



28 State Street
Boston, MA 02109
p: 617-345-9000 f: 617-345-9020
hinckleyallen.com

Michael J. Connolly
mconnolly@hinckleyallen.com
Direct Dial: (617) 378-4118

September 19, 2024

VIA ELECTRONIC MAIL

Brad R. Wenstrup, D.P.M., Chairman
Congress of the United States
House of Representatives
Select Subcommittee on the Coronavirus
Pandemic
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Chairman Wenstrup:

Please see below Dr. Malatras' responses to your follow-up questions, set forth in your letter dated September 16, 2024.

Interrogatories

- 1. Dr. Malatras, to you, was the February 18, 2024 text message from Mr. Cuomo to you in response to the Select Subcommittee's invitation for your testimony?**

Yes.

- 2. Dr. Malatras, how did you interpret the content of the February 18, 2024 text message from Mr. Cuomo to you?**

I took it as a type of flare—or signal— alerting me that he was aware that the House Select Subcommittee had requested that I testify on issues related to the administration's handling of the Covid-19 response.

- 3. Please provide those other text messages to the Select Subcommittee.**

This following text message was sent on May 18, 2023, nine months before the February 18, 2024 text from Governor Cuomo.

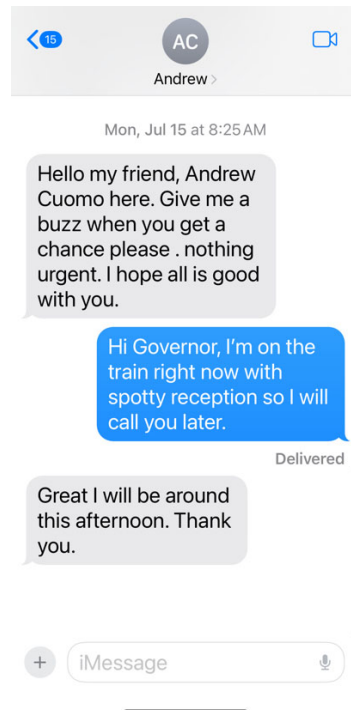


4. Dr. Malatras, have you been contacted by Mr. Cuomo since your May 20, 2024 interview before the Select Subcommittee?

Yes.

a. If yes, when?

On July 15, 2024, Governor Cuomo called me around 8:24am. I couldn't talk at the time because I was on an Amtrak train with poor cellular service. I then received a text from Governor Cuomo to call him. Since it was a direct request to talk and since I had already testified before the committee, I felt comfortable enough calling him back. We spoke a little after 5pm on that day for about a half an hour. It was the first time we had spoken directly since the fall of 2020 or early 2021—though I believe at that point (in 2021) we were only on group calls.



b. If yes, did Mr. Cuomo discuss issues related to the Select Subcommittee?

Yes.

i. If yes, what topics?

Governor Cuomo started the call by mentioning he would be testifying publicly in front of the House Select Subcommittee. As part of the conversation he spoke about nursing homes, specifically describing how the story in New York was much better than I even knew it to be and mentioned several facts and datapoints to demonstrate his point. I don't recall the exact details of the facts or datapoints but recall generally that he mentioned that New York's nursing home numbers in comparison to other states were even better than first thought.

c. If yes, how did you interpret the phone call?

For the portion of the call regarding the Select Subcommittee, I interpreted the call as an effort to make me aware of the positive information about which he intended to testify. I only listened and did not respond to his discussion on nursing homes, because I was uncomfortable having to potentially contradict or

Brad R. Wenstrup, D.P.M., Chairman

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disagree with Governor Cuomo on the call, or somehow prejudicing the upcoming Select Subcommittee hearing by discussing it at all.

Sincerely,

A handwritten signature in blue ink, appearing to read "MJC", is positioned above the typed name.

Michael J. Connolly

Attorney for Dr. James Malatras