

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

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY,  
SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC,  
U.S. HOUSE OF REPRESENTATIVES,  
WASHINGTON, D.C.

INTERVIEW OF: FARRAH KENNEDY

Tuesday, October 8, 2024

Washington, D.C.

The interview in the above matter was held in Hone co-worker space, Ascend  
Conference room, 187 Wolf Road, Albany, New York, commencing at 10:52 a.m.

1     Appearances:

2

3

4

5     For the SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC:

6

7     MITCH BENZINE, STAFF DIRECTOR.

8     JACK EMMER, COUNSEL

9     ██████████ MINORITY CHIEF COUNSEL

10

11     For FARRAH KENNEDY:

12

13     STEPHEN JURIS, ESQ.

14     JOSHUA ROTH, ESQ.

15     ALEXIS CASAMASSIMA, ESQ.

16     Fried, Frank, Harris, Shriver, & Jacobson, LLP

1 Mr. Emmer. We can go on the record.

2 This is a transcribed interview of Ms. Farrah Kennedy conducted by the House  
3 Select Subcommittee on the Coronavirus Pandemic under authority granted to it by  
4 House Resolution 5 and the rules of the Committee on Oversight and Accountability.

5 Further, pursuant to House Resolution 5, the select subcommittee has  
6 wide-ranging jurisdiction but specifically to investigate the implementation or  
7 effectiveness of any Federal law or regulation applied, enacted, or under consideration to  
8 address the coronavirus pandemic and prepare for future pandemics.

9 Can the witness please state her name and spell her last name for the record?

10 Ms. Kennedy. Farrah Kennedy. K-e-n-n-e-d-y.

11 Mr. Emmer. Thank you, Ms. Kennedy.

12 My name is Jack Emmer, and I am a senior counsel for the majority staff of the  
13 select subcommittee. I want to thank you for coming in today for this interview. The  
14 select subcommittee recognizes that you are here voluntarily, and we appreciate that.

15 Under the select subcommittee and the Committee on Oversight and  
16 Accountability's rules, you are allowed to have an attorney present to advise you during  
17 this interview. Do you have an attorney representing the Executive Chamber of New  
18 York with you today?

19 Ms. Kennedy. Yes.

20 Mr. Emmer. Will counsel please identify themselves for the record?

21 Mr. Juris. Stephen Juris from Fried, Frank, Harris, Shriver, & Jacobson for the  
22 witness.

23 Mr. Roth. Josh Roth from Fried Frank for the witness.

24 Alexis, do you want to identify yourself?

25 Ms. Casamassima. Yes. Sorry. Alexis Casamassima from Fried Frank on

1       behalf of the witness as well.

2             Mr. Emmer.   Thank you.

3             Do you have an attorney representing you in a personal capacity present with you  
4       today?

5             Mr. Juris.   Yes.   We are here for Ms. Kennedy in her personal capacity as a  
6       current employee of Executive Chamber.

7             Mr. Benzine.   Those are different things.

8             Mr. Juris.   Not in this capacity, no.

9             Mr. Benzine.   Okay.

10            Mr. Juris.   They are the same.   We are here for the witness.   We also  
11       represent Executive Chamber as well.

12            Mr. Benzine.   Okay.

13            Mr. Emmer.   For the record, starting with the majority staff, can the additional  
14       staff members please introduce themselves with their name, title, and affiliation?

15            Mr. Benzine.   Mitch Benzine, the staff director for the majority of the select  
16       subcommittee.

17            ██████████ ██████████, chief counsel for the minority on the select subcommittee.

18            Mr. Emmer.   Thank you.

19            Ms. Kennedy, before we begin, I would like to go over the ground rules for this  
20       interview.

21            The way this interview will proceed is as follows:   The majority and minority staff  
22       will alternate asking you questions 1 hour per side until each side is finished with their  
23       questioning.   The majority staff will begin and proceed for an hour, and then the  
24       minority staff will have an hour to ask questions.   We will then alternate back and forth  
25       in this manner until both sides have no more questions.

1           If either side is in the middle of a specific line of questions, they may choose to  
2           end a few minutes past an hour to ensure completion of that specific line of questioning,  
3           including any pertinent follow-ups.

4           In this interview, while one member of the staff for each side may lead the  
5           questioning, additional staff may ask questions.

6           There is a court reporter taking down everything I say and everything you say to  
7           make a written record of the interview. For the record to be clear, please wait until the  
8           staffer questioning you finishes each question before you begin your answer, and the  
9           staffer will wait until you finish your response before proceeding to the next question.

10          Further, to ensure the court reporter can properly record this interview, please  
11          speak clearly, concisely, and slowly. Also, the court reporter cannot record nonverbal  
12          answers such as nodding or shaking of head, so it is important that you answer each  
13          question with an audible, verbal answer.

14          Exhibits may be entered into the record. Majority exhibits will be identified  
15          numerically. Minority exhibits will be identified alphabetically. Do you understand?

16          Ms. Kennedy. Yes.

17          Mr. Juris. Can we go off the record for 1 second?

18          Mr. Emmer. We can go off the record.

19          [Discussion off the record.]

20          Mr. Emmer. We can go back on the record.

21          We want you to answer our questions in the most complete and truthful manner  
22          possible, so we will take our time. If you have any questions or do not fully understand  
23          the question, please let us know. We will attempt to clarify, add context to, or rephrase  
24          our questions. Do you understand?

25          Ms. Kennedy. Yes.

1           Mr. Emmer. If we ask about specific conversations or events in the past and you  
2 are unable to recall the exact words or details, you should testify to the substance of those  
3 conversations or events to the best of your recollection. If you recall only a part of a  
4 conversation or event, you should give us your best recollection of those events or parts of  
5 conversations that you do recall. Do you understand?

6           Ms. Kennedy. Yes.

7           Mr. Emmer. Although you are here voluntarily and we will not swear you in, you  
8 are required, pursuant to Title 18 Section 1001 of the United States Code, to answer  
9 questions from Congress truthfully. This also applies to questions posed by congressional  
10 staff in this interview. Do you understand?

11          Ms. Kennedy. Yes.

12          Mr. Emmer. If at any time you knowingly make false statements, you could be  
13 subject to criminal prosecution. Do you understand?

14          Ms. Kennedy. Yes.

15          Mr. Emmer. Is there any reason you are unable to provide truthful testimony in  
16 today's interview?

17          Ms. Kennedy. No.

18          Mr. Emmer. The select subcommittee follows the rules of the Committee on  
19 Oversight and Accountability. Please note that if you wish to assert a privilege over any  
20 statement today, that assertion must comply with the rules of the Committee on Oversight  
21 and Accountability.

22                 Pursuant to that, Committee Rule 16(c)(1) states, "For the chair to consider  
23 assertions of privilege over testimony or statements, witnesses or entities must clearly  
24 state the specific privilege being asserted and the reason for the assertion on or before the  
25 scheduled date of testimony or appearance." Do you understand?

1 Ms. Kennedy. Yes.

2 Mr. Emmer. Ordinarily, we take a 5-minute break at the end of each hour of  
3 questioning, but if you need a longer break or a break before that, please let us know, and  
4 we will be happy to accommodate. However, to the extent that there is a pending  
5 question, we would ask that you finish answering the question before we take the break.  
6 Do you understand?

7 Ms. Kennedy. Yes.

8 Mr. Emmer. Do you have any other questions before we begin?

9 Ms. Kennedy. No.

10 EXAMINATION

11 BY MR. EMMER:

12 Q Let's start by discussing your education and experience. Where did you  
13 attend undergraduate school?

14 A I went to Illinois Central College, ISU, and U of I at Springfield.

15 Q Who is your current employer and what is your current job title?

16 A I'm an executive assistant for the Executive Chamber, New York State.

17 Q Can you briefly go through your professional career up until now?

18 A Before this -- before the Chamber, I was a legal assistant at Greenberg  
19 Traurig, a law firm in Albany. Prior to that, I was in Chicago as a paralegal at Hinshaw  
20 and Culbertson. And then that was at least 20 years, so --

21 Mr. Benzine. And prior to Governor Hochul's Executive Chamber, you worked in  
22 Governor Cuomo's Executive Chamber?

23 Ms. Kennedy. Yes.

24 BY MR. EMMER:

25 Q And let's discuss your time with the former administration as an executive

1 assistant.

2 When did you start that position?

3 A January 2019.

4 Q And how long were you an executive assistant during -- for the previous  
5 administration?

6 A From that time until he resigned.

7 Q Can you briefly describe your duties and responsibilities as an executive  
8 assistant?

9 A Sure. Under Cuomo, we handled his -- some of his calendaring, putting  
10 calls together. He drafted and edited many documents. We would transcribe  
11 documents for him as he dictated them.

12 We would just be there for anything that he needed. So we had to make sure  
13 that somebody was available to him. If he was just sitting in his office and he wanted a  
14 call or a meeting with somebody, like, there had to be someone near him to, like, be able  
15 to facilitate that. That's probably the -- just typical office work.

16 Q And who did you report to?

17 A Stephanie Benton would have been my direct supervisor.

18 Q And, if I recall, she also -- her title was executive assistant. Is that right?

19 A I don't know specifically what her title was. I don't recall. But she was  
20 definitely more than just an executive assistant at our level.

21 Q How many executive assistants were there in the office?

22 A There would have been -- if that was her title -- I don't that it was, but -- so  
23 she would have been his main person, and then there were two of us in the same role,  
24 Tracy Goodman and I, and then we would have other people that would kind of come  
25 into the office depending on how busy it was.



1 Q Annabelle Walsh was an executive assistant. Is that right?

2 A She was at one point. She became -- by the time I started, I believe she  
3 was maybe either deputy director of scheduling or director of scheduling.

4 Q And Alyssa McGrath, was she an executive assistant?

5 A Yes. She would come in to help us and, at some point, was in there more  
6 permanently with us.

7 Q Between the executive assistants, did you have -- were there specific roles  
8 that you were responsible for, or were you all pretty much --

9 A We all pretty much worked together. I would say Tracy and I would take  
10 the lead on most things, and then the other assistants would help us depending on how  
11 busy it was or what we needed done.

12 Q Where did you work?

13 A In the front office. When I started, we were in the front office. That  
14 would be -- I believe it's room 203 by the trooper's desk on the second floor. It's the  
15 governor's suite, so --

16 Q Did the location of where you work change as a result of the pandemic?

17 A Yes.

18 Q Can you explain how?

19 A We moved across the hall to a nearby office.

20 Q From what we understand, there were members of the staff that worked out  
21 of the mansion at some point. Did you ever work out of the mansion?

22 A Yes.

23 Q Do you have -- is there a period of time that you would have worked there  
24 more frequently than others?

25 A I think that happened more during COVID, certainly.

1 Q And we'll get to more specific timelines.

2 A Uh-huh.

3 Q I understand that's a difficult question to answer.

4 So, just back to your job as an executive assistant, how much interaction did you  
5 have with the governor on a day-to-day basis?

6 A If he was in the office, I would see him every day. It would just depend on  
7 what we were working on.

8 Q How did your day-to-day change as a result of the pandemic?

9 A Well, I mean, just what we were working on was different. Just basically  
10 trying to make sure that the briefing was ready to go every day and he had all the  
11 materials he needed to be able to do the briefings and -- you know, it was maybe busier.

12 BY MR. BENZINE:

13 Q Who else did you see working out of the mansion?

14 A Well, I know Stephanie would work out of the mansion. Melissa  
15 sometimes. I don't know that she was working at the mansion, to be fair. I just know  
16 that they were -- I would see them there.

17 Q It was reported -- I think specifically from Ms. DeRosa -- that, during COVID,  
18 she moved into the mansion. Is that accurate?

19 A I don't know where she was living, but I had heard that.

20 Q And then while -- how did the work change between the office and the  
21 mansion? Like, I guess, was the decision to work out of the mansion strictly because of  
22 COVID, or did it get you able to facilitate the work to the governor better or facilitate his  
23 documents to the team better?

24 A I don't know why the decision was made, but I just worked wherever they  
25 told me to work.

1 Q Fair enough.

2 BY MR. EMMER:

3 Q So I want to ask if you communicated with any of the following people  
4 regarding COVID-19 and nursing homes between January 1st, 2020, and when you left  
5 the -- well, let me rephrase that.

6 I want to ask if you had any communications with any of the following people  
7 regarding COVID-19 and nursing homes between January 1st, 2020, and when the  
8 governor resigned in 2021. And, for now, you can say yes or no, and we will come back  
9 to each one. Do you understand the prompt?

10 A Yeah.

11 Q So, first, Governor Andrew Cuomo?

12 A Can I go back for a second?

13 Q Yes.

14 A Because I didn't have -- we can go through the list. That's fine. But I  
15 didn't discuss nursing homes and COVID with anyone, really.

16 Q Okay.

17 A Like, I didn't have kind of just, like, substantive conversations with anyone  
18 regarding this. So, I mean, it's sort of like in what capacity am I having this  
19 conversation? Like, of course --

20 Mr. Benzine. It could be reasked of, did any of your work involving the following  
21 people also involve nursing homes?

22 Ms. Kennedy. Okay. Sure.

23 Mr. Juris. Can I ask you a clarification question?

24 You're asking about substantive work. In other words, you're asking whether or  
25 not she had substantive communications related to work-related issues specific to the

1 topics that were covered?

2 Mr. Benzine. Substantive to her role. So The New York Times reporting was  
3 facilitating documents back and forth. So were there documents from the governor that  
4 she facilitated? Were there documents from Ms. DeRosa that she facilitated involving  
5 nursing homes?

6 Ms. Kennedy. Okay.

7 Mr. Juris. And the question is whether she remembers it?

8 Mr. Benzine. Yeah.

9 Ms. Kennedy. Okay.

10 BY MR. EMMER:

11 Q So, first, Governor Andrew Cuomo?

12 A I don't have any recollection.

13 Q Ms. Melissa DeRosa?

14 A Same.

15 Q Ms. Linda Lacewell?

16 A I would say no.

17 Q Mr. Gareth Rhodes?

18 A No.

19 Q Dr. Jim Malatras?

20 A No.

21 Q Mr. Rich Azzopardi?

22 A No.

23 Q Ms. Beth Garvey?

24 A No.

25 Q Ms. Judith Mogul?

- 1 A No.
- 2 Q Ms. Megan Baldwin?
- 3 A No.
- 4 Q Mr. Larry Schwartz?
- 5 A No.
- 6 Q Ms. Stephanie Benton?
- 7 A I don't recall any.
- 8 Q Dr. Howard Zucker?
- 9 A I don't recall any.
- 10 Q Dr. Eleanor Adams?
- 11 A No.
- 12 Q Ms. Sally Dreslin?
- 13 A No.
- 14 Q Mr. Gary Holmes?
- 15 A No.
- 16 Q Mr. Kenneth Raske?
- 17 A No.
- 18 Q Mr. Lee Perlman?
- 19 A No.
- 20 Q Mr. Georgio DeRosa?
- 21 A No.
- 22 Q Mr. Michael Dowling?
- 23 A No.
- 24 Q Easy enough.
- 25 A Yeah.

1 Q Since January 2023, have you had any conversations with any former  
2 members of the Cuomo administration regarding the select subcommittee's  
3 investigation?

4 A No.

5 Q I would now like to ask you some general operational questions.  
6 How did the governor's team typically communicate with each other?

7 A In the office, mostly in person or on the phone.

8 Q We understand that the governor himself didn't have an email. Is that  
9 correct?

10 A Correct.

11 Q What other witnesses have testified is that PIN-to-PIN messaging was very  
12 common. Did you use PIN-to-PIN messaging?

13 A I did have a Blackberry when I first started, but I think they switched to  
14 iPhones relatively shortly after I started.

15 Q Do you have any -- sorry.

16 A And I don't recall ever PIN-ing the governor directly or even -- no.

17 Q Did you yourself use PIN messaging with other members of the staff?

18 A I would have to say yes because it was kind of just like text messaging  
19 through an iPhone.

20 Q So --

21 A So they would have been PINs, yes.

22 Q So, typically, besides in-person communications, there would have been  
23 emails and PINs amongst the Executive Chamber staff. Is that correct?

24 A I believe so.

25 Mr. Benzine. Once you were issued iPhones, did you still text amongst the staff?

1 Ms. Kennedy. Yes.

2 Mr. Benzine. And, to your knowledge, the iPhones were issued by the Executive  
3 Chamber?

4 Ms. Kennedy. Yes.

5 BY MR. EMMER:

6 Q Did you ever conduct business via personal email?

7 A No.

8 Q Did you ever conduct official business via personal cell phone?

9 A No.

10 Q Do you recall ever conducting official business via any other internal  
11 messaging app or service?

12 A Do you mind saying that again?

13 Q Do you recall ever conducting official business via any other internal  
14 messaging app or service?

15 A I don't recall any, no.

16 BY MR. BENZINE:

17 Q Before Jack moves on, if there were documents the governor needed to  
18 review, how would they normally get to him?

19 A Someone would deliver them to him --

20 Q So --

21 A -- or to the mansion if he was there or take them into his office if he was in  
22 the office.

23 Q Would they ever email you or another EA and say, print this off and bring to  
24 the mansion?

25 A Sure.

1 Q Would they -- same thing in the office, too? Print this off and bring it to his  
2 office?

3 A Yes.

4 Q And then if he had changes to those documents, would he do it in his  
5 handwriting or --

6 A Typically, yes. He would write on the document.

7 Q And then hand it back to you?

8 A Yes.

9 Q And then you would scan it back to whoever needed to see it?

10 A Correct.

11 Mr. Emmer. If there were ever documents that he was reviewing, would he ever  
12 use a Word doc and make the edits directly onto the document, or would he rely on the  
13 EAs to make his edits for him?

14 Ms. Kennedy. He would rely on the EAs.

15 Mr. Emmer. Okay.

16 BY MR. BENZINE:

17 Q So -- sorry.

18 If it was a Word document -- I'm going to use the phrase standing over your  
19 shoulder, but he would kind of just -- like, you would be dictating what he was telling you  
20 to type. Is that a fair characterization?

21 A Yes, or we would type what he wrote.

22 Q Okay.

23 A And, literally, he would stand over your shoulder sometimes.

24 Q So it was a fair phrase. Thank you.

25 Mr. Emmer. At this time, I would like to introduce what will be marked as



1 Majority Exhibit 1.

2 [Kennedy Exhibit No. 1  
3 was marked for identification.]

4 BY MR. EMMER

5 Q This is an email thread that you were cc'd on from Ms. DeRosa to Linda  
6 Lacewell, Judith Mogul, Gareth Rhodes, Beth Garvey, Rich Azzopardi, and other Executive  
7 Chamber and Health Department officials on January 28th, 2021.

8 A Okay.

9 Q For the purposes of our question, we're only looking at the top email from  
10 Ms. DeRosa at 8:43 p.m. where she writes in all caps, "Delete this chain. Don't respond  
11 to it."

12 Do you recall this request to delete an email thread?

13 A I don't.

14 Q So you're not able to answer whether you did delete this thread, correct?

15 A Correct.

16 Q Do you recall any other requests from Ms. DeRosa or any other Executive  
17 Chamber employees to delete emails or other official documents?

18 A I don't have any specific memory of that, no.

19 Q Did the governor ever request that you delete emails or other official  
20 documents?

21 A I don't recall him ever asking me to do that.

22 Q Did the administration have a retention policy?

23 A I assume they did, but I don't know what it was.

24 Q Are you aware of any Executive Chamber or task force official deleting  
25 official documents?

1 A I am not.

2 Q Did you ever delete emails or official documents?

3 A I've deleted many, many emails.

4 Q Did you delete any emails related to nursing homes and COVID-19?

5 A Not that I'm aware of.

6 Q Thank you.

7 Mr. Benzine. While deleting it, is it your assumption that the retention policy  
8 catches it?

9 Ms. Kennedy. Catches it?

10 Mr. Juris. Can you rephrase the question?

11 BY MR. BENZINE:

12 Q Yeah. So, like, most documents on a Federal computer -- not necessarily  
13 Congress, but a Federal agency computer -- if an agency employee goes in and deletes the  
14 email, it's not actually deleted.

15 A Right.

16 Q So is that your --

17 A Yeah.

18 Q Your deletion was just clearing out your inbox. It was not to --

19 A Yeah.

20 Q -- delete emails?

21 A Correct.

22 Q Thank you.

23 [Kennedy Exhibit No. 2

24 was marked for identification.]

25 Q At this time, I would like to introduce what will be marked as Majority

1 Exhibit 2.

2 This is the July 6th, 2020, New York Health Department report entitled, "Factors  
3 Associated With Nursing Home Infections and Fatalities in New York State During the  
4 COVID-19 Global Health Crisis."

5 And, for the purposes of our questions, we do not need you to review the  
6 document in its entirety.

7 First, do you recognize this report?

8 A Not really.

9 Q Are you aware of whether this report was drafted by the Department of  
10 Health?

11 A I don't know who drafted this.

12 Q Did you yourself have any role in the development of this report?

13 A No.

14 Q Did you facilitate any communications related to the drafting of this report?

15 A Not that I recall, but if I was asked to.

16 Q Do you know what prompted this report to be drafted?

17 A No.

18 Q Is it your testimony today that you were not a part of any conversations  
19 related to the need to draft this report?

20 A Absolutely.

21 Q You're testifying today you have no recollection of facilitating  
22 communications or edits produced by the former governor related to this report?

23 A I don't have specific memory of that. I know that it was in The New York  
24 Times article that I read.

25 Q I apologize. We're about to --

1 A You're fine.

2 Q -- introduce quite a few exhibits related to this report.

3 A Okay.

4 Q At this time, I would like to introduce what will be marked as Majority  
5 Exhibit 3.

6 [Kennedy Exhibit No. 3  
7 was marked for identification.]

8 BY MR. EMMER:

9 Q This is an email from yourself on June 23rd, 2024. This email includes an  
10 attached document of the July 6th report. Please take a moment and review the  
11 document.

12 Ms. Kennedy, do you recognize this email?

13 A No.

14 Q The email writes, "Governor's edits are attached for your review."  
15 Reviewing this email, would it be your opinion that, when you write the  
16 "governor's" edits, you are referring to former Governor Andrew Cuomo?

17 A Yes.

18 Q So here you are communicating that the governor had drafted language for  
19 the report. Is that right?

20 A Yes.

21 Q The draft document itself is 16 pages, and on the email, you write, "The  
22 smaller text in the beginning is from your original document. He replaced your  
23 paragraph on page 3 beginning with, 'But, like, in all 50 states, there were COVID-positive  
24 patients.' The larger text is what he added."

25 So I want to direct your attention to the document itself. On page 3 -- starting

1 on page 3, the rest of the document is in larger text. Would it be your impression that  
2 you were saying pages 13 through 16 are the governor's edits?

3 Mr. Juris. Sorry. Clarification question. Are you asking if she remembers this  
4 or that's how she interprets it?

5 Mr. Emmer. How she interprets it.

6 Ms. Kennedy. That is how I would interpret it.

7 BY MR. EMMER:

8 Q And, earlier, you testified that you have no recollection of any substantive  
9 discussions, but for the purposes of this document itself, do you recall having any  
10 discussions related to these edits with the former governor?

11 A No.

12 Q And, similar to a question I asked you earlier, these edits are produced as a  
13 Word document.

14 So, consistent with your previous testimony, would this have been something that  
15 he would have dictated or had handwritten notes and then you produced this Word  
16 document?

17 A It could have been either, yes. I don't recall.

18 Q Do you have any recollection of what staff he would have shared this  
19 document with?

20 A I could only guess.

21 Q Can you speculate?

22 A I can speculate that it would maybe be Melissa or Stephanie or both.

23 Q We received testimony that Ms. Annabelle Walsh may have also been  
24 involved in communicating edits from the governor. Do you have any recollection of her  
25 being involved?

1 A No.

2 Q What about Tracy Goodman, do you have any recollection of her  
3 communicating edits?

4 A No.

5 Q At this time, I would like to introduce what will be marked as Majority  
6 Exhibit 4.

7 [Kennedy Exhibit No. 4  
8 was marked for identification.]

9 Mr. Emmer. This is an email from Ms. Stephanie Benton on June 24th, 2020,  
10 entitled "latest" with an attached July 6th report. And I'll give you a moment just to  
11 review the document.

12 Ms. Kennedy. Uh-huh.

13 Mr. Juris. Just for the benefit of the record and so that we know, is Ms. Kennedy  
14 a recipient on this email?

15 Mr. Benzine. No.

16 Mr. Juris. Or a sender of this email?

17 Mr. Benzine. No.

18 Mr. Juris. Okay.

19 BY MR. EMMER:

20 Q As just clarified into the record, you are not a recipient of this email, but  
21 based on your review, would you understand this email to be communicating an updated  
22 draft edited by the governor of this report?

23 A I would just say I don't know who gave that report to Stephanie, so --

24 Q Would Ms. Benton be communicating edits from anyone else within the  
25 Executive Chamber?

1           A    Only if they were coming, like -- well, I guess I don't know.   I just don't  
2 know what this email is.   Like, I wasn't involved in it, so --

3                   BY MR. BENZINE:

4           Q    But would you -- on draft documents or other documents, would it be in the  
5 executive assistant's job responsibilities to communicate, like, Melissa DeRosa's edits or  
6 just the governor's?

7           A    Oh, we could definitely --

8           Q    Do others?

9           A    Do others, yeah.   Melissa specifically.

10          Q    So that's the hesitation in the way the question was phrased of is this the  
11 governor's edits --

12          A    Right.

13          Q    -- that could have also been from Ms. DeRosa?

14          A    It could have been.

15          Q    Okay.

16                   BY MR. EMMER:

17          Q    Here, back to the email itself, Ms. Benton is using a Gmail account.   Was it  
18 common for her to use a personal email to communicate?

19          A    Not that I'm aware of.

20          Q    And I believe I already asked you, but did you ever communicate drafts of  
21 this report using a personal email?

22          A    I don't believe so.

23          Q    To the best of your recollection, were there any other Executive Chamber  
24 employees that frequently used a personal email to communicate personal -- or, well,  
25 official business?

1 A No.

2 Q Thank you.

3 Mr. Benzine. Again, this is asking for speculation, but would there be a reason  
4 for her to use her Gmail in this case?

5 Mr. Juris. So --

6 Ms. Kennedy. Not that I'm aware of.

7 Mr. Juris. Yeah. I would just ask -- I don't think it's appropriate to ask a witness  
8 to speculate, so --

9 Mr. Benzine. I just --

10 Mr. Juris. I'm not trying to intervene too much, and I want you guys to have free  
11 rein, but I think, going forward, I'm going to object to questions asking her to speculate.

12 Mr. Benzine. Yeah. I was just trying to figure out if, like, you know, she was at  
13 home, if it was COVID, if it was only access to Gmail. And, like, again, in the Federal  
14 Government, you can use your Gmail as long as you forward it back. So that was the  
15 purpose of the question.

16 Ms. Kennedy. Okay.

17 BY MR. EMMER:

18 Q You testified earlier that you would communicate or transcribe the  
19 governor's handwritten notes. Is that right?

20 A Correct.

21 Q Would you recognize his handwriting?

22 A Probably.

23 Q At this time, I would like to introduce what will be marked as Majority  
24 Exhibit 5.

25 [Kennedy Exhibit No. 5





1 the version you asked me to give him. If you send me the document, I can make the  
2 edits and send back to all."

3 This email seems to be saying that the sender would incorporate the governor's  
4 edits on his behalf. Would that be your opinion as well?

5 Mr. Juris. You're asking her to just interpret this document and how she reads  
6 it?

7 Mr. Emmer. Correct.

8 Mr. Juris. If you can answer the question. If you know.

9 Ms. Kennedy. Yeah. Whoever sent it was telling her.

10 BY MR. EMMER:

11 Q And you testified earlier that you have no recollection of working on the July  
12 6th report, but you do recall other documents that you would incorporate the governor's  
13 edits to. Is that right?

14 A Sure. I did this a lot. So I just -- specifically these documents, I don't  
15 know.

16 Q And I'll ask you to review the documents again or the handwritten notes  
17 throughout.

18 A Uh-huh.

19 Q Do the handwritten notes appear to be Mr. Andrew Cuomo's handwriting?

20 A They appear to be.

21 Q So, based on the documents that we reviewed today, was former Governor  
22 Cuomo involved in the drafting of the July 6th report in any capacity?

23 A Yes.

24 BY MR. BENZINE:

25 Q The former governor was asked that exact same question -- were you

1 involved in the drafting of the report in any capacity -- and he said no. Based on these  
2 documents, is that a false statement?

3 Mr. Juris. I'm going to -- I guess my question is, you're asking her as a fact  
4 witness whether that's her -- whether she has knowledge inconsistent with that or based  
5 on the documents you've shown her that she was not on at the time?

6 Mr. Benzine. She was on one of them.

7 Mr. Juris. Right. But I guess my question is, how is that a question -- a factual  
8 question to a fact witness? Are you asking her her opinion based on what you've shown  
9 her?

10 Mr. Benzine. Yeah.

11 Ms. Kennedy. I believe this to be his handwriting.

12 Mr. Benzine. And the handwriting providing edits to the July 6th report?

13 Ms. Kennedy. I believe that to be the case.

14 Mr. Benzine. All right. Thank you.

15 Mr. Emmer. We'll go off the record.

16 [Recess.]

17 [REDACTED] We can go back on the record.

18 EXAMINATION

19 BY [REDACTED]:

20 Q Good morning, Ms. Kennedy. I just want to echo the thanks of my  
21 Republican colleagues for you agreeing to speak with us today. I know this is not  
22 probably what you expected to be doing.

23 My name is [REDACTED]. I'm chief counsel for the select subcommittee  
24 Democrats.

25 As an initial matter, I just want to go into a little bit about what the atmosphere

1 was like in the Executive Chamber when COVID hit. You talked about -- a little bit about  
2 your responsibilities changing, but we've heard from other people that it became really  
3 hectic, working 20-hour days, not sleeping. Can you just give us your perspective on  
4 what that was like?

5 A It was very busy. It was -- we were all in the office pretty much the whole  
6 time he was doing briefings just constantly taking information from one person and giving  
7 it to the next and -- much busier, I suppose. More stressful. It was a scary, scary time.  
8 A lot of emotions.

9 Q Sure. And I imagine balancing that heavy workload with your own fears or  
10 anxieties about COVID must have been difficult?

11 A Sure.

12 Q And you said you moved across the hall during COVID. Was that a safety  
13 precaution?

14 A Yes.

15 Q And were other offices moved around to accommodate safety precautions?

16 A Yes.

17 Q So there was concern among the Executive Chamber staff about becoming  
18 COVID infected?

19 A Yes. And a lot of people just could work from home as well.

20 Q About how many people were in the office rather than working from home?

21 A Oh, gosh.

22 Q If you don't recall, that's okay.

23 A I don't recall.

24 Q But it was less busy than it had been or less full than it had been pre-COVID?

25 A Correct.

1 Q I do want to draw your attention to Majority Exhibit 1, if you can locate that.

2 In the previous hour, you were asked about the very top email --

3 A Yes.

4 Q -- on that. I want to draw your attention to the next email down. The

5 time stamp on it is January 28th, 2021, at 8:41 a.m. Do you see that?

6 A Yes.

7 Q And the time stamp on the next email that you looked at before is that same

8 day at 8:43 a.m.

9 A Okay.

10 Q That's only 2 minutes apart, correct?

11 A Yes.

12 Q The 8:41 a.m. email, if you look at the recipients, right after your name in the

13 recipient list is Taylor\_Antrim@condenast.com. Do you see that?

14 A Yes, I do.

15 Q Conde Nast is a publication, correct?

16 A Yes.

17 Q So is it fair to assume that Taylor Antrim is a reporter or somebody who

18 works for a news publication?

19 A I don't know what it's fair to assume about that person, but --

20 Q But they are not Executive Chamber?

21 A They are not -- no, they are not Executive Chamber.

22 Q And, if you look at the 8:43 a.m. email, is Taylor Antrim on that email?

23 A No.

24 Q Now, would it make sense -- or it makes sense to me and we've been told by

25 others that the reason for the "delete this chain, do not respond" was because the person

1 from Conde Nast was on the previous email and the point was to not include them in  
2 future communications. Is that a reasonable assumption of this?

3 A It is.

4 Q And is it fair to assume that it was an accidental release of an email to a  
5 media outlet as no one else on that email is media and the rest are Executive Chamber or  
6 government employees?

7 A I do not believe that Taylor Antrim should have been a recipient of that  
8 email.

9 Q Thank you. And you stated previously that you do not recall receiving any  
10 other requests to delete emails?

11 A I don't.

12 Q And the fact that we have this email means that it was not deleted, correct?

13 A True.

14 [REDACTED] Okay. I have no further questions at this time. Thank you very  
15 much, Ms. Kennedy.

16 [Discussion off the record.]

17 Mr. Emmer. We can go back on the record.

18 BY MR. EMMER:

19 Q Ms. Kennedy, one of the reasons the committee is interested in investigating  
20 this is the March 25th order that was issued relating to nursing home discharging.

21 Do you have any knowledge of the origins of that order?

22 A I don't.

23 Q You don't recall being a part of any meetings regarding that order?

24 A I do not.

25 Q One of your roles as an executive assistant was to schedule meetings. Is

1 that right?

2 A Some.

3 Q During March of 2020, do you recall setting up meetings between the former  
4 governor and Mr. Kenneth Raske?

5 A I don't recall scheduling meetings. I may have put him on a call or  
6 something.

7 Q You do know who Mr. Raske is?

8 A Yes.

9 Q Do you recall Mr. Raske reaching out to the governor outside of previously  
10 scheduled meetings?

11 A I -- no. I have no recollection.

12 BY MR. BENZINE:

13 Q You just said that you might have connected the call. Would it --

14 A It's possible.

15 Q I'm just trying to get the logistics. Would Mr. Raske have called, like, the  
16 front office and then you connected him to the governor's office --

17 A Yes.

18 Q -- or would he have called -- that way?

19 A Yes.

20 Q To your knowledge, did Mr. Raske ever call the governor's personal cell  
21 phone or would it always be connected?

22 A I would have no knowledge of that.

23 Q Some of those calls, were they -- the calls that you would have connected,  
24 were they unscheduled?

25 A Possibly.

1 BY MR. EMMER:

2 Q The March 25th order was removed from the Department of Health website  
3 on April 29th prior to it being terminated by an executive order. Do you have any  
4 knowledge of it being removed from the website?

5 A I do not.

6 Q You may have testified to this before, but did you have any role in setting up  
7 the governors's daily press briefing?

8 A Only in getting materials where they needed to go. Materials in hand to  
9 him or Melissa.

10 Mr. Benzine. No substantive role in the --

11 Ms. Kennedy. None.

12 BY MR. EMMER:

13 Q Throughout the pandemic, the administration changed the methodology in  
14 which nursing home fatalities would be counted, one of the reasons we're interested.

15 Did you have any role in the decision to change the methodologies?

16 A I did not.

17 Q You don't recall being a part of any meetings where they discussed changing  
18 the methodologies?

19 A No.

20 Q Mr. Gareth Rhodes testified to us that he was ordered to conduct an audit of  
21 the Department of Health's numbers after a hearing in August of 2020. Were you aware  
22 of his audit?

23 A I wasn't.

24 Q Do you recall reviewing -- ever reviewing results -- scratch that.

25 BY MR. BENZINE:



1 Q Was the "not aware" not aware of the substance of the audit or not aware  
2 that the audit exists?

3 A Not aware that the audit exists.

4 Q So you don't recall --

5 A I don't recall anything about Gareth auditing the numbers.

6 BY MR. EMMER:

7 Q Dr. Zucker testified to us that he had prepared letters disclosing the full  
8 nursing home fatality data in August of 2020. Do you have any recollection of a draft  
9 letter?

10 A I do not.

11 Q He also testified that there was a letter he prepared in October of 2020  
12 reporting the full fatality data. Do you have any recollection of that letter?

13 A I do not.

14 Q The governor released a book in October of 2020. Did you have any role in  
15 facilitating communications related to that book?

16 A No.

17 Mr. Benzine. Were you involved in any conversations regarding the book?

18 Ms. Kennedy. No.

19 BY MR. EMMER:

20 Q Were you aware that he was writing a book?

21 A Yes.

22 Q When did you become aware that he was writing a book?

23 A I don't know specifically when.

24 Mr. Benzine. Are you able to pinpoint a month?

25 Ms. Kennedy. No.

1 Mr. Emmer. Did you discuss the book with any other executive assistants?

2 Ms. Kennedy. No.

3 Mr. Benzine. Did you become aware from public reporting or from internal  
4 conversations?

5 Ms. Kennedy. I assume internal conversations or just hearing about it, not  
6 necessarily being involved in the conversation.

7 Mr. Emmer. We can go off the record for just a moment.

8 [Discussion off the record.]

9 Mr. Emmer. We'll go back on the record.

10 Thank you. That's all the questions we have.

11 Ms. Kennedy. Okay. Thank you.

12 Mr. Emmer. We can go off the record.

13 [Whereupon, at 11:54 a.m., the interview was concluded.]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15

Certificate of Deponent/Interviewee

I have read the foregoing \_\_\_\_ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

---

Witness Name

---

Date