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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CHRISTINE C. ANDERSON,

Plaintiff,

- against -

07 CIV
9599 (SAS) (DES)

THE STATE OF NEW YORK, THE OFFICE
OF COURT ADMINISTRATION OF THE UNIFIED
COURT SYSTEM, THOMAS J. CAHILL, IN HIS
OFFICIAL AND INDIVIDUAL CAPACITY,
SHERRY K. COHEN, INDIVIDUALLY AND IN
HER OFFICIAL CAPACITY, AND DAVID
SPOKONY, INDIVIDUALLY AND IN HIS
OFFICIAL CAPACITY,

Defendants.

-----X
80 Pine Street
New York, New York
August 21, 2008
10:10 A.M.

EXAMINATION BEFORE TRIAL OF NICOLE
CORRADO, a non-party witness, taken by the
attorney for the Plaintiff, pursuant to
Subpoena, and held before Deborah Thier, a
Notary Public of the State of New York at the
above-stated time and place.

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APPEARANCES:

BERANBAUM, MENKEN, BEN-ASHER &
BIERMAN, LLP
Attorneys for the Plaintiff
80 Pine Street
New York, New York 10005

BY: JOHN A. BERANBAUM, ESQ.

ANDREW CUOMO, ESQ.
STATE OF NEW YORK, OFFICE OF THE
ATTORNEY GENERAL
Attorneys for the Defendants
120 Broadway
New York, New York 10271

BY: WESLEY E. BAUMAN, ESQ.

ALSO PRESENT:

CHRISTINE C. ANDERSON
DAVID SPOKONY

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FEDERAL STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED,
by and between the parties hereto, through
their respective Counsel, that the certifi-
cation, sealing and filing of the within
examination will be and the same are hereby
waived;

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form
of the question, will be reserved to the
time of the trial;

IT IS FURTHER STIPULATED AND AGREED
that the within examination may be signed
before any Notary Public with the same
force and effect as if signed and sworn to
before this Court.

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2 N I C O L E C O R R A D O ,

3 The witness herein, having been duly
4 sworn by Deborah Thier, a Notary Public in and
5 for the State of New York, was examined and
6 testified as follows:

7 DIRECT EXAMINATION BY JOHN A.

8 BERANBAUM, ESQ.:

9 Q Please state your name for the
10 record.

11 A Nicole Corrado.

12 Q What is your address?

13 A 242-18 Van Randt Avenue,
14 Douglaston, New York, 11362.

15 Q Ms. Corrado, tell me, who is your
16 present employer?

17 A I work for the Appellate Division,
18 First Department Disciplinary Committee.

19 Q What is your current title?

20 A I'm currently principal attorney.

21 Q When did you start at the D.D.C.?

22 A November of 2001.

23 Q You're a lawyer, right, obviously?

24 A Yes.

25 Q When did you graduate law school?

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Nicole Corrado

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2

A In 1989.

3

Q Which law school did you go to?

4

A CUNY Law School.

5

Q Could you tell me what jobs you

6

held after graduating from law school?

7

A I started my career at the Queens

8

district attorney's office. I was there

9

through 1995. In 1995 I left the D.A.'s

10

office and I started a small private practice

11

with my husband at the time named, Law

12

Offices of Coppen and Corrado, located in

13

Bayside, Queens.

14

Q For how long did you continue in

15

that private practice?

16

A From '95 through 2001, when I

17

started at the D.D.C.

18

Q Just briefly, what were the areas

19

that you pursued at the Queens D.A.'s office?

20

A In the Queens district attorney's

21

office, as a large office, there were

22

different bureaus that I was assigned to.

23

The last bureau that I was in at

24

the time that I left the office was the

25

Supreme Court Bureau; prior to that I was in

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Nicole Corrado

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2 a major crimes division; I was in the grand
3 jury bureau; I was in narcotics
4 investigations for a short time; I was in the
5 criminal court, all purpose part; I was in
6 the criminal court jury part; I was in the
7 intake bureau; I was in one of the
8 investigations units for a short while.

9 Q The nature of your private
10 practice was what? What kind of matters did
11 you handle?

12 A Mostly criminal defense.

13 Q What was your title when you
14 started at the D.D.C. in 2001?

15 A Associate attorney.

16 Q At some point did you receive a
17 promotion?

18 A Yes.

19 Q When was that?

20 A 2006.

21 Q That was to principal attorney?

22 A Yes, correct.

23 Q From the time you started at the
24 D.D.C. in 2006, did you receive pay grade
25 increases?

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Nicole Corrado

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A There is an incremental increase that is built into the schedule, and that did occur, yes, annually.

Q In addition, did you receive any specific increases in your grade rank while you were there?

A No. The only increases I received were those annual incremental increases based on your grade.

Q Who were your supervisors, or who had been your supervisors in your time at the D.D.C.?

A When I started at the D.D.C., Thomas Cahill was the chief counsel, Sara Jo Hamilton was the first deputy and Andral Bratton was the deputy chief counsel. He still currently is. Judith Stein, it was my understanding after I started working there that she was a supervisor.

My immediate supervisor when I started were -- it was -- I reported to Sara Jo. I began working with Judith Stein for a relatively short time, and then I was transferred to Andral Bratton.

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Nicole Corrado

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Q Do you remember, approximately, when you were transferred to Mr. Bratton's supervision?

A About a year or a year and a half later.

Q At some point in time was your supervision changed?

A Yes.

Q When was that, approximately?

A In 2007 I was transferred to Sherry Cohen.

Q Would you tell me the circumstances that led to your transfer from Mr. Bratton's supervision to Ms. Cohen's supervision?

A Yes. In 2007 I had been working with Andral for, obviously, many years, and our -- the work was always very positive, and we, I think, accomplished a great deal in terms of that.

However, in 2007 we had a little bit of a personal discord, and it was not work related, and I thought it would be best to perhaps request a transfer.

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Nicole Corrado

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2 Q Did you request a transfer?

3 A I did request a transfer, yes.

4 Q To whom did you request a
5 transfer?

6 A I requested that transfer to both
7 Tom Cahill and Sherry Cohen. Sherry was the
8 first deputy, and I spoke with her as well.

9 Q What did you tell Mr. Cahill and
10 Ms. Cohen as to why you wanted to transfer
11 from Mr. Bratton's supervision?

12 A I believe I said something along
13 the lines that there was some personal
14 matters that I thought were interfering with
15 our work, and it was becoming problematic,
16 and that it would be best, I thought, as far
17 as, of course, maintaining the greatest level
18 of professionalism, to perhaps consider a
19 transfer. I have come to learn since then
20 that Andral requested that I be assigned to
21 someone else as well.

22 Q Did you tell them anything more
23 specific, them being Mr. Cahill or Ms. Cohen
24 about what the nature of the personal matters
25 that were becoming problematic were?

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Nicole Corrado

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2 A Not very much. I kept it as, of
3 course, direct in terms of the request
4 without really going into any of the
5 underlying reasons. I didn't think it was
6 appropriate, but the other thing that
7 occurred last year, which was very
8 significant, is that my father was very ill.

9 All through 2007, and at that time
10 especially, things were getting quite
11 serious. He had to have several brain
12 biopsies. He ultimately died in December of
13 2007. So it was a very difficult time, and I
14 didn't have really a whole lot of room for
15 dealing with any extraneous issues,
16 especially regarding people I work with.

17 Q Did you explain that to either Mr.
18 Cahill or Ms. Cohen, that your father was
19 very ill and that that was a factor in your
20 requesting the transfer?

21 A I don't remember if I specifically
22 addressed that point at that time, but they
23 knew what was happening. I don't think that
24 they understood exactly the severity of it.
25 I mean, most of us didn't really until,

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Nicole Corrado

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2 obviously, things progressively got worse
3 with my dad. But they did know that there
4 was other stress factors at the time that
5 were very personal to me, because my father
6 and me were very, very close.

7 Q I'm sorry.

8 A That's okay.

9 Q Did either Mr. Cahill or Ms. Cohen
10 ask you more specifically what the personal
11 matters that were becoming problematic were
12 about?

13 A I think Tom had a fairly good
14 understanding of some of the, perhaps, issues
15 that were a little problematic, and I think
16 that perhaps whether or not -- you know, I'm
17 not sure exactly what Sherry's knowledge was,
18 but I did express that I thought it would be
19 really essential to consider it. Sherry was
20 the only other supervisor, first deputy, so I
21 actually said, may I work with Sherry.

22 Q Did Mr. Cahill ask you in any way
23 the nature of the problems that you were
24 having with Mr. Bratton?

25 A No, not really.

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Nicole Corrado

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Q Why do you think he had a good

3

understanding of what those problems were?

4

A Well, he is the chief counsel. My

5

office is right next door to -- was at that

6

time to Tom's. It still currently is. I

7

think he had a fairly good sense of the

8

various personality issues perhaps that were

9

going on, and also Andy, Andral, was having

10

some personal family problems as well, and so

11

I think that it -- again, I don't know

12

exactly what was discussed between Tom and

13

Andral or anyone else, but I more or less

14

kept it on that level in terms of asking for

15

a transfer.

16

There were some problems

17

developing. They were brewing over a period

18

of time, and that I had just reached my

19

limit.

20

Q When you say kept it on that

21

level, you kept it on that level of lack of

22

specificity?

23

A Right.

24

Q What response did you receive in

25

terms of your request for a transfer?

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Nicole Corrado

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A It was fairly well received. It

3

was not -- they were not adverse to it. I

4

believe Tom said, you know, let's see what we

5

could do. We'll speak to Sherry, or I'll

6

speak to Sherry, and we'll, you know, make

7

those arrangements.

8

Q So what was the upshot of your

9

request for a transfer?

10

A I was transferred to Sherry Cohen,

11

and the other reason was that Andral was also

12

unavailable for a period of time last year,

13

so I began working with Sherry. The

14

alternative would have been to work directly

15

with Tom Cahill, to report directly to him.

16

Judith Stein at the time was --

17

although she was still a supervisor, that was

18

not ever discussed in terms of working with

19

her again.

20

Q You said, I believe, that you

21

requested the transfer in 2007, is that

22

right?

23

A That's right.

24

Q What month was it that you

25

requested the transfer?

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Nicole Corrado

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A It was towards the latter part of
3 spring. I believe it was -- this is all from
4 memory. It must have been late April or May,
5 thereabout.

6

Q Between the time that you asked
7 for the transfer and the time that you
8 were --

9

A It might have been earlier, but go
10 ahead.

11

Q It might have been earlier in
12 2007?

13

A Yes.

14

Q So between the time that you
15 requested the transfer and the time that you
16 actually were transferred to Ms. Cohen's
17 supervision, how much time elapsed?

18

A Not much time at all. Actually, a
19 few months went by, and I was more or less on
20 my own in terms of supervision, but I'd been
21 there for quite sometime, so I have a fairly
22 good sense of how to handle different
23 matters. There are also different colleagues
24 that I can, of course, confer with at any
25 given time. So it was a few months, but it

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Nicole Corrado

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2 was okay, and then I started working with
3 Sherry, and I remained with Sherry through
4 this year.

5 Q After you requested the transfer,
6 did you cease to be supervised by Mr. Bratton
7 pretty much immediately?

8 A Yes. As I said, at the time that
9 I requested my transfer, I understand that at
10 that time Andral was scheduled to go on
11 vacation. However, he did not -- he did not
12 return from his vacation, and I understand
13 that he was on medical leave. So it was
14 almost all, more or less, happening at the
15 same time.

16 Q When he came back from medical
17 leave, had you been transferred yet to Ms.
18 Cohen's supervision?

19 A Yes.

20 Q Who notified you that your request
21 for a transfer of supervisors was granted?

22 A I think Tom said that it would be
23 okay to start working with Sherry. It wasn't
24 anything very official. It was more or less
25 along the lines, you know, okay, you can

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Nicole Corrado

16

2 start working with Sherry.

3 Q When did he tell you that in
4 relation to when you spoke to him initially
5 saying, I want a transfer?

6 A Well, I think he -- more or less
7 he was receptive to it in terms of the
8 transfer. As I said, he was not adverse to
9 it. It was just a matter of, I think,
10 working out logistically in terms of
11 personnel, and, obviously, with the limited
12 number of supervisors, perhaps they wanted to
13 figure out how it should be arranged, whether
14 I would work directly with Sherry or report
15 directly to Tom, as some people did.

16 Q So when you spoke to Tom initially
17 requesting the transfer, he was receptive to
18 it, but he just needed to work out the
19 logistics, is that your understanding?

20 A That is my understanding, yes.

21 Q In terms of Ms. Cohen, how long
22 had you worked with her before being
23 supervised by her?

24 A Well, Ms. Cohen became the first
25 deputy chief counsel in 2003, so although I

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Nicole Corrado

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2 didn't report directly to her, as the first
3 deputy chief counsel, she more or less
4 oversaw the everyday operations of the office
5 with respect to personnel, office matters,
6 case assignments. She was more or less in
7 charge and continued to be in charge of those
8 various aspects.

9 Q Did you have any problems working
10 with Ms. Cohen before you became her direct
11 supervisor?

12 A Yes, we did. We had several
13 problems that occurred at various times.

14 Q Could you describe those problems
15 for me?

16 A Well, when she was -- when I first
17 started there -- actually, I started in, as I
18 said, 2001. At the time Sara Jo Hamilton
19 suggested if there were any hearings going
20 on, perhaps I should, you know, second seat
21 just to -- or at least sit in to get a sense
22 of how things are done in the office and how
23 hearings were conducted.

24 It happened that around that time
25 Sherry Cohen happened to be involved in a

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Nicole Corrado

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2 hearing and Sara Jo actually invited me to
3 attend. I did, and I remember at the time
4 that Sherry completed her hearing -- I
5 mentioned it to you, and to the attorney
6 general's office, that all of my experience
7 was in courtrooms, and all litigation I
8 handled, lots of different criminal matters.
9 I was in all sorts of courtrooms throughout
10 the city. I was used to a little bit of a
11 different environment in terms of the
12 formalities and, well, what I remember
13 commenting, or sort of, I think, saying to
14 Sherry at the time was only in reference to
15 the atmosphere of the more relaxed setting,
16 and that her approach appeared to me to be
17 somewhat very relaxed and laid back.

18 She started to get very defensive
19 in terms of like, well, I'm not usually this
20 way and I'm usually very prepared. I'm
21 having an off day. I thought then, you know,
22 this is kind of interesting. I'm not really
23 sure what this means, but it didn't really
24 deserve that kind of response.

25 But nothing else really went on

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Nicole Corrado

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2 after that, and I had very little contact or
3 dealings with her, 'cause she was one of the
4 principal attorneys in the office, and then
5 in 2003 when she was elevated to first
6 deputy, I thought that from the outset she
7 was quite -- she was, I thought, more
8 arrogant, not only with me, but with some
9 other individuals in the office as well. But
10 I could only speak for myself in terms of,
11 you know, what happened with me.

12 Q What happened with you when she
13 became first deputy?

14 A Well, the other factor is that
15 when I started working there, and within a
16 month or two, my caseload began to increase
17 exponentially. It just grew, and I began to
18 receive more and more assignments, and for a
19 period of about two and a half years I
20 probably had well over a hundred cases,
21 ninety, a hundred, one hundred fifteen. I
22 have all the calendars.

23 So I then -- and I asked sometimes
24 like, why do I have so many cases assigned to
25 me? I mean, you cannot move them all that

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Nicole Corrado

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2 quickly, and even a magician can't really
3 work under those circumstances. But they
4 said, well, resolutions has more cases
5 assigned to them, and the whole thing with
6 resolution didn't really make sense to me,
7 because I came in with lots of trial
8 experience and I was not reluctant to take on
9 any hearings.

10 Q Can I interrupt you for a second,
11 just so the record is clear. You were
12 assigned to the resolution section of the
13 D.D.C.?

14 A It wasn't specifically stated, but
15 I was assigned either to one or the other.
16 But that's more or less what I understood
17 exactly in terms of why I had so many cases.

18 Q Resolution as opposed to the
19 litigation?

20 A Right.

21 Q You can continue.

22 A So when I -- when Sherry became
23 the first deputy, they have what is called --
24 they do routine case conferences
25 periodically, and at that time, I believe

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Nicole Corrado

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2 that was in March of 2003, late March, early
3 April, around there, she participated, of
4 course, as the first deputy in the case
5 conferences.

6 During my case conference, I mean,
7 she was extremely critical of many different
8 aspects of my conference. I think it's
9 important to mention too that at the time I
10 was involved in a fairly litigious divorce
11 with my former husband and partner, and they
12 knew this as well.

13 In any event, she, Sherry,
14 basically decided to address the most
15 specific areas of certain matters, and that
16 really required -- when you are assigned, you
17 know, that many cases, you should have the
18 file in front of you in order to be able to
19 give the information, and I thought that was
20 intentional and somewhat purposeful in terms
21 of. This is only for criticism. It's not
22 constructive.

23 I also said, well, if I'll get the
24 file, I'll be happy to tell you what
25 happened, let's say in Bronx Supreme Court

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Nicole Corrado

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2 three years in a summary motion filed by one
3 of the five defendants in the case. I mean,
4 it was that type of thing.

5 So she did it with several
6 different matters, and afterwards when the
7 case conference concluded, which lasted quite
8 a while, my conferences have always been very
9 lengthy, she continued even after that to,
10 you know, persist in inquiring from me
11 various things and how I wasn't prepared and
12 how I need to be prepared, and again, I
13 thought that was really ill motivated.

14 There was no other reason. I
15 always had a fairly, I think, good
16 professional relationship everywhere. I've
17 always done quality work, and I thought that
18 she was, for whatever reason, this agenda of
19 hers was immediately kicking in right from
20 the get-go, and it continued.

21 Q It continued until when?

22 A Actually, when she first became
23 the first deputy, and it continued for a
24 period of time. Over the course of, let's
25 say, from 2003 through the time that I was

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Nicole Corrado

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2 upgraded to principal attorney. Once I was
3 upgraded to principal attorney, she -- I
4 would say she calmed down a little bit with
5 respect to me.

6 Even with respect to receiving
7 that upgrade, that was a huge struggle in
8 terms of being able to get the authorization
9 for me to go ahead and put in my paperwork.

10 Q What kind of struggle?

11 A I requested -- I came to learn
12 later that you don't really need to ask your
13 immediate boss whether or not you could put
14 in for an upgrade, but I remember I asked Tom
15 in 2004. I said, Tom, I've been here, you
16 know, X number of years, and it was my
17 understanding after two years or so you could
18 qualify for an upgrade, although I thought,
19 obviously, I should have been a principal
20 attorney when I came in.

21 Tom was not receptive to my
22 request and he told me then that it was not
23 in the cards, or not in the stars. That was
24 exactly what his response was to me. He was
25 also asking me like, what kind of upgrade are

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Nicole Corrado

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2 you looking for, and I kind of, I think,
3 said, well, just the basic upgrade, you know,
4 to principal attorney, and our conversation
5 was very limited to that. He just said, you
6 know, no.

7 Q Were there other instances or
8 examples you can show of difficulties you had
9 with Ms. Cohen prior to the time in 2007 that
10 she became your immediate supervisor?

11 A When some of those problems
12 occurred in 2003, and I started -- when I
13 worked with Andral Bratton, I had less
14 contact with Sherry. Again, when it came to
15 certain matters being assigned directly from
16 her, it was strictly on that level, and I
17 really specifically tried to avoid having to
18 go to her for any other reason, and I -- it
19 was more or less mutual for a period of time.

20 Q Once she became your supervisor
21 sometime in the first half of 2007, how would
22 you characterize your relationship with her?

23 A It was a difficult decision for me
24 to make the request to be switched to Sherry,
25 okay, because I had negative experiences with

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Nicole Corrado

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Sherry. So, you know, it was almost problematic because I knew that I could possibly get myself in other problems. But considering the circumstances, it seemed like there weren't too many other alternatives.

So when I started working with Sherry in 2007, there was definitely friction at all times with her. It never seemed that she was toward me the way she was toward some other members that she favored in the office, and she was very sort of, I would say, authoritative when she would deal with me. Not in a very collegial way, but almost like dictatorial.

Q Well, was there an incident regarding drafting an opening letter?

MR. BAUMAN: Objection to form.

Q Was there an incident that you had with Ms. Cohen relating to the drafting of an opening letter in a case?

MR. BAUMAN: Objection to form.

A May I answer?

Q Yes.

A There was an incident, yes. That

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Nicole Corrado

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2 actually occurred in January of this year,
3 the early part of this year, because, as I
4 said, my father's condition just became more
5 and more serious, and I had to be out of the
6 office quite a bit, and so even with Sherry,
7 my interactions with her were fairly minimal.
8 But when I returned shortly after my father
9 passed away on December 29th, Sherry had
10 assigned a matter to me, and it was what we
11 refer to as a sua sponte investigation
12 involving several different respondents.

13 First, there was an issue with
14 respect to how the matter should be opened,
15 whether it should be opened as a sua sponte
16 or under the name of an individual
17 complainant. So we had some disagreements
18 with respect to that at first, and she wanted
19 to have it opened as a sua sponte
20 investigation -- excuse me, as a named
21 complainant's investigation, and I thought
22 not, and I expressed my reasons for it.

23 Ultimately Tom agreed -- excuse
24 me, she agreed with me and we opened it as a
25 sua sponte instead of a named complainant. I

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Nicole Corrado

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2 won't go into those details.

3

4 Then, with respect to the opening
5 letters, I drafted the opening letters, she
6 wanted to review them. I gave her the
7 opening letters to review. In the process of
8 her editing, it took several days to complete
9 her final edit of this opening letter, and
10 she was more or less -- you know, I asked
11 her, like, why are we taking so long to
12 complete an opening letter? I mean, it's
13 really not all that involved, and she just
14 had to express her reasons as to, well, we
15 have to make sure that it's -- you know, she
16 didn't give any substantive reasons as to
17 why, because there weren't any. It seemed
18 like she was just being difficult really, and
19 I think it was more or less just to
20 micromanage, for lack of a better word.

21 Q How long typically is an opening
22 letter?

23 A A one page letter, maximum two
24 pages, perhaps.

25 Q How long does it usually take to
get out an opening letter?

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Nicole Corrado

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A It shouldn't really take more than
3 an hour.

4

Q Did she, that is Ms. Cohen, act
5 annoyed with you?

6

A Yes, very.

7

Q How did that manifest itself?

8

A She started to tell me in her
9 office -- she was pointing her finger at me
10 and telling me, you think you're a good
11 lawyer, don't you, and I said, what does that
12 have to do with the letter and the fact that
13 -- I mean, I just want to get this letter
14 out. I have more important things to do than
15 to really spend all this time on this.

16

That was my response in terms of
17 like, well, as far as whether or not I think
18 I'm a good lawyer, I hope so, but I think
19 that's for other people to conclude. I don't
20 think it would be really right for me to say,
21 yes, I'm a good lawyer or not, but I said,
22 obviously, you don't think so, or something
23 like that.

24

Then she went on to tell me how
25 the office arrangements are and -- in terms

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Nicole Corrado

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2 of how things are done, and she said, I don't
3 think you understand the policies of this
4 office. I said, Sherry, I have been here
5 since 2001. I think I have a fairly good
6 understanding of how things, you know,
7 operate here, especially when it comes to an
8 opening letter.

9 So I definitely didn't understand
10 the motivation or the purpose for the various
11 things that she said. Obviously, I think, in
12 retrospect, she had other things in mind that
13 she may have been thinking about with respect
14 to me.

15 Q What do you mean by that?

16 A I think that Sherry -- one of the
17 reasons I think Sherry may have been somewhat
18 difficult with me, very difficult, actually,
19 is I think she thought that maybe I was the
20 competition, and I made it very clear many
21 times, you know, to a lot of different
22 people, you know, I don't want your jobs. I
23 don't want Tom's job, I don't want Andral's
24 job, but nevertheless, I don't think it
25 really set in.

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I think she had and still does have various insecurities with respect to her legal abilities, and definitely management skills, and when someone would call her on it, that's when she gets very combative and very confrontational about it.

It's like you're supposed to just take it and be -- have her finger pointed at you, and you're supposed to be scolded and you're supposed to be treated as a very lowly inferior.

Q Has she pointed her finger at you when she speaks with you?

A Several times. Actually, during that conversation when I was about to leave her office, she told me she wasn't finished with me, and I sat down and I let her continue to talk to me about how things work in the office and how I don't really have a good idea of how things work in the office, and again, all unfounded criticism. But I just let her continue.

Then at one point I said, are you finished now? She said, yes, you can go, and

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2 then I was dismissed from her office.

3 Q Before that you had indicated that
4 you wanted to leave?

5 A Yes.

6 Q What was her response?

7 A Her response was, I'm not finished
8 with you yet.

9 Q How would it make you feel when
10 she pointed her finger at you when speaking
11 to you?

12 A It was -- I'd never experienced
13 anything ever that way in any setting,
14 professional especially, in all the years of
15 my work. I felt awful. I felt degraded. I
16 thought that she really ruined my day, and
17 there were times that she ruined my week.

18 I think she -- you know, I think
19 she really went out of her way to assert
20 herself in such a way with me, and whomever
21 else, whoever else that, you know, she either
22 didn't like or wanted to create problems for,
23 and she has a very uncanny ability for that.

24 Q What's your assessment of her
25 management skills?

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A Lacking, poor.

Q Why do you say that?

A Because she -- although she

appears to be, you know, more or less involved, and she is involved in the various aspects, but I think she was more or less -- more responsible for -- responsibility for the friction than the productivity that took place in that office with a great number of people, and whether it was more or less delaying minor issues and having them drag on and become bigger issues or -- I didn't think that she was really collegial in terms of her -- I thought that her position should be one where one would exercise greater care, where your primary goal is to advance the interests of your office, the interests of the court, the interests of the people that you serve.

I didn't think that it was appropriate, nor do I think currently that it's appropriate for someone, whether it's the chief counsel, first deputy or deputy to have an agenda where this unnecessary friction, whether it's work related or

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2 personally related, should occur.

3 I thought that because of the fact
4 that she lacked the management skills
5 required for that purpose, that it was
6 definitely not, you know, in any way ever
7 going to stop. I think it only exacerbated
8 itself over time.

9 Q Did you ever speak to Mr. Cahill
10 about the problems you saw in Ms. Cohen's
11 management skills?

12 A You know, interestingly, with Tom
13 Cahill, Tom is a nice man, and I didn't -- I
14 mean, outside the office and the work
15 setting, I found him to be, you know, okay,
16 but within the office it seemed to me that he
17 very much catered to Sherry's decisions and
18 her more or less operations of, you know, the
19 office. So I didn't think it was really
20 constructive for me to speak with Tom in any
21 sort of way, whether it was for, you know, I
22 think, constructive criticism or not.

23 Q You mentioned earlier that one of
24 the things you observed about her management
25 style was that Ms. Cohen delayed matters

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2 regarding minor issues?

3 A Sherry had, and she still does, a
4 tendency, and still very much, very often
5 losing files and misplacing files, and it
6 would occur all the time on any given day.

7 You know, there could be one or two, several
8 e-mails saying sometimes, oh, I'm looking for
9 this matter, if anyone finds it or sees it.

10 In fact, that was a problem that I
11 had at one time when I was not under her
12 supervision, but there were some files that
13 were missing and they coincidentally appeared
14 in my file cabinet, and that disturbed me.

15 Andy, Andral, was my supervisor,
16 and I did speak with Andral about it, and I
17 spoke with other people about it. I thought
18 that was odd, that these missing files should
19 just coincidentally appear in my file cabinet,
20 and the answer to me was, well, you know,
21 maybe it was there and you overlooked it.

22 Q The answer from whom?

23 A From Andy. He said, all right,
24 we'll look into it, we'll see what happened,
25 and I think he was told by Sherry that, well,

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2 you know, mistakes happen, or maybe the files
3 were there already, or maybe she just didn't
4 know that they were there or -- but I thought
5 that was strange, you know, that suddenly ---
6 and then, obviously, there were matters that
7 were a little bit older and required
8 attention, and I thought, you know, that was
9 perhaps a way of making me look sloppy in
10 terms of not being on top of my files, and I
11 keep a very close diary with me all the time
12 with notations in terms of all the different
13 matters and what I'm doing and/or not doing.

14 Again, there's no, you know, proof
15 in terms of how the files wound up in my
16 filing cabinet, but I know that I didn't put
17 them there, and they were not there, so that
18 was strange.

19 There were other things that I
20 talked to Andral about with respect to
21 Sherry.

22 So there were, you know, different
23 things with regard to different office
24 issues, including Christine's situation that
25 I did express my opinion on.

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2 Q In terms of delaying regarding
3 minor issues, are there any instances or
4 examples that you could state, other than
5 what you've told me?

6 A As far as I know, with respect to
7 my own personal cases, that's really the best
8 way to address it.

9 Q Okay.

10 A There were a couple of instances
11 where she did edit some of my work, and she
12 more or less -- I actually -- with one
13 specific matter that I'm thinking of, I
14 thought her assistance at that time -- her
15 editing was positive, and it made the product
16 better. But it seemed like she so entrenched
17 herself in it that it overwhelmed her, and
18 that sort of became -- it's almost like it's
19 a feeling you get when you're dealing with
20 someone and they don't -- you know, that
21 there's this tension that's there, and you
22 don't know sometimes why. But the work that
23 she was editing took a little while for her
24 to do, but in that instance, like I said, I
25 mean, the product was fine.

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Q Did you have a discussion with

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her, that is with Ms. Cohen, in which she

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told you it was in your best interest to move

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certain cases?

6

MR. BAUMAN: Objection to form.

7

Q You can answer.

8

A Yes.

9

Q When was this conversation?

10

A This conversation was only a few

11

months ago, and --

12

Q Would you tell me what the

13

conversation consisted of?

14

A Yes. In -- When I say they, I

15

mean Sherry, as well as Ellen Friedberg, the

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current chief counsel, I believe they

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attended a policy meeting and the policy

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committee wanted certain cases that were

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older in age to be attended to, which makes

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sense. That's always been the case,

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obviously, to monitor sometimes matters that

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appear to be older, and that makes -- again,

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it's consistent with how the matters are

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handled, and there was one case, one

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respondent that I am currently handling and

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2 was then, that has developed into a fairly
3 lengthy and complex situation, and Sherry was
4 fully aware of all the steps that I was
5 taking and have continued to take in
6 furtherance of that investigation.

7 She came to me and said -- in my
8 office and said, listen, Nicole, with this --
9 I'm not mentioning respondent's name, but
10 with this case, this is on the list of Mr.
11 Reardon's cases, and you have to move this
12 case along, if you know what's good for you.

13 I said, Sherry, you know what I'm
14 doing with this, you know what's involved,
15 you know that this particular respondent --
16 basically the history of this respondent, you
17 know the current status of this respondent's
18 case. It's not just that one case. There
19 have been many various complaints that have
20 come in since then that are all -- in and of
21 themselves are not all that significant, but
22 the cumulative effect of all of them is, and
23 then other issues that I thought would be
24 important to investigate, and as a result of
25 my -- that further investigation, we now have

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2 developed a more -- a stronger theory of how
3 to prosecute this particular case.

4 Her position at the time was --
5 again, didn't make sense to me, because she
6 was fully aware of the circumstances with
7 this, and she said, again with the finger
8 pointing, if you know what's good for you,
9 you know, it's in your best interest to move
10 this case along, and I said, you of all
11 people, knowing all the things that you do
12 know about this respondent and these matters,
13 aren't you able to communicate this to the
14 policy committee, and I don't think that she
15 did, because had it been communicated well in
16 terms of what the actual status was in terms
17 of the investigation, or what we were
18 proposing to do to continue with our
19 investigation, I don't think any member of
20 the policy committee would ever question it.

21 So she then -- you know, she was
22 hostile, she was very hostile. She was
23 standing right next to me --

24 Q When you say right next to you, --

25 A In my office. This is my desk

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2 right in front of me. She actually was to
3 the side of me where my chair is, and that's
4 where the finger pointing took place, and
5 that's when she said what she said.

6 Then I said, you know, I'm really
7 tired of your condescending ways, and you
8 just don't ever stop. She said, you know,
9 I've talked to you about this case and I've
10 talked to you about this matter for like the
11 last several months, and I said, yes, and
12 I've talked to you about this case and you
13 know exactly what is going on. So what do
14 you propose that I do?

15 I mean, these -- it didn't seem
16 like there was anything that could be done
17 immediately to conclude that particular
18 matter, and it's still pending.

19 But in any event, --

20 Q Can I interrupt you for a second?

21 A Yes.

22 Q When she said, while pointing her
23 finger, that you better move this case if you
24 know what's good for you, or some words to
25 that effect, did you take her statement as a

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2 threat?

3 A Yes.

4 MR. BAUMAN: Object to form.

5 A Yes, I did. She said, actually,
6 in terms of, you know, if you know what's
7 good for you, and it's in your best interest,
8 and I also replied to her, I said, how
9 exactly is it not in my best interest? What
10 are you referring to, as far as this
11 particular case is concerned? Like what are
12 you talking about?

13 I'm like, Sherry, are you talking
14 about the case or are you talking about
15 something else? Because that's often the way
16 it seemed, as far as my interactions with
17 her, you know, that perhaps there were other
18 things that played into whatever it was that
19 she was saying. She really didn't elaborate
20 on it, and she just said it's very important
21 that you take care of this.

22 Q Did you tell her that you
23 perceived what she said as a threat?

24 A I said she was condescending, and
25 I did say, you know, is that supposed to be a

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2 threat. I did say those specific things. I
3 just -- you know, I just felt like that was
4 really over the line, enough is enough, and
5 I'd had a miserable year in 2007. It's like,
6 I don't really need to be talked to this way
7 anymore from her, or anyone else.

8 Q Did you ask her what she, Ms.
9 Cohen, had said to the policy committee about
10 the case?

11 A I said something to the effect,
12 well, did you, you know, explain to the
13 policy committee what I'm doing with this,
14 and I also actually volunteered -- I said
15 I'll be happy to call the policy committee
16 and Mr. Reardon and explain for myself. I
17 don't have a problem doing that. She said,
18 no, that's not necessary. We'll take care of
19 that.

20 Q What did she say in response to
21 that, that you would explain to them what's
22 going on in the case?

23 A She didn't give any response. I
24 don't think she gave any explanation.

25 Q How did that encounter that you

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2 just described end?

3 A She left my office, and that was
4 it. I actually -- I mean, I spoke to Mr.
5 Friedberg about it, Alan Friedberg.

6 Q About that incident?

7 A I did.

8 Q What did you tell him?

9 A I told him what happened, and it
10 was at that time I said, this is like, you
11 know, ongoing with Sherry. It doesn't stop.
12 I mean, no matter how -- even if you try to,
13 you know -- I mean, I was trying to work with
14 her.

15 Obviously, I didn't object to
16 working with her in 2007 when I was
17 reassigned to her, or assigned to her I
18 should say, and I thought that, you know, she
19 was creating unnecessary friction and
20 conflict. Like, you know, can I get a break
21 around here and can -- what is the story in
22 terms of her -- you know, her ways.

23 When I said -- I don't think I
24 said that to Mr. Friedberg, but in terms of
25 like do I really need to deal with all these

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2 personality issues in here. All I want to do
3 is get my work done, I want us to get along,
4 get as much of the work completed as
5 possible. I don't need to deal with all
6 these, you know, various, whatever, people.

7 Q Did you tell Mr. Friedberg what
8 aspects of her management you found
9 objectionable?

10 A I did.

11 Q What did you say?

12 A I actually said that I think that
13 she is a poor manager in terms of her
14 abilities, and I think that she creates
15 unnecessary problems with many people in the
16 office, including myself. I said, I think
17 that she's not a very nice person and I think
18 she's not -- you know, I think I said
19 something like she is -- I think she's a bad
20 lawyer, and she's an even worse human being.

21 Q Did you speak to Mr. Friedberg
22 about Ms. Cohen's impulse control?

23 MR. BAUMAN: Objection to form.

24 A I told him what happened with
25 respect to, you know, her finger pointing at

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2 me, and -- yes, I did.

3 There was another incident with
4 Sherry as well also that occurred this year
5 in her office with respect to a statement she
6 made that I interpreted to mean -- have
7 religious overtones.

8 Q Before we get to that, how did Mr.
9 Friedberg respond when you told him these
10 things?

11 A He said, well, some people, you
12 know, have different body language when
13 they're speaking, and maybe she was using her
14 finger to make a point. That doesn't
15 necessarily mean, you know, that it was like
16 directed in a bad way.

17 I said, well, perhaps, but when
18 you put this together with things that she
19 said, what else can it mean? It's pretty
20 clear, I think, and I said, not only what she
21 said, but the tone in which she said it. I
22 mean, she wasn't shouting or anything, but it
23 was definitely a very firm way of delivering
24 that message to me. I told him that I
25 really, you know, didn't appreciate being

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2 treated that way, and I think, you know, I
3 asked to be transferred.

4 Q In that same conversation?

5 A Yes.

6 Q What was his response to your
7 request for a transfer?

8 A Well, at the time the only other
9 supervisor was Andral Bratton, and I asked to
10 be transferred back to Andral.

11 Q What was the response from Mr.
12 Friedberg?

13 A No, I don't think so.

14 Q Did he say why?

15 A No. I said, well, Alan, will you
16 think about it and just deliberate on it a
17 little bit and maybe we can talk about it
18 again? He said, I'll think about it, but
19 it's not likely.

20 Q When, approximately, was this
21 conversation?

22 A Mady Edelstein is my current
23 supervisor. She was promoted to deputy chief
24 counsel, I think it was in June, May or June,
25 and so it was before that. It was probably a

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2 month before that I asked. A month, perhaps
3 two months before.

4 Q When did you receive a different
5 supervisor?

6 A When I was promoted to deputy
7 chief counsel. I was told by Alan that I
8 would be working with Mady. Actually, Mr.
9 Friedberg told me at the time that they were
10 in the process of perhaps creating more
11 supervisory positions, and that would be --
12 probably be implemented, and so that was
13 that.

14 Q So he told you, Mr. Friedberg,
15 that they were in the process of creating
16 more supervisory positions at the same
17 conversation in which you told them about the
18 encounter that you had had with Ms. Cohen?

19 A I had several conversations with
20 Alan, so it wasn't all in one sitting, okay.
21 The very first meeting with respect to this
22 particular incident I made my request, said,
23 you know, can I be transferred back to Andy,
24 and then it really didn't -- we didn't
25 continue discussing it.

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Q Is it fair to say that the D.D.C. honored your request for a transfer within two months of when you made that request?

MR. BAUMAN: Objection to form.

A Yes.

Q Now, you were about to tell me another incident relating, I think, to Ms. Cohen's treatment of another attorney in the office and how that contrasted with you.

MR. BAUMAN: Objection to form.

A There was -- when I was still working under her supervision earlier this year, again, you know, we have frequent meetings and discussions with our supervisors, but every time I knew I had to meet with her, it was a difficult process because I never knew what would happen within the course of any limited or minimal meeting really that would, obviously, create tension or a problem or something that would escalate into something greater. Again, you know, the stress factor was definitely something I didn't need.

I was in her office talking with

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2 her about a case, and there was no conflict,
3 fortunately, for the few minutes that I was
4 there. However, a colleague of mine came in
5 and he brought her coffee, and he happens to
6 be a very, very good person, fine attorney.
7 I mean, I think most of our colleagues are
8 very good people.

9 Q What's his name?

10 A Vitale Lipkanski (phonetics), and
11 again, Vitale is a terrific guy, very good
12 lawyer. He is also a former prosecutor from
13 the Queens office, although we weren't there
14 at the same time. But Sherry favored him,
15 and favors him, and it's very obvious. I
16 mean, many of us know it, and we just kind of
17 at this point, whatever it is is what it is.

18 The reason why I think that's
19 important is she's responsible for making the
20 various assignments of cases, and when she
21 likes you, she assigns good cases to you.

22 Q Do you feel like she favors Mr.
23 Lipkanski in terms of the case assignments?

24 MR. BAUMAN: Objection to form.

25 A Yes, no question about it. I

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2 think Vitale has had -- but as I said, he's
3 very productive, a very good attorney. It's
4 not like that. But, of course, there are
5 other good attorneys, including myself.

6 So she definitely favored him, as
7 far as assigning cases that would be of
8 greater notoriety.

9 But he delivered her coffee and
10 she wanted to give him money for the coffee,
11 and he said, no, that's okay. You can get me
12 next time, and she said, no, no, let me give
13 you the money, and he said, no, that's okay,
14 and she continued to say, here, and she took
15 out money and gave it to him, and then he had
16 to give her change. He said, yeah, I gotta
17 give you whatever, a nickel or a dime, and
18 she said, that's okay. You can get me next
19 time.

20 So then -- you know, they were
21 kind of in this exchange for a couple of
22 minutes, and it was relatively harmless.

23 When he left, she said, well, you
24 know, we are of the same cloth. I mean,
25 just --

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Q How did you interpret that

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statement?

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A My reaction was like, what?

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Again, what's the purpose in saying that?

6

Like what is that supposed to mean? But I

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interpreted that to mean she is Jewish,

8

Vitale is Jewish, and I am not Jewish.

9

Q What is your religion?

10

A I'm catholic.

11

Q For the record, what is your race?

12

A I'm an Italian American.

13

Q White?

14

A White female.

15

I was very offended by that,

16

because I had sort of noted and picked up

17

some of those religious overtones with her at

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other times too, and, you know,

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interestingly, I have lots of Jewish friends

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that I am very fond of and we have very nice

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relationships, including some people in the

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office.

23

So I thought for her to say that

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was really mean and sort of like, you know, I

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am wonderful and you're not because -- I

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2 don't know. It was very strange, and it was
3 very hurtful, and I spoke to Mr. Friedberg
4 about that too.

5 Q How long after that incident did
6 you speak to Mr. Friedberg?

7 A I also spoke to Andral about it.

8 Q When in relation to that incident
9 did you speak to Mr. Friedberg and to Andral?

10 A That same week. With Andral
11 almost -- I spoke with him -- it may have
12 been the afternoon of that day. With Mr.
13 Friedberg, I wanted to process it a little
14 bit more and speak with him at a time that
15 was, you know, convenient for him too, and I
16 did, like the next day.

17 Q What did you tell Mr. Friedberg?

18 A I told him exactly what happened
19 with Sherry and the comment she made with
20 respect to the same cloth, and I think, you
21 know, I said, Alan, it's fairly obvious what
22 that means. At the time, you know, I knew
23 what it meant, but I wanted to sort of get
24 other people's feedback, and they said, yeah,
25 that's what he means. I don't think it's

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2 used in any other context to say that we are
3 of the same cloth. She actually did it like
4 with the quotation sign.

5 Q You said you asked for other
6 people's feedback about the comment of what,
7 we're of the same cloth, meant?

8 A Yes.

9 Q Other people in the office?

10 A With Andral, yes, and out of the
11 office.

12 Q And they confirmed what, that the
13 statement meant what?

14 MR. BAUMAN: Objection to form.

15 A Andral agreed that, yes, that's
16 what it means.

17 Q Just so the record is clear, the
18 statement means what? What did Andral say?

19 A That it has religious overtones to
20 say that we are of the same cloth. They are
21 of the same religion, they are of the Jewish
22 religion.

23 Q By the way, do you know if Mr.
24 Friedberg is Jewish or not?

25 A Yes, he is.

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Q Did you tell Mr. Friedberg that you believe that this statement that she said about being of the same cloth had religious overtones?

MR. BAUMAN: Objection to form.

A Yes, I did.

Q Do you remember how you put it? Did you use religious overtones or some other phrase?

MR. BAUMAN: Objection to form.

A I told him exactly what she said and how it was said, and it was even at that time that I said, Alan, I think it's really a good idea to consider this transfer. You know, if not to Andral, but -- I don't know what, something, because this is -- again, it's continuing, and it gets worse every time.

Mr. Friedberg more or less said, well, that could mean, you know, a lot of different things. It doesn't just have to mean it's religious in nature. I said, well, Alan, can you think of what other context that it could be used to mean in, or can you

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2 interpret that for me then?

3 He more or less -- I think that he
4 was trying to minimize, obviously, the impact
5 that I felt, or I may have had. I don't
6 think that Alan wanted to have friction. But
7 I didn't think that, you know, his
8 interpretation was quite accurate.

9 Q Did you have any further
10 discussion with Mr. Friedberg at this time
11 about your meeting with Ms. Cohen?

12 A Again, I said, you know, this is
13 really offensive. First she starts
14 criticizing me about I think I'm a good
15 lawyer, criticizes my professional skills.
16 I'm sure she's said things about me
17 personally and what -- but now she's going to
18 to start saying things about religion.

19 So Alan at the time said, again,
20 with the additional supervisors that would be
21 created, all right, let's kind of see what
22 happens. But I was a little annoyed with
23 Mr. Friedberg too, because I thought it was
24 pretty clear in terms of what the statement
25 meant. But again, I think that he was

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2 probably trying to minimize the statement and
3 not, obviously, create more problems with it,
4 and I don't disagree with that. I guess that
5 makes sense. But I'm not quite sure.

6 Q What about your conversation that
7 same day with Mr. Bratton, did you tell Mr.
8 Bratton what occurred in your meeting with
9 Ms. Cohen?

10 A I did, yes.

11 Q What was his response to you?

12 A He agreed that that's -- I said,
13 Andy, if someone were to say something like
14 this to you, what would you take that to
15 mean? He agreed that that's the only thing
16 that it could mean, you know, that it's
17 relating to religion and being of the same
18 religious group.

19 Q Did he make any suggestions as to
20 what you should do about it, whether you
21 should speak to Mr. Friedberg, or what you
22 should do?

23 A Yes, he said -- I said, do you
24 think I should speak with Alan about this,
25 and he said, yeah, that's -- why would that

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2 be a problem? That shouldn't be a problem.

3 You should speak to Alan.

4 Q Did you believe that Ms. Cohen
5 treated Jewish and non-Jewish attorneys in
6 the office differently?

7 MR. BAUMAN: Objection to form.

8 A Yes, I do.

9 Q What's your belief based on?

10 MR. BAUMAN: Objection to form.

11 A My observations, my experience, my
12 overall knowledge of different aspects of
13 Sherry's treatment of people.

14 Q What observations did you make
15 that leads you to conclude that she treated
16 Jewish and non-Jewish lawyers differently?

17 A It seems to me that most of the
18 more serious problems encountered with her
19 have been with non-Jewish lawyers, and
20 Christine Anderson, myself, Latricia Wilson,
21 Joseph Hester, Kevin O'Sullivan, these are
22 other attorneys in the office, some office
23 support staff that I know she's had conflicts
24 with, and the non-Jewish lawyers in the
25 office that she doesn't -- hasn't appeared to

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2 me to have that much conflict with.

3 I think it's because she may
4 regard them as not necessarily being a real
5 threat to her, as either being new within the
6 office and in the profession, so they're like
7 -- you know, just like little inexperienced
8 people. They're not really a factor.

9 Kevin O'Sullivan and Joe Hester,
10 two of my colleagues, both worked with Sherry
11 Cohen and both made requests to be
12 transferred away from Sherry Cohen at
13 different times.

14 Latricia Wilson, an
15 African-American female, worked with Sherry
16 Cohen and, unfortunately, passed away. So
17 she wasn't -- I'm sorry, go ahead.

18 Q How do you know that Latricia
19 Wilson had problems with Ms. Cohen?

20 MR. BAUMAN: Object to form.

21 A She spoke to me about Sherry.

22 Q What did she tell you?

23 A There was at least one time I
24 recall that Latricia was so upset and in
25 tears with the way she was treated by Sherry,

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2 and it was mostly with her writing, that
3 Sherry would, you know, nitpick at her
4 writing, and it wasn't anything substantive,
5 it was more stylistic, which a lot of us are
6 in agreement with, that the changes she often
7 makes are not substantive, just stylistic
8 changes that are just a matter of personal
9 style. But to a reader it would be -- it
10 would carry exactly the same message.

11 So she talked to me about the
12 problems that she had with Sherry, and I
13 remember she was in my office and she said,
14 this woman is driving me crazy, you know, I
15 can't work like this.

16 I think she sometimes used to go
17 directly to Mr. Cahill, but there were
18 several times with respect to that, in the
19 micromanaging that Sherry would very often
20 engage in.

21 Q Did you ever observe Ms. Cohen
22 interact with Ms. Wilson?

23 A I did, yes.

24 Q Was there anything problematic in
25 the way Ms. Cohen was interacting with Ms.

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2 Wilson?

3 A I didn't notice anything, you
4 know.

5 Q Who, if you know, are the Jewish
6 lawyers at the D.D.C.?

7 A You want the names?

8 Q The names.

9 A Okay. Well, of course, Mr.
10 Friedberg, Alan, and Sherry Cohen, Mady
11 Edelstein, the new deputy is Jewish, Naomi
12 Goldstein is Jewish.

13 Q I think you said Vitale Lipkanski?

14 A Right, Vitale Lipkanski, of
15 course. Jeremy Garber, Ray Vilaho I think is
16 half Jewish.

17 Oh, that was another thing. Only
18 mentioning Ray, that was something that
19 Sherry mentioned to me this year as well
20 again. This woman just doesn't want to stop
21 with me. She mentioned she and Ray got their
22 degree out of the law journal, unlike other
23 people.

24 Q What does that mean, if you know?

25 A I don't know. I thought she was

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2 resentful of some people, including me, that,
3 obviously, if you learn of a job through
4 other mean other than a law journal, perhaps
5 that was something she had a problem with.

6 Q Any other --

7 A Oh, Jewish lawyers. Roberta
8 Kolar. I'm trying to think in terms of where
9 everybody is seated.

10 I can't think of anyone else right
11 now.

12 Judith Stein, of course, at the
13 time was Jewish. She's not with the office
14 anymore.

15 Q Were there instances that you
16 observed where Sherry Cohen spoke or acted in
17 a manner that you considered racially
18 offensive?

19 MR. BAUMAN: Objection to form.

20 A Yes.

21 Q Can you describe the instance or
22 instances?

23 A That happened this year as well
24 directly with me. I asked her if she -- she
25 has a place out east in the Hamptons, and I

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2 have a place out there, and I asked her -- I
3 was looking for a gardener, and I asked her
4 if she had a gardener. She said, oh, yeah,
5 you know, I use this little Mexican guy, and,
6 you know how it is. They have a house out
7 there and they do the landscaping and they
8 take care of things. I didn't say anything.

9 Q You had mentioned earlier that she
10 had problems with office support staff as
11 well. Let me just mention a few people by
12 name and see what your response is.

13 Joseph Wigly was a paralegal at
14 the office, is that right?

15 A Yes.

16 Q What's his race?

17 A I didn't really know Joe very
18 well. I'm not sure when he left the office.

19 Q Who do you believe that she had,
20 that is Ms. Cohen, problems with among the
21 support staff?

22 MR. BAUMAN: Objection to form.

23 A I think she's had on and off
24 problems with a good number of different
25 support staff members. Secretaries,

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Nicole Corrado

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2 investigators mostly. It's not a terribly
3 large office.

4 Q Do you know who Kenneth Vanlou
5 (phonetics) is?

6 A Yes, I do.

7 Q What position did he hold with the
8 office?

9 A Mr. Vanlou was an investigator
10 with the office.

11 Q What race is Mr. Vanlou?

12 A I believe he was African-American.

13 Q Did you observe or learn of
14 problems between Mr. Vanlou and Ms. Cohen?

15 A I did learn of some problems
16 between them, yes.

17 Q How did you learn of the problems?

18 A More or less around the time that
19 Mr. Vanlou was leaving the office, I was
20 wondering why he was leaving, whether it was
21 for another job somewhere or what the
22 circumstances were, and it was around that
23 time that I learned that Sherry used to give
24 him a hard time about things.

25 Q How did you learn that?

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A Through other sources. He didn't really directly tell me that.

MR. BERANBAUM: Let's eleven-thirty. Let's take a five, ten minute break just to stretch our legs.

(Whereupon, a short break was taken.)

Q Do you know who Monique Hudson is?

A Yes, I do.

Q Who is she?

A Monique Hudson is a secretary in the office.

Q What's her race?

A African-American.

Q Do you know what Ms. Cohen's relationship with Ms. Hudson was like?

MR. BAUMAN: Objection to form.

A No.

Q Is there a secretary in the office whose name is Grace?

A Grace was a former secretary in the office, yes.

Q Do you know her last name?

A No, I don't remember. She left

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2 right around the time that I started.

3 Q Then Marcia Vera, do you know who
4 that is?

5 A Maria Vera.

6 Q Maria. My mistake.

7 A Yes, I do.

8 Q Is she a secretary at the D.D.C.?

9 A She is. She's my secretary.

10 Q What's her race?

11 A Maria is South American.

12 Q Is she black in race?

13 A No.

14 Q Do you know what her relationship
15 with Ms. Cohen was, --

16 MR. BAUMAN: Objection.

17 Q -- or has been?

18 A A roller coaster.

19 Q In what sense?

20 A At different times, different
21 intervals. Sometimes it's been fairly okay,
22 sometimes it's not, and that's more or less
23 the way I think it often is, including, you
24 know, with me and Sherry. It's like a roller
25 coaster. You don't know when you're going up

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Nicole Corrado

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2 and when you're coming down.

3 Q What were some of the down periods
4 for Ms. Vera like?

5 A There have been times for Ms. Vera
6 with respect to Sherry, even most recently
7 she had a conflict with Sherry and she --
8 Maria was very displeased and unhappy with
9 what occurred. But I was not present for
10 their discussion. This is based on what Ms.
11 Vera told me.

12 Q Did she tell you anything more
13 specifically about why she was displeased
14 with her interaction with Ms. Cohen?

15 A Yes. There was something
16 regarding her time, her arrival time at the
17 office and departure time in the office,
18 which we now have the Kronos system within
19 the office, and there are various schedules
20 that some people have requested that
21 fluctuates from the nine to five time, and I
22 believe that Maria requested some minor
23 change of her schedule, and it was rejected
24 and --

25 Q By whom?

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A By Sherry, and she felt she was

3

annoyed and felt unfairly treated, because

4

there are other people in the office that do

5

have, you know, different schedules, and

6

that's what Maria explained to me.

7

She said, I don't know what the

8

big deal is. It's mostly for commuting

9

purposes. Because of her bus schedule, it

10

would be easier for her to take her bus ten

11

minutes earlier that would be an express, or

12

so that she wouldn't have to wait, let's say,

13

another half hour or hour beyond that. It

14

was mostly for commuting purposes that she

15

made the request.

16

Q Do you know how much of a

17

modification she was requesting?

18

A Very minor. Like not even a half

19

hour. Like fifteen minutes.

20

Q Are you aware of other people who

21

have been granted a modified work schedule?

22

A Yes.

23

Q Who?

24

A With respect to support staff or

25

legal staff?

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Q Support staff, please.

A I don't know specifically by names, but I do know that different people have different schedules, they do have different assignments, and I think -- I don't know for a fact, so my answer will be, I don't know.

Q What about legal staff, do you know whether any of the attorneys have modified work schedules?

A Yes. I'm one of them.

Q What's your modification?

A My schedule is nine-thirty to five-thirty.

Q Anyone else that you know of among the lawyers?

A Yes, there are other lawyers, but I don't have absolute knowledge directly. But there are a number of different people.

Q Any other instances that you know of where Ms. Vera has had poor relations with Ms. Cohen?

A Yes.

Q Could you tell me about those?

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A I think it may have had to do with

3

different assignments that Maria was given by

4

the office manager and Sherry, and, again,

5

the things that transpired between them, I

6

was not present for. It was based on what

7

Maria would discuss with me if she were to be

8

upset afterward and find refuge in my office

9

and sort of vent a little bit, and that would

10

be fine with me, if that made her feel

11

better.

12

Q Do you know if Maria complained to

13

management about the treatment she received?

14

A I do not know.

15

Q Did Ms. Vera ever say that she

16

felt that she was being discriminated

17

against?

18

A She said that she didn't think she

19

was being treated fairly. She didn't use the

20

word discrimination.

21

Q Did she ever refer to the fact

22

that her treatment was related to the fact

23

that she's South American?

24

A No, not in this instance.

25

Q In any instances?

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Nicole Corrado

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A No, not that I can think of.

3

Q Do you know of someone named Marcy

4

at the office?

5

A Yes.

6

Q Do you know her last name?

7

A Yes. It's -- she's all the way on

8

the other side of the office. Why does her

9

last name escape me right now? We're going

10

through lots of names.

11

Q Yes.

12

What is her position in the

13

office?

14

A Marcy is part of the support

15

staff, but Marcy's role is a little bit more

16

unique, in terms of she's more of a legal

17

assistant. She's not a secretary. She

18

interacts regularly with members of the

19

public, complainants and various respondents.

20

She's sort of a liaison, I would say, for us.

21

Q What is her race?

22

A Marcy is African-American.

23

Q Do you know if Marcy has had

24

problems with Ms. Cohen?

25

A I do not know.

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Nicole Corrado

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Q Do you know an individual named

3

Michael Vega?

4

A I do.

5

Q What's his job?

6

A Michael Vega is an investigator in

7

the office.

8

Q What's his national origin, if you

9

know?

10

A I think -- I'm not sure exactly

11

what it is.

12

Q Do you know if Mr. Vega has had

13

problems with Ms. Cohen?

14

A I think he had some problems with

15

Ms. Cohen, yes.

16

Q Do you know what the nature of

17

those problems were?

18

A No, I do not.

19

Q Did you ever speak to Mr. Bratton

20

about your belief that Ms. Cohen was a

21

racist?

22

A I did.

23

Q When was that?

24

A Earlier this year. It was when

25

she made the statements about the little

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Nicole Corrado

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2 Mexican people.

3 Q Did you explain to him why you
4 thought she was a racist?

5 A I said it's something that I
6 consider very seriously, and I don't think
7 I've ever used that label for anyone in my
8 career, but I thought that with, again, a
9 cumulative effect of the different treatment
10 of people, that I qualified her as a racist.

11 Q Ms. Cohen's treatment of different
12 people at the office that led you
13 cumulatively to think that she was a racist,
14 who did those people include?

15 A Well, my initial reaction was, I
16 cannot believe that, you know, this person
17 would make such a disparaging statement, even
18 in the most innocuous of circumstances,
19 whereby she was asked for a gardener, and
20 with me of all people, that we are not like
21 buddies or best friends, but, again, for the
22 benefit, I think of the office, and, you
23 know, maintaining a positive perspective, I
24 continued interacting with her, and even to
25 the point that I would ask her for that.

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Nicole Corrado

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So I said, I can't believe, of all people, she would say that to me, and then that she would say that, especially in light of everything that's been going on with Christine and with other people. I said, doesn't she ever learn, and, what is it with her and, you know, this sort of -- this way of her treatment.

Q Your belief that you expressed to

Mr. Bratton that Ms. Cohen was a racist, were you influenced by how she treated Ms.

Anderson?

A Oh, yes, of course I was. I

believe that I said I think, and this is very troubling to me, and I said this to Mr.

Bratton and I said this to Mr. Friedberg, I

said, because I don't think she's just a

racist, I think she's a bigot, and I think

this is really dangerous for someone in her

position to have such strong prejudices that

are definitely, you know, obviously played

out in different ways.

Q Who do you believe Ms. Cohen is

bigoted against?

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A I think she -- definitely she

3

gives better treatment to Jewish attorneys in

4

my mind, no question in my mind. I think she

5

is also, to the male group of the legal

6

staff, she definitely is nicer to the guys in

7

the office than she is to the women.

8

So we have the racism, bigotry and

9

the sexism, and it's just a lovely way to

10

feel everyday.

11

Q Did Mr. Bratton respond to you

12

when you said you thought Ms. Cohen was a

13

racist?

14

A Yes, he did.

15

Q What did he say?

16

A Well, he wanted to know -- he knew

17

why I felt that way, because I discussed it

18

with him. I brought it to his attention at

19

the time she made that statement, and also

20

with respect to what's been happening, what

21

happened with Ms. Anderson and what happened

22

with Latricia. I mean, what's happened with

23

some secretaries and what's happened with

24

other people in the office.

25

He didn't disagree with me at all,

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Nicole Corrado

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2 and he didn't make any excuses for her. He
3 actually valued, I think, what I said and,
4 more or less said, I think you're right.

5 Q Since you've been with the D.D.C.
6 since 2001, have there been any non-white
7 supervisors?

8 A No.

9 Q Now, when you and Ms. Anderson
10 worked together at the D.D.C., how closely
11 did the two of you work together?

12 A Each of us at the D.D.C. is
13 relatively independent in terms of our work
14 assignments, so when we do work with other
15 people, it's more or less with our
16 supervisors, and that's why a supervisor is
17 so important to the work that we do, and to
18 have a good interaction and a good
19 relationship, because that affects the work
20 that we do.

21 I take my work very seriously, and
22 I know Ms. Anderson takes her work, or took
23 her work very seriously as well. Ms.
24 Anderson and I definitely had what I would
25 describe as a very professional, warm,

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collegial relationship.

Q Did you have an opinion of the quality of her work?

A Yes, I did, and I do.

Q What is your opinion?

A I thought Ms. Anderson was excellent as an attorney, as an investigative attorney.

Q Did you socialize with Ms. Anderson while you were co-workers?

A I think we had lunch once, and we often used to want to get together sometimes after work, or on weekends, but never did because of our busy schedules. I have a young child, Ms. Anderson has a busy life. So it was kind of hard to synchronize our times. I think there were some office functions that we may have attended earlier on.

Q With other people also?

A Yes. Like a holiday party, or something of that nature.

Q So the only time that you socialized one-on-one was having lunch on one

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2 occasion, is that correct?

3 A Well, with respect to that kind of
4 activity, yes. But we would speak to each
5 other often in the office.

6 Q Ms. Anderson was fired in June of
7 2007, is that your understanding?

8 A Yes.

9 Q Until today at this deposition,
10 have you seen Ms. Anderson since her
11 termination?

12 A No, I have not.

13 Q Have you spoken with her on the
14 phone?

15 A Yes, I have.

16 Q Were you subpoenaed to appear here
17 today?

18 A Yes, I was.

19 Q Before coming to this deposition,
20 did you discuss matters that were anticipated
21 to be covered at this deposition with counsel
22 for the defendants in this case?

23 A Yes.

24 Q That would be Mr. Bauman?

25 A Correct.

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Q Now, while you were co-workers

3

with Ms. Anderson, did she speak to you about

4

her dealings with Ms. Cohen?

5

A Yes, she did.

6

Q Did she tell you the problems she

7

had with Ms. Cohen?

8

A Yes, she did.

9

Q What problems did she describe to

10

you?

11

A Initially she, Christine, if I

12

may, was not clear as to why she was assigned

13

to work with Ms. Cohen in the first place,

14

'cause she had been working with Ms. Judith

15

Stein, and I know that Christine and Ms.

16

Stein seemed to have a positive working

17

relationship.

18

I know that Christine often used

19

to say that she regarded Ms. Stein as a very

20

bright woman and very, very capable, and when

21

her work was -- when Christine's work was

22

given to Ms. Stein, it would be returned

23

timely, it would be edited well and it would

24

be moved quickly, and Christine liked that.

25

So when she was transferred to Ms.

1 Nicole Corrado 79

2 Cohen, she was initially disturbed by that
3 transfer because -- almost to the point like
4 this is a very positive working relationship,
5 why would you disrupt it.

6 So that was -- and immediately
7 when I think Christine started working with
8 Sherry, she began to encounter problems with
9 Sherry, and Christine would speak to me about
10 those problems.

11 Q Which problems did she tell you
12 about?

13 A It was with a variety of things.
14 It was work related. I think it started with
15 different matters that Ms. Anderson was
16 handling.

17 I think that Christine is a very
18 independent worker, and she's a very thorough
19 worker. I think that some people don't
20 necessarily require the same extensive
21 supervision as other people, especially with
22 someone like Ms. Anderson, who has
23 considerable experience, legal experience and
24 life experience. But I think that that is
25 and was a problem, because that distinction

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2 should be, you know -- wasn't drawn with
3 Sherry, or perhaps it was and then -- but she
4 wanted to more or less participate in many
5 facets of Christine's investigations and
6 cases.

7 Q Did Christine tell you about an
8 incident that that occurred where Ms. Cohen
9 blocked Ms. Anderson's exit from Ms.
10 Anderson's office and put her hand on Ms.
11 Anderson when Ms. Anderson was trying to open
12 up the door?

13 MR. BAUMAN: Objection to form.

14 A Yes.

15 Q How long after the incident did
16 she speak to you about that?

17 A I think it was the next day.

18 Q What did she tell you about the
19 incident?

20 A She was -- Christine was very
21 distraught, very upset over the incident,
22 kind of in shock as to, you know, how she was
23 treated. She explained to me what happened
24 with Sherry and she said, this woman is out
25 of control, and she said, you know, she

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2 physically placed her hands on me, and I
3 recall saying, that's incredible. I mean,
4 even for her, this is going too far.

5 Q Had you ever seen Ms. Anderson in
6 such a state? You said, she was very
7 distraught and in shock. Had you ever seen
8 her that way before?

9 A No.

10 Q How would you describe Ms.
11 Anderson's general disposition at the office?

12 A I always found Christine to be
13 very even keel, and that's why I thought she
14 was a tremendous source of comfort for me.
15 Her presence was soothing, and I think many
16 in the office felt that way about Christine.
17 She had wonderful relationships
18 with the support staff. People would go to
19 her for advice, and she would always be there
20 for people, and she was always there for me
21 as a friend, as a colleague. But I think
22 Christine was and is very well liked, and she
23 was always very well-tempered, extremely
24 professional, very well-spoken, which is one
25 of the most wonderful qualities of Christine,

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2 because she has a tone that's very soothing
3 to me, and there were times that I was in
4 distress as a result of some incident in the
5 office, and she would, you know, have a way
6 of making things better.

7 She would, you know, sometimes
8 bring a little trinket for someone, something
9 Christine enjoyed, aroma therapy. So she
10 sometimes had beautiful fray fragrances in
11 her office, and I used to -- and she was just
12 very pleasant.

13 Q Would you describe the way you
14 observed her to be at the time she told you
15 about this incident with Mr. Cohen to be very
16 different than the way you had observed her
17 other times?

18 A Yes. She was -- as I said, she
19 was very shaken by it. She was worried about
20 it, she was frightened. Frightened is
21 probably the best way, because I think she
22 seemed a little, you know, confused, as far
23 as what happened, almost in like in a
24 disbelief.

25 Then it became, you know, she

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2 didn't know what to do, because she felt
3 alarmed if she had to continue to be around
4 Ms. Cohen. So she thought it would be a good
5 idea to bring it to Mr. Cahill's attention.

6 Q Did she say what she was
7 frightened about?

8 A She was frightened of Sherry,
9 because she thought Sherry was irrational and
10 had uncontrolled impulses.

11 Q Do you agree that Sherry has
12 uncontrolled impulses?

13 A Yes, I do.

14 Q I think it's clear this incident
15 we're referring to happened in July of 2006.

16 Between the time of July of 2006
17 and June of 2007, did Ms. Anderson tell you
18 of other troubling interactions that she had
19 with Ms. Cohen?

20 A Yes. Actually, it went on
21 indefinitely until Christine was terminated.
22 Christine wanted to be transferred away from
23 Sherry Cohen.

24 Q How do you know that?

25 A Christine told me, and Andral told

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Nicole Corrado

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2 me, because she made the request to be
3 transferred to Mr. Bratton, and that request
4 was denied.

5 Q Are you aware of any other
6 instances at the D.D.C. while you worked
7 there where an employee's request to be
8 transferred from one supervisor to another
9 has been denied?

10 A Am I aware of any? I believe that
11 Mr. Kevin O'Sullivan had requested to be
12 transferred away from Sherry, and I think
13 that it was denied. I don't know the
14 specifics. I think Mr. Hester had some
15 problems with Sherry and requested a
16 transfer, but I don't think it was denied.

17 Q Was Mr. O'Sullivan eventually
18 transferred away from Ms. Cohen?

19 A Yes. Mr. Kevin O'Sullivan, as you
20 know, when he started in the office, after a
21 short period of time he became ill. He
22 developed a heart condition and was, I
23 believe, hospitalized, I know he was, and it
24 was when he returned, which was many, many,
25 many months later that they agreed, I think,

1

Nicole Corrado

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2 to transfer him.

3 Q How would you describe Ms.
4 Anderson's disposition and demeanor in the
5 office between July of 2006 and June of 2007?

6 MR. BAUMAN: Objection to form.

7 A Ms. Anderson's demeanor?

8 Q Yes.

9 A I think it affected her work, it
10 affected her life. I think it disrupted
11 every aspect of her life. I think she felt
12 very uneasy in the office. She didn't feel
13 comfortable or secure, and she felt like, you
14 know, your workplace should be like you're
15 home. You should feel safe and secure, but
16 she felt that it was a toxic environment for
17 her.

18 Q How do you know that that's how
19 she felt?

20 A She told me, and more or less as
21 it was happening, because as I said, I tried
22 to be, you know, a support system for her
23 when she was going through this and to
24 explain to her -- you know, or at least to
25 console her a little bit. I couldn't really

1

Nicole Corrado

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2 do anything but just be a friend. I guess
3 that's what it's about.

4 Q Did you make any observations just
5 in seeing how she was in the office during
6 that period of time that I described?

7 A She was -- it was almost daily.
8 She was very upset, and I really felt so bad
9 for her. I thought she had gone through so
10 much in her life and that she was unfairly
11 picked on. She's a breast cancer survivor,
12 she had other medical problems, and I could
13 not believe --

14 Q Do you need some time to compose
15 yourself?

16 A I have to just say that I have
17 never felt this level of injustice in my
18 life, and what Christine has been put
19 through, what I'm feeling is -- what I'm
20 referring to is kind of vicarious trauma,
21 because that's what it is. We've all been
22 living with this uneasy, uncomfortable,
23 insecure feeling, and it's really difficult.

24 At this point I need a few
25 minutes.

1

Nicole Corrado

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2

(Whereupon, a short break was

3

taken.)

4

Q Ms. Corrado before we just took

5

that break, you were very upset, is that

6

right?

7

A Yes, I was.

8

Q And you were crying?

9

A I was. I apologize for that.

10

Q You don't have to apologize.

11

You used the term, I think in

12

referring to the way you were feeling, as a

13

vicarious trauma?

14

A Yes.

15

Q What does that mean?

16

A I think it's almost like an

17

aftershock from an earthquake. I think it's

18

something felt by many people in the office,

19

including myself. The level of discomfort,

20

insecure feelings that many of us have in the

21

office as a result of what happened with Ms.

22

Anderson.

23

I think people are worried about

24

the security of their jobs, their well-being

25

within the office. That has had a

1

Nicole Corrado

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2 significant effect, I think, on some. Maybe
3 not all, but I know of many, and the
4 vicarious trauma is what I'm saying in terms
5 of the treatment that Christine received and
6 the unfairness that she was -- that was her
7 treatment. I feel that because I have at
8 various times felt unfairly treated, but I
9 think with Christine it was a culmination,
10 probably the greatest extreme of how she was
11 treated.

12 Q Do you understand why Christine
13 was not transferred out of the supervision of
14 Ms. Cohen?

15 A That's a good question. That's a
16 question that many of us wondered about. Why
17 not just transfer Christine away from Ms.
18 Cohen, which would have been the most logical
19 thing to do and avoid any problems.

20 I think, again, as a manager in
21 the office, you know, as a chief counsel,
22 deputy chief, I think that's the spirit,
23 that's what you want to convey to the office,
24 a collegial atmosphere, not a controversial
25 or combative type of environment, and

1

Nicole Corrado

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2 that's what was happening, that's what was
3 being promoted.

4 There was also, as far as what I
5 learned at the time, that Christine was
6 denied the transfer because Christine had to
7 learn that Sherry was the first deputy chief
8 counsel and she was in charge.

9 Q Where did you learn that?

10 A Andy Bratton told me that, and
11 Christine learned about it too.

12 Q Did Mr. Bratton say that Mr.
13 Cahill told him that?

14 A Yes.

15 Q Did you observe physical changes
16 in Ms. Anderson during the year or so that
17 preceded her termination, such as weight
18 loss?

19 A Definitely. She -- there were
20 lots of things I noticed. Actually, she'd
21 lost -- she did lose weight, and she's fairly
22 petite, and she's, you know, thin to begin
23 with. She was starting to look very
24 unhealthy to me, and to other people too.

25 She was not eating well -- she was

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Nicole Corrado

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2 not eating, she was not sleeping well. Her
3 sleep was extremely disrupted. She had all
4 sorts of -- she had other medical problems
5 with her stomach that were absolutely
6 affected by what was going on and the stress
7 as well. Psychologically she was definitely
8 tormented. Like, how could you not be.

9 Q How do you know she was tormented?

10 A I know from speaking with her.
11 Her hands used to shake sometimes when I used
12 to -- even when she was talking to me.

13 Q The hand shaking, was that
14 involuntary, as far as you could tell?

15 A Definitely.

16 Q Did you observe involuntary hand
17 shaking by Ms. Anderson before the trouble
18 started with Ms. Cohen?

19 A No. In fact, it started to
20 magnify. Her ailments became magnified,
21 because even after she had this, you know,
22 trouble with Mr. Cohen, Christine was forced
23 to continue to deal with Mr. Cohen, and they
24 had all sorts of meetings that she had to be
25 a part of, and that was definitely affecting

1

Nicole Corrado

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2 her health even more. In fact, she would be
3 very shaken whenever she did have a meeting
4 with Ms. Cohen, and later Mr. Spokony as
5 well.

6 Q How do you know that?

7 A Because I spoke to her about it
8 and she used to tell me about it, and it was
9 very visible.

10 Q Are there any other visible signs
11 of distress that Ms. Anderson was undergoing?

12 A None to my knowledge.

13 Q At some point within the year of
14 Ms. Anderson's termination, was there a
15 comment about coming and going through the
16 side entrance of the D.D.C. office?

17 A Yes, there was.

18 Q First of all, do you remember,
19 approximately, when that was?

20 A That was several years ago, and I
21 believe that Sherry actually gave the direct
22 order that no one would be permitted to leave
23 the side entrance doors or exit doors, or to
24 enter from them, either in the morning when
25 people arrived for work or in the evening

1

Nicole Corrado

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2 when they were leaving, or at lunchtime
3 coming and going.

4 People could only use those exit
5 doors, and there are two, several on either
6 side of the office, and then there is the
7 main reception area. Only during the day if
8 you were stepping out for a few minutes were
9 you allowed to use those doors.

10 She put up signs actually,
11 typewritten signs that were typed from a
12 computer and posted and taped on the doors,
13 and one of the doors is right next door to
14 me. So even if your office was so closely
15 situated to one of those exit doors, she did
16 not want people to use them.

17 Q Did Ms. Cohen ever explain why she
18 entered this order?

19 A I never asked her. I didn't have
20 that kind of, you know, comfort level to ask
21 her that.

22 Q What was your understanding as to
23 why Ms. Cohen entered this order?

24 A I don't know. I asked other
25 people that I felt comfortable talking to.

1

Nicole Corrado

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2 There was no answer given.

3 That was another problem, because
4 sometimes you're left to guess work and try
5 to figure out where, you know, these things
6 are coming from and what the components of
7 these decisions are. You know, is this some
8 sort of head game playing or is this some
9 psychological thing they're trying to do, is
10 it a major control thing. But many of us
11 surmise that it was Sherry's micromanaging,
12 'cause she had to know the comings and
13 goings, you know, of people, and especially
14 some people.

15 I think that it became a little
16 bit more difficult for her to monitor people
17 leaving from the side doors, where if people
18 leave from the main reception area,
19 especially with the receptionist there, she
20 could oversee who's coming and going and then
21 report back to her.

22 Q Did you make any observations
23 about Ms. Cohen monitoring specifically Ms.
24 Anderson's comings and goings into the office
25 and out of the office?

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Nicole Corrado

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2 A Yes, Ms. Anderson talked to me
3 about that, that she was watching her very
4 closely, you know, Sherry was watching
5 Christine very, very closely. I mean, all
6 through the day.

7 Q Did you make those observations
8 yourself about Sherry closely watching Ms.
9 Anderson's comings and goings?

10 A Christine told me that she felt
11 that way. I mean, it was hard for me to
12 really --

13 Q Right.

14 A -- see, but I know Christine felt,
15 you know, Sherry goes past my office a lot
16 more. But then the main corridor is sort of
17 the walkway to other main areas of the
18 office. So I used to say, well, don't worry
19 about it, just shut your door, don't pay
20 attention.

21 MR. BERANBAUM: Give me a minute
22 to see if I have any further questions
23 for you.

24 (Whereupon, a short break was
25 taken.)

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Nicole Corrado

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2

Q Are you aware if secretary Maria

3

Vera had a dispute with management about her

4

job responsibilities?

5

A Yes.

6

Q What's your understanding of the

7

dispute?

8

A It had to do with her opinion of

9

how she was not being treated fairly with

10

respect to, I think, assignments by

11

management, and not by me or, you know, the

12

other attorneys that she works with, but

13

strictly by management.

14

She filed, I believe, union

15

grievances against management, and I'm not

16

sure if it was one time or more than once,

17

but she specifically did make a reference to

18

filing a union complaint against them.

19

Q Do you know what the disposition

20

of the union complaint was?

21

A No.

22

Q The treatment that you've

23

described that Ms. Anderson suffered at the

24

hands of Ms. Cohen, do you believe that that

25

treatment was related to Ms. Anderson's race?

1 Nicole Corrado 96

2 MR. BAUMAN: Objection to form.

3 A Yes.

4 Q Why is that? Why do you believe
5 that?

6 MR. BAUMAN: Objection to form.

7 A I think it was related to race, I
8 think it was related to religion. I think
9 Ms. Anderson looks down to people and --

10 Q Ms. Anderson?

11 A I'm sorry, Ms. Cohen, not Ms.
12 Anderson, looks down to people, and I don't
13 think she treats people with respect and
14 dignity, regardless of race, color, religion
15 or gender. I think she definitely has her
16 preferences, and Christine did not fit that
17 preference.

18 Q Now, how did you feel coming here
19 today and giving the testimony you've given?

20 A I'm definitely -- I've been
21 feeling a lot of stress and concern for
22 different reasons. Obviously, Mr. Friedberg
23 and other members of my office, they know
24 that I was, you know, subpoenaed to appear.
25 But it's very difficult, it's stressful. I

1

Nicole Corrado

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2 still work there, I'm still in that
3 environment, Sherry Cohen is still there.

4 I've been getting, you know,
5 strange sort of treatment from her since she
6 learned that I was going to be a witness.
7 It's been very uncomfortable for me. I mean,
8 we only -- we've had good morning or good
9 afternoon sort of statements said to each
10 other, or just avoiding -- you know, I felt
11 very uncomfortable being in the same office
12 as her. I mean, it's very difficult.

13 Q Are you aware that there's a
14 federal statute that protects individuals
15 like yourself from being retaliated against
16 for giving testimony in a legal proceeding?

17 A I am aware of that, but I still
18 think they can make your life miserable in
19 little ways if they want to, and that has
20 happened to me. But I still I think it's
21 important to, obviously, tell you these
22 things, and so I am, regardless of these
23 feelings.

24 MR. BERANBAUM: Thank you. No
25 further questions.

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Nicole Corrado

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2

EXAMINATION BY WESLEY E. BAUMAN, ESQ.:

3

Q My name is Wesley Bauman. I'm

4

from the attorney general's office. I'm

5

going to ask you a few questions with regard

6

to the testimony you gave today and also

7

concerning this case.

8

A Yes.

9

Q You are now supervised by who at

10

the D.D.C.?

11

A Mady Edelstein.

12

Q What is your opinion of Ms.

13

Edelstein?

14

A I think very highly of Mady. I

15

think she's very knowledgeable, very

16

experienced, and she was actually one of the

17

people I would go to in the past even before

18

she became a deputy chief counsel for advice

19

in terms of the handling of different cases

20

and issues involving certain cases, and she

21

was very helpful.

22

Q How long has Ms. Edelstein been

23

your supervisor?

24

A Just a few months now, since she

25

was promoted to deputy.

1

Nicole Corrado

99

2

Q Was that June or July, 2008?

3

A I'm not sure exactly when she was

4

promoted, but I started working with her in

5

July.

6

Q What is your opinion of Mr.

7

Friedberg?

8

A My opinion?

9

Q Yes. As an attorney, as a person.

10

Start with as an attorney.

11

A I've only known Mr. Friedberg

12

since he started at the office in January. I

13

haven't had a whole lot of time to formulate

14

an honest opinion. I don't think it's within

15

my job description to have an opinion, and if

16

I do have one, I keep it to myself.

17

Q When you were being supervised by

18

Sherry Cohen, did Ms. Cohen ever give you any

19

comments concerning performance of your

20

duties, any evaluations?

21

A Did Ms. Cohen give any verbal --

22

Q Verbal evaluations or written

23

evaluations, that you know of.

24

A Yes, she did, actually. I know

25

she gave verbal evaluations that were not

1 Nicole Corrado 100

2 favorable. In fact, I learned of the
3 disparaging comment that she made to members
4 of the policy committee early on in her
5 tenure as the first deputy chief counsel
6 disparaging me, and that was unbelievable
7 when I found out that the first deputy would
8 speak to members of the policy committee in
9 reference to me as being not impressed with
10 me, and I'm not sure what that meant. Not
11 being impressed with me as a lawyer, I guess
12 that's what that was supposed to mean. I was
13 really, really taken aback by that.

14 Q Did she ever refer to you that she
15 was concerned about you taking on more
16 responsibility in your position?

17 A Did she talk to me --

18 Q About being more productive?

19 MR. BERANBAUM: Objection to form.

20 A No. I think I've been very
21 productive, and I have my caseload schedules
22 to show you.

23 Q Did Mr. Friedberg ever talk to you
24 about being productive?

25 MR. BERANBAUM: Objection to form.

1

Nicole Corrado

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2

Q Your level of production with

3

regard --

4

A Actually, Sherry in the

5

conversation that I had with her in my office

6

where she told me I needed to move a certain

7

matter because of the direction of the policy

8

committee, she said that I needed -- Oh,

9

thank you for bringing this to my attention,

10

that I needed to learn how to multitask.

11

That was absolutely what she said, quote

12

unquote, that I -- Nicole, you need to learn

13

how to multitask, and that was really

14

offensive to me, because I am a pro when it

15

comes to multitasking, both in my personal

16

life and in my professional life, and I even

17

said that to her then.

18

I said, Sherry, I'm a former

19

prosecutor. Do you have any knowledge as a

20

former prosecutor and criminal defense

21

attorney, especially as a criminal defense

22

attorney where on any given day I could be in

23

a variety of different courtrooms throughout

24

the city, Brooklyn, Manhattan, the Bronx,

25

whatever. So I am very proficient in

1

Nicole Corrado

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2 multitasking, and I responded to her like
3 that as well.

4 Q My question was, did Mr. Friedberg
5 ever talk to you about performance issues?

6 A No. Actually, Mr. Friedberg sat
7 in with me on several depositions, including
8 this particular matter that I talked about
9 generally, and I thought his feedback was --
10 he was positive in terms of his opinion of me
11 as a lawyer during these depositions.

12 Q Have you received any comments
13 from Ms. Edelstein about the performance of
14 your duties?

15 A Oh, yes, very positive ones.

16 Q Have you ever --

17 A In fact, with Ms. Edelstein, with
18 the same case that's continuing, like I said,
19 that has evolved into a much more complex
20 situation, I actually had to draft a three
21 page -- it started as a four page very
22 substantive fact filled letter to this
23 particular respondent, and Mady Edelstein
24 reviewed it in a matter of twenty minutes and
25 they were able to get that letter out almost

1

Nicole Corrado

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2 instantly. It would have been out that same
3 day, except that I had some computer
4 problems, but the next day it was done, and I
5 remember saying, if this was something I had
6 to do with Sherry, it may have taken a month.
7 So very positive.

8 Q Have you ever discussed
9 punctuality issues with anybody at the
10 D.D.C., any supervisors?

11 A Yes, I have.

12 Q What supervisors?

13 A Sherry, Alan.

14 Q When was your discussions on the
15 subject of punctuality?

16 A Several times this year and
17 several times in the past. I also found that
18 to be very hypocritical, because when Ms.
19 Cohen was -- I often want to refer line
20 assistance, because that's what we refer to
21 each other in the D.A.'s office.

22 When she was a staff attorney, she
23 would pretty much keep to her own unique
24 schedule, and her office was across from
25 mine, so I used -- she used to come in at

1

Nicole Corrado

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2 eleven and profess she took work home and
3 worked nights and weekends.

4 I didn't question why, but when
5 she would pick on people for, you know,
6 timeliness, I thought that was very
7 hypocritical of her, and I said, but you know
8 I'm here all the time. I have a long
9 commute. Sometimes I drive in, sometimes I
10 take the railroad, subway, whatever it is.
11 But even if someone is like fifteen minutes
12 late -- I mean, I call. It's important to do
13 that.

14 If you do your work and you do it
15 well and you stay later or you don't take a
16 full lunch break or you don't cut out during
17 the course of the day, why are you talking to
18 me like about these things, and I thought
19 that it was just intentional.

20 Q When did you speak to Mr.
21 Friedberg about punctuality issues?

22 A I thought -- With Mr. Friedberg?

23 Q Yes.

24 A He is -- Mr. Friedberg is very
25 much a clock puncher, and I'm being honest

1

Nicole Corrado

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2 about it, and my office is right next door to
3 him, so, yes, of course he notices, and he
4 had mentioned it to me, and one of the more
5 serious times that he mentioned it to me --
6 and I used to say, you know, Alan, it's
7 difficult for me sometimes. You know, the
8 whole commute thing. But I'm here late. I'm
9 here till six o'clock or after six. Even
10 'cause I want to finish what I'm working on.

11 The day after Father's Day was a
12 very kind of big day when it came to that,
13 and that was -- they're now doing regular
14 case conferences, where it used to be, let's
15 say, four times a year. Mr. Friedberg
16 decided that maybe we should have them on a
17 monthly basis. It started sort of very
18 structured. Now it's a little less
19 structured.

20 My case conference was supposed to
21 take place on Friday before Father's Day, and
22 I was prepared and Mady and I went over
23 things that we thought were important to
24 address. But then I found out on that day
25 that my case conference would not take place,

1

Nicole Corrado

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2

called, and I apologize for that. I had a

3

very hard day yesterday. This year it was

4

Father's Day and it was my father's birthday.

5

I said, this is the first year in my life

6

without my dad, that I've always been close

7

to, and I said, you know, I'm sorry, but it's

8

kind of hard for me this morning even to come

9

in. But he wasn't very receptive to that,

10

and I was upset.

11

Q Any times after that did you have

12

conversations with any supervisor about

13

punctuality?

14

A I have always felt that's the one

15

single thing they can pick on me about,

16

because my work is, I think, very good and

17

the feedback from other members of the

18

office, defense counsel, respondents counsel,

19

members of the public, complainants. I mean,

20

I try to do what I have to do, to do the

21

right thing and to do my work well,

22

professionally.

23

So I often found that they

24

literally, as they did in Christine's case,

25

where they sort of referred to her conduct as

1

Nicole Corrado

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2 insubordination, they sometimes find areas
3 that, you know, they got you, literally, and
4 they try to maybe make you look as being
5 unprofessional, and that's something that has
6 troubled me too.

7 Q The question was, how many times
8 after the Father's Day incident that you --

9 A I don't know how many times.

10 Q More than one?

11 A More than one, but I don't know
12 how many.

13 Q Any other supervisors other than
14 Mr. Friedberg and Ms. Cohen that's spoken to
15 you about punctuality?

16 A No.

17 Q After your promotion --

18 A Actually, I'm sorry, I've
19 discussed this with Andral, and Andral, I
20 think, seems to share in the opinion that,
21 you know, it's the quality of the work that
22 you do, as well as the production of your
23 work is very essential, and as far as being
24 picked on, that isn't something that should
25 be really engaged in in terms of that,

1 Nicole Corrado 109

2 because many people, especially prior to the
3 Kronos being there, including the management
4 people especially, you know, there are
5 comings and goings. But there's a different
6 standard.

7 Q After you received your promotion,
8 to principal attorney, did you ever file any
9 complaint about your pay scale?

10 A File a complaint about my --

11 Q Yes.

12 A No.

13 Q Did you ever complain to anyone
14 about your pay scale?

15 A I inquired about it.

16 Q With who?

17 A With -- Well, Mr. Cahill, Pat
18 Finnegan, and Ms. Catherine Wolfe.

19 Q What was the substance of those
20 conversations? I think you said you inquired
21 about it. What was the substance of the
22 inquiry?

23 A When the pay increase actually was
24 reflected in my salary, it was hardly
25 noticeable at first, and I was under the

1 Nicole Corrado 110

2 impression that when I received my promotion,
3 it would actually be on par with my other
4 colleagues that had been there either the
5 same amount of time as me, or based on prior
6 experience. But I was always way behind in
7 terms of my salary, and I felt that was
8 unfair.

9 Q Who did you speak to first?

10 A I first spoke with Tom.

11 Q Who did you speak to after that?

12 A And I spoke with Andral, 'cause he
13 was my supervisor. Then I think Tom said,
14 you know, see C.A., they figure out people's
15 pay rates, and he said, call Pat Finnegan in
16 administration, you know, find out how it
17 works.

18 Q What did Mr. Finnegan tell you?

19 A Mr. Finnegan told me that that's
20 just the way it is. That when you get a
21 promotion, you get the next level up, where
22 you either earn the -- for instance, I was
23 upgraded to a 31 in 2006. So then my pay
24 schedule began at the 31 level for 2006.
25 However, if that number fell below what my

1

Nicole Corrado

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2 current salary was, then it would go to the
3 next increment, so you would not be getting
4 paid less than what you were earning
5 previously.

6 He explained it to me that way,
7 that it can only go to the next level, not
8 more.

9 Q Did you make any other inquiries
10 after getting that explanation from Mr.
11 Finnegan?

12 A Yes.

13 Q Who did you inquire with?

14 A Actually, I said to Pat, what is
15 this based on, because I had prior
16 experience, something that's, number one,
17 considered for the promotion, and number two,
18 in terms of how people are paid. He sent me
19 material with regard to the salary issues to
20 read and review.

21 Q What happened then?

22 A I asked him if Catherine was aware
23 of it, and he said, yes, she is, and I said,
24 can I speak with Catherine about this.
25 Something like that.

1

Nicole Corrado

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2

Q Did you eventually speak with

3

Catherine?

4

A I had a brief conversation with

5

Ms. Wolfe. I think I sent her an e-mail, and

6

I more or less jotted in the e-mail the fact

7

that I requested an upgrade and whether it

8

was finally given. You know, I was -- I

9

thought I was getting paid a lot less than my

10

colleagues.

11

Q What did Ms. Wolfe say to you?

12

A Ms. Wolfe was repetitive in terms

13

of those were more or less the parameters

14

that I was being treated with, and the same

15

as anybody else was, that this is what the

16

pay scale situation would call for.

17

Q Did you accept her conclusion?

18

A I did.

19

Q Did you speak with anyone else

20

after that about the pay scale?

21

A No.

22

Q When were these conversations?

23

MR. BERANBAUM: Objection to form.

24

Q If you can recall.

25

A At the time that it happened?

1

Nicole Corrado

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2 Q Yes.

3 A I mean, it took me a long time to
4 get the upgrade, and that was a bit of a
5 to-do. So when I received it, I was sort of
6 anticipating a higher salary, and I was
7 pretty disappointed. My reaction was, wow,
8 you know, all that work to try and get this
9 and this is, you know, all that there is.

10 Q When was your promotion?

11 A It was in -- it was effective in
12 the summer of 2006.

13 Q Is it fair to say that these
14 conversations that you had with Mr. Finnegan
15 and Ms. Wolfe happened somewhere after that
16 time?

17 A Yes, because even after it was
18 granted, with the way the pay schedule is
19 arranged, just from payroll, you don't
20 actually see those changes until like one or
21 two paychecks later.

22 Q You testified earlier that you had
23 a collegial professional relationship with
24 Ms. Anderson?

25 A I did.

1 Nicole Corrado 114

2 Q Did you ever speak to her on the
3 phone while you were both employed at the
4 D.D.C.?

5 A Yes.

6 Q How many times would you speak to
7 her on the phone?

8 MR. BERANBAUM: Objection to form.

9 Q Let's say, would it be more than
10 once a week?

11 MR. BERANBAUM: Objection to form.

12 A You mean on the office phones or
13 outside --

14 Q Outside of the office.

15 A Well, while Christine was still
16 employed there?

17 Q Yes. While she was still
18 employed, did you have any personal contact
19 with Ms. Anderson outside of work hours?

20 MR. BERANBAUM: Objection to form.

21 A I'm sure we did, yes, but not very
22 often.

23 Q After Ms. Anderson was terminated,
24 did you contact Ms. Anderson?

25 A Oh, yes.

1 Nicole Corrado 115

2 Q Did Ms. Anderson ever contact you?

3 A Yes.

4 Q Would these contacts be in person?

5 A On the phone. I haven't seen
6 Christine since her last day at the office.

7 Q Would they mostly be contacts
8 where Ms. Anderson is contacting you?

9 A It was mutual.

10 Q Would these contacts happen during
11 work hours?

12 A During a lunch break, my lunch
13 break sometimes -- I don't really -- I know
14 most of the time when I've spoken with
15 Christine, it's been on my cell phone, so I
16 would say -- No, not really.

17 I mean, there have been times
18 during office hours, but I think everybody
19 has personal calls that they make during
20 office hours. But I try to be vigilant in
21 terms of not using the office phone for, you
22 know, personal reasons.

23 Q So it would happen at various
24 times of the day?

25 MR. BERANBAUM: Objection to form.

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Nicole Corrado

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A I have spoken with Christine at
3 different times.

4

5

Q How many times would you say
you've spoken with Ms. Anderson since her
6 termination?

7

A How many times? I don't know.

8

9

Q More than, let's say, a couple of
phone calls a week?

10

11

12

A There were times that it would be
a weekly basis, sometimes less than that,
sometimes more than that.

13

Q What would you talk about?

14

15

A We would talk about different
things.

16

17

Q Would you talk about her case
against the D.D.C.?

18

19

20

21

22

23

A We spoke about her health, we
spoke about family. She would often ask
about my family and father at the time and my
daughter and mother. She was, you know, very
caring and wanted to know how things were and
if I was okay.

24

25

Likewise, I would be concerned
about, you know, her well-being, physical and

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Nicole Corrado

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emotional. Yes, we did talk about her case.

Q Have you ever met with any of Ms. Anderson's attorneys prior to --

A No.

Q -- your testimony here today?

A Yes, I'm sorry, I met with Mr. Beranbaum on Tuesday, I guess.

Q Have you ever spoken on the phone with any of Ms. Anderson's attorneys?

A No.

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Nicole Corrado

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Q Have you ever spoken on the phone with Ms. Xaba?

A No, I've never met or spoken with Ms. Xaba.

MR. BAUMAN: No further questions.

(Whereupon, the examination of

this witness was concluded at 1:00 P.M.)

STATE OF NEW YORK)

)ss.:

COUNTY OF)

I have read the foregoing record of my testimony taken at the time and place noted in the heading hereof and I do hereby acknowledge it to be a true and correct transcript of same.

NICOLE CORRADO

Subscribed and sworn to before me on this _____ day of _____, 2008.

NOTARY PUBLIC

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I N D E X

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C E R T I F I C A T I O N

I, Deborah Thier, a Notary Public
of the State of New York do hereby certify:

That the testimony in the within
proceeding was held before me at the
aforesaid time and place. That said witness
was duly sworn before the commencement of the
testimony, and that the testimony was taken
stenographically by me, then transcribed
under my supervision, and that the within
transcript is a true record of the testimony
of said witness.

I further certify that I am not
related to any of the parties to this action
by blood or marriage, that I am not
interested directly or indirectly in the
matter in controversy, nor am I in the employ
of any of the counsel.

IN WITNESS WHEREOF, I have hereunto
set my hand this 8th day of September, 2008.



DEBORAH THIER

A		
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