations 16:34:04

6 Kaitlin had made? 16:34:08

7 A. Yes. 16:34:09

8 Q. Who? 16:34:15

9 A. Same group. 16:34:15

10 Q. The Governor? 16:34:15

11 A. No. 16:34:16

12 Q. And what do you recall being 16:34:20

13 discussed among members of the group 16:34:21

14 concerning this or Kaitlin's allegations? 16:34:24

15 A. I don't recall much discussion 16:34:27

16 of Kaitlin and the allegations. The 16:34:34

17 whole story was more about Ms. DeRosa 16:34:39

18 than -- about Ms. DeRosa and sort of the 16:34:47

19 office environment than it was about the 16:34:51

20 Governor even. 16:34:57

21 Q. What do you recall being 16:34:58

22 discussed about the allegations that this 16:35:00

23 Kaitlin made during these calls? 16:35:02

24 A. I don't remember. 16:35:03

25 Q. Anything generally that you 16:35:08

1 ATTORNEYS' EYES ONLY

2 A. The biggest thing was about -- 16:36:14

3 I don't think I ever spoke to the 16:36:20

4 Governor about it, but this sort of part 16:36:22

5 where she came into his office and looked 16:36:24

6 up the car parts, that only that, only 16:36:26

7 that they did not have any specific 16:36:39

8 recollection of that. And by "they," I 16:36:39

9 do not believe the Governor. I don't 16:36:42

10 think he was a part of these 16:36:43

11 conversations. 16:36:45

12 Q. You can't recall anything else, 16:36:52

13 though? 16:36:54

14 A. There was a conversation about 16:36:54

15 the -- hold on. 16:36:55

16 (Witness reviews document.) 16:37:49

17 A. We had conversations about 16:37:53

18 things like was there -- was there a 16:37:55

19 women's dress code, for example. And 16:37:57

20 people said that was not true. 16:38:00

21 Q. Who said that? 16:38:06

22 A. Melissa. 16:38:07

23 Q. Anyone else? 16:38:10

24 A. Stephanie. 16:38:10

25 Q. Okay. 16:38:12

1 ATTORNEYS' EYES ONLY

2 A. Yeah. Maybe Dani. But they 16:38:16

3 were the women who worked there. So they 16:38:21

4 were the only people with firsthand 16:38:23

5 knowledge. 16:38:25

6 Q. Well, presumably men can also 16:38:30

7 see how women were dressing, but that 16:38:33

8 aside. 16:38:34

9 A. True, fair. It was the same 16:38:35

10 process that we looked at each of the 16:38:54

11 claims and questions and figured out what 16:38:59

12 we should and shouldn't respond to. 16:39:00

13 I don't remember specifically. 16:39:02

14 It's a very long article obviously. Lots 16:39:03

15 of stuff in here. I do not remember 16:39:06

16 specifically the various pieces of it. 16:39:07

17 Q. If you can turn to tab 63. 16:39:16

18 A. Okay. 16:39:49

19 (Witness reviews document.) 16:40:21

20 A. Lot of stuff. 16:43:09

21 Q. Ready? 16:43:11

22 MR. LEVINE: If you could 16:43:12

23 indulge me for a second. Are you 16:43:13

24 representing that Mr. Pollock has 16:43:16

25 received this e-mail. 16:43:19

1 ATTORNEYS' EYES ONLY

2 MR. GRANT: I am going to ask 16:43:19

3 him whether or not he had discussed 16:43:21

4 any of the circumstances surrounding 16:43:27

5 this e-mail. 16:43:27

6 Q. Also one question I have at the 16:43:27

7 beginning, who is █████@politician.com? 16:43:28

8 A. That's me. 16:43:30

9 Q. Okay. 16:43:31

10 A. So what's the question. 16:43:39

11 Q. So first, you received this 16:43:40

12 e-mail, correct? 16:43:41

13 A. I did. 16:43:42

14 Q. My question is, can you 16:43:47

15 describe the background of this e-mail 16:43:49

16 exchange? 16:43:50

17 A. This is the exchange to answer 16:43:51

18 every single question that were being 16:43:54

19 asked in this very long New York Magazine 16:43:57

20 article. 16:43:59

21 Q. Now, what discussion do you 16:43:59

22 recall having about the response beyond 16:44:01

23 what's written here? 16:44:08

24 A. The responses that are in here 16:44:08

25 are the conversations that we had. I 16:44:11

1 ATTORNEYS' EYES ONLY

2 don't remember specific each one. But 16:44:13
3 like this was, it was such a big, 16:44:15
4 overwhelming, article that I actually 16:44:21
5 remember -- this was the only way to kind 16:44:24
6 of keep the whole thing straight, 16:44:29
7 truthfully. It was just so, so much. 16:44:31

8 Q. Got you. Okay. And one 16:44:36
9 question, why do you have an e-mail 16:44:38
10 address called [REDACTED]@politician.com? 16:44:40

11 A. Because it's shorter than my 16:44:43
12 work e-mail. It automatically forwards, 16:44:47
13 100 percent of it is forwarded to my work 16:44:51
14 e-mail. 16:44:53

15 I use it like when I am signing 16:44:54
16 onto, like when I am signing onto an 16:44:55
17 Internet account. It's just shorter than 16:45:00
18 my e-mail address. But I send and 16:45:02
19 receive at that address nothing. It all 16:45:04
20 gets forwarded to my work e-mail address. 16:45:09

21 Q. All right. 16:45:13

22 A. And I don't know why that 16:45:17
23 would -- I don't know why that e-mail 16:45:19
24 address was used. 16:45:21

25 Q. Were you involved in 16:45:28

1 ATTORNEYS' EYES ONLY

2 discussions later about responding to an 16:45:31

3 article by Ronan Farrow concerning 16:45:35

4 Governor Cuomo and the allegations 16:45:39

5 against him? 16:45:41

6 A. Yes. 16:45:41

7 Q. And what was your involvement? 16:45:42

8 A. Same as all others. 16:45:43

9 Conversations about details and how to 16:45:48

10 respond. 16:45:52

11 Q. And who else was involved in 16:45:52

12 these same conversations? 16:45:58

13 A. The same group. 16:45:59

14 Q. And the Governor? 16:46:00

15 A. I don't think so. I don't 16:46:01

16 think so. 16:46:06

17 Q. And when did you have these 16:46:08

18 discussions? 16:46:09

19 A. You'll have to tell me when the 16:46:09

20 Farrow article came out, although the 16:46:15

21 discussion -- they came -- there was a 16:46:17

22 longer lead time there than -- like when 16:46:21

23 you asked me about the New York Times and 16:46:24

24 Wall Street Journal, I know those were 16:46:26

25 all within 48 hours. The New Yorker has 16:46:28

1 ATTORNEYS' EYES ONLY

2 a longer lead time. 16:46:30

3 So it could have been a week 16:46:32

4 before that story. It could have been 16:46:33

5 even two weeks before that story. It was 16:46:35

6 a longer lead time. 16:46:39

7 Q. If I represent to you, or you 16:46:40

8 can turn to tab 79, that the New Yorker 16:46:41

9 article was published on March 18th, 16:46:44

10 2021? 16:46:48

11 A. Okay. So sometime between 16:46:48

12 March 1st-ish, or March 7th-ish, in that 16:46:50

13 range, when the conversations started to 16:46:55

14 happen. 16:46:58

15 Q. And what do you recall being 16:46:58

16 discussed on these calls about how to 16:47:00

17 respond to the Farrow article? 16:47:02

18 A. Well, for the Farrow article, 16:47:05

19 it was no different than anything else, 16:47:07

20 which is looking at the questions that 16:47:10

21 the reporter was raising and how to 16:47:15

22 respond to each one. 16:47:18

23 And at the end of the day, most 16:47:21

24 of the stuff that was in this article I 16:47:23

25 felt and others felt had sort of already 16:47:28

1 ATTORNEYS' EYES ONLY

2 been litigated in terms of the press. I 16:47:30

3 am not talking about litigated legally. 16:47:33

4 Q. Okay. Anything else you recall 16:47:38

5 being discussed concerning what was 16:47:39

6 coming out in this story? 16:47:42

7 A. No, that was it. 16:47:43

8 Q. Can you turn to tab 70. 16:47:50

9 A. Okay. Okay. 16:48:09

10 Q. Okay. And do you recall this 16:48:22

11 text exchange? 16:48:25

12 A. I do. 16:48:25

13 Q. Okay. And what was the 16:48:27

14 background to this text exchange? 16:48:29

15 A. So Melissa sends, I think it's 16:48:31

16 a screenshot, right, of an e-mail from 16:48:35

17 Ronan Farrow. The accusation is that 16:48:40

18 Melissa has leaked her personnel files, 16:48:44

19 and I respond that I think that she 16:48:46

20 should make sure that a lawyer is 16:48:48

21 responding as opposed to her, 16:48:50

22 necessarily. 16:48:53

23 Q. Okay. And why did you think 16:48:53

24 this required a lawyer's response? 16:48:57

25 A. Because I thought that it was 16:48:58

1 ATTORNEYS' EYES ONLY

2 more appropriate to hear that a lawyer 16:49:02
3 comment on the -- potentially that a 16:49:05
4 lawyer comment on this, because it was 16:49:09
5 clear that the allegation was that she 16:49:10
6 had done something wrong, as opposed 16:49:13
7 to -- as opposed to sort of a normal 16:49:15
8 press response. 16:49:18

9 Q. And who do you understand was 16:49:19
10 the one who released personnel 16:49:22
11 information to the media? 16:49:25

12 A. I do not know. 16:49:28

13 Q. And when you say you do not 16:49:29
14 know, do you not know specifically which 16:49:34
15 person or are you saying more broadly 16:49:36
16 what organization or anything like that? 16:49:38

17 A. I do not know. I was not 16:49:40
18 involved at the time back in December, 16:49:41
19 really, when this stuff, when the 16:49:45
20 conversation happened about Ms. Boylan 16:49:49
21 and the personnel record. 16:49:51

22 Q. Got you. Putting aside whether 16:49:52
23 or not you were personally involved, in 16:49:55
24 December you were talking to these people 16:49:58
25 who may have been doing this. 16:50:00

1 ATTORNEYS' EYES ONLY

2 My question is, in subsequent 16:50:01

3 conversations such as this one, when 16:50:02

4 you're talking to somebody about stuff 16:50:04

5 that may have happened in the past, did 16:50:06

6 any of them say who leaked it? 16:50:08

7 A. No. 16:50:10

8 Q. Okay. Did you ask? 16:50:12

9 A. No. 16:50:13

10 Q. Did you ask Ms. DeRosa whether 16:50:15

11 or not she did it? 16:50:20

12 A. No. 16:50:21

13 Q. Did you ask Ms. DeRosa whether 16:50:21

14 or not anyone in the Executive Chamber 16:50:24

15 did it? 16:50:25

16 A. No. 16:50:26

17 Q. Did you not think it was 16:50:26

18 important? 16:50:28

19 A. Not for, not for the purposes 16:50:28

20 of responding to the story, no. 16:50:30

21 Q. Meaning you didn't think it was 16:50:31

22 necessary in responding to the -- to a 16:50:35

23 statement that would be in a press 16:50:39

24 article to know whether or not it 16:50:42

25 happened or who did it? 16:50:43

1 ATTORNEYS' EYES ONLY

2 So part of this discussion is 16:50:52

3 how you're going to respond to Ronan 16:50:55

4 Farrow, correct? 16:50:58

5 A. Yes. 16:50:58

6 Q. My question is, did you not 16:50:59

7 think it was important to some degree to 16:51:00

8 know whether or not Ms. DeRosa or 16:51:02

9 somebody else in the Executive Chamber 16:51:06

10 was connected to the dissemination of 16:51:08

11 Ms. Boylan's personnel file? 16:51:11

12 A. I did not think so. I knew 16:51:12

13 that it had been, that it was out there 16:51:16

14 from the December -- in the public domain 16:51:18

15 and that's all that I needed to know. 16:51:21

16 Q. Okay. Why would a lawyer's 16:51:24

17 response be necessary if it was out in 16:51:27

18 the public domain and everything was 16:51:29

19 kosher? 16:51:31

20 A. Because the question was about 16:51:31

21 her, an allegation about her. And I am 16:51:33

22 not a lawyer, so my suggestion that a 16:51:35

23 lawyer's response was merely my 16:51:38

24 non-lawyerly, my non-lawyerly instinct. 16:51:41

25 Q. Got it. 16:51:44

1 ATTORNEYS' EYES ONLY

2 A. To make sure that she was 16:51:45

3 seeking counsel on it. 16:51:47

4 Q. Ms. DeRosa was seeking counsel? 16:51:48

5 A. I didn't say that. I said I 16:51:54

6 wanted to make sure -- I said when this 16:51:56

7 requires a lawyer to respond to, 16:51:58

8 obviously I wanted to make sure that she 16:52:00

9 was talking or seeking a lawyer's 16:52:03

10 response, but just my instinct. 16:52:06

11 Q. Can you turn to tab 74. 16:52:17

12 A. Yes. 16:52:18

13 Q. Let me know when you're ready. 16:52:19

14 A. Okay. 16:52:49

15 Q. Do you recall whether or not 16:52:50

16 you joined this phone call? 16:52:51

17 A. No. 16:52:52

18 Q. Do you recall whether or not 16:52:55

19 you joined any conference calls 16:52:59

20 concerning the response to Ms. Farrow's 16:53:01

21 article -- Mr. Farrow's article, sorry? 16:53:03

22 A. That's okay. Yes. 16:53:07

23 Q. And what do you recall being 16:53:09

24 discussed during those conversations? 16:53:10

25 A. I don't recall specifically. 16:53:12

1 ATTORNEYS' EYES ONLY

2 Particularly this, I don't know what this 16:53:24

3 is about. 16:53:26

4 Again, we got -- we got asked a 16:53:27

5 series of questions about Ronan Farrow 16:53:30

6 and we went through each one and figured 16:53:32

7 out what the response to each one should 16:53:33

8 be. 16:53:36

9 Q. If you can turn to tab 75. 16:53:40

10 A. Okay. 16:54:17

11 Q. Let me know when you're ready. 16:54:17

12 A. Okay. 16:54:19

13 Q. And if you turn to the third 16:54:19

14 page of this exhibit. 16:54:21

15 A. Okay. 16:54:22

16 Q. And your phone number is 16:54:22

17 ██████████, correct? 16:54:25

18 A. That's correct. So I am the 16:54:28

19 mystery person. 16:54:32

20 Q. You're the mystery person in 16:54:32

21 this exchange. 16:54:34

22 A. Got it, okay. 16:54:35

23 Q. Okay. Why did you write the 16:54:36

24 stuff under -- on the third page, meaning 16:54:41

25 "Not the Hochul one but why not, they are 16:54:48

1 ATTORNEYS' EYES ONLY

2 in the public," what did you mean by 16:54:49

3 that? 16:54:51

4 A. Well, they are in the public 16:54:51

5 meaning you can give it or not, it 16:54:57

6 doesn't matter, it was out there for 16:55:00

7 everyone to see. 16:55:04

8 "Not the Hochul one" is because 16:55:05

9 I thought that the politics involving the 16:55:07

10 lieutenant Governor, who is also my 16:55:09

11 client, would be complicated. And 16:55:11

12 because forcing -- having a 16:55:15

13 conversation -- having a press 16:55:16

14 conversation about the lieutenant 16:55:20

15 Governor just meant the lieutenant 16:55:21

16 Governor was going to have to comment, 16:55:23

17 and that was not a good thing, I didn't 16:55:25

18 think, or not a good thing for either the 16:55:27

19 Governor or the lieutenant Governor. So 16:55:28

20 that's why I say that. 16:55:30

21 And again, they were in the 16:55:33

22 public domain. So to some extent I was 16:55:34

23 like, does it really matter. Anybody 16:55:36

24 could see these. 16:55:39

25 Q. Meaning the tweets that were 16:55:39

1 ATTORNEYS' EYES ONLY

2 conversation? 16:56:50

3 A. The last page of the 16:56:51

4 conversation. Just ask the question 16:56:52

5 again because I was looking at something 16:56:53

6 else, the wrong thing. 16:56:55

7 Q. No, not a problem. I was 16:56:57

8 asking about the significance of the 16:56:58

9 statement towards the middle of the page 16:56:59

10 where it says: "I don't have a problem, 16:57:01

11 but I'm not sure how many of these are 16:57:03

12 false that we had to respond to"? 16:57:05

13 A. I have no idea. I can't figure 16:57:07

14 it out. 16:57:27

15 Q. Can you turn to tab 76? 16:57:38

16 A. Okay. 16:57:41

17 Q. Why were you sending the 16:57:42

18 summary to Mr. Ajemian? 16:58:22

19 A. It was a summary -- I don't 16:58:24

20 know why I sent it to Peter, but it was a 16:58:26

21 summary of a conversation that we had had 16:58:28

22 about the Ronan Farrow article and about 16:58:30

23 the relationship with Lindsey Boylan. 16:58:36

24 Q. When you say "a conversation 16:58:39

25 that we had," who was a part of that 16:58:40

1 ATTORNEYS' EYES ONLY

2 conversation? 16:58:42

3 A. It would have been, it would 16:58:42

4 have been a larger conversation, not just 16:58:45

5 me and Peter Ajemian. I don't know that 16:58:47

6 I had those conversations. 16:58:49

7 Q. So this was all stuff that 16:58:51

8 you -- was shared during a -- during some 16:58:53

9 communication about the Ronan Farrow 16:59:00

10 article? 16:59:02

11 A. Some group call, yes. 16:59:02

12 Actually, as I recall I was just trying 16:59:06

13 to be helpful because he was like on the 16:59:09

14 run or something. So on the go. And I 16:59:12

15 think I just wrote things down and sent 16:59:14

16 them to him. 16:59:16

17 Q. Got you. Can you turn to the 16:59:18

18 next tab, 77. 16:59:19

19 A. Okay. 17:00:51

20 Q. Do you recognize this e-mail 17:00:51

21 exchange? 17:00:54

22 A. I do. 17:00:54

23 Q. And what was the background for 17:00:55

24 this e-mail exchange? 17:00:56

25 A. These are the either written or 17:00:58

1 ATTORNEYS' EYES ONLY

2 called responses to the Ronan Farrow 17:01:01

3 article and the questions that were being 17:01:03

4 asked. 17:01:05

5 Q. Got you. And do you recall why 17:01:05

6 there was discussion as to potential 17:01:07

7 retaliation? 17:01:09

8 A. Because that was an allegation 17:01:09

9 that Ms. Boylan made. It's actually a 17:01:17

10 question that Ronan Farrow asks. 17:01:19

11 Q. And if you look at Ms. Garvey's 17:01:27

12 e-mail toward the middle of the first 17:01:29

13 page, you say: "You don't have to make 17:01:30

14 news with what can be spun as 17:01:33

15 retaliatory." 17:01:37

16 To which Ms. DeRosa responds, 17:01:37

17 "Retaliatory how? If you want to cut out 17:01:39

18 the last part and make it purely factual, 17:01:41

19 fine, but how is it retaliatory to 17:01:46

20 respond to her attacks factually?"

21 My question is, was there a 17:01:47

22 discussion about whether or not certain 17:01:51

23 information that you were provided in 17:01:52

24 your response to be considered 17:01:53

25 retaliation? 17:01:54

1 ATTORNEYS' EYES ONLY

2 A. I don't recall having -- I 17:01:55

3 don't recall having the conversation. 17:02:10

4 Beth Garvey is making a point, 17:02:15

5 as with anything you write, you can write 17:02:17

6 something that is accidentally or 17:02:21

7 incidentally taken as something else. 17:02:22

8 But I don't recall talking specifically, 17:02:25

9 I don't recall specifically talking about 17:02:31

10 the retaliatory piece other than our 17:02:33

11 response. 17:02:35

12 Q. Can you turn to the following 17:02:35

13 tab, 78. 17:02:37

14 A. Okay. 17:02:49

15 Q. If you go to page -- sorry, 17:03:39

16 first, do you recognize this e-mail 17:03:41

17 exchange? 17:03:42

18 A. Yes. 17:03:43

19 Q. And what's the background to 17:03:43

20 this e-mail exchange? 17:03:46

21 A. Continued litigation of the 17:03:47

22 story. 17:03:49

23 Q. Got you. And if you can go to 17:03:49

24 page 3095. 17:03:54

25 A. Yup. 17:03:59

1 ATTORNEYS' EYES ONLY

2 Q. And at the top it's an e-mail 17:03:59

3 from you to the group? 17:04:02

4 A. Mm-hmm. 17:04:02

5 Q. And you write: "Lawyers need 17:04:03

6 to either overrule or not. The lawyers 17:04:06

7 should have the priority on this, 17:04:07

8 Melissa." 17:04:11

9 A. Mm-hmm. 17:04:12

10 Q. What did you mean when you 17:04:12

11 wrote that? 17:04:14

12 A. So at a certain point I began 17:04:14

13 to, as I had asserted a number of times, 17:04:18

14 I did not want to be perceived in any way 17:04:21

15 as the Governor or the Governor's team 17:04:27

16 interfering with the AG's investigation. 17:04:29

17 And therefore if we were going to comment 17:04:35

18 on things, particularly things that felt 17:04:36

19 to me sensitive, I wanted to make sure 17:04:39

20 that the lawyers were okay with it. 17:04:42

21 And it wasn't just a political 17:04:47

22 judgment, which is why I said "The 17:04:49

23 lawyers should have priority on this, 17:04:51

24 Melissa." 17:04:52

25 Q. Okay. Could you turn to turn 17:04:54

1 ATTORNEYS' EYES ONLY

2 to tab 80. 17:04:57

3 A. Mm-hmm. Okay. 17:04:58

4 Q. If you go to the second page? 17:05:29

5 A. Yes. 17:05:31

6 Q. And it's an e-mail from Lis 17:05:32

7 Smith in which you write: "I'm not sure 17:05:34

8 name calling coming from you guys is 17:05:37

9 super credible"? 17:05:40

10 A. She said that, not me. 17:05:41

11 Q. Yes, she said that. And on the 17:05:43

12 next page you say "Agreed." 17:05:45

13 A. Yes. 17:05:48

14 Q. What did you mean or what's the 17:05:48

15 fact pattern of this exchange? 17:05:50

16 A. It's for -- it's another piece 17:05:52

17 of the Ronan Farrow story, but particular 17:05:55

18 to Melissa about a quote that she said, I 17:05:57

19 think somebody has quoted saying that 17:06:02

20 she's a mean girl or one of the mean 17:06:05

21 girls or something like that. 17:06:07

22 And my point was that there had 17:06:09

23 been far too much sort of back and forth 17:06:10

24 over sort of name calling and angry 17:06:14

25 words. And I just didn't think it was 17:06:20

1 ATTORNEYS' EYES ONLY

2 credible from a press perspective to say 17:06:22

3 name calling. 17:06:26

4 Q. Got you. On the next page -- 17:06:27

5 sorry, if you can turn to the next tab, 17:06:29

6 81. 17:06:31

7 A. Okay. 17:06:32

8 Q. Do you remember sending this 17:06:45

9 text message? 17:06:49

10 A. I do. 17:06:49

11 Q. What's the background of this 17:06:52

12 text message? 17:06:54

13 A. After the Ronan Farrow story 17:06:55

14 breaks, as I previously have said, I had 17:06:57

15 been concerned that Ronan Farrow was 17:06:59

16 going to break new territory with his 17:07:02

17 story because that's what he had done 17:07:04

18 many times before. And I didn't think he 17:07:06

19 had. 17:07:08

20 Q. Okay. Do you recall anything 17:07:11

21 else -- besides what you've already 17:07:21

22 testified to, do you recall anything else 17:07:21

23 that was shared during these 17:07:23

24 communications about responding to the 17:07:25

25 Ronan Farrow article? 17:07:27

1	ATTORNEYS' EYES ONLY	
2	A. No.	17:09:09
3	Q. And were you -- did you	17:09:10
4	participate in any way in any response to	17:09:13
5	these allegations?	17:09:16
6	A. I don't think so.	17:09:18
7	Q. And did you discuss these	17:09:19
8	allegations at all with anyone, with	17:09:26
9	anyone in the Executive Chamber	17:09:32
10	currently?	17:09:34
11	A. I don't think so.	17:09:34
12	Q. Okay. And what was your	17:09:35
13	reaction to these allegations?	17:09:41
14	A. I don't recall.	17:09:42
15	Q. What is your reaction now to	17:09:46
16	these allegations?	17:09:48
17	A. I am not even sure how to	17:09:49
18	answer that question.	17:09:51
19	Q. All right.	17:09:55
20	MR. GRANT: Do you mind if we	17:10:00
21	take a quick five minute? I think I	17:10:02
22	may have at most an hour left, but I	17:10:06
23	want to go through some of my notes.	17:10:09
24	MR. LEVINE: Sure.	17:10:11
25	MR. GRANT: Thank you.	17:10:12

1 ATTORNEYS' EYES ONLY

2 THE VIDEOGRAPHER: The time is 17:10:12

3 5:01, we are going off the record. 17:10:15

4 This will end media unit number 5. 17:10:18

5 (Off the record.) 17:10:21

6 THE VIDEOGRAPHER: The time is 17:17:27

7 5:08 p.m., would are back on the 17:17:28

8 record and this is the start of media 17:17:31

9 unit number 6. 17:17:32

10 BY MR. GRANT: 17:17:50

11 Q. Can you turn to tab 73. 17:17:50

12 A. Yes. 17:17:51

13 Q. Can you tell me the 17:18:06

14 background -- first, do you recognize 17:18:07

15 this e-mail exchange? 17:18:09

16 A. Yes. 17:18:15

17 Q. Can you tell me the background 17:18:15

18 to this exchange? 17:18:17

19 A. I don't know where the 17:18:17

20 derivation of the, the New York Times 17:18:30

21 editorial said something, the New York 17:18:36

22 Times editorial said something that I 17:18:39

23 don't remember specifically. 17:18:40

24 And this was a draft statement 17:18:42

25 that I thought was not the right kind of 17:18:45

1 ATTORNEYS' EYES ONLY

2 statement, thus the 100 question marks in 17:18:51

3 my response. 17:18:54

4 Q. Got you. Do you know who 17:18:56

5 drafted that statement? 17:18:57

6 A. I do not. 17:18:58

7 Q. Do you have any understanding 17:18:59

8 as to who would have drafted that 17:19:00

9 statement? 17:19:02

10 A. No. 17:19:03

11 Q. Okay. And I take it, as you 17:19:04

12 said, your response was followed by 20 17:19:11

13 question marks means you did not agree 17:19:13

14 with this strategy? 17:19:15

15 A. I did not. 17:19:16

16 Q. And why was it a strategy that 17:19:23

17 you did not agree with? 17:19:24

18 A. Because one of the other 17:19:25

19 truisms of press strategy is to not pick 17:19:27

20 a fight with those who buy ink by the 17:19:30

21 barrel. So picking a fight with the New 17:19:34

22 York Times editorial board felt like a 17:19:37

23 pretty bad idea to me. 17:19:39

24 Q. Got you. Did anyone ever ask 17:19:43

25 you to go on the record and to defend 17:19:45

1 ATTORNEYS' EYES ONLY

2 the discussion was that you were best 17:20:44

3 able to respond because you were the 17:20:46

4 numbers person? 17:20:51

5 A. That's correct. 17:20:52

6 Q. Any other reason that you were 17:20:52

7 asked to go on the record? 17:20:54

8 A. No. I think I'm only on the 17:20:56

9 record three or four times. 17:20:58

10 Q. Did you have any aversion to 17:20:59

11 being on the record at all or cause for 17:21:03

12 concern? 17:21:07

13 A. No. 17:21:07

14 Q. Okay. If you can look at tab 17:21:07

15 72? 17:21:22

16 A. You showed me this. No, that's 17:21:22

17 71. Sorry. Yup. 17:21:25

18 Q. Let me know when you're ready. 17:21:27

19 A. Okay. No problem. I am ready. 17:21:31

20 Q. All right. So it appears that 17:21:39

21 Ms. DeRosa is e-mailing you particular 17:21:42

22 numbers. And I am assuming these are 17:21:45

23 polling numbers, you know, favorable 17:21:46

24 ratings for particular questions, right? 17:21:48

25 A. Correct. From a public poll of 17:21:51

1 ATTORNEYS' EYES ONLY

2 some sort, I assume. 17:21:52

3 Q. Got you. And you write in 17:21:54
4 response: "Generally good stuff in here 17:21:58
5 for pushback on all fronts. Other than 17:22:01
6 the reelect and a huge decline on nursing 17:22:03
7 home data, but generally fine for 17:22:07
8 pushback." 17:22:09

9 What sort of pushback was being 17:22:10
10 contemplated at this time? 17:22:12

11 A. I don't know that there was any 17:22:14
12 contemplated at the time. I just mean 17:22:18
13 sort of generically how is the Governor 17:22:20
14 doing. He's suffering. He's succeeding. 17:22:22
15 Like the notion is he's doing his job. 17:22:25

16 So I don't think it's specific 17:22:28
17 to anything. It's sort of pushback to 17:22:30
18 the narrative that like he's in trouble. 17:22:32

19 Q. Okay. And if you look at the 17:22:35
20 third page of the exhibit, one of the 17:22:42
21 questions that was posited and what you 17:22:44
22 think may have been a public poll is "Do 17:22:46
23 you think Governor Cuomo has committed 17:22:49
24 sexual harassment," correct? 17:22:51

25 A. Yes, I am almost possible this 17:22:53

1 ATTORNEYS' EYES ONLY

2 is a public poll. I think a Siena poll. 17:22:55

3 Q. Got you. And was any of the 17:22:58

4 pushback that was contemplated by your 17:23:00

5 response related to the sexual harassment 17:23:02

6 allegations? 17:23:04

7 A. The pushback is about the 17:23:05

8 Governor's standing. So that would be 17:23:08

9 anything that he was under attack from, 17:23:09

10 but largely how is his political standing 17:23:13

11 is what I was talking about. 17:23:15

12 Q. Okay. All right. That's all I 17:23:17

13 have for that exhibit. 17:23:23

14 A. Okay. 17:23:24

15 Q. You don't have to continue 17:23:27

16 looking at the numbers. I know you may 17:23:28

17 like the numbers. 17:23:30

18 A. I do, thank you. 17:23:31

19 Q. All right. In your role as 17:23:32

20 pollster to the Governor -- we discussed 17:23:36

21 this earlier, you have known the Governor 17:23:39

22 for a long period of time, since his 17:23:41

23 first run for Attorney General, correct? 17:23:42

24 A. Correct. 17:23:46

25 Q. And over the course of those 17:23:50

1 ATTORNEYS' EYES ONLY

2 years, I know you said it varies how 17:23:51

3 regularly you interact with the Governor, 17:23:53

4 but you've in some capacity been able to 17:23:55

5 see the Governor interact with others, 17:23:57

6 correct? 17:23:59

7 A. Largely on the campaign 17:23:59

8 environment, not otherwise. I don't 17:24:07

9 spend time in Albany, for example. I 17:24:09

10 don't really spend time in the government 17:24:11

11 office. So really on campaign-related 17:24:15

12 stuff. 17:24:18

13 Q. So when you say the office, you 17:24:18

14 mean the office in Albany as well as the 17:24:20

15 office in New York City? 17:24:22

16 A. That's correct. 17:24:22

17 Q. So you don't regularly go to 17:24:23

18 either of his government offices? 17:24:25

19 A. No, not regularly. 17:24:27

20 Q. Okay. How often would you say 17:24:29

21 you go to his government offices? 17:24:31

22 A. Almost never in Albany. I 17:24:32

23 couldn't even tell you. I couldn't even 17:24:39

24 remember the last time in Albany. 17:24:41

25 In New York, in the City, 17:24:44

1 ATTORNEYS' EYES ONLY

2 sometimes there are meetings frequently 17:24:47

3 in the building at 633 Third Avenue. But 17:24:52

4 also many times not in, not in the 17:24:55

5 Governor's Office, but in like a 17:24:59

6 conference room where I can do a 17:25:01

7 presentation of polling data. That is 17:25:02

8 the times, by and large, over the, 17:25:04

9 whatever, 20 years, 16 years, 15 years, 17:25:09

10 whatever it's been, largely about 17:25:12

11 presenting polling data in terms of in- 17:25:14

12 person meetings. 17:25:16

13 Q. And during those meetings are 17:25:17

14 other member of the Executive Chamber 17:25:18

15 staff there? 17:25:21

16 A. Sometimes, yes. 17:25:21

17 Q. Who? 17:25:23

18 A. Well, it's been 15 years. 17:25:23

19 Q. I just want to get a general 17:25:28

20 sense of who, in what particular roles, 17:25:29

21 meaning, so, for instance, I don't think 17:25:33

22 you necessarily know every briefer, 17:25:36

23 right? 17:25:39

24 A. I don't know. 17:25:39

25 Q. But you did testify to 17:25:41

1 ATTORNEYS' EYES ONLY

2 having -- knowing Melissa DeRosa very 17:25:46

3 well? 17:25:49

4 A. Yes. 17:25:49

5 Q. Including her capacity as 17:25:49

6 Secretary to the Governor, correct? 17:25:51

7 A. Sure. 17:25:53

8 Q. So I am trying to understand, 17:25:53

9 who in the Executive Chamber are people 17:25:55

10 with whom you would interact? 17:25:57

11 A. So the Secretary to the 17:25:59

12 Governor would be a frequent interaction 17:26:00

13 when I was dealing with an issue like a 17:26:03

14 polling presentation. 17:26:06

15 Sometimes it would be some of 17:26:08

16 the communications people. Sometimes the 17:26:12

17 Governor's counsel. 17:26:18

18 Q. So is it fair to say -- 17:26:27

19 A. Just thinking. 17:26:29

20 Q. So is it fair to say that you 17:26:30

21 have observed the Governor's interaction 17:26:32

22 with members of the senior Executive 17:26:36

23 Chamber staff? 17:26:40

24 A. Yes. 17:26:40

25 Q. Okay. All right. And on the 17:26:40

1 ATTORNEYS' EYES ONLY

2 campaign side, what sort of interactions 17:26:45

3 have you observed of the Governor's, like 17:26:47

4 what setting? 17:26:54

5 A. Virtually the same, 17:26:55

6 presentation of polling data to him, and 17:26:56

7 so it would have been with him and like 17:27:00

8 campaign manager or somebody like that. 17:27:04

9 But same. 17:27:06

10 Q. So senior campaign staff? 17:27:08

11 A. Yeah. 17:27:09

12 Q. Okay. And have you ever 17:27:10

13 interacted or have you seen -- were you 17:27:13

14 able -- have you observed the Governor's 17:27:18

15 interaction with less senior campaign 17:27:21

16 staff? 17:27:23

17 A. No. 17:27:24

18 Q. Okay. Has the Governor ever 17:27:24

19 yelled at you? 17:27:33

20 A. No. 17:27:33

21 Q. Has the Governor ever insulted 17:27:34

22 you in any way? 17:27:37

23 A. No. 17:27:38

24 Q. Has he ever threatened you? 17:27:40

25 A. No. 17:27:42

1	ATTORNEYS' EYES ONLY	
2	Q. Has he ever thrown anything at	17:27:47
3	you?	17:27:49
4	A. No.	17:27:49
5	Q. Has the Governor ever touched	17:27:49
6	you?	17:27:51
7	A. Handshake, hugs, yes.	17:27:51
8	Q. What sort of hugs?	17:27:52
9	A. Warm embraces. He's a hugger.	17:27:59
10	Q. Did any of the hugs make you	17:28:01
11	feel uncomfortable in any way?	17:28:03
12	A. No.	17:28:05
13	Q. When you say warm embraces,	17:28:06
14	could you be more specific?	17:28:11
15	A. We have a 16-plus-year track	17:28:12
16	record of going through lots of campaigns	17:28:15
17	and wins together. So a warm embrace	17:28:18
18	upon seeing each other.	17:28:26
19	So again, I don't see him that	17:28:26
20	often, so that's part of it.	17:28:28
21	Q. Has the Governor ever kissed	17:28:29
22	you?	17:28:31
23	A. Yes, on the cheek, yes, sure.	17:28:31
24	Q. On the lips?	17:28:37
25	A. No. I don't think so.	17:28:38

1 ATTORNEYS' EYES ONLY

2 Q. You don't think so? 17:28:42

3 A. No, no. 17:28:42

4 Q. Has the Governor ever commented 17:28:43

5 on your appearance? 17:28:45

6 A. Sure. 17:28:46

7 Q. What has he said? 17:28:56

8 A. I'm frequently the only 17:28:57

9 political consultant to wear a suit, so I 17:29:01

10 get made fun of all the time for that. I 17:29:03

11 am used to it. 17:29:06

12 Q. I don't think that's true. 17:29:07

13 You're the only political consultant who 17:29:08

14 wears a suit? 17:29:10

15 A. I am happy to have you come to 17:29:11

16 some of my meetings. I am the one in the 17:29:13

17 suit. 17:29:15

18 Q. Anything else you recall him 17:29:15

19 saying about your appearance and your 17:29:18

20 dress? 17:29:20

21 A. No. 17:29:20

22 Q. Has the Governor ever asked or 17:29:21

23 commented about your relationship status? 17:29:24

24 A. No. But I have been married 17:29:27

25 the entire time I have known him. 17:29:29

1 ATTORNEYS' EYES ONLY

2 Q. And has the Governor made any 17:29:31

3 comments with sexual undertones in your 17:29:35

4 presence? 17:29:37

5 A. No. 17:29:37

6 Q. Has the Governor made any 17:29:40

7 comments of any sort of sexual innuendo 17:29:42

8 in your presence? 17:29:44

9 A. The Governor makes jokes 17:29:45

10 frequently. But sexual innuendo towards 17:29:48

11 me, no. 17:29:53

12 Q. Not necessarily towards you. I 17:29:53

13 meant in your presence. 17:29:55

14 A. No. 17:29:56

15 Q. Has he ever made any jokes with 17:29:57

16 any sort of sexual innuendo or sexual 17:30:00

17 undertone? 17:30:04

18 A. Not to my knowledge. 17:30:04

19 Q. Have you ever seen the Governor 17:30:13

20 yell at any member of the Executive 17:30:15

21 Chamber staff or the campaign staff? 17:30:18

22 A. No. 17:30:19

23 Q. Have you ever seen the Governor 17:30:20

24 curse at anyone or seen or heard the 17:30:22

25 Governor curse at anyone in the Executive 17:30:25

1 ATTORNEYS' EYES ONLY

2 Chamber staff or campaign staff? 17:30:30

3 A. I say this respectfully, in 17:30:32

4 politics we use the word "fuck" in place 17:30:36

5 of the word "the." I'm not sure curse is 17:30:39

6 like -- sure, I've heard everybody curse. 17:30:43

7 Everybody curses. 17:30:45

8 Q. Not sure "fuck" is an article, 17:30:46

9 but okay. 17:30:50

10 In any event, would you say 17:30:57

11 there is any difference in the way that 17:30:58

12 the Governor curses at women and men? 17:31:02

13 A. No. 17:31:03

14 Q. Have you ever heard the 17:31:04

15 Governor insult anyone who works in the 17:31:06

16 Executive Chamber or the campaign staff? 17:31:08

17 A. No. 17:31:10

18 Q. Have you ever seen or heard the 17:31:15

19 Governor threaten anyone who works in the 17:31:17

20 Executive Chamber or the campaign staff? 17:31:20

21 A. No. 17:31:22

22 Q. Have you ever seen the Governor 17:31:23

23 throw anything at anyone who works in the 17:31:25

24 Executive Chamber or the campaign staff? 17:31:27

25 A. No. 17:31:29

1 ATTORNEYS' EYES ONLY

2 Q. Have you ever seen the Governor 17:31:29

3 hug anyone who works in the Executive 17:31:31

4 Chamber or the senior campaign staff? 17:31:35

5 A. Yes. 17:31:36

6 Q. And who have you seen him hug? 17:31:37

7 A. I've seen him hug everybody. 17:31:41

8 He's a hugger. He sees somebody at an 17:31:43

9 event, including staff, he hugs. That's 17:31:47

10 what he does. I've seen him do it to 17:31:52

11 countless people, men and women. 17:31:54

12 Q. Is there any difference in the 17:31:56

13 frequency with which he hugs men and 17:31:57

14 women? 17:32:00

15 A. No. 17:32:00

16 Q. Is there any difference in the 17:32:01

17 way that he hugs men and women? 17:32:05

18 A. I don't believe so, no. 17:32:06

19 Q. Did you ever see the Governor 17:32:10

20 hold anyone particularly close to him for 17:32:12

21 an extended amount of time? 17:32:14

22 A. No. 17:32:16

23 Q. Have you seen the Governor kiss 17:32:20

24 any employee of the Executive Chamber or 17:32:22

25 the campaign staff? 17:32:25

1 ATTORNEYS' EYES ONLY

2 about the Governor's treatment of him or 17:33:23

3 her? 17:33:25

4 A. No. 17:33:25

5 Q. Have you ever seen or heard the 17:33:30

6 Governor comment on the appearance of an 17:33:32

7 Executive Chamber employee or a campaign 17:33:34

8 employee? 17:33:38

9 A. No. 17:33:39

10 Q. Have you ever seen or heard the 17:33:39

11 Governor comment on an Executive Chamber 17:33:41

12 employee or campaign employee's clothing? 17:33:43

13 A. No. 17:33:45

14 Q. Have you ever seen or heard the 17:33:48

15 Governor comment on an Executive Chamber 17:33:50

16 employee or a campaign employee's 17:33:53

17 relationship status? 17:33:56

18 A. No. 17:33:57

19 Q. Have you ever heard the 17:33:58

20 Governor refer to any Executive Chamber 17:33:59

21 staff person or campaign staff person 17:34:03

22 using terms like "sweetie, honey, 17:34:06

23 sweetheart"?

24 A. Yes. 17:34:09

25 Q. Who have you heard him use 17:34:09

1 ATTORNEYS' EYES ONLY

2 those terms with? 17:34:13

3 A. I don't know specifically, but 17:34:14

4 he's used them about me. He does use 17:34:15

5 those sort of old-fashioned affectionate 17:34:18

6 terms or what he sees as old-fashioned 17:34:23

7 affectionate terms. 17:34:26

8 Q. Okay. Which old-fashioned 17:34:27

9 affectionate terms has he used with you? 17:34:29

10 A. I have seen him do "Hey hon." 17:34:31

11 Q. The Governor called you "hon"? 17:34:40

12 A. I don't think he's called me 17:34:42

13 "hon," but I think he's called me 17:34:49

14 "sweetheart." He's called me "math man." 17:34:50

15 Q. So Governor Cuomo called you 17:35:02

16 "sweetheart"? 17:35:04

17 A. Whether it's "sweetheart" or 17:35:05

18 something sort of in that vein. I don't 17:35:10

19 remember exactly. And I took it as 17:35:12

20 sarcastic since I am not particularly 17:35:18

21 sweet. 17:35:23

22 Q. Was it your understanding when 17:35:23

23 the Governor called you "sweetheart" it 17:35:25

24 was sarcastic? 17:35:27

25 A. Yes, that was my understanding. 17:35:28

1 ATTORNEYS' EYES ONLY

2 Q. Okay. Have you ever heard the 17:35:29

3 Governor called anyone else "sweetheart" 17:35:32

4 in the non-sarcastic fashion? 17:35:34

5 A. I don't recall. 17:35:36

6 Q. Have you ever heard the 17:35:43

7 Governor call anyone "honey" or "hon" in 17:35:44

8 a non-sarcastic fashion? 17:35:46

9 A. I don't think so. 17:35:47

10 Q. Okay. Have you ever heard the 17:35:48

11 Governor call anyone "baby" in a 17:35:50

12 non-sarcastic fashion? 17:35:56

13 A. No. 17:35:57

14 Q. Beyond what you may have 17:35:57

15 learned from the press, had you ever 17:36:00

16 heard the term "mean girls" used about a 17:36:02

17 group of women in the Executive Chamber 17:36:05

18 staff? 17:36:07

19 A. No. 17:36:07

20 Q. Did you observe, in your 17:36:08

21 observations with the Governor and his 17:36:14

22 interactions with others, have you ever 17:36:16

23 noticed any differences in the way that 17:36:18

24 Governor Cuomo treats men and women? 17:36:20

25 A. No. 17:36:22

1 ATTORNEYS' EYES ONLY

2 Q. Do you know whether Governor 17:36:27

3 Cuomo has ever had a -- have you ever 17:36:30

4 seen any campaign employee or Executive 17:36:31

5 Chamber employee sit on the Governor's 17:36:37

6 lap? 17:36:39

7 A. No. 17:36:39

8 Q. Do you know if Governor Cuomo 17:36:46

9 has had any sexual or romantic 17:36:49

10 relationship with any of his staff 17:36:51

11 members? 17:36:53

12 A. No. 17:36:53

13 Q. Have you heard of rumors of 17:36:56

14 Governor Cuomo having any relationships 17:36:57

15 with any members of his staff? 17:36:59

16 A. I heard rumors about every 17:37:01

17 politician that I worked for having them. 17:37:02

18 So I heard them about everybody, but not 17:37:04

19 specific. 17:37:08

20 Q. With respect to Governor Cuomo 17:37:13

21 specifically, what rumors have you heard 17:37:15

22 about him having relationships with 17:37:17

23 members of his staff? 17:37:19

24 A. I don't have any -- as in I 17:37:20

25 don't know who that would be with. 17:37:22

1 ATTORNEYS' EYES ONLY

2 Rumors of, rumors -- so just rumors of 17:37:24

3 affairs, period. But I couldn't tell you 17:37:29

4 with whom or about. 17:37:33

5 Q. Can you turn to tab 69. 17:37:37

6 A. Yes. 17:37:49

7 Q. Let me know when you're ready. 17:37:49

8 A. Okay. 17:38:00

9 Q. Can you tell me the background 17:38:01

10 of this text exchange? 17:38:02

11 A. Lis sends me an article or 17:38:04

12 something that some -- some site is 17:38:09

13 putting out about Senior Staffer #1 and the 17:38:13

14 Governor suggesting that he had a 17:38:17

15 relationship. 17:38:19

16 Q. Okay. So you were aware of 17:38:20

17 rumors about the Governor having a 17:38:22

18 romantic relationship with members of the 17:38:24

19 staff? 17:38:27

20 A. I actually -- I actually had 17:38:27

21 never heard, never heard a rumor at all. 17:38:29

22 This was the first -- the first thing was 17:38:31

23 this site had popped this up. 17:38:34

24 Q. Okay. Are you aware of any 17:38:38

25 incidents of harassment, bullying or 17:38:40

1 ATTORNEYS' EYES ONLY

2 other hostile or aggressive treatment by 17:38:43

3 Governor Cuomo? 17:38:45

4 A. No. 17:38:46

5 Q. All right. I think I may be 17:38:50

6 done. But I want to take another five 17:38:52

7 minutes. Is that okay? 17:38:54

8 A. Sure. 17:38:55

9 MR. LEVINE: Of course. 17:38:56

10 THE VIDEOGRAPHER: Time is 5:30 17:38:57

11 p.m., we are going off the record. 17:39:03

12 (Off the record.) 17:39:07

13 THE VIDEOGRAPHER: Time is 5:35 17:44:17

14 p.m., we are back on the record. 17:44:20

15 BY MR. GRANT: 17:44:31

16 Q. Besides counsel, have you 17:44:31

17 spoken to anyone about this 17:44:32

18 investigation? 17:44:34

19 A. I have had a conversation with 17:44:42

20 both Lis Smith and Melissa DeRosa that I 17:44:45

21 have been subpoenaed, that's it. 17:44:48

22 Q. Was that one conversation or 17:44:50

23 multiple conversations? 17:44:51

24 A. One conversation. 17:44:52

25 Q. And what was said during that 17:44:58

1 ATTORNEYS' EYES ONLY

2 A. No, other than my lawyers, 17:45:46

3 obviously. 17:45:47

4 Q. Are you aware of any opposition 17:45:48

5 research being conducted into members of 17:45:51

6 the investigative team? 17:45:53

7 A. No. 17:45:54

8 Q. Including Mr. Kim? 17:45:55

9 A. No. 17:45:57

10 Q. And Ms. Clark? 17:45:58

11 A. No. 17:45:59

12 Q. And I am going to assume that 17:46:00

13 you haven't participated in coming up 17:46:03

14 with any opposition research? 17:46:05

15 A. No. 17:46:06

16 Q. And that you haven't discussed 17:46:12

17 opposition research with any current or 17:46:13

18 former members of the Executive Chamber? 17:46:15

19 A. No. 17:46:17

20 Q. Are you aware of any other 17:46:21

21 potential or actual allegation of sexual 17:46:23

22 harassment of Governor Cuomo that we 17:46:25

23 haven't discussed today? 17:46:30

24 A. No. 17:46:31

25 Q. Whether or not they have been 17:46:31

1 ATTORNEYS' EYES ONLY

2 I'll certainly say that Mr. Pollock 17:47:20

3 will not be discussing today's 17:47:23

4 testimony with anybody; not your 17:47:24

5 questions, not your documents. He 17:47:28

6 will abide by his obligations as a 17:47:30

7 witness in this matter. So I'd just 17:47:32

8 like those for the record. And from 17:47:34

9 that, otherwise, we are done. 17:47:35

10 MR. GRANT: Okay. And I will 17:47:37

11 take your request for a copy of the 17:47:39

12 testimony under advisement. But as we 17:47:41

13 relayed earlier today, it's not our 17:47:44

14 practice or it's not our intention -- 17:47:46

15 we don't intend to be providing a copy 17:47:48

16 of that. But I will take it under 17:47:50

17 advisement and we will have a 17:47:52

18 discussion about furnishing a copy if 17:47:55

19 necessary, and you can feel free to 17:47:57

20 follow up with a letter if necessary. 17:47:58

21 MR. LEVINE: Okay. Thank you. 17:48:00

22 MR. GRANT: And I don't take 17:48:01

23 Mr. Pollock's participation here today 17:48:04

24 as a -- as him agreeing with our 17:48:06

25 interpretation of Executive Law 63(8). 17:48:14

1 ATTORNEYS' EYES ONLY

2 MR. LEVINE: Okay. Thank you. 17:48:17

3 MR. GRANT: I hope you will also 17:48:21

4 not share how long today's testimony 17:48:23

5 took with anybody, as Ms. Smith did 17:48:25

6 with him. 17:48:27

7 MR. LEVINE: The only thing I 17:48:27

8 will allow him to say is what a nice 17:48:28

9 conference room we have here and what 17:48:31

10 a good job his lawyers have done. 17:48:33

11 Other than that, I think we're done. 17:48:35

12 MR. GRANT: Okay. 17:48:36

13 Q. Can you think of anything else 17:48:37

14 that would be relevant to our 17:48:39

15 investigation that hasn't been covered 17:48:40

16 today? 17:48:42

17 A. No, sir. 17:48:42

18 Q. I think you should probably 17:48:47

19 move the screen back to only you. 17:48:49

20 A. Okay. 17:48:50

21 Q. All right. As I said at the 17:48:51

22 beginning, we will allow you to make a 17:48:52

23 brief sworn statement, if you wish. 17:48:54

24 Would you like to make a brief 17:48:55

25 sworn statement? 17:48:57

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ATTORNEYS' EYES ONLY

retained by Veritext Legal Solutions. 17:49:43

We are going off the record at 5:40 17:49:45

p.m. Eastern Standard Time. Stay safe 17:49:48

everybody. 17:49:51

(Off the record.) 17:49:52

(Time noted: 5:40 p.m.) 17:49:47

WITNESS 7/12/2021

Subscribed and sworn to before me
this __ day of _____, 2021.

Notary public

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

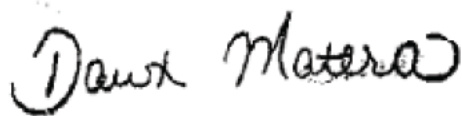
CERTIFICATION

I, DAWN MATERA, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose testimony as herein set forth, was duly sworn by me; and that the within transcript is a true record of the testimony given by said witness.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of July, 2021.



DAWN MATERA