

No. 18-1059

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IN THE  
**Supreme Court of the United States**

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BRIDGET ANNE KELLY,  
*Petitioner,*

v.

UNITED STATES,  
*Respondent.*

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**On Writ of Certiorari  
To The United States Court of Appeals  
For The Third Circuit**

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**JOINT APPENDIX (VOLUME I OF II)  
(Pages 1–510)**

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Jeffrey B. Wall  
*Counsel of Record*  
ACTING SOLICITOR GENERAL  
U.S. DEPARTMENT OF JUSTICE  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
(202) 514-2217  
supremectbriefs@usdoj.gov

*Counsel for Respondent  
United States*

Yaakov M. Roth  
*Counsel of Record*  
JONES DAY  
51 Louisiana Ave., NW  
Washington, DC 20001  
(202) 879-3939  
yroth@jonesday.com

*Counsel for Petitioner*

*(Additional counsel listed on inside cover)*

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**PETITION FOR CERTIORARI FILED FEBRUARY 12, 2019  
CERTIORARI GRANTED JUNE 28, 2019**

Michael A. Levy  
*Counsel of Record*  
SIDLEY AUSTIN LLP  
787 Seventh Avenue  
New York, NY 10019  
(212) 839-7341  
mlevy@sidley.com

*Counsel for Respondent*  
*William Baroni*

*(continued from front cover)*

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**GENERAL DOCKET  
UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

**Court of Appeals Docket #:** 17-1818  
**Docketed:** 04/12/2017  
**Termed:** 11/27/2018  
**Appeal From:** United States District Court for the  
District of New Jersey  
**Fee Status:** Paid

\* \* \*

UNITED STATES OF AMERICA.  
Plaintiff – Appellee,

v.

BRIDGET ANNE KELLY,  
Defendant – Appellant.

<b>Date Filed</b>	<b>Docket Text</b>
04/12/2017	CRIMINAL CASE DOCKETED. Notice filed by Bridget Anne Kelly in District Court No. 2-15-cr-00193-002. (CJG).
04/12/2017	CLERK ORDER The appeals at Nos. 17-1817 & 17-1818 are hereby consolidated for purposes of disposition only. Appellants are encouraged to consult with one another regarding the contents of their briefs. The parties may file a consolidated brief or join in or adopt portions by reference. The Government is directed to notify the

Clerk's Office in writing if they elect to file a consolidated brief prior to the Government's briefing deadline. Appellant(s) are directed to electronically file documents in the appeal numbers assigned to the filing Appellant, filed. [17-1817, 17-1818] (CJG).

\* \* \*

04/25/2017 ECF FILER: CRIMINAL INFORMATION STATEMENT on behalf of Appellant Bridget Anne Kelly, filed. (JMR).

\* \* \*

08/25/2017 ECF FILER: ELECTRONIC BRIEF with "Statutory Appendix" attached on behalf of Appellant Bridget Anne Kelly, filed. Certificate of Service dated 08/25/2017 by ECF. --[Edited 08/28/2017 by EAF - Text edited to reflect Appendix attached] --[Edited 08/29/2017 by EAF - Removed from 17-1817] (JMR).

\* \* \*

12/28/2017 ECF FILER: SUPPLEMENTAL ELECTRONIC APPENDIX on behalf of Appellee USA in 17-1817, 17-1818, filed. Certificate of Service dated 12/28/2017 by ECF. [Entry edited to reflect the correct event] [17-1817, 17-1818]--[Edited 01/04/2018 by EMA] (BPK).

12/28/2017 ECF FILER: ELECTRONIC BRIEF on behalf of Appellee USA in 17-1817, 17-1818, filed. Certificate of Service dated 12/28/2017 by ECF. [17-1817, 17-1818] (BPK).

\* \* \*

01/30/2018 ECF FILER: ELECTRONIC REPLY BRIEF on behalf of Appellant Bridget Anne Kelly, filed. Certificate of Service dated 01/30/2018 by ECF. [17-1818] (JMR).

\* \* \*

02/26/2018 ECF FILER: Letter dated 02/26/2018 , filed pursuant to Rule 28(j) from counsel for Appellant Bridget Anne Kelly. Service made by ECF. This document will be SENT TO THE MERITS PANEL, if/when applicable. [17-1818] (JMR).

\* \* \*

03/15/2018 ECF FILER: Response filed by Appellee USA in 17-1817, 17-1818 to Rule 28(j) letter. Certificate of Service dated 03/15/2018. Service made by ECF. This document will be SENT TO THE MERITS PANEL, if/when applicable. [17-1817, 17-1818] (MEC).

03/27/2018 ECF FILER: Letter dated 03/27/2018 , filed pursuant to Rule 28(j) from counsel for Appellant Bridget Anne Kelly. Service made by ECF. This document will be SENT TO THE

MERITS PANEL, if/when applicable.  
(JMR)

\* \* \*

03/29/2018 ECF FILER: Response filed by Appellee USA in 17-1817, 17-1818 to Rule 28(j) letter. Certificate of Service dated 03/29/2018. Service made by ECF. This document will be SENT TO THE MERITS PANEL, if/when applicable. [17-1817, 17-1818] (BPK).

\* \* \*

04/19/2018 ECF FILER: Letter dated 04/19/2018, filed pursuant to Rule 28(j) from counsel for Appellee USA in 17-1817, 17-1818. Service made by ECF. This document will be SENT TO THE MERITS PANEL, if/when applicable. [17-1817, 17-1818] (BPK).

\* \* \*

04/19/2018 ECF FILER: Response filed by Appellant Bridget Anne Kelly to Rule 28(j) letter. Certificate of Service dated 04/19/2018. Service made by ECF. This document will be SENT TO THE MERITS PANEL, if/when applicable. [17-1818] (JMR).

04/24/2018 ARGUED on Tuesday, April 24, 2018. Panel: AMBRO, SCIRICA and \*SILER, Jr., Circuit Judges. Bruce P. Keller arguing for Appellee United States of America; Michael A. Levy arguing for Appellant William E.

Baroni, Jr.; Jacob M. Roth arguing for Appellant Bridget Anne Kellys. [17-1817, 17-1818] \*(The Honorable Eugene E. Siler, Jr., Senior Circuit Judges, United States Court of Appeals for the Sixth Circuit, sitting by designation.) (PM).

\* \* \*

04/25/2018 CLERK'S LETTER to counsel written at the direction of the Court, the government is directed to file a supplemental letter brief addressing, with citations to the trial record, the evidence it presented to the jury to establish that the property subject to Counts 1 and 2 "is valued at \$5,000 or more." 18 U.S.C. § 666(a)(1)(A)(i). The government shall attach any relevant trial exhibits or stipulations not previously included in the Joint or Supplemental Appendices. The government's brief shall be due by Wednesday, May 2, 2018. Appellants may file a joint response no later than Wednesday, May 9, 2018. [17-1817, 17-1818] (PM).

05/02/2018 ECF FILER: Response filed by Appellee USA in 17-1817, 17-1818 to court letter. Certificate of Service dated 05/02/2018. [17-1817, 17-1818] (BPK).

\* \* \*

05/09/2018 ECF FILER: Response filed by Appellant William E. Baroni, Jr. in 17-1817 to court letter. Certificate of Service dated 05/09/2018. [17-1817, 17-1818] (MAL).

\* \* \*

11/27/2018 PRECEDENTIAL OPINION Coram: AMBRO, SCIRICA and \*SILER, Circuit Judges. Total Pages: 78. Judge: SCIRICA Authoring. (\*Honorable Eugene E. Siler, Jr., United States Court of Appeal for the Sixth Circuit, sitting by designation.) [17-1817, 17-1818] (CJG).

11/27/2018 JUDGMENT, Affirmed In Part, Reversed In Part and Remanded. [17-1817, 17-1818] (CJG).

\* \* \*

12/17/2018 ECF FILER: Petition filed by Appellant Bridget Anne Kelly for Rehearing before original panel and the court en banc. Certificate of Service dated 12/17/2018. Service made by ECF. [17-1818] (JMR).

02/05/2019 ORDER (SMITH, Chief Judge, MCKEE, AMBRO, JORDAN, HARDIMAN, GREENAWAY JR., KRAUSE, RESTREPO, BIBAS, PORTER, SCIRICA\* and SILER\*\*, Circuit Judges) denying Petition En Banc and Panel Rehearing filed by Appellant Bridget Anne Kelly, filed. Scirica, Authoring Judge. \*Vote as to



panel rehearing only. \*\*The Honorable Eugene E. Siler, Jr., Senior Circuit Judge, United States Court of Appeals for the Sixth Circuit, sitting by designation. Vote limited to panel rehearing only. (LMR).

02/13/2019 MANDATE ISSUED, filed. (JK).

\* \* \*

**GENERAL DOCKET**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE THIRD CIRCUIT**

**Court of Appeals Docket #:** 17-1817  
**Docketed:** 04/12/2017  
**Termed:** 11/27/2018  
**Appeal From:** United States District Court for the  
District of New Jersey  
**Fee Status:** Paid

\* \* \*

UNITED STATES OF AMERICA.  
Plaintiff – Appellee,

v.

WILLIAM E. BARONI, JR.,  
Defendant – Appellant.

<b>Date Filed</b>	<b>Docket Text</b>
04/12/2017	CRIMINAL CASE DOCKETED. Notice filed by William E. Baroni, Jr. in District Court No. 2-15-cr-00193- 001. (CJG).
04/12/2017	CLERK ORDER The appeals at Nos. 17-1817 & 17-1818 are hereby consolidated for purposes of disposition only. Appellants are encouraged to consult with one another regarding the contents of their briefs. The parties may file a consolidated brief or join in or adopt portions by reference. The Government is directed to notify the

Clerk's Office in writing if they elect to file a consolidated brief prior to the Government's briefing deadline. Appellant(s) are directed to electronically file documents in the appeal numbers assigned to the filing Appellant, filed. [17-1817, 17-1818] (CJG).

\* \* \*

04/26/2017 ECF FILER: CRIMINAL INFORMATION STATEMENT on behalf of Appellant William E. Baroni, Jr., filed. (MAL).

\* \* \*

08/25/2017 ECF FILER: ELECTRONIC BRIEF on behalf of Appellant William E. Baroni, Jr., filed. Certificate of Service dated 08/25/2017 by ECF. (MAL).

\* \* \*

12/28/2017 ECF FILER: ELECTRONIC BRIEF on behalf of Appellee USA in 17-1817, 17-1818, filed. Certificate of Service dated 12/28/2017 by ECF. [17-1817, 17-1818] (BPK).

\* \* \*

03/14/2018 ECF FILER: ELECTRONIC REPLY BRIEF on behalf of Appellant William E. Baroni, Jr., filed. Certificate of Service dated 03/14/2018 by ECF, US mail. [17-1817] (MAL).

03/15/2018 ECF FILER: Response filed by Appellee USA in 17-1817, 17-1818 to

Rule 28(j) letter. Certificate of Service dated 03/15/2018. Service made by ECF. This document will be SENT TO THE MERITS PANEL, if/when applicable. [17-1817, 17-1818] (MEC).

\* \* \*

03/29/2018 ECF FILER: Response filed by Appellee USA in 17-1817, 17-1818 to Rule 28(j) letter. Certificate of Service dated 03/29/2018. Service made by ECF. This document will be SENT TO THE MERITS PANEL, if/when applicable. [17-1817, 17-1818] (BPK).

\* \* \*

04/24/2018 ARGUED on Tuesday, April 24, 2018. Panel: AMBRO, SCIRICA and \*SILER, Jr., Circuit Judges. Bruce P. Keller arguing for Appellee United States of America; Michael A. Levy arguing for Appellant William E. Baroni, Jr.; Jacob M. Roth arguing for Appellant Bridget Anne Kellys. [17-1817, 17-1818] \*(The Honorable Eugene E. Siler, Jr., Senior Circuit Judges, United States Court of Appeals for the Sixth Circuit, sitting by designation.) (PM).

\* \* \*

04/24/2018 CLERK'S LETTER to counsel written at the direction of the Court. At the direction of the court, counsel are hereby directed to file a transcript of oral argument by Tuesday, May 08,

2018 in the above entitled case. Liaison counsel should immediately advise the Clerk's Office of the Court Reporter or agency handling the Transcription of oral argument. The parties shall divide the cost of the preparation of the transcript. (Please see letter attached for full text) [17-1817, 17-1818] (PM).

04/25/2018 CLERK'S LETTER to counsel written at the direction of the Court, the government is directed to file a supplemental letter brief addressing, with citations to the trial record, the evidence it presented to the jury to establish that the property subject to Counts 1 and 2 "is valued at \$5,000 or more." 18 U.S.C. § 666(a)(1)(A)(i). The government shall attach any relevant trial exhibits or stipulations not previously included in the Joint or Supplemental Appendices. The government's brief shall be due by Wednesday, May 2, 2018. Appellants may file a joint response no later than Wednesday, May 9, 2018. [17-1817, 17-1818] (PM).

05/02/2018 ECF FILER: Response filed by Appellee USA in 17-1817, 17-1818 to court letter. Certificate of Service dated 05/02/2018. [17-1817, 17-1818] (BPK).

\* \* \*

- 05/09/2018 ECF FILER: Response filed by Appellant William E. Baroni, Jr. in 17-1817 to court letter. Certificate of Service dated 05/09/2018. [17-1817, 17-1818] (MAL).
- 11/27/2018 PRECEDENTIAL OPINION Coram: AMBRO, SCIRICA and \*SILER, Circuit Judges. Total Pages: 78. Judge: SCIRICA Authoring. (\*Honorable Eugene E. Siler, Jr., United States Court of Appeal for the Sixth Circuit, sitting by designation.) [17-1817, 17-1818] (CJG).
- 11/27/2018 JUDGMENT, Affirmed In Part, Reversed In Part and Remanded. [17-1817, 17-1818] (CJG).
- \* \* \*
- 01/11/2019 MANDATE ISSUED, as to appeal No. 17-1817 only, filed. (CJG)

**GENERAL DOCKET**  
**U.S. District Court**  
**District of New Jersey (Newark)**  
**CRIMINAL DOCKET FOR CASE#:**  
**2:15-cr-00193-SDW All Defendants**

**Case title:** USA v. BARONI, et al.

**Date Filed:** 04/23/2015

**Date Terminated:** 03/30/2017

**Assigned to:** Judge Susan D. Wigenton

**Appeals court case number:** 17-1817 Third Circuit

\* \* \*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
04/23/2015	1	SEALED INDICTMENT as to WILLIAM E. BARONI, JR. (1) count(s) 1, 2, 3, 5, 7, 8, 9, BRIDGET ANNE KELLY (2) count(s) 1, 2, 3, 4, 6, 8, 9. (msd) Modified on 5/8/2015 (th). * * *
05/01/2015	3	Order to Unseal Indictment as to WILLIAM E. BARONI, JR., BRIDGET ANNE KELLY.. Signed by Judge Susan D. Wigenton on 5/1/2015. (msd). * * *
02/01/2016	71	MOTION to Dismiss the Indictment by BRIDGET ANNE KELLY as to WILLIAM E. BARONI, JR., BRIDGET ANNE KELLY. (Attachments: #

- 1 Declaration)(CRITCHLEY, MICHAEL).
- 02/01/2016 72 MOTION to Dismiss the Indictment by WILLIAM E. BARONI, JR. as to WILLIAM E. BARONI, JR., BRIDGET ANNE KELLY. (Attachments: # 1 Brief)(BALDASSARE, MICHAEL).  
\* \* \*
- 03/11/2016 91 BRIEF in Opposition by USA as to WILLIAM E. BARONI, JR., BRIDGET ANNE KELLY re 71 MOTION to Dismiss the Indictment, 72 MOTION to Dismiss the Indictment (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3)(FEDER, DAVID).  
\* \* \*
- 04/13/2016 102 REPLY TO RESPONSE to Motion by BRIDGET ANNE KELLY as to WILLIAM E. BARONI, JR., BRIDGET ANNE KELLY re 71 MOTION to Dismiss the Indictment (CRITCHLEY, MICHAEL).
- 04/13/2016 103 REPLY TO RESPONSE to Motion by WILLIAM E. BARONI, JR. as to WILLIAM E. BARONI, JR., BRIDGET ANNE KELLY re 72 MOTION



to Dismiss the Indictment (Attachments: # 1 Exhibit)(BALDASSARE, MICHAEL).

\* \* \*

04/26/2016 107 REPLY TO RESPONSE to Motion by USA as to WILLIAM E. BARONI, JR., BRIDGET ANNE KELLY re 105 MOTION for Leave to File Sur-Reply, 72 MOTION to Dismiss the Indictment and Motion for a Kastigar Hearing (FEDER, DAVID).

\* \* \*

06/13/2016 126 OPINION as to WILLIAM E. BARONI, JR., BRIDGET ANNE KELLY. Signed by Judge Susan D. Wigenton on 6/13/2016. (msd).

06/13/2016 127 ORDER denying 71 Motion to Dismiss as to WILLIAM E. BARONI, JR. (1), BRIDGET ANNE KELLY (2). Signed by Judge Susan D. Wigenton on 6/13/2016. (msd).

\* \* \*

12/19/2016 304 MOTION for Acquittal , MOTION for New Trial by WILLIAM E. BARONI, JR.. (Attachments: # 1 Exhibit)(BALDASSARE, MICHAEL).

- 12/20/2016 305 MOTION for New Trial , MOTION for Acquittal by BRIDGET ANNE KELLY. (CRITCHLEY, MICHAEL).  
\* \* \*
- 01/17/2017 311 RESPONSE to Motion by USA as to WILLIAM E. BARONI, JR., BRIDGET ANNE KELLY re 293 MOTION for New Trial , 305 MOTION for New Trial MOTION for Acquittal (FEDER, DAVID).  
\* \* \*
- 03/01/2017 323 OPINION as to WILLIAM E. BARONI, JR., BRIDGET ANNE KELLY re 305 MOTION for New Trial MOTION for Acquittal filed by BRIDGET ANNE KELLY, 304 MOTION for Acquittal MOTION for New Trial filed by WILLIAM E. BARONI, JR.. Signed by Judge Susan D. Wigenton on 3/1/2017. (msd).  
\* \* \*
- 03/30/2017 332 JUDGMENT as to WILLIAM E. BARONI, JR. (1), Count(s) 1, 2, 3, 5, 7, 8, 9, Sentence: 24 months imprisonment; Supervised Release: 1 year w/ Special Conditions: Community Service (500 hours over 1 year), Financial

Disclosure, New Debt Restrictions, Occupational Restrictions; Fine: \$7,500.00 (due immediately); Special Assessment: \$625.00 (due immediately); Restitution: \$14,314.04 (due immediately) (Finance notified). Signed by Judge Susan D. Wigenton on 3/30/2017. (msd). SEE # 364 JUDGMENT OF USCA AFFIRMING IN PART, REVERSING IN PART, AND REMANDING RE 335 NOTICE OF APPEAL. Modified on 11/28/2018 (dc).

03/30/2017 333 JUDGMENT as to BRIDGET ANNE KELLY (2), Count(s) 1, 2, 3, 4, 6, 8, 9, Sentence: 18 months imprisonment; Supervised Release: 1 year w/ Special Conditions: Community Service (500 hours over 1 year), Financial Disclosure, New Debt Restrictions, Occupational Restrictions; Fine: \$2,800.00 (due immediately); Special Assessment: \$625.00 (due immediately); Restitution: \$14,314.04 (due immediately) (Finance notified). Signed by Judge Susan D. Wigenton on 3/30/2017. (msd). SEE # 364 JUDGMENT OF USCA AFFIRMING IN PART, REVERSING IN PART,

AND REMANDING RE 336 NOTICE OF APPEAL. Modified on 11/28/2018 (dc). SEE # 374 , MANDATE OF USCA AFFIRMING IN PART, REVERSING IN PART, AND REMANDING RE 336 NOTICE OF APPEAL. Modified on 2/14/2019 (dc).

\* \* \*

- 04/10/2017 335 NOTICE OF APPEAL by WILLIAM E. BARONI, JR. re 332 Judgment, Filing fee \$ 505, receipt number 0312-7764045. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (Finance notified) (BALDASSARE, MICHAEL).
- 04/10/2017 336 NOTICE OF APPEAL by BRIDGET ANNE KELLY re 333 Judgment, Filing fee \$ 505, receipt number 0312-7764338. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (Finance

notified) (CRITCHLEY, MI-  
CHAEL).

\* \* \*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA : Hon. Susan D.  
: Wigenton  
:  
v. : Crim. No. 15-193  
:  
WILLIAM E. BARONI, : 18 U.S.C. §§ 241, 242,  
JR. and BRIDGET : 371, 66(A)(1)(A), 1343,  
ANNE KELLY : 1349, and 2.

**INDICTMENT**

The Grand Jury, in and for the District of New Jersey, sitting at Newark, charges:

**COUNT 1**

**(Conspiracy to Obtain by Fraud, Knowingly Convert, and Intentionally Misapply Property of an Organization Receiving Federal Benefits)**

**THE DEFENDANTS**

1. During the time period relevant to Count 1 of the Indictment:

A. Defendant WILLIAM E. BARONI, JR. (“defendant BARONI”) was the Deputy Executive Director of the Port Authority of New York and New Jersey (the “Port Authority”), its second highest ranking executive. Defendant BARONI was appointed as the Deputy Executive Director by the Governor of the State of New Jersey, Christopher J. Christie, in or about February 2010, and served in that

position until his resignation on or about December 13, 2013. As the Deputy Executive Director of the Port Authority, defendant BARONI, together with the Executive Director of the Port Authority (the “Executive Director”), was responsible for the general supervision of all aspects of the Port Authority’s business, including the operations of Port Authority transportation facilities. Defendant BARONI was an agent of the Port Authority, within the meaning of Title 18, United States Code, Section 666(d)(1).

B. Defendant BRIDGET ANNE KELLY (“defendant KELLY”) was an employee of the Office of the Governor of the State of New Jersey (the “Governor’s Office”) and served as Deputy Chief of Staff for Legislative and Intergovernmental Affairs (“IGA”) from in or about April 2013 to on or about January 9, 2014. Prior to that appointment, defendant KELLY was the Director of IGA, reporting to the previous Deputy Chief of Staff for IGA.

#### OTHER INDIVIDUALS AND ENTITIES

C. David Wildstein (“Wildstein”) was the Director of Interstate Capital Projects for the Port Authority and an associate of defendant BARONI and defendant KELLY. In or about May 2010, defendant BARONI hired Wildstein for his Port Authority position, which Wildstein held until his resignation from the Port Authority became effective on or about December 13, 2013. Notwithstanding his title, Wildstein operated as defendant BARONI’s chief of staff and as the second highest ranking New Jersey executive at the Port Authority. Wildstein was an agent of the Port Authority, within the meaning of Title 18, United States Code, Section 666(d)(1).

D. The Port Authority was an organization that operated transportation and other facilities in New York and New Jersey. The Executive Director of the Port Authority was appointed by the Governor of New York, and the Deputy Executive Director was appointed by the Governor of New Jersey. The Port Authority also had a twelve-person Board of Commissioners, six of whom were appointed by the Governor of New Jersey (including the Chairperson) and six of whom were appointed by the Governor of New York (including the Vice-Chairperson).

E. During the period beginning January 1, 2013 through December 31, 2013, the Port Authority received benefits in excess of \$10,000 under Federal programs involving grants, contracts, subsidies, loans, guarantees, insurance, or other forms of Federal assistance, within the meaning of Title 18, United States Code, Sections 666(b) and 666(d)(5).

F. The George Washington Bridge (“GWB”) was a facility owned and operated by the Port Authority that spanned the Hudson River between the Borough of Manhattan in New York and the Borough of Fort Lee in New Jersey (“Fort Lee”). The GWB had both an upper level and a lower level, each of which served both eastbound traffic into New York and westbound traffic into New Jersey. Vehicles traveling eastbound from New Jersey into New York paid tolls at one of three toll plazas: (1) the lower level toll plaza; (2) the upper level toll plaza; and (3) the toll plaza for the Palisades Interstate Parkway, which also led to the upper level of the GWB.

G. The upper level toll plaza had twelve toll booths, which the Port Authority owned and operated.



During normal operations, some of the twelve toll booths were designated to accept payment using only the electronic toll collection system known as “E-Z Pass” and others, serviced by toll booth operators, were designated to accept cash and E-Z Pass. The twelve toll booths at the upper level toll plaza of the GWB received traffic from two approaches: (1) what is known as the “Main Line,” which included traffic from Interstate Highways 95 and 80, U.S. Route 46, and N.J. Route 4; and (2) an approach for local traffic traveling through the streets of Fort Lee (the “Local Approach”), which included a three-lane access road leading only to the upper level toll plaza (the “Local Access Lanes”). Traffic on the Main Line also fed into the ten toll booths at the lower level toll plaza of the GWB.

H. Prior to September 9, 2013 and after September 13, 2013, during the weekday morning rush period from approximately 6 a.m. to 10 a.m. (also known as the “Peak Period”), the Port Authority typically used the three southernmost toll booths on the upper level toll plaza to handle the traffic traveling from the Local Access Lanes (the “Three Southernmost Toll Booths”). Typically, during the Peak Period, one of the Three Southernmost Toll Booths was designated only for E-Z Pass use, while the other two toll booths were designated to accept both cash and E-Z Pass. During the Peak Period, the Port Authority used traffic cones to segregate the traffic from the Main Line from the traffic using the Local Access Lanes. The Local Access Lanes were not restricted to the exclusive use of the residents of Fort Lee.

I. Mark J. Sokolich was the Mayor and a resident of Fort Lee (“Mayor Sokolich”).

J. Christopher J. Christie was the Governor of the State of New Jersey and a candidate for reelection in the New Jersey gubernatorial election conducted on November 5, 2013 (“Governor Christie”).

K. IGA was a component of the Governor’s Office that monitored and facilitated the relationships between the Governor’s Office and New Jersey state and local officials. IGA employed regional directors, each of whom was responsible for communicating with local officials, including mayors, in a particular region in New Jersey. Prior to November 5, 2013, certain IGA employees, including defendant KELLY, also played a role in seeking endorsements of Governor Christie’s 2013 reelection from elected officials in New Jersey. To that end, IGA’s regional directors were instructed at times to invite New Jersey local officials who might endorse, or might be persuaded to endorse, Governor Christie’s reelection to functions associated with Governor Christie. These included sporting and entertainment events to which Governor Christie had access to tickets and events at Governor Christie’s official state residence. One of the officials whose endorsement IGA employees sought was Mayor Sokolich, who received invitations to some of those functions.

L. The New Jersey Assembly Transportation, Public Works, and Independent Authorities Committee (the “Assembly Transportation Committee”) was a New Jersey state legislative committee that investigated certain activities related to the Port Authority.

2. From in or about August 2013 to in or about December 2013, in the District of New Jersey and elsewhere, defendants

WILLIAM E. BARONI, JR. and  
BRIDGET ANNE KELLY

knowingly and intentionally conspired and agreed with each other and others, including Wildstein, to obtain by fraud, otherwise without authority knowingly convert to their use and the use of others, and intentionally misapply property owned by and under the care, custody, and control of the Port Authority, with a value of at least \$5,000, contrary to Title 18, United States Code, Section 666(a)(1)(A).

THE OBJECT OF THE CONSPIRACY

3. The object of the conspiracy was to misuse Port Authority property to facilitate and conceal the causing of traffic problems in Fort Lee as punishment of Mayor Sokolich.

SUMMARY OF THE CONSPIRACY

4. In or about August 2013, after defendant KELLY confirmed that Mayor Sokolich would not be endorsing Governor Christie for reelection in November 2013, defendant BARONI, defendant KELLY, and others, including Wildstein (the “Conspirators”), decided to punish Mayor Sokolich by deliberately causing significant traffic problems in Fort Lee through a reduction in the number of the Local Access Lanes—all under the false pretense of a traffic study.

5. Between the mornings of September 9, 2013 and September 13, 2013, the Conspirators caused the Local Access Lanes to be reduced from three to one so

that only one toll booth, instead of the usual three, was accessible to the Local Approach. To the congestion and thus the punitive impact on Mayor Sokolich, the Conspirators caused these lane and toll booth reductions to start on the first day of the school year in Fort Lee, without any advance notice to Mayor Sokolich, the Fort Lee Chief of Police, and the residents of Fort Lee. Just as the Conspirators had intended, the lane and toll booth reductions resulted in significant traffic in Fort Lee, both for motorists intending to access the GWB from the Local Approach and for the residents of Fort Lee, whose streets were choked with traffic backing up from the Local Approach.

6. To enhance the effectiveness of their scheme, the Conspirators decided that any questions about the lane and toll booth reductions from Mayor Sokolich and other Fort Lee officials would be disregarded. To that end, the Conspirators purposely ignored communications from Mayor Sokolich, including his pleas for help, requests for information, and repeated warnings about the increased risks to public safety.

7. Throughout the course of the conspiracy, the Conspirators concocted and promoted a sham story that reducing the number of lanes and toll booths accessible to the Local Approach was for a traffic study. They created and continually advanced this cover story so that they could use Port Authority property, including the time and services of unwitting Port Authority personnel and other resources, to implement the lane and toll booth reductions and to conceal the Conspirators' true punitive purpose.

MANNER AND MEANS OF THE CONSPIRACY

8. To carry out the conspiracy and to effect its unlawful object, defendant BARONI, defendant KELLY, and others, including Wildstein, engaged in a variety of means and methods including. among others, those described below.

9. Between in or about March 2011 and on or about August 12, 2013, Wildstein had separate discussions with defendant BARONI and defendant KELLY about how they could use the Local Access Lanes as leverage against Mayor Sokolich.

10. Prior to on or about August 12, 2013. defendant KELLY expressed disappointment to Wildstein that Mayor Sokolich was not likely to endorse Governor Christie, despite IGA employees' efforts to obtain that endorsement. In response, Wildstein told defendant KELLY that they could use the Local Access Lanes to cause traffic problems in Fort Lee whenever it would be advantageous to do so.

11. On August 12, 2013, defendant KELLY telephoned an employee of Governor Christie's reelection campaign who previously, as an IGA employee. had sought Mayor Sokolich's endorsement (the "Campaign Employee"). Defendant KELLY asked the Campaign Employee to confirm that Mayor Sokolich would not be endorsing Governor Christie. After the Campaign Employee confirmed that information, defendant KELLY responded that it was all she needed to know.

12. On August 13, 2013, having confirmed that Mayor Sokolich would not be endorsing Governor Christie for reelection, defendant KELLY instructed Wildstein by email to implement their plan to punish

Mayor Sokolich: “Time for some traffic problems in Fort Lee.” Wildstein acknowledged his assent by responding, “Got it,” and communicated defendant KELLY’s instruction to defendant BARONI. Defendant BARONI agreed that Wildstein should use the Local Access Lanes and the time and services of Port Authority personnel to cause traffic problems in Fort Lee.

13. Soon thereafter, defendant KELLY confirmed for Wildstein that Mayor Sokolich was not endorsing Governor Christie for reelection and that the changes to the Local Access Lanes and resultant traffic problems in Fort Lee would punish Mayor Sokolich for not endorsing. Both defendant BARONI and Wildstein agreed to use the lanes for that purpose. To maintain consistency in dealing with Mayor Sokolich, defendant KELLY also conveyed to certain IGA employees that they should no longer interact with him.

14. Reflecting their punitive purpose on August 19, 2013, defendant KELLY and Wildstein exchanged the following text messages regarding a rabbi, who, like Mayor Sokolich, had fallen into disfavor:

SOURCE	TEXT
WILDSTEIN CELL	“And he [the rabbi] has officially pissed me off”
KELLY CELL	“Clearly”
KELLY CELL	“We cannot cause traffic problems in front of his house, can we?”
WILDSTEIN CELL	“Flights to Tel Aviv all mysteriously delayed”
KELLY CELL	“Perfect”

15. Defendant BARONI defendant KELLY, and Wildstein agreed to use the cover story of a traffic study as a justification for unwitting Port Authority personnel whose services would be used to implement the changes to the Local Access Lanes and as a means of concealing the true punitive purpose of the plan. They further agreed that Wildstein would enlist the services of the Port Authority Engineering department to make the traffic study cover story seem legitimate.

16. Subsequently, Wildstein falsely told a Port Authority engineer (the "Engineer") that, to assess the traffic flow at the GWB upper level toll plaza, Wildstein was planning to remove the traffic cones that segregated the Main Line from the Local Approach. At Wildstein's direction, the Engineer and a Port Authority Traffic engineer (the "Traffic Engineer") presented Wildstein with several alternative scenarios for altering the Local Access Lanes. In one such scenario, all of the traffic on the Local Access Lanes would merge from three lanes down to one and funnel into one toll booth. This single toll booth would service motorists using both cash and E-Z Pass, leaving no lane accessible to the Local Approach that would be dedicated for E-Z Pass users. Wildstein recommended that the single access lane and toll booth scenario would generate severe traffic problems in Fort Lee and inflict harsh punishment on Mayor Sokolich; defendant BARONI and defendant KELLY agreed.

17. Wildstein had separate discussions with defendant BARONI and defendant KELLY regarding the timing of the lane and toll booth reductions. Defendant BARONI recommended against implementing the reductions in August when travel

was traditionally lighter and the punitive impact would be lessened. Defendant BARONI, defendant KELLY, and Wildstein agreed that implementing the lane and toll booth reductions on September 9, 2013, which they knew was the first day of school for children in Fort Lee, would intensify Mayor Sokolich's punishment.

18. To maximize the punitive impact of the lane and toll booth reductions, defendant BARONI, defendant KELLY, and Wildstein agreed not to give Mayor Sokolich and other Fort Lee officials advance notice. The lack of advance notice would prevent Fort Lee officials, including Fort Lee police officers, from preparing for the changes, and would keep Fort Lee residents and GWB commuters from altering their routes. They further agreed that the Port Authority and IGA would direct any resulting inquiries by Mayor Sokolich or other Fort Lee officials to defendant BARONI as the Deputy Executive Director of the Port Authority. They also agreed that defendant BARONI would then deliberately ignore Mayor Sokolich and any other Fort Lee officials who inquired about the reductions.

19. To minimize the risk of detection or leaks, defendant BARONI, defendant KELLY, and Wildstein agreed that Port Authority personnel would be given short notice to implement the lane and toll booth reductions. Even though they had agreed for some time to start the reductions on Monday, September 9, 2013, at 6:00 a.m. – in time for the morning rush hour – Wildstein, with the agreement of defendant BARONI and defendant KELLY, purposely waited until Friday, September 6, 2013, to order Port Authority personnel to implement the reductions.



20. During his communications with Port Authority personnel in preparation for the lane and toll booth reductions, Wildstein – consistent with his discussions with defendant BARONI and defendant KELLY – falsely claimed that the lane and toll booth reductions were for a traffic study. Based on this misrepresentation, Port Authority personnel took steps to implement the reductions and to assess their impact on traffic.

21. On Friday, September 6, 2013, Wildstein instructed a Port Authority manager with responsibility for the GWB (the “GWB Manager”) to implement the lane and toll booth reductions on Monday, September 9, 2013, but not to notify any Fort Lee officials. After receiving Wildstein’s directive, the GWB Manager: (A) arranged for Port Authority maintenance staff to cover traffic signs directing traffic to the Local Approach; (B) instructed GWB personnel to have an additional toll booth operator, who would be paid overtime, as a backup for the toll booth operator covering Toll Lane 24, the lone remaining toll booth that would be accessible to the Local Approach; and (C) arranged to have the Port Authority Police Department (“PAPD”) work during an extended Peak Period to respond to additional traffic in Fort Lee from the Local Approach.

22. That same day, Wildstein also advised the Engineer that the lane and toll booth reductions would begin on the morning of Monday, September 9, 2013. Consequently, the Engineer contacted the Traffic Engineer and instructed him to monitor the traffic consequences of the lane and toll booth reductions. Similarly, a Port Authority supervisor, who had responsibilities for the Port Authority’s Tunnels,

Bridges, and Terminals department (“TB&T”) (the “TB&T Manager”), discussed assessing the impact of the lane and toll booth reductions with one of the individuals who reported to him. Thus, on Friday, September 6, 2013 and during the lane and toll booth reductions, several Port Authority employees in the Traffic Engineering department and TB&T spent time collecting and reviewing traffic data, believing it was necessary to do so.

23. The preparations for and implementation of the lane and toll booth reductions marked a clear departure from standard Port Authority traffic study procedures. These procedures normally do not necessitate or involve sudden, unannounced, and extreme disruptions for motorists, particularly during rush hour. Rather, the Port Authority ordinarily conducts traffic studies without actually affecting traffic, such as by using existing traffic data or computer models.

24. Wildstein kept defendant KELLY and defendant BARONI informed about the steps he was taking to implement the lane and toll booth reductions. For example, on Saturday, September 7, 2013, Wildstein sent an email to defendant KELLY that stated, “f will call you Monday AM to let you know how Fort Lee goes,” to which defendant KELLY responded, “Great.” Also, on Sunday, September 8, 2013, Wildstein forwarded to defendant BARONI an email that Wildstein had received from the GWB Manager describing what Port Authority personnel had done to prepare for the lane and toll booth reductions and Port Authority resources that would be needed:

Ops [Operations] is on board, Mtce [Maintenance] is covering signs tonight, and [Port Authority] Police are aware that they will be controlling traffic in the intersections for the extended rush. We've also brought a toll collector in on overtime to keep toll lane 24 (the extreme right hand toll lane Upper level) in the event the collector assigned to TL 24 needs a personal.

25. On the morning of Monday, September 9, 2013, as defendant BARONI, defendant KELLY, and Wildstein intended, the lane and toll booth reductions caused significant traffic congestion for motorists traveling within Fort Lee. The congestion resulting from the reductions also spoiled a legitimate Port Authority traffic study at Center and Lemoine Avenues in Fort Lee, which caused the Port Authority to repeat the study.

26. On the first morning of the reductions - Monday, September 9, 2013 - Wildstein went to the GWB to observe the impact personally. In separate telephone conversations with defendant BARONI and defendant KELLY, Wildstein reported his observations that the lane and toll booth reductions had, as intended, caused terrible traffic in Fort Lee. Defendant BARONI and defendant KELLY expressed satisfaction that their scheme was working and agreed to continue the reductions.

27. Within hours of the lane and toll booth reductions, defendant BARONI received an email that Mayor Sokolich had called "re: urgent matter of public safety in Fort Lee." Defendant BARONI forwarded the email to Wildstein, who responded by sending an email reiterating that defendant BARONI

should not respond: “radio silence.” As defendant BARONI, defendant KELLY, and Wildstein had agreed, defendant BARONI refused to contact or reply to Mayor Sokolich.

28. Wildstein forwarded to defendant KELLY the email from defendant BARONI about Mayor Sokolich’s telephone call regarding an “urgent matter of public safety in Fort Lee.” Later that day, defendant KELLY and Wildstein exchanged emails confirming their strategy:

SOURCE	TEXT
WILDSTEIN CELL	“Did he [defendant BARONI] call him [Mayor Sokolich] back?”
KELLY CELL	“Radio silence His name comes right after mayor Fulop:
KELLY CELL	“Ty [Thank you]”

Wildstein’s mention of “Fulop” referred to the coordinated and deliberate refusal by the Conspirators to communicate with, meet, or respond to Steven Fulop, the Mayor of Jersey City, beginning in or about late July 2013 because the Conspirators understood that Mayor Fulop was not endorsing Governor Christie’s reelection.

29. Later in the morning of September 9, 2013, defendant BARONI, Wildstein, and the TB&T Manager received an email from a Port Authority employee who worked in the Government and Community Relations department (the “GOCOR Employee”). The email stated:

Wanted you both have [*sic*] a heads up—[the Fort Lee] Borough Administrator, called me regarding the increased volume and congestion of AM rush

traffic throughout the Borough as a result of the GWB toll lanes adjustment that occurred.

She mentioned that there were 2 incidents that Ft Lee PD and EMS had difficulty responding to; a missing child (later found) and a cardiac arrest.

She stated additionally that the Borough and PD had no advance notice of the planned change. Also, Bill the Mayor [Sokolich] had placed calls to your office.

If there is anything you need me to do, let me know. Thank you.

Despite receiving the GOCOR Employee's email, with its references to a missing child and a medical emergency, defendant BARONI and Wildstein refused to contact Mayor Sokolich or the Fort Lee Chief of Police about the safety concerns.

30. In the afternoon of September 9, 2013, defendant KELLY checked to see if Mayor Sokolich was reaching out elsewhere. To that end, defendant KELLY sent an email to an IGA employee ("IGA Employee #1") asking, "Have you spoken to the Fort Lee Mayor?" IGA Employee #1 responded, "No, not in a while." Defendant KELLY also emailed the Campaign Employee, asking, "Have you heard from Sokolich in a while?" The Campaign Employee responded, "I haven't."

31. Also on September 9, 2013, defendant KELLY and Wildstein had a telephone conversation during which Wildstein reported to defendant KELLY that the lane and toll booth reductions had caused traffic problems in Fort Lee. Defendant KELLY instructed Wildstein to continue the reductions the following day; defendant BARONI agreed with that instruction.

32. On September 10, 2013, after the lane and toll booth reductions continued into a second day, defendant BARONI received and deliberately ignored two text messages from Mayor Sokolich. One message stated:

Bill: Mark Sokolich here...Port Authority has reduced the toll Boots [*sic*] for Fort Lee from three to only one. As of yesterday we are in total gridlock. Same thing today. Have a town that is ready to revolt. Who's mad at me? What do I do when Redevelopment 5 is online. Would not otherwise bother you however I have no choice. Please call me. Rather urgent.

The other message from Mayor Sokolich stated: "Presently we have four [*sic*] very busy traffic lanes merging into only one toll booth. . . . The bigger problem is getting kids to school. Help please. It's maddening." Later that day, defendant BARONI forwarded the second text message to Wildstein; Wildstein, in turn, forwarded that message to defendant KELLY.

33. After Wildstein received and forwarded to defendant KELLY Mayor Sokolich's text message about the problem of getting children to school, defendant KELLY and Wildstein exchanged text messages that stated, in pertinent part:

SOURCE	TEXT
KELLY CELL	"Is it wrong that I am smiling?"
WILDSTEIN CELL	"No"
KELLY CELL	"I feel badly about the kids"
KELLY CELL	"I guess"
WILDSTEIN CELL	"They are the children of Buono voters ... "

WILDSTEIN CELL	“Bottom line is he didn’t say safety”
KELLY CELL	“Exactly!”

Wildstein’s statement about “Buono voters” was a reference to supporters of New Jersey State Senator Barbara Buono, Governor Christie’s principal opponent in the 2013 gubernatorial election. Despite Mayor Sokolich’s pleas for help and information and his reference to schoolchildren stuck in traffic gridlock, defendant BARONI did not respond to him.

34. On September 10, 2013, defendant BARONI received two communications regarding Mayor Sokolich’s attempts to seek information about the lane and toll booth reductions. The first was an email from defendant BARONI’s assistant that read, in pertinent part: “Phone call: Mayor Sokolich (his office) ... re: change of traffic patterns.” The second was an email from the GOCOR Employee that stated, in pertinent part:

Fort Lee Mayor Mark Sokolich called this morning regarding the traffic in Fort Lee[.]

“reasons unclear to us ... “

The Mayor would like to talk to you as soon as possible, regarding the traffic congestion due to the change in GWB toll booths configuration. He remains concerned, doesn’t understand the purpose/need of the traffic test and doesn’t understand why the borough was not alerted. Additionally, he said that he is trying to “keep a lid on this” (politically) and is getting pressure from members of Borough Council who want to take some action. He feels this is a “life /safety” issue.

Defendant BARONI ignored and refused to respond to Mayor Sokolich's entreaties. Nor did defendant BARONI even inquire of Mayor Sokolich or the Fort Lee Chief of Police about the nature of the "life/safety" issue.

35. Also on September 10, 2013, defendant KELLY and Wildstein had a telephone conversation during which Wildstein confirmed that the lane and toll booth reductions had caused traffic problems in Fort Lee. Defendant KELLY instructed Wildstein to continue the reductions the following day; defendant BARONI agreed with that instruction.

36. On September 11, 2013, defendant KELLY and Wildstein had a telephone conversation during which Wildstein reported to defendant KELLY that the lane and toll booth reductions again had caused traffic problems in Fort Lee. Defendant KELLY instructed Wildstein to continue the reductions the following day; defendant BARONI agreed with that instruction.

37. On September 12, 2013, defendant BARONI received by email a letter from Mayor Sokolich that was marked "PERSONAL":

I am writing this correspondence to you and am refraining from copying any other party in the hopes that a recent ... decision by the Port Authority will be reversed quietly, uneventfully and without political fanfare.

Permit me to elaborate. Without any notice whatsoever to Fort Lee (or any of its agencies, including our Police Department), the Port Authority reduced the available toll booths for traffic flowing through Fort Lee from three to one. Suffice it to say, this decision has wreaked



havoc upon our community during the morning rush hour, visiting upon us complete gridlock. Having received absolutely no notice of this decision, not having obtained any response to our multiple inquiries concerning same, and try as we may to understand its rationale without the benefit of a response from the Port Authority, we are reaching the conclusion that there are punitive overtones associated with this initiative. What other conclusion could we possibly reach?

Our emergency service vehicles are experiencing tremendous response time delays and my office is overwhelmed with complaints. Unquestionably, this decision has negatively impacted public safety here in Fort Lee. Adding insult to injury, many members of the public have indicated to me that the Port Authority Police Officers are advising commuters in response to their complaints that this recent traffic debacle is the result of a decision that I, as the Mayor, recently made. The basis, reason, or genesis of the decision is of no consequence to me; however, its profound and adverse impact on our community is of paramount importance to me.

I have incessantly attempted to contact Port Authority representatives to no avail. Would you please be good enough to please have someone contact me or [the Fort Lee Chief of Police] to discuss the basis of this recent policy change and what we must do to reverse it ... plain and simple. *Query:* What do I do when our billion dollar redevelopment is put on line at the end of the next year?

Please call me as soon as possible in the hopes that we can resolve this issue and reverse a policy change that is wreaking havoc on Fort Lee .... the otherwise cooperative and supportive host community to the busiest bridge in the world.

(emphasis in original). Shortly after receiving Mayor Sokolich's letter, defendant BARONI forwarded it by email to Wildstein, who then forwarded it to defendant KELLY. As defendant BARONI, defendant KELLY, and Wildstein had agreed, defendant BARONI deliberately ignored and refused to respond to Mayor Sokolich's letter, despite its explicit reference to issues of public safety and "complete gridlock."

38. In addition to the letter, on September 12, 2013, Mayor Sokolich called the GOCOR Employee regarding the lane and toll booth reductions. The GOCOR Employee then sent a message for defendant BARONI asking whether to return Mayor Sokolich's call. Defendant BARONI conveyed to the GOCOR Employee through coded language that the GOCOR Employee should not contact Mayor Sokolich.

39. On September 12, 2013, defendant BARONI also received a text message from Mayor Sokolich that stated, "My frustration is now trying to figure out who is mad at me." Defendant BARONI refused to respond and instead forwarded this text message to Wildstein.

40. Also on September 12, 2013, in response to a media inquiry about the lane and toll booth reductions and the resulting traffic congestion in Fort Lee, Wildstein, with defendant BARONI's knowledge and approval, caused the Port Authority's Media Relations department ("Media Relations") to issue a media statement that falsely claimed that: (A) "The Port

Authority is reviewing traffic safety patterns at the George Washington Bridge to ensure proper placement of toll lanes”: and (B) the “PAPD has been in contact with Fort Lee throughout the transition.” Wildstein sent a draft of this statement to defendant KELLY before it was issued. Defendant BARONI, defendant KELLY, and Wildstein knew that this statement was not true.

41. That same day, defendant KELLY received an email from an IGA employee (“IGA Employee #2”) who summarized a telephone call that IGA Employee #1 had received from Mayor Sokolich. The email stated:

This afternoon, [IGA Employee #1] received a call from Mayor Sokolich. It came from a number he was not familiar with that was actually a secretary who patched the Mayor through to [IGA Employee #1].

The Mayor is extremely upset about the reduction of toll lanes from 3 to 1. Not only is [sic] causing a horrendous traffic back up in town, First Responders are having a terrible time maneuvering the traffic because the back up is so severe.

The Mayor told [IGA Employee #1] that he has no idea why Port Authority decided to do this, but there is a feeling in town that it is government retribution for something. I le simply can’t understand why that would be the case however, because he has always been so supportive of the Governor.

Sokolich explained that the Council wants to organize a press conference with picketers at the foot of the bridge. The Mayor feels he is about to

lose control of the situation and that he looks like a “f[\*\*\*]ing idiot.”

[IGA Employee #1] told the fine Mayor he was unaware that the toll lanes were closed, but he would see what he could find out.

Defendant KELLY forwarded IGA Employee #2’s email to Wildstein. As defendant BARONI, defendant KELLY, and Wildstein had agreed, despite receiving the email from IGA Employee #2 and its references to “horrendous traffic back up” and the problems facing first responders, defendant KELLY did not contact Mayor Sokolich, or take any steps to address his concerns. Instead, defendant KELLY responded to IGA Employee #2’s email conveying that Mayor Sokolich was upset: “Good.”

42. On the morning of September 13, 2013, defendant BARONI, among others, received an email from the Executive Director announcing that he had learned about and was ending the lane and toll booth reductions. The Executive Director explained that he was doing so because, among other reasons: (A) the lane and toll booth reductions had been implemented without notifying Fort Lee, the commuting public, Media Relations, or the Executive Director; and (B) the lane and toll booth reductions had engulfed the entire Fort Lee area in severe traffic delays and had resulted in delays to emergency vehicles.

43. After sending this email, the Executive Director copied defendant BARONI on an email that he sent to the head of Media Relations, asking how the Port Authority could inform the public that the lane and toll booth reductions had ended. Defendant BARONI emailed the Executive Director that they “need[ed] to

discuss prior to any communications” and that “[t]here can be no public discourse.”

44. Later that day, defendant BARONI met with the Executive Director on two occasions. Defendant BARONI demanded that the Executive Director immediately reinstate the lane and toll booth reductions because the reductions were important to “Trenton.” The Executive Director refused defendant BARONI’s demand.

45. Also on September 13, 2013, in response to a media inquiry about the lane and toll booth reductions and the resulting traffic in Fort Lee, defendant BARONI and Wildstein drafted, approved, and caused Media Relations to issue a second false and misleading media statement: “The Port Authority has conducted a week of study at the George Washington Bridge of traffic safety patterns. We will now review those results and determine the best traffic patterns at the GWB. We will continue to work with our local law enforcement partners.”

46. After the lane and toll booth reductions ended, defendant BARONI, defendant KELLY, and Wildstein continued their agreement to use Port Authority resources to advance their cover story. They also agreed that defendant BARONI would continue to respond with deliberate silence to Mayor Sokolich’s requests for an explanation of the reductions.

47. On September 16, 2013, in response to another media inquiry, defendant BARONI instructed Media Relations to re-issue the same false and misleading media statement that he and Wildstein had drafted and approved on Friday, September 13, 2013.

48. On September 17, 2013, Mayor Sokolich sent the following text messages to defendant BARONI:

We should talk. Someone needs to tell me that the recent traffic debacle was not punitive in nature. The last four reporters that contacted me suggest that the people they are speaking with absolutely believe it to be punishment. Try as I may to dispel these rumors I am having a tough time.

A private face-to-face would be important to me. Perhaps someone can enlighten me as to the errors of my ways. Let me know if you'll give me 10 minutes. Regards Mark

49. Defendant BARONI immediately forwarded Mayor Sokolich's text messages to Wildstein and noted that they were from "Serbia," referring to Mayor Sokolich (who is actually of Croatian descent). Wildstein then forwarded them to defendant KELLY and sought instructions about how to respond. That same day, Wildstein exchanged multiple messages with defendant BARONI and defendant KELLY as they coordinated the response to Mayor Sokolich's texts. [Wildstein's communications with defendant BARONI are unshaded and Wildstein's communications with defendant KELLY are shaded in black]:

SOURCE	RECIPIENT	TEXT
BARONI CELL	WILDSTEIN CELL	"Serbia???"
WILDSTEIN CELL	BARONI CELL	"Have not heard back fr Bridget"
BARONI CELL	WILDSTEIN CELL	"Fck"

SOURCE	RECIPIENT	TEXT
WILDSTEIN CELL	KELLY CELL	"Please let me know instructions"
KELLY CELL	WILDSTEIN CELL	"Just finishing a meeting"
WILDSTEIN CELL	KELLY CELL	"Ok. I'm in board meeting but can step out to call when you're ready"
WILDSTEIN CELL	BARONI CELL	"Bridget; Just finishing a meeting"
WILDSTEIN CELL	BARONI CELL	"So we will speak soon"
BARONI CELL	WILDSTEIN CELL	"We could sched a meeting to stave off reporters then pull a faps"
WILDSTEIN CELL	BARONI CELL	"Like for Monday?"
BARONI CELL	WILDSTEIN CELL	Too cute. Tuesday or later next week."
WILDSTEIN CELL	BARONI CELL	"Ok"
WILDSTEIN CELL	KELLY CELL	"Baroni crazed so let me know when to call. I have something at 3 I can't walk out of"

"[P]ull a faps" referred to defendant BARONI's and Wildstein's strategy of scheduling a meeting that they intended all along to cancel, as they did with FAPS, Inc. ("FAPS"), a Port Authority tenant, to punish Mayor Fulop, who had represented FAPS.

50. On September 17, 2013, defendant BARONI caused his assistant to schedule a meeting with Mayor Sokolich, although defendant BARONI intended to cancel. Before defendant BARONI could cancel the meeting, however, Mayor Sokolich did so.

51. After the lane and toll booth reductions ended, defendant BARONI and Wildstein discussed obtaining

Port Authority traffic data to assist them in further developing the fiction that the reductions had been for a traffic study. On September 24, 2013, pursuant to that discussion, Wildstein obtained Port Authority traffic data from a Port Authority employee.

52. In or about November 2013, with defendant KELLY's knowledge, defendant BARONI and Wildstein prepared a misleading written statement for a Port Authority report that would falsely represent that the reductions were for a traffic study. To prepare that written statement, defendant BARONI and Wildstein improperly used Port Authority resources, including the time and services of Port Authority personnel.

53. On November 20, 2013, defendant BARONI was invited to testify on November 25, 2013 before the Assembly Transportation Committee, which was investigating the lane and toll booth reductions. As a result, with defendant KELLY's knowledge, defendant BARONI and Wildstein converted the draft of the false and misleading written statement into defendant BARONI's prepared opening testimony.

54. On November 22, 2013, while preparing for his upcoming testimony, defendant BARONI had conversations with two PAPD officers, during which defendant BARONI sought to enlist their assistance in falsely corroborating that the PAPD had suggested a traffic study of the Local Access Lanes. Both PAPD officers told defendant BARONI that the PAPD had had no such involvement.

55. On November 25, 2013, defendant BARONI appeared before the Assembly Transportation Committee and, with the knowledge and agreement of



defendant KELLY and Wildstein, provided false and misleading testimony about the lane and toll booth reductions. During his testimony, defendant BARONI knowingly and intentionally made the following misleading statements and false representations, among others:

- A. Communications between members of the PAPD and Wildstein triggered the lane and toll booth reductions.
- B. The lane and toll booth reductions were part of a one-week traffic study.
- C. The failure to communicate with Fort Lee and the Executive Director was simply the result of communication breakdowns at the Port Authority.

In particular, with respect to what he repeatedly insisted were communication breakdowns with Fort Lee, defendant BARONI did not admit that he intentionally maintained “radio silence” toward Mayor Sokolich, but instead testified falsely, “[t]he communication was flawed internally, the communication was flawed with our neighbors-no question. And I’m-given the amount of time I’ve spent building a relationship with Mark Sokolich-hugely problematic, personally.”

56. On November 25, 2013, defendant BARONI, defendant KELLY, and Wildstein caused public statements to be prepared by others in support of defendant BARONI’s testimony before the Assembly Transportation Committee.

57. On December 12, 2013, defendant KELLY telephoned IGA Employee #2 and discussed their September 12, 2013 email exchange, referred to above

in Paragraph 41, in which IGA Employee #2 recounted IGA Employee #1's conversation with Mayor Sokolich about the traffic problems and to which defendant KELLY responded, "Good." During their conversation, defendant KELLY asked IGA Employee #2 to delete that email exchange.

58. On December 13, 2013, the day on which the resignations of defendant BARONI and Wildstein from the Port Authority became effective, defendant KELLY falsely claimed that she had nothing to do with the lane and toll booth reductions.

#### OVERT ACTS

59. In furtherance of the conspiracy and to effect its unlawful object, the following overt acts were committed in the District of New Jersey and elsewhere:

A. On August 13, 2013, defendant KELLY sent Wildstein an email stating, "Time for some traffic problems in Fort Lee."

B. On August 13, 2013, shortly after receiving defendant KELLY's email, Wildstein acknowledged his assent to defendant KELLY's instruction by responding, "Got it."

C. Subsequently, on or about August 13, 2013, Wildstein informed defendant BARONI of defendant KELLY's instruction to cause traffic problems in Fort Lee, and defendant BARONI agreed that Wildstein should take steps to implement defendant KELLY's instruction.

D. On or about August 28, 2013, Wildstein contacted the Engineer and falsely represented that Wildstein was planning to order the removal of the

traffic cones that segregated the Main Line from the Local Approach to assess the traffic flow at the GWB upper level toll plaza.

E. On September, 6, 2013, Wildstein had a telephone conversation with the GWB Manager during which: (1) he directed the GWB Manager to implement the lane and toll booth reductions starting on September 9, 2013 at 6:00 a.m., in time for the morning rush; (2) he falsely represented to the GWB Manager that these reductions were being implemented to conduct a traffic study; and (3) he directed the GWB Manager not to notify any Fort Lee officials about the impending reductions.

F. On September 6, 2013, Wildstein had a telephone conversation with the TB&T Manager, during which: (1) he told the TB&T Manager that the lane and toll booth reductions would be implemented starting on the morning of September 9, 2013; and (2) he falsely represented to the TB&T Manager that these reductions were being implemented to conduct a traffic study.

G. On September 6, 2013, Wildstein had a telephone conversation with the Engineer during which he told the Engineer that the lane and toll booth reductions would be implemented starting on the morning of September 9, 2013.

H. On September 7, 2013, Wildstein sent defendant KELLY an email in which Wildstein stated that he would inform defendant KELLY on the morning of September 9, 2013 of the impact of the lane and toll booth reductions.

I. On September 8, 2013, Wildstein forwarded to defendant BARONI an email from the

GWB Manager describing Port Authority resources being used to implement the lane and toll booth reductions.

J. On September 9, 2013, at approximately 6:00 a.m., defendant BARONI, defendant KELLY, and Wildstein caused the lane and toll booth reductions to become effective.

K. On September 9, 2013, after receiving an email from defendant BARONI indicating that Mayor Sokolich had called defendant BARONI that morning “re: urgent matter of public safety in Fort Lee,” Wildstein responded to defendant BARONI by sending an email that stated: “radio silence.”

L. On September 9, 2013, defendant KELLY sent Wildstein an email, thanking Wildstein for confirming that defendant BARONI maintained “[r]adio silence” toward Mayor Sokolich.

M. On September 9, 2013, defendant KELLY emailed IGA Employee #1 to check whether IGA Employee #1 had spoken to Mayor Sokolich.

N. On September 9, 2013, defendant KELLY emailed the Campaign Employee to ask whether the Campaign Employee had heard from Mayor Sokolich in a while.

O. On September 9, 2013, defendant KELLY told Wildstein by telephone to continue the lane and toll booth reductions on September 10, 2013.

P. On September 10, 2013, defendant KELLY told Wildstein by telephone to continue the lane and toll booth reductions on September 11, 2013.

Q. On September 11, 2013, defendant KELLY told Wildstein by telephone to continue the lane and toll booth reductions on September 12, 2013.

R. On September 12, 2013, defendant BARONI forwarded to Wildstein Mayor Sokolich's September 12, 2013 letter regarding the impact of the lane and toll booth reductions.

S. On September 12, 2013, Wildstein forwarded to defendant KELLY Mayor Sokolich's September 12, 2013 letter regarding the impact of the lane and toll booth reductions.

T. On September 12, 2013, defendant BARONI conveyed to the GOCOR Employee through coded language that the GOCOR Employee should not contact Mayor Sokolich.

U. On September 12, 2013, defendant BARONI forwarded to Wildstein a text message from Mayor Sokolich that stated, "My frustration is now trying to figure out who is mad at me."

V. On September 12, 2013, defendant BARONI and Wildstein drafted and approved a false and misleading media statement claiming that the lane and toll booth reductions were done to review traffic safety patterns at the GWB.

W. On September 12, 2013, defendant KELLY forwarded to Wildstein an email from IGA Employee #2 regarding a telephone call from Mayor Sokolich to IGA Employee #1 about the traffic problems in Fort Lee.

X. On September 12, 2013, defendant KELLY responded to IGA Employee #2's email about

the telephone call from Mayor Sokolich to IGA Employee #1, stating, "Good."

Y. On September 13, 2013, defendant BARONI told the Executive Director by email that they "need[ed] to discuss prior to any communications . . . and that '[t]here can be no public discourse."

Z. On September 13, 2013, defendant BARONI demanded that the Executive Director reinstate the lane and toll booth reductions because the reductions were important to "Trenton."

AA. On September 13, 2013, defendant BARONI and Wildstein drafted and approved a second false and misleading media statement claiming that the lane and toll booth reductions were done to conduct a week of study of traffic safety patterns at the GWB.

BB. On September 16, 2013, defendant BARONI instructed Media Relations to re-issue the false and misleading media statement that he and Wildstein had drafted and approved on September 13, 2013.

CC. On November 25, 2013, defendant BARONI provided false and misleading testimony regarding the lane and toll booth reductions to the Assembly Transportation Committee.

DD. On December 12, 2013, defendant KELLY asked IGA Employee #2 to delete their September 12, 2013 email exchange regarding a telephone call from Mayor Sokolich, as referred to above in Paragraph 41.

In violation of Title 18, United States Code, Section 371.

**COUNT 2**

**(Obtaining by Fraud, Knowingly Converting,  
and Intentionally Misapplying Property of an  
Organization Receiving Federal Benefits)**

1. Paragraph 1 and Paragraphs 3 to 59 of Count I are realleged and incorporated by reference as though fully set forth in this Count.

2. From in or about August 2013 to in or about December 2013, in the District of New Jersey and elsewhere, defendants

WILLIAM E. BARONI, JR. and  
BRIDGET ANNE KELLY,

with defendant BARONI and Wildstein being agents of the Port Authority, obtained by fraud, otherwise without authority knowingly converted to their use and the use of others, and intentionally misapplied property owned by and under the care, custody, and control of the Port Authority, with a value of at least \$5,000.

In violation of Title 18, United States Code, Section 666(a)(1)(A) and Section 2.

**COUNT 3**

**(Conspiracy to Commit Wire Fraud)**

1. Paragraph 1 and Paragraphs 3 to 59 of Count 1 are realleged and incorporated by reference as though fully set forth in this Count.

**THE CONSPIRACY**

2. From in or about August 2013 to in or about December 2013, in the District of New Jersey and elsewhere, defendants

WILLIAM E. BARONI, JR. and  
BRIDGET ANNE KELLY

knowingly and intentionally conspired and agreed with each other and others, including Wildstein, to devise a scheme and artifice to defraud, and to obtain money and property from the Port Authority by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted by means of wire communications in interstate commerce certain writings, signs, signals, pictures, and sounds, contrary to Title 18, United States Code, Section 1343.

THE OBJECT OF THE CONSPIRACY

3. The object of the conspiracy was to obtain money and property from the Port Authority and to deprive the Port Authority of its right to control its own assets by falsely representing and causing false representations to be made that the lane and toll booth reductions were for the purpose of a traffic study.

MANNER AND MEANS OF THE CONSPIRACY

4. To carry out the conspiracy and to effect its unlawful object, defendant BARONI, defendant KELLY, and others, including Wildstein, engaged in a number of means and methods, including those referred to in Paragraphs 8 to 58 of Count 1, among others, and those described below.

5. Throughout the course of the conspiracy and in furtherance of their fraudulent scheme, defendant BARONI, defendant KELLY, and Wildstein caused telephone calls to be made and received in interstate commerce and caused emails to be sent and received in interstate commerce.



In violation of Title 18, United States Code, Section 1349.

**COUNTS 4 to 7**

**(Wire Fraud)**

1. Paragraph 1 and Paragraphs 3 to 59 of Count 1 and Paragraphs 3 to 5 of Count 3 are realleged and incorporated by reference as though fully set forth in Counts 4 to 7.

2. From in or about August 2013 to in or about December 2013, in the District of New Jersey and elsewhere, defendants

WILLIAM E. BARONI, JR. and  
BRIDGET ANNE KELLY

and others, including Wildstein, knowingly and intentionally devised and intended to devise a scheme and artifice to defraud the Port Authority and to obtain money and property from the Port Authority by means of materially false and fraudulent pretenses, representations, and promises, which scheme is described in substance above in Count 3 of the Indictment.

3. On or about the dates set forth below, in the District of New Jersey and elsewhere, for the purpose of executing and attempting to execute this scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, the respective defendant knowingly and intentionally transmitted and caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, signals, pictures and sounds, as described below:

COUNT	DATE	USE OF INTERSTATE WIRE	DEFENDANT
4	August 13, 2013	Email from defendant KELLY to Wildstein stating, "Time for some traffic problems in Fort Lee"	KELLY
5	September 9, 2013	Email from defendant BARONI to Wildstein indicating that Mayor Sokolich had called for defendant BARONI that morning "re: urgent matter of public safety in Fort Lee"	BARONI
6	September 9, 2013	Email from defendant KELLY to Wildstein thanking Wildstein for confirming that defendant BARONI maintained "[r]adio silence" toward Mayor Sokolich	KELLY
7	September 12, 2013	Email from defendant BARONI to Wildstein forwarding a letter that was marked "PERSONAL" from Mayor Sokolich to defendant BARONI, dated September 12, 2013	BARONI

In violation of Title 18, United States Code, Section 1343 and Section 2.

**COUNT 8**

**(Conspiracy Against Civil Rights)**

1. Paragraph 1 and Paragraphs 3 to 59 of Count 1 and Paragraphs 3 to 5 of Count 3 are realleged and incorporated by reference as though fully set forth in this Count.

**THE CONSPIRACY**

2. Between in or about August 2013 and on or about September 13, 2013, in the District of New Jersey and elsewhere, defendants

WILLIAM E. BARONI, JR. and  
BRIDGET ANNE KELLY

knowingly and willfully conspired and agreed with each other and others, including Wildstein, to injure and oppress the residents of Fort Lee in the free exercise and enjoyment of the rights and privileges secured to them by the Constitution and laws of the United States, namely, the right to localized travel on public roadways free from restrictions unrelated to legitimate government objectives.

**THE OBJECT OF THE CONSPIRACY**

3. The object of the conspiracy was to interfere with the localized travel rights of the residents of Fort Lee for the illegitimate purpose of causing significant traffic problems in Fort Lee to punish Mayor Sokolich.

**MANNER AND MEANS OF THE CONSPIRACY**

4. To carry out the conspiracy and to effect its unlawful object, defendant BARONI, defendant KELLY, and others, including Wildstein, engaged in a number of means and methods, including those referred to in Paragraphs 8 to 58 of Count 1 and

Paragraphs 4 and 5 of Count 3, among others, and those described below.

5. Defendant BARONI, defendant KELLY, and Wildstein chose the first day of school in Fort Lee to implement the lane and toll booth reductions to maximize the impact of the reductions and create as much traffic and disruption as possible in Fort Lee.

6. Defendant BARONI, defendant KELLY, and Wildstein purposely selected a strategy that merged traffic that ordinarily fed into the Three Southernmost Toll Booths into one lane leading to one toll booth that was designated for use by all vehicles whether the motorists paid the toll by cash or E-Z Pass.

7. Defendant BARONI, defendant KELLY, and Wildstein agreed that no advance warning of the lane and toll booth reductions would be provided to the public so that motorists using the Local Approach and residents of Fort Lee could not anticipate delays, adjust their travel plans, or otherwise prepare for the anticipated disruption caused by the traffic.

8. Defendant BARONI, defendant KELLY, and Wildstein agreed that, to exacerbate the impact of the reductions, no advance notice of the lane and toll booth reductions would be provided to Mayor Sokolich or the Fort Lee Chief of Police.

9. To minimize the risk of detection and leaks, defendant BARONI, defendant KELLY, and Wildstein purposely gave short advance notice to Port Authority personnel on or about Friday, September 6, 2013 to implement the lane and toll booth reductions on Monday morning, September 9, 2013.

10. Defendant BARONI, defendant KELLY, and Wildstein agreed that the Port Authority and IGA

would maintain “radio silence” toward Mayor Sokolich, even when Mayor Sokolich advised on multiple occasions that the lane and toll booth reductions were adversely affecting Fort Lee and were posing increased risks to public safety.

11. During the lane and toll booth reductions, despite receiving updates on the serious traffic congestion that they were inflicting upon Fort Lee and its residents, defendant BARONI, defendant KELLY, and Wildstein agreed that the reductions should continue each day.

In violation of Title 18, United States Code, Section 241.

### **COUNT 9**

(Deprivation of Civil Rights)

1. Paragraph 1 and Paragraphs 3 to 59 of Count 1, Paragraphs 3 to 5 of Count 3, and Paragraphs 3 to 11 of Count 8 are realleged and incorporated by reference as though fully set forth in this Count.

2. Between in or about August 2013 and on or about September 13, 2013, defendant BARONI and Wildstein were agents of the Port Authority and defendant KELLY was an agent of the Governor’s Office. During that time period, defendant BARONI, defendant KELLY and Wildstein were acting under color of law within the meaning of Title 18, United States Code, Section 242.

3. Between in or about August 2013 and on or about September 13, 2013, in the District of New Jersey and elsewhere, defendants

WILLIAM E. BARONI, JR. and  
BRIDGET ANNE KELLY,

with defendant BARONI, defendant KELLY, and Wildstein acting under color of law, knowingly and willfully deprived the residents of Fort Lee of the rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, namely, the right to localized travel on public roadways free from restrictions unrelated to legitimate government objectives.

In violation of Title 18, United States Code, Section 242 and Section 2.

**A TRUE BILL**

/s/ Paul J. Fishman  
Paul J. Fishman  
UNITED STATES ATTORNEY

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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UNITED STATES OF AMERICA	:	Hon. Susan D. Wigenton
	:	
v.	:	Crim. No. 15-193
	:	
WILLIAM E. BARONI, JR. and BRIDGET ANNE KELLY	:	

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**MEMORANDUM IN SUPPORT OF  
THE UNITED STATES OF AMERICA'S  
MOTIONS *IN LIMINE***

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PAUL J. FISHMAN  
United States Attorney  
970 Broad Street, Room 700  
Newark, New Jersey 07102  
(973) 645-2742

On the Memorandum:

Lee M. Cortez, Jr.  
Vikas Khanna  
David W. Feder  
Assistant United States Attorneys

\* \* \*

*Huddleston v. United States*, 485 U.S. 681, 685 (1988). The Fulop Evidence supplies critical proof of Defendants' state of mind.

Here, Defendants may argue that their interest in obtaining endorsements of Governor Christie for reelection was not a high priority, that they did not know that the true purpose of the lane and toll booth reductions was to punish Mayor Sokolich, or that they did not intend to advance that punitive objective. The Fulop Evidence will be highly probative of Defendants' knowledge and intent because the degree of factual similarity between the silent treatment of Mayors Fulop and Sokolich is "striking." *Bergrin*, 682 F.3d at 280. Like Mayor Sokolich, Mayor Fulop was an elected official of a Port Authority host community and declined to endorse Governor Christie in mid-2013. By establishing that Defendants and Wildstein participated in the effort to use the Port Authority to both court and punish Fulop, the Fulop Evidence strongly suggests Defendants intended to do the same to Mayor Sokolich. *See Vega*, 285 F.3d at 261 & n.1 (stating that "prior bad act evidence may be admitted for the purpose of demonstrating [a defendant's] knowledge of a conspiracy and relationship with one of its members," as well as "for the purpose of demonstrating that [a defendant] had the opportunity and/or intent to participate in [that] conspiracy").

For instance, Kelly's participation in the silent treatment of Mayor Fulop beginning in July 2013 makes it less likely that Kelly had benign intent or a mistaken understanding of what Wildstein meant by "Radio silence his name comes right after Fulop" in September 2013. *See United States v. Kellogg*, 510 F.3d 188, 200 (3d Cir. 2007) (deeming it "probative of



[defendant's] fraudulent intent" that, "in similar matters close in time to the charged conduct, [defendant] acted deceitfully in the management of his business"); *United States v. Queen*, 132 F.3d 991, 996 (4th Cir. 1997) ("The more similar the extrinsic act or state of mind is to the act

\* \* \*

A district court's ruling under Rule 403 may be reversed only if it is "arbitrary or irrational." *United States v. Universal Rehabilitation Servs. (PA), Inc.*, 205 F.3d 657, 665 (3d Cir. 2000) (*en banc*) (quotation omitted). "If judicial self-restraint is ever desirable, it is when a [Federal] Rule 403 analysis of a trial court is reviewed by an appellate tribunal." *Id.* (quotation omitted). "Where, however, the district court fails to explain its grounds for denying a Rule 403 objection and its reasons for doing so are not otherwise apparent from the record, there is no way to review its discretion." *Becker v. ARCO Chem. Co.*, 207 F.3d 176, 181 (3d Cir. 2000). Accordingly, the Government respectfully requests that the Court perform an explicit Rule 403 balancing, either on the record or in a written opinion.

Here, the Fulop Evidence is highly probative of multiple aspects of the charged offenses. It will give meaning to statements alleged in the Indictment that establish a common understanding among Defendants and Wildstein about the conspiratorial objective. *See United States v. Fletcher*, 616 F. Supp. 16, 17-18 (E.D. Pa. 1985) (finding that the probative value of testimony explaining the meaning of coded language "far outweighed any prejudice to the defendant"). In addition, knowledge and intent are key issues in this case. The Government has the burden of proving specific intent to conspire and to defraud and misuse

the property of the Port Authority, and it is anticipated that Defendants will claim that they acted in good faith. Evidence that Defendants engaged in similar conduct, around the same time, in similar circumstances, and having availed themselves of the same opportunity, tends to show that they acted intentionally and undermines any claim of good faith. *See Cross*, 308 F.3d at 324 (“Rule 404(b) evidence is especially probative when the charged offense involves a conspiracy.”).

In addition, introduction of the Fulop Evidence does not pose a danger of unfair prejudice. The mistreatment of Mayor Fulop, while hardly reflective of good government, was not criminal and thus, was *less* serious than the criminal conduct for which Defendants stand accused, conduct that needlessly imperiled public safety in Fort Lee and directly inconvenienced thousands of people. *See United States v. Gilbert*, 229 F.3d 15, 26 (1st Cir. 2000) (noting that jury is less likely to misuse Rule 404(b) evidence to infer propensity where the extrinsic acts are less inflammatory than the charged conduct). Indeed, the Third Circuit has rejected Rule 403 challenges to evidence carrying a far higher danger for unfair prejudice when that evidence was probative of motive and intent. *See Green*, 617 F.3d at 251-52 (uncharged effort to buy dynamite to murder an undercover police officer); *United States v. Sriyuth*, 98 F.3d 739, 748 (3d Cir. 1996) (evidence of uncharged sexual assault).

In any event, an appropriate limiting instruction can ensure that the jury considers the evidence only for a proper purpose. The Third Circuit has held repeatedly that, when the jury is instructed that it may only consider “other act” evidence for the limited

purpose for which it is admitted, the danger of prejudice to the defendant resulting from the admission of such evidence is scant. *See, e.g., Givan*, 320 F.3d at 461-62; *Vega*, 285 F.3d at 264; *United States v. Saada*, 212 F.3d 210, 224 (3d Cir. 2000). If requested, the Government will submit to this Court a proposed jury instruction that would charge the jury to consider “other act” evidence only for the purposes for which it is admitted—*i.e.*, for the limited purposes of knowledge, intent, absence of mistake, background, plan, and/or opportunity. The instruction should be based on the model Third Circuit jury instruction, 3d Cir. Model Crim. Jury Instr. § 4.29, which was approved by the Third Circuit in *United States v. Lee*, 612 F.3d 170, 191-92 & n.25 (3d Cir. 2010), and must specify and explain the precise limited purpose for which the evidence is admitted, *see Davis*, 726 F.3d at 445; *Sampson*, 980 F.2d at 888 (“By simply repeating the entire litany of permissible theories under Rule 404(b), the judge’s instruction gave the jury inadequate guidance.”). Tailored by the

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CRIMINAL ACTION 2:15-cr-193-SDW

UNITED STATES OF AMERICA,	:	TRANSCRIPT OF PROCEEDINGS
	:	
-vs-	:	T R I A L
	:	
WILLIAM E. BARONI JR., and BRIDGET ANNE KELLY,	:	Pages 1 – 128
	:	
Defendants.	:	
-----	:	

Newark, New Jersey  
September 19, 2016

B E F O R E: HONORABLE SUSAN D. WIGENTON,  
UNITED STATES DISTRICT JUDGE  
AND A JURY

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

PAUL FISHMAN, ESQ., UNITED STATES  
ATTORNEY  
BY: DAVID FEDER, ESQ.  
LEE CORTES, ESQ.  
VIKAS KHANNA, ESQ.  
Attorneys for the Government

BALDASSARE & MARA, LLC  
BY: MICHAEL Z. BALDASSARE, ESQ.  
DILLON MALAR, ESQ.  
JENNIFER MARA, ESQ.  
G. MICHAEL BELLINGER, ESQ.  
Attorneys for Defendant Baroni

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Pursuant to Section 753 Title 28 United States Code,  
the following transcript is certified to be an accurate  
record as taken stenographically in the above entitled  
proceedings.

S/Carmen Liloia  
CARMEN LILOIA  
Official Court Reporter  
(973) 477-9704

\* \* \*

number of certain lanes from the local streets of Fort Lee to the upper level of the George Washington Bridge had been cut by the Port Authority from three to one. This caused a choke point, a bottleneck, that caused traffic to flood through the streets of Fort Lee.

But the Mayor and Police Chief didn't understand why that — this had happened. The entity that controls those lanes and the George Washington Bridge, the Port Authority, had not given them any warning, any heads up, that something like this was going to happen. And so the Mayor decided to reach out to the highest-ranking, New Jersey official at the Port Authority, Bill Baroni. And Bill Baroni was someone who the Mayor knew. They had worked together. They were friendly.

And Bill Baroni, as the highest-ranking, New Jersey official at the Port Authority, he had the power to reverse this horrible traffic in Fort Lee. He had the power to operate the George Washington Bridge. But when the Mayor and his office reached out to him, he didn't call him back.

Meanwhile, also the morning of September 9th, Bridget Kelly also got word that the Mayor had called the Port Authority about an urgent matter of public safety. At the time, Bridget Kelly was a high-ranking official at the New Jersey Governor's Office, Governor Chris Christie's office. She ran a unit called Inter-governmental Affairs, IGA. And IGA was a unit whose whole function was to interact with local

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CRIMINAL ACTION 2:15-cr-193-SDW

UNITED STATES OF AMERICA,	:	TRANSCRIPT OF PROCEEDINGS
	:	
-vs-	:	T R I A L
	:	
WILLIAM E. BARONI JR., and BRIDGET ANNE KELLY,	:	Pages 1 – 188
	:	
Defendants.	:	
-----	:	

Newark, New Jersey  
September 20, 2016

B E F O R E: HONORABLE SUSAN D. WIGENTON,  
UNITED STATES DISTRICT JUDGE  
AND A JURY

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

PAUL FISHMAN, ESQ., UNITED STATES  
ATTORNEY  
BY: DAVID FEDER, ESQ.  
LEE CORTES, ESQ.  
VIKAS KHANNA, ESQ.  
Attorneys for the Government

BALDASSARE & MARA, LLC  
BY: MICHAEL Z. BALDASSARE, ESQ.  
DILLON MALAR, ESQ.  
JENNIFER MARA, ESQ.  
G. MICHAEL BELLINGER, ESQ.  
Attorneys for Defendant Baroni

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Pursuant to Section 753 Title 28 United States Code,  
the following transcript is certified to be an accurate  
record as taken stenographically in the above entitled  
proceedings.

S/Carmen Liloia  
CARMEN LILOIA  
Official Court Reporter  
(973) 477-9704

\* \* \*



call up 7026.

Chief, can you identify what we're looking at?

A Yes. This is an aerial photograph of the center section of Fort Lee.

Q And can you generally describe what's depicted here.

A If you look along the right side of the picture, you can see the section of the bridge going westbound. You can see the Palisades Interstate Highway comes down southbound into the helix and approaches. And the next overpass is the Lemoine Avenue, Center Avenue and then Linwood Avenue are the overpasses you can see going over the highways.

Q Chief, I think it would be helpful if you could kind of circle the different things — spots that you just described.

A Okay. This is Palisades Interstate Highway and the helix.

Q And let me stop you there. That helix, the Palisades Interstate Highway, does that have its own toll plaza?

A Yes, it does.

Q And after paying — after that toll plaza, where does the — that helix lead to?

A The helix connects to the facility east of the upper level toll plaza.

Q So cars going through the Palisades Interstate Highway toll plaza, they, after going through the toll plaza, they go onto the upper level?

A Correct.

Q What was the next —

A This is Lemoine Avenue. This is Center Avenue here. And then you have Linwood Avenue is the third overpass.

Q And are each of those overpasses over-the-highway approaches to the bridge?

A Yes.

Q And are they connected to Fort Lee local roads?

A Yes, Lemoine Avenue is a Fort Lee street, Center Avenue is a Fort Lee street.

Q And then if you would please identify the toll plazas for the other toll plazas for the bridge.

A The Palisades Interstate Highway toll plaza is up here. The upper level toll plaza is in the center there. And then the lower level toll plaza is there.

Q And with respect to the approaches to the upper and lower level toll plazas, are there highways that generally flow to those toll plazas?

A Yes.

Q And what highways are those?

A You have U.S. highway 1 & 9, which is — and 46 east, as its commonly called. You also have Route 80 feeds into Route 95, which approaches. You have state highways Lemoine Avenue, Bergen Boulevard. There's a number of them. There's state Route 4 that feeds in. So there's a whole system of highways that funnel all into the approaches to the bridge.

Q Is that highway, combined highway approach, referred to by any kind of shorthand?

A People refer to it as the main line.

Q Alright, Chief, I now want to clear this out. And if you could focus on — I'm sorry. If you could focus on the approach to the upper level toll plaza. You've previously identified some local approaches. One of those on your previous map was at Martha Washington. Can you indicate where that is located on this map?

A That's the approach for Martha Washington.

Q And can you please generally describe what that approach consists of.

A Martha Washington was the previous name for Park Avenue. The approach comes up, it's the extension of Palisades Avenue, Park Avenue, and it feeds right into the upper level, just west of the toll plaza.

Q I want to show you now a closer view. Miss Hardy, can we have Government 7038.

Okay, Chief, what are we looking at in Government's 7038?

A Again, this is an aerial photograph of the approaches consisting of, again, the Palisades Interstate Highway helix to your right, the upper level toll plaza in the center, and to the left is the Lemoine Avenue overpass.

Q And focusing on the upper level toll plaza, can you just

orient us there.

A Yes. It's the structure in the middle that's going top to bottom on the page. It's the approach is — you can see there's a concrete island right there, and a core area, that's what we refer to as the Martha Washington approach. And then the roadway running below that in this direction is Bridge Plaza South, now it's called Bruce Reynald Boulevard in honor of a Port Authority officer killed on 9/11.

Q And Bruce Reynolds Boulevard runs east to west?

A Yes, it does.

Q And with respect to that intersection right there, Chief, what roadway is this that runs north to south and intersects there with Bruce Reynolds Boulevard?

A This right here is Park Avenue, and this is the access to the bridge, itself.

Q Okay. We refer to those as the local access lanes?

A Yes.

Q And that roadway there, the local access lanes leading into Park Avenue, that runs north to south; is that right?

A Yes, it does.

Q And then focusing on the upper level toll plaza there for a moment, that — how many toll booths does that plaza have?

A There's 12 toll booths that are evenly numbered.

Q Now, Chief, can you explain to the members of the jury how motorists access those local access lanes.

A During the morning rush hours, there's Port Authority officers that are posted actually in the intersection of Park Avenue and BRB, Bruce Reynolds Boulevard. Vehicles can travel north on Palisades Avenue to Park and proceed straight through the local access lanes onto the span. Vehicles travelling from Hudson Terrace along the right side can travel westbound. They can then make that approach. Can make a right turn onto the approach and then obviously they're forced to make a right turn to go to the upper level. Vehicles that are coming from Lemoine Avenue and going eastbound are denied left hand turns by Port Authority and they have to go — continue down onto Hudson Terrace.

Q With respect to the local access lanes, Chief, are those Fort Lee property?

A No.

Q Who controls that property?

A Port Authority Police jurisdiction.

Q And can you please identify where Port Authority officers are located in those local access lanes generally?

A On these local access lanes there would be no Fort Lee officers. The Port Authority would be there. We would be one block further south from that point.

Q And for those lanes, Chief, where would Fort — where would Port Authority police officers be stationed?

A They would normally have two officers. They work the

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what was going on. And as I moved up in the ranks, I'd deal more so than not with their officers, their supervisors. I'd deal with their command staff within the PD. Those are the personal verbal contacts, communications that we had.

Q From time to time, does the Port Authority do work on the bridge or its approaches?

A They work on the bridge everyday.

Q And can that work affect traffic flow at the bridge?

A Yes, it can.

Q As a general matter, does the Port Authority tell the Fort Lee Police Department about the work that it's doing?

A Yes.

Q About lane closures?

A Yes.

Q How about changes to the traffic patterns?

A Yes.

Q Does the Port Authority tell your department about those issues with any kind of regularity?

A Absolutely they do.

Q How does the Port Authority tell you about those things?

A Again, there can be communications from the command staff to myself or my command staff for my traffic, supervisor. There can be daily emails or weekly emails from their maintenance staff. We're

included on distribution lists. So we find out, there's dialogue back and forth at the various

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levels.

Q In terms of the Port Authority, itself, who from the Port Authority gives you notice, kind of generally — in what position are they?

A Well, their command staff would normally deal with either myself, my deputy chief, or my traffic supervisor. Their maintenance staff would be dealing — emailing me and including me on emails that they're sending to my traffic officers or my traffic supervisors.

Q Chief, a command staff, is that the police department located there?

A Yes.

Q Chief, does your department receive notification from any other sources of Port Authority projects on the bridge?

A Yes, we did.

Q And can you explain what that is?

A We get notifications from Transcom.

Q What is Transcom?

A Transcom is an information clearing house where information can be sent to them and they can distribute it to the state holders, whether it be Port Authority Police, Palisades State Parkway Police, Fort Lee Police, New Jersey Transit, New Jersey DOT, anybody that has an interest or a stake in regional traffic issues so they get information so they're aware of what's going on.

Q How much notice did the Fort Lee Police Department get from the Port Authority about these kinds of issues?

A We get advance notice.

Q And was this advance notice from the Port Authority important to the Fort Lee Police Department?

A Absolutely it's important to me.

Q Can you explain why?

A It gives us information so that we can evaluate or can more so have my traffic supervisor evaluate the impact that the notice is going to have on us, what they're working on, and then we can evaluate manpower. We can put out public notifications through our Nixle notification where residents and anybody through the town that comes into town can get a text on their phone or a message. We put it up on Twitter and our Facebook account. We may also program our variable sign message boards, which are the VMS sign boards you see on the highways, so motorists know there's going to be a change in their route, or delay, or what have you.

Q What's your goal in notifying the public about these matters?

A Again, my top goal is always public safety. If motorists know there's going to be a change, if they leave earlier, it lessens the consequences that change is going to have, or if they plan another route. If they go up to the Tappan Zee Bridge, or work from home, or go to the Lincoln Tunnel, again



it reduces the volume and the demand for the resources, the street resources that are available.

Q And what's the goal in evaluating whether you need extra manpower?

A Well, again, if it's going to have a potentially — a major impact on us, we can have officers available. My traffic supervisor will work with my Patrol Division commander to make sure we have officers available if we have to earlier in the morning put officers on the post from the midnight shift that I have officers available to man those posts, and at the same time respond to the day-to-day calls that are going to be coming in during the shift.

Q Are there ever emergency situations on the bridge or its approaches?

A Yes.

Q And is that Port Authority jurisdiction?

A Yes.

Q And do they have emergency services personal who would respond to that?

A They have maintenance. They have tow trucks that they pre-deploy, that they stage to try to get the vehicle, the accident cleared. Their police department is staged and pre-deployed. They don't have fire — a true fire department, like Fort Lee does. They have an emergency truck that can respond and handle something smaller and emergency services are

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A Well, in that Fort Lee Police group is myself and two of my traffic officers. It also lists the other agencies, New Jersey Transit, State Police, Turnpike Authority, New York City Police, Palisade Interstate Highway employees and Port Authority.

Q Chief, prior to September of 2013, had you also received notice from the Port Authority when they were conducting a traffic study in Fort Lee?

A Yes.

Q I'm sorry, can we have 2048. Can you just give us the body of the email.

Okay, Chief, who is this email from?

A Antonio Altilio.

Q And who is Mr. Altilio?

A I don't know his exact title, but he's a maintenance supervisor, a manager that I dealt with at various times throughout my career.

Q And what is the date of this email?

A July 23rd, 2013.

Q Who is it to?

A It's to my Deputy Chief Timothy Ford, my traffic supervisors, Sergeant Ricky Mirkovic, and myself.

Q Can you read the subject and the body of this email, Chief?

A Yes. The subject: Traffic counters on Lemoine and Center Avenue bridges. The body is: "On Thursday, July 25th, 2013,

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Q You can stop your answer.

A Okay.

Q Okay.

Now, Miss Hardy, can you pull up Government 7032.

Chief, when you arrived at Main and Park, how would you describe the traffic?

A Very heavy. There was no movement going on.

Q And how far back did the traffic go that you could observe?

A At that point, I didn't interact with Officer Ardenez so as not to distract him from what he was trying to do. Obviously, as I said, he knows my truck, as all my officers do, acknowledged me. And I proceeded to go down, southbound down Palisade Avenue.

Q Could you identify — from where you were located, could you identify what the issue was?

A Well, from the radio transmission and the lack of movement, no vehicles moving northbound, I knew that the new pattern was creating a problem.

Q Here at this intersection where the local access lanes are?

A Yes.

MR. CRITCHLEY: Objection — I withdraw it, sorry.

THE COURT: I didn't hear you, were you objecting?

MR. CRITCHLEY: I was, but.

THE COURT: Okay.

Q Chief, after you saw what was going on there at Main and

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Park, what did you do then?

A I proceeded southbound on Palisade Avenue, eventually going to headquarters.

Q Alright. Can we have 7057 again. And can you indicate on 7057 where you travelled after seeing the intersection of Main and Park?

A I travelled south on Palisade Avenue and then eventually made my way westbound towards headquarters.

Q Okay. How far back did you go, Chief, on Palisade?

A I went down toward the Cliffside border, almost all the way to the end, and went to headquarters.

Q What were the conditions?

A Traffic was backed up all the way to the border.

Q Chief, where is Fort Lee Police Department headquarters?

A 1327 16th Street.

Q And when you were travelling there from the route you were describing, did you experience any traffic conditions?

A Yes.

Q And what were the conditions like?

A Traffic was heavy in the south end of town also.

Q And did there come a time when you arrived at Fort Lee Police Department headquarters?

A Yes, I did.

Q When you arrived, were you advised of any information regarding the conditions?

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testimony because it's not been offered for the truth, it's being offered for something else.

THE COURT: Alright. I don't think we need a limiting instruction. You can go into in your direct, and I don't need to be cautioned what you are doing coming up, and you should get a ruling.

MR. BALDASARRE: I understand.

THE COURT: We'll issue rulings as it arises.

MR. BALDASARRE: I guess f'ing disaster statement is in?

THE COURT: I don't know anything about the f'ing disaster except you saying it. If he says it, why isn't it in?

MR. BALDASARRE: Because he's — it's an out-of-court statement, and it's offered for the truth that the statement —

THE COURT: He said it, though. This guy said it, or no?

MR. BALDASARRE: That's still hearsay, respectfully.

THE COURT: Okay, I disagree.

MR. CORTES: Thank you, your Honor.

(The following takes place in open court)

THE COURT: You can proceed, Mr. Cortes. For the record, the objection is overruled. You can proceed.

Q So, Chief, I want to take you back to that telephone conversation with Mr. Durando. And can you just remind us what his position was.

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A He's the general manager of the entire bridge facility.

Q Could you please describe the telephone conversation with Mr. Durando?

A We were — I was asking him, you know, I'd been trying to get information, trying to find out what's going on, trying to get some kind of relief because of my concerns for public safety. He told me to meet him in the municipal lot, to not come into Port Authority building, to not come on Port Authority property.

Q And where is the municipal lot?

A The municipal lot is west of Lemoine Avenue, pretty much in the center of our town, and it's right south of the George Washington Bridge administrative building.

Q Had you ever met with Mr. Durando in the municipal lot before?

A No.

Q What was your reaction to that suggestion?

A I thought it was very weird. I thought it was cloak and dagger. It struck me as odd as why the manager of the bridge wouldn't want me to come to see him in his office. And emphatically not to come on to Port Authority property or didn't say: I'll come down to headquarters. It just struck me as very, very odd.

Q When were you going to meet with Mr. Durando?

A Immediately.

Q Why the urgency?

A I'm trying to get relief. I've got grave concerns for public safety. I finally got somebody in a position of authority that is answering, that I've been able to reach, I'm not wasting any time. I normally work in my uniform as I'm presented to you today. I was in a golf shirt and jeans. I didn't even change to go to a meeting. I grabbed my deputy chief and had him drive me to the meeting.

Q Before you left the Fort Lee Police Department headquarters, did you interact with anyone?

A Yes. I went into my communication center and I asked the staff, the dispatchers that are on, to give me a status report of what we were dealing with at the current moment. I wanted to have a fresh updated briefing before I met with Mr. Durando.

Q Alright. Chief, did you go to the municipal parking lot?

A Yes, I did.

Q And how did you get there?

A My deputy chief drove me in my marked unit, which it was 462.

Q And can you please, if we clear this map off on Government 7057, could you please describe your route for the members of the jury.

A We left headquarters went over the side streets which were backed up in the southern side of town. I had cars travelling westbound trying to go from Palisade Avenue over to Center

Avenue, thinking that that was going to be quicker. And at the same time we observed motorists going off of Center Avenue trying to go eastbound to Lemoine Avenue thinking they're going to get ahead on Lemoine Avenue. We wound up going up Palisades and Lemoine to get up towards the bridge.

Q How did you deal with the traffic?

A We went code 3, which means we had to turn our lights on and sirens. At times my deputy chief had to drive on the wrong side of the road into on-coming traffic. We chose Palisade Avenue to go up there because I knew that that would be an option for us, being that Center Avenue was a two-lane northbound, only there was no free real estate on the other side of the double yellow line.

Q Miss Hardy, could I have Government 7025.

Okay, Chief, can you — showing you another photograph, can you orient us?

A Again, this is an aerial photograph of the center of Fort Lee. The upper level toll plaza is here, Lemoine Avenue overpass. This area of parked cars is the municipal parking lot, and this building here is the Port Authority administrative building.

Q And are the local access lanes depicted there as well?

A The local access lanes are right.

Q Okay. And, Chief, after you arrived at that parking lot, did you interact with Mr. Durando?

A Yes, I did.



Q What was your demeanor going into this conversation?

A I was hot.

Q Why?

A Public safety was being compromised. Nobody told me about this. I couldn't get answers. More importantly, I couldn't get any relief.

Q Can you please describe the conversation between yourself and Mr. Durando.

A I wouldn't describe it as a conversation. Honestly it was me basically teeing off on him.

Q What did you tell him?

A I told him — I asked him what was going on. He told me that it was a traffic study. And I told him it was a miserable failure and to stop it. I told him that I had a missing four-year old child ongoing at the time. I had a cardiac arrest call going on. I had a car accident, a car up against a building, a house. I had numerous complaints of road rage, people, irate motorists. And I told him bluntly that if anybody died, I'm going to tell those people to f'ing sue him and everyone at Port Authority. Sorry, your Honor.

Q How did he respond?

A He stood there and took it. Eventually he told me to have the Mayor call Baroni.

Q Who is Baroni?

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A He's the Deputy Executive Director of Port Authority.

Q Did you know Mr. Baroni?

A I don't know that I've ever met him. I don't know if we've ever been at the same meeting, I couldn't tell you. But it's not somebody I would know or interact with.

Q What was Mr. Durando's demeanor during this conversation?

A He was very nervous. He seemed afraid.

MR. CRITCHLEY: Judge, I object.

Q Did he tell you anything else?

MR. CRITCHLEY: I object to that conclusion, Judge.

THE COURT: Overruled. It's his perception.

Q Did he tell you anything else?

A Yes. He told me that if anybody asks if this meeting occurred, he would deny it.

Q Chief, after speaking with Mr. Durando, what did you do then?

A I then, with my deputy chief, we proceeded to Borough Hall, Fort Lee.

Q And when you arrived at Borough Hall, did there come a time when you interacted with Mayor Sokolich?

A Yes, I did.

Q And what did you — what if any — what did you tell Mayor Sokolich, if anything?

A I had spoken with the Borough administrator. She then brought me into the Mayor's office and I gave the Mayor and

Borough administrator a status report about what was going on, when I left headquarters, what I knew. And I told the Mayor the message that Mr. Durando gave to me was to have him call Mr. Baroni.

Q After you told Mayor Sokolich that the general manager of the bridge told him to contact Mr. Baroni, what did the Mayor do?

A He was trying to reach out to him as borrow administrator was trying to reach out to their contacts at Port Authority.

Q Mr. Baroni respond to Mayor Sokolich in any way on September 9th?

A Not to my knowledge.

Q Did Mayor Sokolich make more than one attempt to contact Mr. Baroni?

A Yes.

Q Did there come a time when you received notice from the Port Authority Police Department what would happen the next day, September 10th?

A Yes, Inspector Licorish contacted me and advised me that the new traffic pattern, the lane reductions would continue the second day — or the next day.

Q How did you respond?

A Again, I expressed my frustration with compromising public safety and it was to no avail.

Q Did anyone from the Port Authority communicate to your

police department about why this was happening?

A Other than me initially being told that was a 30-day study after I made my inquiries.

Q Other than that, no?

A No, not before that morning, September 9th, no.

Q And not after whatever — what you learned?

A No.

Q What if anything did you do to prepare for the next day, Chief?

A I met with my deputy chief and my traffic supervisor, told him to make sure that all of our traffic officers that are motor officers to be on motorcycles so if I need to get vehicles around, I can always have them get on a motorcycle and basically if we have three feet of real estate, we can get anywhere in town rather than trying to drive a patrol car or, God forbid, a fire truck through.

Q Chief, did you make any plans for your manpower resources for the next —

A Again, we evaluated our resources, made sure our secondary post — we had resources on staff to cover the secondary posts. We made notifications through our Nixle system, our social media. We had our VMS boards updated advising motorists that we were trying to do as much community outreach, commuter outreach that we could.

Q Now, you testified that on September 9th, had you told Mr.

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Durando about the public safety concerns that you had. Did anyone from the Port Authority respond to those concerns, to you?

A No.

Q Directing your attention now to September 10th, Tuesday, did those — the changes to the traffic pattern at the bridge continue that day?

A The lane reduction was in play the second day, yes.

Q Did you personally observe the traffic conditions in Fort Lee during the morning rush on September 10th?

A Yes, I did.

Q What did you observe?

A I observed heavy traffic throughout the area.

Q Did there come a time when you met with Mayor Sokolich in the morning of September 10th, 2013?

A Yes.

Q Where did you meet with Mayor Sokolich?

A I met with him at Main and Park, which is — one block east of Main and Park, rather, one block east of Main and Park.

Q And what did you do?

A I met them there, he got into my marked patrol car, and then I toured with him showing him the area, and the traffic that was going on.

Q Did there come a time you observed the local access lanes?

A Yes. I took the Mayor up on to Lemoine Avenue and stopped

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the car. We got out and along where you can see the red line on Lemoine Avenue, there's a fence and it

directly overlooks all the approaches to the bridge. And I was explaining to the Mayor the toll lanes, showing him the cone line, the reduction, which toll lanes we normally have, what we were being given now. How it was impacting traffic. And explaining to him how traffic comes into the facility and on the highways.

Q Alright. Miss Hardy, can I have Government 7047.

Alright, Chief, do you recognize what this photograph depicts?

A Yes, I do.

Q Okay. And what does this photograph depict?

A This photograph is a street-level photograph of the upper level toll plaza, and it depicts the cone line reduction which you can see the cones come in from the right of the picture, go around, and you can see that it's coned off for lane 24, separating lane 22 from 24.

Q And does that cone, Chief, from your observations that day, did that cone pattern continue to reduce those lanes throughout the lanes to the intersection of Bruce Reynolds and Park?

A Yes.

Q Isn't that one lane that remains, Chief, do you have an understanding of what the toll payment is at that lane?

A The toll lane 24 is a cash and E-Z Pass combined lane.

Q Chief, did Mayor Sokolich attempt to communicate with Mr.

Baroni on September 10th?

A Yes.

Q Did Mr. Baroni respond to Mayor Sokolich?

A Not to my knowledge.

Q Did anyone from the Port Authority communicate to your department about the public safety concerns that you had communicated to Mr. Durando?

A No.

Q I want to talk about Wednesday, September 11th and Thursday, September 12th.

THE COURT: Do you want to take our 15-minute break?

MR. CORTES: Absolutely.

THE COURT: We'll take a 15-minute break. Don't discuss the case — hello, still talking. Still talking. You're ready to go, I understand. Fifteen minutes and we'll come back. Okay.

(Jury excused)

THE COURT: Alright, everyone, we'll take 15 minutes.

Chief, next time let the jury get out before you get out.

MR. CORTES: Thank you, your Honor.

(Recess)

THE COURT: Okay, we'll bring the jury out.

(Jury brought into courtroom)

THE COURT: Alright, everybody, we can have a seat. We're going to continue with the testimony on the Government's

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direct of Chief Bendul.

You can proceed, Mr. Cortes.

Q Thank you, your Honor.

Chief, before we broke, we were going to talk about Wednesday, September 11th, and Thursday, September 12th, of 2013. Okay?

A Yes.

Q Did those lane reductions continue on those days?

A Yes, they did.

Q Meaning that the three cone access lanes to the three toll booths were reduced down to one toll booth?

A Correct.

Q And that toll booth, did that continue to be a mixed cash and E-Z Pass lane?

A Yes, it was.

Q And, Chief, did you personally observe the traffic conditions in Fort Lee during the morning rush on September 11th and 12th?

A Yes, I did.

Q And, Chief, what did you observe on those days?

A On the 11th, it was a lighter traffic day, which is typical on holidays.

Q And how about the 12th, Chief?

A The 12th, again, traffic was heavy on that day.



Q And, Chief, did Mr. Baroni respond to Mayor Sokolich on

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either of those days?

A Not to my knowledge.

Q And did anybody at the Port Authority communicate to your department about the public safety concerns you expressed about these lane reductions?

A No.

Q And directing your attention to Friday, September 13th, were these reductions in place during the morning peak period?

A During the morning peak hours, yes, they were.

Q Did there come a time when that changed?

A Yes, it did.

Q And at the time, did you know why that changed?

A Director Foye had ordered the lane reduction removed.

Q Did you know that, at that time?

A I learned of it, that he had ordered that.

Q On Friday, the 13th?

A Yes.

Q Chief, did Mr. Baroni respond to Mayor Sokolich at all that week?

A Not to my knowledge, no.

Q And did anyone from the Port Authority communicate to your department about why this continued for four days?

A Other than the initial, it was a traffic study, no.

Q Chief Bendul, while the lane reductions were in place, did you personally observe the traffic conditions in Fort Lee?

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A Yes, part of my job.

Q And on each — that was on each of those days, September 9th, through the morning of September 13th?

A Every morning, yes.

Q Overall, how would you describe the traffic conditions in Fort Lee that week?

A Collectively, I would say it was the worse traffic we had to deal with, except for 9/11.

Q And can you explain what happened on 9/11 in terms of the traffic conditions in Fort Lee?

A On 9/11, when the terrorists attacked, it was the first time in Port Authority's history that they had ever closed the upper and the lower level of the bridge at the same time. We had rough plans that worked out between our traffic bureau and the supervisors at the bridge if that ever, you know, an upper level closure for ice falling, and lower level, what would we do? And we had a rough idea what we would do for a complete closure, and that's what we implemented on 9/11. The problem with that was our theory would be, we would divert traffic down to the Lincoln Tunnel as a river crossing, or up to the Nyack Tappan Zee Bridge as other river crosses. But on 9/11, those crossings were also closed, so there was really no place to divert to an alternative river crossing.

Q But other than that, that entire shutdown on 9/11, have you experienced anything like this?

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A Not of this magnitude, no.

Q Now, Chief, based on your own observations and experiences that week, what if any impacts did you observe the traffic having on the ability of the residents of Fort Lee to move about the Borough?

A I observed people not being able to get out of their buildings, out of their driveways. They weren't able to move around town, getting to school, getting into the city.

Q And, Chief, in terms of your own observations again, your own experiences, what if any impacts did you observe on drivers trying to traverse through the town?

A Well, one of the other things that occurred was people were frustrated. They were calling us. There were confrontations, people, who cut who off.

MR. CRITCHLEY: Judge, objection. I don't see a personal basis for this. Now we're really into rank speculation. We don't know who, what, when, where, and why.

MR. CORTES: I think, Judge, he's explaining he was advised of these things, based on his own personal experience.

MR. CRITCHLEY: Personal experience is one thing, now being advised by somebody else, that's just

—

THE COURT: Speak as to what you observed and what you were aware of.

Q And, Chief, in terms of what you observed, did you — what you were describing, did you personally observe any of those

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incidents?

A I spoke with motorists that were frustrated and I said to them: Try and calm — wait, just be patient. That was the best I could try to do to try and calm people down.

Q Based on your observations and experiences that week, Chief, did you have any concerns because of this traffic from these lane reductions?

A Absolutely.

Q What concerns did you have?

A Again, my top priority is that the traffic congestion was going to result in a compromise of public safety, either fire department being able to move large equipment throughout town, the Ambulance Corps being able to get their crew. And with the fire department, they have to have volunteer men respond to the building to get the equipment, and then get that equipment to an emergency. And the other issue is for my officers' safety if they're on a call, if they call for help, how quickly can we get backup officers to them to maintain their personal safety?

Q Chief, in responding to emergency calls, does your department have any sort of guiding principle?

MR. CRITCHLEY: Objection, Judge. I imagine to get there. I object to that question, Judge.

THE COURT: Yeah, rephrase it.

Q Sure.

Chief, in terms of the way you're describing here,

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what were your — because of this traffic, what were your concerns about the ability of your department to respond?

MR. CRITCHLEY: Asked and answered, Judge.

THE COURT: Sustained.

MR. CRITCHLEY: We've gone through it —

Q Can you explain to us, Chief, in terms of what specifically was the concern?

A The issue with response time in emergency services. In fire services, a fire expands, doubles every minute that it's left untreated. So every minute that it takes longer to get firefighters fighting a fire, that fire expands.

MR. CRITCHLEY: Judge, I object.

MR. CORTES: I'm going somewhere, your Honor, in terms of where — in terms of what was then communicated to an individual pretty relevant to my next question, your Honor, what if anything was communicated to the Mayor.

THE COURT: That he's aware of.

MR. CORTES: That he personally did.

MR. CRITCHLEY: He's not a fire expert, I ask it be stricken.

THE COURT: I understand. He's not an expert, obviously he's not: You're testifying to your concern?

THE WITNESS: Yes, your Honor.

Q Chief, did you communicate these public safety concerns to anyone?

A Absolutely

Q Who?

A I communicated them to Mr. Durando. I expressed them to Inspector Licorish. I expressed them to the Mayor and the Borough Administrator.

Q Why tell Mayor Sokolich?

A He's the head elected official for the Borough of Fort Lee. Part of my job functions is to bring my concerns to him and to the Borough Administrator.

Q Chief, as a result of your public safety concerns, what if any steps did you take?

A We put out our traffic notices through Nixle. We put out VMS sign boards. We did as much community outreach as we could. I reviewed and made sure my division commanders had manpower. I put my midnight shift on alert and insured that they had additional people or enough people, if traffic started building early, that they were in a position. And I also told them to brief my command staff if anything were to change, even in the middle of the night, to let us know.

Q You mentioned two things I want to follow up, Nixle and VMS. Could you just explain what those are?

A Yes. Nixle is a computer-based system that we use where my tour commander and my road supervisors, and my division commanders, can log into the system, create a message, and it will send out an instantaneous text message to people who have

subscribed. It will also post the same message to our Facebook and Twitter account. At more public events, we have an officer who's out there with an iPad trying to get people to sign up for that so that if they're a resident of Fort Lee, if they're a merchant in Fort Lee, if they're driving into Fort Lee, that they can get notified of any emergency or any traffic conditions, this way they're aware of it.

The VMS boards or variable sign message boards, you probably seen them on the side of the highway. They're huge big sign boards and they flash a message. The ones that we would use on the municipal level are smaller because the roads are small and the speeds are lower. But we can program those to tell people of a road closure. My big thing is pedestrian safety in town, so we have safety messages up there, and it's to warn the motorist or let them know what we're working on.

Q Chief, prior to September 9th, 2013, can you recall an occasion where the Port Authority did not notify the Fort Lee Police Department when it planned to close a lane that could — or alter the bridge in a manner that could cause traffic impacts in Fort Lee?

A No, not like this, no.

Q Alright. Thank you, Chief, I have nothing further.

THE COURT: Cross.

MR. BALDASARRE: Yes, Judge, thank you.

CROSS EXAMINATION BY MR. BALDASARRE:

\* \* \*

the phone?

A I would speak to Bill on average, you know, half a dozen times a year, seven times a year, you know. Maybe even more. Maybe a year is a long period of time. Sometimes eight times a year, depending on what was out there. And a couple times on one particular issue, but I would say seven, eight, nine times a year.

Q And during the time that Mr. Baroni was Deputy Executive Director at the Port Authority, after that initial meeting, did you meet with him again?

A Yes.

Q In total, approximately how many meetings did you have with Mr. Baroni prior to September of 2013?

A Maybe in person, meetings with Bill, four, five, six, approximately. It's difficult to come up with a definitive number. I'm trying to distinguish between phone calls and meetings, but approximately that number.

Q And in those meetings, did you ever raise concerns that Fort Lee had in relation to Port Authority matters?

A Yes, that's what the meetings would effectively always be about, sure.

Q And what was your — and how did Mr. Baroni respond when you raised such concerns?

A Bill was always responsive.

Q Prior to September of 2013, did you ever find him to be not



responsive?

A No.

Q I'm going to direct your attention to November of 2010.

A Yes, sir.

Q Around that time, was Fort Lee experiencing any traffic issues?

A We were. During that time we had a rash of what I would refer to as, you know, traffic gridlock during a period of time.

Q And did you reach out to Mr. Baroni in relation to those concerns?

A I did.

Q And do you recall how you did so?

A I wrote Bill a letter.

Q Miss Hardy, if you could bring up Government Exhibit 2000.

Mayor, you recognize this letter?

A I do.

Q And generally what is it?

A This is letter to Deputy Director Baroni dated November 9, 2010, which served to have me put in front of Bill an issue that Fort Lee was experiencing concerning traffic and a rash of gridlock, crippling gridlock, actually.

Q Just zoom in the second paragraph of the first page. Do you see that first sentence in the letter where you wrote: "As you may recall, we met on September 16th, 2010, to discuss

(Jury brought into courtroom)

THE COURT: Alright, everybody, you can have a seat. We'll continue with the direct examination of Mayor Sokolich. And, Mr. Khanna, you can proceed when you're ready.

MR. KHANNA: Thank you, your Honor.

Q Mayor, prior to September of 2013, how would you describe your relationship with the Port Authority?

A Very good.

Q And how about with Mr. Baroni, personally?

A Very good.

Q And what was your — how did you describe — how would you describe whether Mr. Baroni, prior to September of 2013, was responsive or not to the concerns of Fort Lee?

A He was responsive to the concerns of Fort Lee.

Q Now, Mayor, subsequent to Governor Christie's election in 2009, did you have any contact with the Office of the Governor?

A I did.

Q What was your first substantive contact?

A My first substantive contact was, I received a phone call. I remember it clearly because it was at my home. It was a Saturday afternoon. It was from a gentleman by the name of Frank Luna.

Q And what was your understanding as to who Mr. Luna was?

A Mr. Luna identified himself as the representative from what he abbreviated as IGA, but it stood for Intergovernmental

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Your relationship with IGA and the Governor's Office?

A Excellent.

Q Did you have — now, as a general matter during your tenure as Mayor, has the Port Authority notified Fort Lee of any operations or projects they were conducting that could have an impact on Fort Lee?

A Yes.

Q And would these notices be provided in advance of the actual project?

A Yes.

Q Miss Hardy, if you could please bring up Government Exhibit 2107. And if you could zoom in on the top email first.

Mayor, do you recognize this email?

A I do. Well, I only have the front portion, but this is from one of the administrators that's in the Fort Lee Mayor's office. There were two, Fran and Maryanne. This is Fran who received an email and she's forwarding it to me. And the other individuals on that email string are the balance of the Fort Lee council, as it was comprised then.

Q Do you have an understanding of what this email was?

A I do.

Q What was it?

A It was to forward notification from the Port Authority of an event about paving on the — paving that was going to take place.

\* \* \*

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support. Sincerely, Bill Baroni, Deputy Executive Director”.

Q Mayor, I want to direct your attention to — I’m sorry. I want to direct your attention to September — excuse me, September of 2013.

A Yes, sir.

Q Prior to September 9th, 2013, did you have any idea that the local access lanes to the upper level of the George Washington Bridge in Fort Lee would be closed, reduced or altered in any manner?

A No.

Q On the morning of September 9th, 2013, did you observe anything in relation to traffic?

A I did.

Q What did you observe?

A I live at the southern — southern portion of the Borough of Fort Lee. My house, my driveway is almost exactly a mile from the foot of the George Washington Bridge. So — and to get to work, I only work — my law office is only a few blocks away from where I live. I would travel down Euclid Road, which is also a couple blocks, and I come to Palisade Avenue, which turns into Lemoine Avenue. That’s the terminus from Fort Lee to the bridge. And as I’m approaching Palisade Avenue you can see it’s complete gridlock.

But not gridlock where cars are creeping, it's just completely stopped, which that will happen but it doesn't happen often. And that's a major event for that

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to happen. But then I finally get to the stop sign because there were cars ahead of me, and I look to the right and it was a complete, just what I'll call concrete gridlock. It was as far as the eye could see to the north, it was a double lane of traffic.

Q When you say look towards the north, are you saying towards the bridge or away from the bridge?

A Towards the bridge, all in Fort Lee. And then I proceeded to turn south to look through the balance of Fort Lee and into Cliffside Park, and that was equally as bad. It was just, the cars were at a complete standstill and there was no movement. And like I said, there's gridlock and then there's just this type of gridlock, which does not happen often, if ever. And once I saw that it was gridlocked all the way down through Cliffside Park, I knew that a major, major event had occurred to cause this.

Q How did this traffic compare to normal rush hour traffic in the morning in Fort Lee?

A It was much, much, much worse than anything we're accustomed to and we're accustomed to some pretty bad traffic in Fort Lee.

Q How did it compare to the type of traffic that might happen in Fort Lee if there's an accident on the Cross Bronx Expressway?

A Look, we're vulnerable to the Cross Bronx Expressway, to the Alexander Hamilton Bridge, when events happen there, it

inevitably impacts Fort Lee. But there's gridlock and then gridlock. And typical gridlock in Fort Lee, even when there is that type of an accident, it will creep. You'll be able to edge up. For example, for me to get to my law office, my only movement is to cross Palisade Avenue. So I needed a car just to — I just needed eight feet so I could kind of meander through those lanes, cut across, and then go up to my law office. But I was there for a while because the cars weren't moving. So comparatively speaking, this was traffic as bad as, you know, I've ever seen it.

Q Now, at any point that morning did you learn what was causing this traffic?

A I did.

Q And what did you learn?

A I learned — well, when you say — you know, I — because of this event, you know, I now have to put my — I now need to serve the public as Mayor so I could to find out what's going to happen. Inevitably I'm going to get phone calls from the public. So I called the Chief of Police and I was told — I directed him to immediately, priority, find out what's going on because this is bad. He says: Mayor, I will check it out and I will get back to you as soon as I can.

Q And did you learn whether something had happened near the bridge that was causing this traffic?

A I did.

Q And what did you learn?

A I learned that two out of the three access, Fort Lee access lanes, had been — were closed.

Q Now, as a result of learning this, did you take any actions with respect to the Port Authority?

A Sure.

Q And what did you do?

A I called Mr. Baroni.

Q Why?

A That's the person that I'm suppose to have called. That's the person with whom I had the relationship. And he's the highest appointed official on the New Jersey side, so I immediately called Bill.

Q And what if anything were you concerned about at this time?

A My only concern at this point was to undo what was done and restore the three lanes because we couldn't exist the way it was. So I called in an effort to undo this initiative, for lack of a better term.

Q And did you instruct anyone at the Mayor's office to do anything?

A Sure.

Q What did you instruct them to do?

A I told Peggy Thomas, my then Borough Administrator, whoever you need to call, keep calling and being as persistent as you have to be. I told Maryanne Leodori, who's in the Mayor

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office, to also call the Port Authority. Mentioned it to Fran also. I was in touch with the Police Chief. I said: Chief, keep calling whoever you know. We've got to

get to the bottom of this. Keep calling. And I reached out to Mr. Baroni.

Q And did you leave a message for Mr. Baroni?

A I did.

MR. KHANNA: Your Honor, now I'd like to play a recording that is in evidence.

THE COURT: Okay.

Q And it's Government Exhibit 7004. It's an audio recording.

(Audio recording played)

Q And if could you bring out 7004T, and zoom in on the text.

Mayor, that recording, did you recognize whose voice was on it?

A I did.

Q Whose voice was it?

A Mine.

Q And who did you leave that message for?

A Mr. Baroni.

Q And when did you leave it?

A I left it, that was the first day of the closures.

Q September 9?

A September 9, Monday.

Q And what's on the screen now, do you recognize this to be a transcript of that recording?

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A I do.

Q Have you previously reviewed this?



A I have.

Q And is it fair to say it's a fair and accurate transcription of message you left?

A It is.

Q In that message you stated: "I knew you were in an engagement earlier on". What were you referring to there?

A Because prior attempts to reach him we were told that Bill's at an engagement, or Mr. Baroni is in an engagement, or he was somewhere else, couldn't be interrupted, that type of thing. So I was referring to: "I know you were in an engagement earlier". The word "engagement" could be replaced with appointment, you know, that's what I meant. Otherwise predisposed.

Q Do you see one, two, three, four lines down. In the message in the middle you said: "Running into a big problem. Schools are open." What were you referring to there?

A School's opened. It was the first day of school.

Q And what was the problem you were referring to?

A The problem was, you know, I mean, that's really the true battle here when there's traffic in Fort Lee for our parents to get their kids to school. Also the safety of the children, which is also something that's of paramount significance, obviously. But especially on the first day of school, you

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know, people like to bring their kids there and, you know, and linger and stay and so forth. They want to be there early. This was the first day of school. So this, when I say concrete traffic jam that we were

experiencing, was — it was very bad for it to have occurred on that day. We have thousands of kids trying to get to school.

Q Now, after leaving this voice mail, did you or your office hear back from Mr. Baroni in any form or fashion?

A No.

Q Did you or your office hear from Mr. Baroni at any time on September 9th, 2013?

A Did not.

Q I want to turn your attention to Tuesday, September 10th. Did you observe anything relating to traffic that morning?

A Same thing. I left my driveway at — on Euclid Road, I'm on a dead end. I drove the block and a half to get to Palisade Avenue, which is at the end of the block. And I started to observe the same thing that — what I'm referring to as this concrete gridlock where there's no movement, no edging, nothing. Same thing. Looked right, looked left, and it was the same exact extraordinary gridlock.

Q And as a result, did you do anything to reach out to the Port Authority that day?

A You know, repeat performance. I called the Police Chief. I called — and then I also called Mr. Baroni. I then also

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called Peggy Thomas, the Borough Administrator. Continued to try to reach somebody at the Port Authority, make sure we get a hold of Mr. Baroni. I also instructed the administrative assistants at the Mayor's office to periodically do the same. But I

believe on this day the circumstances were so extenuating I didn't go to the law office, I believe I now started to go to the Mayor's office and stay there so that I can hopefully address the issue more effectively. I'm pretty sure that started on Tuesday.

Q And when you called Mr. Baroni, did you leave a message this day?

A I did.

MR. KHANNA: Your Honor, I'd like to play another recording marked as — another audio recording marked AS Government Exhibit is 7006..

THE COURT: Okay.

(Audio recording place)

Q Mayor, do you recognize whose voice is on that recording?

A Yes.

Q And whose is it?

A Mine.

Q And who were you leaving that message for?

A Mr. Baroni.

Q And when was that?

A That was on Tuesday of the lane closures which would be

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September 10th.

Q Miss Hardy, if you could please bring up 7006T, and zoom in on the text, please.

Mayor, do you recognize this transcription?

A I do.

Q And is it a transcript of the voice mail that just played?

A It is.

Q And have you reviewed it previously?

A I have.

Q And is it a fair and accurate transcription of what you said on that message?

A Yes, it is.

Q And in the second line of this voice mail you said: "It's truly shutting Fort Lee down." Correct? If you could just be a verbal answer.

A Yes.

Q What were you conveying there?

A I'm not exaggerating there, we were completely shut down. It's now to the point where this gridlock was so bad that the side streets were now being consumed. In other words, it's not just Palisade into Lemoine and Anderson Avenue, the major arteries, Linwood Avenue, it's now the side roads, crossroads are now jam packed. You couldn't get within a mile of Main Street. We were completely shut down. No one could get anywhere. When I tell you no one could get anywhere, no one

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could get anywhere.

Q And with this shutdown, what was your primary concern?

A Safety.

Q What do you mean by that?

A The single most important responsibility I have to my town is to make sure that they're safe and to make sure that we have the resources to keep them safe, right? I'm not trying to make a big deal about it, I'm not trying to be flowery about it, it's the single most important thing we do, bottom line. And we have a population that's hovering around 25, 25 percent that are senior citizens in Fort Lee. And we were just — I was just very, very nervous that — and we have a very busy Ambulance Corps that constantly we get hundreds and hundreds and hundreds of calls each year to address the concerns and emergencies of our residents, senior citizens and others alike. I was very, very fearful that our first responders could not get to where they needed to get to, whether it was fire, whether it was police, whether it was ambulance. That was the primary concern.

Q Now, on this message, do you see approximately one, two, three lines down, in the middle you said: "I'm here with my Chief now at the intersection of Lemoine and Main". Do you see that?

A Yes.

Q What were you referring to there?

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A Having not heard anything on Monday, and now experiencing a repeat performance on Tuesday, it was incomprehensible to me at this point that this is actually happening and not knowing anything about it. So I directed my Chief to meet me at the intersection of Lemoine and Main to just experience what's going on firsthand.

Q And what did you observe when you got there?

A. Complete total — I don't even know how we got there, quite frankly. But ultimately we met there. Because Lemoine and Main, it's in the heart of it. And it was just a complete shutdown. But it wasn't only Lemoine and Main, it was also the cross block Main Street, and it was the side blocks leading up to it. It was just complete traffic shutdown with zero movement.

Q And do you see at the bottom where you say to — on this message: "Who's mad at me?"

A Yup.

Q What did you mean by that?

A There's absolutely no plausible explanation for this. Right? So there's — there's just simply no plausible explanation for what was going on with these access lanes. And I knew that early on. I knew that Monday. I knew it Tuesday. I mean, I'm Mayor of the town, I'd know it. The only feasible response or cause of this is someone must be mad at me. That's what I was getting at.

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Q Now, in this message you said, "please give me a call back" and then left your phone number; correct?

A I did.

Q Did you hear back after leaving this message for Mr. Baroni at all?

A No.

Q Do you recall sending any text messages to Mr. Baroni in relationship to the lane reductions?

A I do.

Q And did you send them from your cell phone?

A I did.

Q And to which device of Mr. Baroni's did you send them?

A His cell phone.

Q If you go bring up the first message of Government Exhibit 5008. If you could focus on the first one.

Mayor, do you recognize this message?

A I do.

Q Could you — and who did you send this message to?

A Mr. Baroni.

Q And when did you send it?

A This was, I believe, on Tuesday.

Q Second day of the lane reduction?

A Second day of the lane closures, September 10th.

Q And could you please read it.

A "Presently, we have four very busy traffic lanes merging

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into only one toll booth. The bigger problem is getting kids to school. Help, please, it's maddening". By the way, four it suppose to be three, that was my mistake.

Q Just a typo?

A It's a typo. Three lanes down to one, not four lanes down to one.

Q Why did you say "help, please, it's maddening"?

A Well, because at this point in this — in these events, not having heard anything all day Monday, not

having anything thus far or up to that point on Tuesday, I was begging for someone to help. And, yeah, it's maddening because never had the problem before, right. It was, you know, there was no accessibility issues, whatsoever, that predates that Monday. So that's why I say it was maddening, you know, what was going on.

Q Mayor, did you send another message, text message to Mr. Baroni that day?

A I believe I did, yes.

Q Sir, if you could focus — zoom in on the second one, please.

And, Mayor, if you could please read that one as well.

A “Bill, Mark Sokolich here. Port Authority has reduced the toll booths for Fort Lee from three to only one. As of yesterday, we were in total gridlock. Same thing today. Have a town that is ready to revolt. Who's mad at me? What do I do

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when Redevelopment 5 is online? Would not otherwise bother you, however, I have no choice. Please call me. Rather urgent.”

Q Mayor, what was your reference to Redevelopment 5 in that message?

A Redevelopment 5 is an area of property that consists of 16 acres, two eight-acre parcels that has been the albatross on Fort Lee's back for the last 45 years. It was vacant up to that point, it was vacant for about 40, 42 years. Before it was a dilapidated vacant parcel of property that experienced multiple false starts and bankruptcies. And just Mayor after Mayor,



administration after administration, tried to redevelop this property. We finally got rid of the redeveloper that was there when I arrived as Mayor, and we found two very viable redevelopers that had now built it. They were in the middle of building it actually while all of this was going on. It's a huge, huge, huge, huge event for Fort Lee for this property now to get finally done, and we're nearing completion of the second phase now. But at the time we were in the middle of it.

Q And at the bottom of that message you said: "Please call me, rather urgent". Correct?

A Correct.

MR. KHANNA: Your Honor, I know it's 2:30.

THE COURT: So we'll break here.

Alright, ladies and gentlemen, we're going to stop for

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CRIMINAL ACTION 2:15-CR-193-SDW

UNITED STATES OF AMERICA, : TRANSCRIPT OF  
: PROCEEDINGS  
: TRIAL  
-vs- :  
: Pages 1 – 191  
WILLIAM E. BARONI JR., :  
and BRIDGET ANNE :  
KELLY, :  
Defendants. :  
----- :

Newark, New Jersey  
September 21, 2016

B E F O R E: HONORABLE SUSAN D. WIGENTON,  
UNITED STATES DISTRICT JUDGE  
AND A JURY

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

PAUL FISHMAN, ESQ., UNITED STATES  
ATTORNEY  
BY: DAVID FEDER, ESQ.  
LEE CORTES, ESQ.  
VIKAS KHANNA, ESQ.  
Attorneys for the Government

BALDASSARE & MARA, LLC  
BY: MICHAEL Z. BALDASSARE, ESQ.  
JENNIFER MARA, ESQ.  
Attorneys for Defendant Baroni

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Pursuant to Section 753 Title 28 United States Code,  
the following transcript is certified to be an accurate  
record as taken stenographically in the above entitled  
proceedings.

S/Carmen Liloia  
CARMEN LILOIA  
Official Court Reporter  
(973) 477-9704

\* \* \*

THE COURT: Good morning, everybody.

(All say good morning)

THE COURT: Alright. Put Mayor Sokolich back up.

MR. CORTES: Yes, your Honor.

THE COURT: No issues to discuss?

MARK SOKOLICH, previously sworn, resumes the stand.

THE COURT: Come on up, Mayor?

THE WITNESS: Good morning, your Honor.

(Jury brought into courtroom)

THE COURT: Alright. Good morning, everyone. You can have a seat. We are going to continue with the direct of Mayor Sokolich. Please understand that he is under oath and remains under oath. We will not have him resworn.

And, Mr. Khanna, you can continue and proceed when you're ready.

MR. KHANNA: Thank you, your Honor.

CONTINUED DIRECT EXAMINATION BY MR. KHANNA:

Q Good morning, Mayor.

A Good morning.

Q When we left off yesterday we were talking about — you were testifying about a particular text message you sent to Mr. Baroni; correct?

A We were, yes.

Q Miss Hardy, if you could please bring up Government Exhibit 5008 and focus on the second text message.

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Mayor, is that a text message that you sent to Mr. Baroni on Tuesday, September 10th?

A Yes, it is.

Q And the last two lines of that text message, what were those?

A The last two lines, which starts with “would not otherwise bother you”?

Q Yes.

A So I was trying to impress upon Mr. Baroni in that second to last line that, you know, this is not me calling with regular business. This is an emergent circumstance. It's not — please call me. And then, again, please call me. And then rather urgent. That was just my way of politely putting exclamation points on this text.

Q Now, after sending any text message to Mr. Baroni on September 10th, including this one, did you or your office receive any response whatsoever from Mr. Baroni?

A No. Excuse me, no.

Q Did you or your office hear anything from Mr. Baroni the entire day of September 10th?

A No.

Q On September 10th, did you hear anything from the Governor's Office or IGA that day?

A No.

Q Had you heard anything from the Governor's Office or IGA

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the day before, on September 9th?

A No.

Q Now, you've testified that you reached out to Mr. Baroni several times during the first two days of the lane reductions; correct?

A I did.

Q What was your — were you ever to get in touch with lower-level people at the Port Authority during that time?

A Not me, but my office, the staff at the Mayor's office, were in touch, you know, because you call certain numbers at the Port Authority, somebody's going to pick up and then ultimately they would get to, you know, one of the secretaries and one of the administrative assistants and basically make the same overtures: We need to deal with this issue. Please have Mr. Baroni call Mr. Sokolich, and what have you.

Q And why wasn't it sufficient just to talk to those people?

A Because they didn't have the authority to take any action and, by the way, our circumstance was explained to those people. So if they had the authority, they would have taken it. But, number one, they didn't have the authority. At least I didn't think they did. And number two, they were equipped with what the circumstances were, so if they had it, they could have exercised it, but they didn't.

Q Now, Mayor, you've testified about the traffic you observed the first two days of the lane reductions. Correct?

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A Yes.

Q Do you recall your testimony about a letter you wrote to Mr. Baroni in 2010 when you also referenced certain traffic concerns?

A I do. In November, I believe, right?

Q How did the traffic during the lane reductions compare to the traffic you observed in 2010?

A Well, there was no comparison. This — as I said yesterday, there's gridlock and then there's gridlock. So we in Fort Lee deal with traffic a lot, that's no secret. If you drive through our town regularly you'll experience it. And gridlock, to me, there are levels of gridlock. And gridlock is when there's just a lot of volumes of cars, and it will take you 20 minutes, 25 minutes to get from one end of town to the other end of town. And, you know, you will be creeping periodically as the car in front of you moves. Gridlock. Standard regular gridlock.

This was a level that other than, you know, there's a debate in town whether it was, other than when the bridge was closed on September 11th, of 2001, this was the worst gridlock I had experienced. Frankly I thought it was worse than 9/11 but that's debatable. It was what I refer to as concrete gridlock because it took me several minutes —

MR. CRITCHLEY: We already had this testimony, Judge, three times.

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occurred, which we had zero, zero to do with, and we tried to reverse it. And now members of the public, whose support I rely upon, is asking me rhetorically whether or not I want to be the mayor that wrecked Fort Lee implying, that this was, you know, my idea, and this is what I've instituted. It upsets you, especially when you spend the time that I do doing this.

Q And these complaints, were they representative of the types of complaints you received that week?

A They were.

Q Thank you, Miss Hardy.

Mayor, I want to direct your attention to Wednesday, September 11th. Did the lane reductions continue that day?

A They did.

Q And did you observe anything in terms of traffic on that day?

A Same as the day before and the day before that, on September 9 and 10.

Q And did you get any contact from Mr. Baroni on September 11th in any form or fashion?

A No.

Q Did anyone contact you from the Governor's Office or from IGA?

A No.



Q I want to direct your attention to the next day, Thursday, September 12th, did the lane reductions continue that day?

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A They did.

Q And did you observe anything in terms of traffic that day?

A I did.

Q What did you observe?

A Same as what I referred to as this concrete gridlock that occurred on Wednesday, Tuesday and Monday before.

Q And on that day, did you try to reach out to Mr. Baroni?

A Yes.

Q And do you recall sending a letter in order to try to reach out to him?

A I do. Because at this point I'm now not going to my law office I'm now starting my day and spending the entire morning and the entire rush at the Mayor's office thinking that, you know, it will just — I'll have the staff there and it will be better to, you know, coordinate trying to undo this. So, yes, at the Mayor's office I then sent a letter to Mr. Baroni.

Q And why did you decide to send a letter at this point?

A At that point, you know, it was enough is enough. It was three days of this. The multiple attempts to reach someone, not only me, but everybody. It completely shut us down. We're getting concerns now from our emergency service agents that, you know,

Mayor, what's — you know, Mayor's what's going on? They can't properly respond to their emergency calls. It really was chaos. And I was in the Mayor's office. I was sitting there very frustrated and I'm listening to my staff

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outside field phone calls now from the public and commuters. And they're defending me on the phone with these people that are calling saying: No, this wasn't the Mayor's idea. No, sir, you got it wrong. And no, sir, they're wrong if they told you to call here —

MR. CRITCHLEY: Objection. Now we're talking about conversations of a third party we have no way —

MR. KHANNA: That's fine, your Honor.

A Sorry.

Q Mayor, in terms of — and you wrote the letter yourself?

A Out of frustration I wrote the letter myself.

Q And was it actually sent to Mr. Baroni?

A Yes, it was.

Q Miss Hardy, if could you please bring up 1112.

And, your Honor, may I approach, I'm just going to ask the Mayor to read the letter so we can give him a hard copy.

THE COURT: Sure.

A Thanks.

Q Mayor, do you recognize what this is?

A I do.

Q What is it?

A This is the letter that I wrote to Mr. Baroni on September 12, because at this point I needed to document Fort Lee's position.

Q And the letter is marked "personal"; correct?

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A It is.

Q Why did you mark it personal?

A I was trying my hardest not to turn this into, you know, a media show, for lack of a better term. I don't know what the reasons were for the decisions that they made, closing the lanes. Had my suspicions.

MR. CRITCHLEY: Judge, can we just — he already testified about that. Now we're just going far afield, Judge.

MR. KHANNA: Your Honor —

THE COURT: It's fine. You can ask your next question.

MR. KHANNA: Okay.

Q Alright, Mayor, could you please read the letter to the members of the jury.

A Sure. "Dear Bill. I am writing this correspondence to you and am refraining from copping any other party in the hopes that a recent decision by the Port Authority will be reversed quietly, uneventfully, and without political fan fair. Permit me to elaborate. Without any notice whatsoever to Fort Lee or any of its agencies, including our police department, the Port Authority reduced the available toll booths for traffic flowing through Fort Lee from three to one. Suffice it to say, this decision has reeked havoc upon our community during the morning rush

visiting upon us complete gridlock. Having received absolutely no notice of this decision, not having obtained any

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response to our multiple inquiries concerning same, and try as we may to understand its rationale without the benefit of a response from the Port Authority, we are reaching the conclusion that there are punitive overtones associated with this initiative. What other conclusion could we possibly reach? Our emergency service vehicles are experiencing tremendous response time delays and my office is overwhelmed with complaints. Unquestionably this decision has negatively impacted public safety here in Fort Lee. Adding insult to injury, many members of the public have indicated to me that the Port Authority police officers are advising commuters in response to their complaints that this recent traffic debacle is the result of a decision that I, as the Mayor, recently made. The basis, reason or genesis of this decision is of no consequence to me. However, it's profound and adverse impact on our community is of paramount importance to me. I have incessantly attempted to contact Port Authority representatives, to no avail. Would you please be good enough to please have someone contact me or Police Chief Bendul to discuss the basis of this recent policy change and what we must do to reverse it. Plain and simple. Query. What do I do when our billion dollar redevelopment is put on line at the end of the next year? Please call me as soon as possible in the hopes that we can resolve this issue and reverse a policy change that is reeking havoc on Fort Lee, the otherwise cooperative and

host community to the busiest bridge in the world". I then list every phone number possible to reach me.

Q Now, after sending this letter to Mr. Baroni, did you or your office hear any response from Mr. Baroni in any form or fashion?

A Other than us calling to confirm that they received it through staff, no.

Q Did Mr. Baroni call you or contact you in any form or fashion?

A No.

Q Now, Mayor, on Thursday, September 12th, did you also send a text message to Mr. Baroni that day?

A I believe I did, yes.

Q Miss Hardy, if you could please bring up 5008 and zoom in on the third message.

Mayor do you recognize this message?

A I do.

Q And what is this message?

A This a text from me to Bill because at this point — well.

Q When was it sent?

A It was sent on, I believe, Thursday.

Q Could you please read the text message.

A "My frustration is now trying to figure out who is mad at me".

Q Mayor, what do you mean by that statement?

A Always have had my suspicions as to why all of this was happening, but now I've lived four days of this and I need to make sure that someone else knows that I know, or at least I have strong suspicions as to what's going on and what you're doing to my town. That's what I was trying to say here. So when I ask "who's mad at me" it's a rhetorical inquiry.

Q After you sent this text message to Mr. Baroni, did you hear back from him in any form or fashion?

A No.

Q Mayor, on Thursday, September 12th, other than Mr. Baroni, did you try to contact anyone at the Governor's Office that day?

A I did.

Q Who did you try to contact?

A My then IGA representative Evan Ridley

Q Why did you decide to contact Mr. Ridley?

A I had tried a couple times to reach him. Didn't hear from him. And I was, you know —

MR. CRITCHLEY: Can we just have some timeframe, Judge, as to when?

A This is Thursday, September 12th.

MR. CRITCHLEY: That's when you tried to reach him?

THE WITNESS: Yes, sir.

Q And, Mayor, why Mr. Ridley?

A Well, you know, he's the "you need something, call us."

Anything, let us know. However we may be of help to you, whatever the circumstance, please call us. That's what we're here for". That was the Luna pitch, that was the Mowers pitch, and the Ridley pitch when he came on board to replace Mowers. So as to exhaust every avenue to reach someone, I was trying to also reach Evan Ridley.

Q And did you ultimately reach him?

A I did.

Q And could you please describe the conversation between you and Mr. Ridley?

A I dialed his number from my son's cell phone, if I recall correctly. And I didn't want to use my cell phone. And he said — he answered the phone and said, "Evan Ridley", you know, rather cheery. I said: Mayor Mark Sokolich, Mayor of the town of Fort Lee. Trying to reach you. What's going on? You know what's going on? I need answers. We got to reverse it. "Okay, Mayor, you know, I'm not familiar". You know, deer in headlights, quite frankly. He said, "I'll get back to you, I promise. I'll get back to you".

Q Did you describe, in that conversation, did you describe any concerns you had in relation to the lane reduction?

A Yeah, I articulated all of them in the letters and everything else. I said: Evan we can't get ambulances where they need to go. The police can't get to 911 in a timely basis. We are in entire gridlock and chaos. This day four.

We just endured September 11th, which added other problems to Fort Lee. Kids got to go school. I gave him the whole rundown in wrapped fire, I might add, and I demanded that he get back to me.

Q After this telephone call, did you ever hear back from Mr. Ridley?

A No.

Q Did you hear back from anyone at IGA?

A No.

Q Anyone at the Governor's Office?

A No.

Q Mayor, did you receive any contact whatsoever from IGA or the Governor's Office during the week of the lane reductions?

A No.

MR. CRITCHLEY: Question is, did he ask for any? Did he contact?

MR. KHANNA: Judge, this is — may I approach sidebar, please?

THE COURT: I'm saying, you can ask that, Mr. Critchlye.

MR. CRITCHLEY: Okay, Judge.

THE COURT: This is their direct.

MR. KHANNA: I would just ask Mr. Critchley if he has an objection, just to voice that he has an objection instead of colloquy.

\* \* \*



A I'm aware of that.

Q Okay. Do you recall a law firm being hired to investigate this, other than the law firm of Reid Schar?

A I do.

Q You were asked for an interview by them correct?

A Yes.

Q And declined; correct?

A I did.

Q I want to talk to you a little bit about the traffic the week of. I think you said yesterday that the traffic does not happen often, if ever; correct? Yesterday you said the traffic you saw that week does not happen often, if ever?

A Correct.

Q Okay. And I think you said yesterday, and maybe again today, that it was as bad as you've ever seen it?

A It was.

Q Okay.

A Yes.

Q It was a total traffic shutdown?

A It was,

Q Okay. Complete gridlock?

A Complete — I think I called it concrete gridlock. I don't know where I came up with that term, but I think —

Q Okay.

A You get it.

Q Alright. Essentially crippled the town?

A Yes.

Q People were sort of hostages in Fort Lee?

A Fair articulation.

Q Safety vehicles couldn't get around; right?

A They could not.

Q It was putting people in harm's way?

A It was.

Q And I think you said, or maybe it's implicit in it, that that level of traffic, other than our discussion of 9/11, that level of traffic really just never happens; correct?

A That's correct.

Q Sorry?

A That's correct.

Q Would you agree with me, though, that in your — to your experience, there are many, many other reasons why Fort Lee could experience the same type of traffic that was there on the week of the closures?

A There are circumstances, sure. There are circumstances that I can come up with that would put us in a similar or identical situation.

Q Okay. You said "could". Did they ever happen?

A At that level, other than 9/11, and I think it was worse than 9/11, but I don't think so.

Q Okay. One second.

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MR. KHANNA: Thank you, your Honor.

Q Good morning, Mr. Foye.

A Good morning.

Q Sir, are you currently employed?

A Yes, sir.

Q Where are you employed?

A The Port Authority of New York and New Jersey.

Q For how long have you been employed there?

A Almost five years.

Q What's your position?

A Executive Director.

Q Who nominated you to that position?

A Governor Cuomo, and then approved by the Board, the commissioners.

Q And Governor Cuomo is Governor of what state?

A New York.

Q And when were you appointed to that position?

A I guess I was appointed in October of 2011, and started November 7th, 2011, thereabouts, or early November.

Q What's your role as Executive Director?

A I'm responsible for the day-to-day operation of the Port Authority in accordance with policies set by law and the Board of Commissioners.

Q And are you the highest ranking employee at the Port Authority?

A Yes, sir.

Q Have you been so the entire time that you've been employed there?

A Yes, sir.

Q Could you just describe, Mr. Foye, in general terms, what does the Port Authority do?

A The Port Authority is a bi-state agency, New Jersey, New York, providing transportation services to the region. Bridges and tunnels, George Washington Bridge, Lincoln Tunnel and others. The path. Container terminals. The World Trade Center. And airports, JFK, LaGuardia and Newark and others.

Q And that includes the George Washington Bridge?

A Yes, sir.

Q And the George Washington Bridge, is that one of the busier crossings in the country?

A I think it's the busiest in the world, sir.

Q Busiest bridge in the world?

A Yes, sir.

Q Now, as Executive Director, do you have final authority over Port Authority operations?

A Day-to-day operations, yes.

Q And where does that authority derive from?

A In the statute, in the by-laws of the Port Authority.

Q I want to bring up an exhibit, Government Exhibit 1041. And we'll just — Miss Hardy, please start from the first page.

Mr. Foye, do you recognize what this document is?

A Yes, sir.

Q What is it?

A It's the by-laws of the Port Authority.

Q If we could just go to the third page of that document on the top. Mr. Foye, do you see that portion of the by-laws?

A Yes, sir.

Q And what portion of the by-laws does that address?

A The responsibilities and authority of the Executive Director.

Q And the first line it says: The Executive Director shall manage the operations of the Port Authority in compliance with the agency's policies as established by the Board of Commissioners.

Could you just explain to the members of the jury what that means.

A Sure. That authorizes the Executive Director to manage the day-to-day operations of the Port Authority in compliance with policies set by the Board of Commissioners.

Q Thank you, sir.

Mr. Foye, do you consider yourself to be a public officials?

A Of course.

Q In what sense?

A I took an oath of office. I was appointed by elected

officials, approved by the Board of Commissioners, and I'm the Executive Director of the by state public agency so, of course.

Q And do you and the Port Authority have any obligation to act in the best interests of the citizens of New York and New Jersey?

A Yes, sir.

Q As a public officials at the Port Authority, what is your general approach in relation to traffic on the Port Authority's bridges and tunnels?

A Well, at the Port Authority we've got a mixed view on traffic. We generate revenues from tolls and fares. But from a traffic point of view, we're focused on public safety and assuring, to the maximum extent we can, efficient through put of passenger vehicles and trucks on our bridges and tunnels. Very focused on public safety.

Q Does the Port Authority have any responsibilities to people who don't use its bridges and tunnels?

A Yes.

Q What responsibility is that?

A I think we've got a responsibility to the general public in New York and New Jersey and beyond. We've got a special responsibility to the host communities, the communities in which our facilities are located in both states.

Q When you say "special responsibility", what do you mean by that?

A Well, the — having an airport, a container terminal, a bridge or a tunnel in a neighborhood, and many of them are, cause impacts to the community. Traffic, noise, congestion. Other impacts. So we've got a responsibility to be good stewards of those assets and good — have a good relationship and do everything we can to minimize impact on communities.

Q I want to direct your attention to 2013. In our around that time did the Port Authority have a Deputy Executive Director?

A Yes, sir.

Q Who was that?

A Bill Baroni.

Q And do you see him in the courtroom today?

A I do.

Q Could you please describe an article of clothing he's wear,

A The gentleman in blue tie and glasses.

THE COURT: So noted.

Q Who appointed Mr. Baroni to Deputy Executive Director?

A Governor Christie.

Q And what was Mr. Baroni's role?

A He was Executive Director. We worked together. He was primarily charged with representing the interests of New Jersey at the Port Authority.

Q You said he was Executive Director or Deputy Executive Director?

A Forgive me, Deputy Executive Director.

Q As Deputy Executive Director, what did you view his responsibility to be?

A Again, representing the interests of New Jersey at the Port Authority and Bill Baroni and I worked closely together while he was at the Port Authority.

Q Did anyone, in 2013, did anyone work directly below Mr. Baroni?

A Yes, sir.

Q Who was that?

A David Wildstein.

Q And as Executive Director, did you interact more with Mr. Baroni or with Mr. Wildstein?

A More with Mr. Baroni.

Q Did you observe certain interactions between Mr. Baroni and Mr. Wildstein?

A Yes, sir.

Q And based on your observations of those interactions, did you have an understanding as to who between them was the chief spokesperson for New Jersey's interests at the Port Authority?

A Between the two of them?

Q Correct.

A Mr. Baroni.

Q Did you observe any instances where Mr. Wildstein overruled a position that Mr. Baroni took?

A No, sir.



Q Mr. Foye, in or around 2013, did the Port Authority have a Board of Commissioners?

A Yes, sir.

Q Could you explain what the role was of the Board of Commissioners?

A Sure. The Board of Commissioners is a group of twelve people, six represent — sorry, six appointed by each Governor, six by the Governor of New Jersey, six by the Governor of New York, and subject to confirmation, approval of the State Senate of New Jersey and the State Senate of New York with respect to their respective six, and they were responsible for setting policies of the Port Authority and approving transactions the Port Authority entered into, among other things.

Q And at that time was there a Chairman of the Board of Commissioners?

A Yes, sir.

Q And who was that, at the time?

A David Samson.

Q Who appointed him?

A Governor Christie.

Q And was there a vice chairman?

A Yes.

Q At that time, who was that?

A Scott Rechler.

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Q Did Mr. Baroni?

A Yes, sir.

Q Now, you mentioned the George Washington Bridge. What department at the Port Authority operates the George Washington Bridge?

A TB&T. I use bridges and tunnels, shorthand I use.

Q And TB&T, that's an acronym?

A It's an acronym four tunnels, bridges and terminals.

Q As Executive Director of the Port Authority, do you have the power to control and apply some of the Port Authority's resources and property?

A Yes.

Q And are you authorized to use those resources for any personal mission?

A No.

Q Why is that?

A I've got a responsibility under the law, under the by-laws, to act in the best interests of the Port Authority and not use Port Authority facilities or resources for my personal benefit.

Q As Executive Director, are you also responsible for the Port Authority's budget?

A I share responsibility. The budget obviously is approved at the end of the day by the Board of Commissioners but, yes, sir.

Q Are significant budgetary concerns brought to your

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Q Mr. Foye, in connection with its bridges and tunnels, does the Port Authority conduct traffic studies?

A Traffic studies, traffic analysis, yes.

Q And in basic terms, what's your understanding of what a traffic study is?

A Well, generally bridges, tunnels, airports, the port, World Trade Center, frankly all of the facilities, there are traffic issues, traffic impacts. The Port Authority has, again, don't hold me to the number, about 40 to 50 traffic engineers in the Engineering Department who focus on these issues. And our goal is public safety, to have as few motorcycle accidents, few injuries and fatalities. And also to have efficient through put of trucks and passenger cars at our facilities. It's an important goal.

Q Do you have — do you generally have a sense of how traffic studies at the Port Authority are conducted?

A Generally. I'm not a traffic engineer but yes, I do, generally.

Q What's your general understanding?

A What will happen is, if there's an issue at a facility, the facility operators will sit down with traffic engineers and figure out a way to address it. If, for instance, we're building a new Goethals Bridge now, we're raising the roadway of the Bayonne Bridge. There are — and doing lots of other work besides, but using those two as examples. There will be a

process in place to study an issue, or if a change is going to be made, the traffic engineers will work with people from the facilities, work with people from markets and media and GOCOR, I'm sorry, Government Relations, and come up with a plan for dealing with the particular issue.

Q And do you have an understanding as to whether traffic studies require the closure or alteration of lanes?

A Well, traffic studies require that?

Q Yes.

A No, sir.

Q They don't require that?

A No, they do not.

Q And how do you know that?

A Well, the way that the Port Authority, five years, the way these reviews are done, there is a — if there's a closure of a facility, a bridge and tunnel, the traffic engineers will work with facility, the people running that particular asset, and if there's going to be a lane closure or a level taken out of service, they'll be often weeks or months before a process to communicate with passengers, customers, motorists, truckers. In the case of a bridge or tunnel, local community, elected officials, et cetera. They'll often be a press release issued. There may be radio ads, depending on the significance or length of the change in service. A program like that is done weeks and months in advance.

Q And in relation to traffic studies in particular, have you had interactions with traffic engineers during your time at the Port Authority?

A Of course.

Q And based on those interactions, have you formed a basic understanding about how they go about doing those studies?

A I have.

Q And what's your basic understanding of that methodology?

A It will vary from time to time. I'll note our traffic engineers are award winning. A group of people — they will look at the particular issue. They'll figure out how much — what's the passenger car volume? What's the truck volume on this facility? If they — a lane needs to be taken out of service for — and I'm accepting now an accident or an emergency, they'll be a whole plan done to make sure it's done in a responsible way and that passengers and customers, and communities and elected officials and others know what's happening in advance.

Q Are you personally familiar of any instance during which lanes or facilities were actually closed or altered in connection with a traffic study?

A I'm not. Sorry, could you give me that question again, sir?

Q Sure. Are you personally familiar of any instance during which lanes or facilities were actually closed or altered in

connection with a traffic study?

A No.

Q And are you aware, based on your experience at the Port Authority, of any traffic studies or tests which required that the Port Authority not notify or communicate with a local community?

A I'm not.

Q Mr. Foye, are you aware of any traffic studies at the Port Authority that were requested by either the Governor's Office of New York or the Governor's Office of New Jersey?

A No. Sitting here right now, no.

Q Putting traffic studies aside, do you know whether the Port Authority collects any data as to how many vehicles actually use its bridges and tunnels?

A We collect lots of data, yes.

Q And does that data exist for the George Washington Bridge?

A Of course.

Q And based on your understanding, how specifically can that data be broken down?

A It can be broken down by time of day, hour, upper level, lower level, passenger car, truck, toll payor, cash payor, analyze any number of ways. But we collect very detailed data.

Q Is there data as to how many vehicle pass through particular toll lanes?

A There is.

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releases, traffic radio, the amount of traffic on the George Washington Bridge upper level, which is where the construction was occurring, had dropped by 35 percent from the norm. That was a good thing. And not surprisingly, the lower level, which is where the construction was not occurring and where we would prefer that passenger cars go, was 79 percent higher over the seven-hour period that had been tested.

Q So this is for a specific period in time?

A Yes, sir.

Q Thank you.

Now, Mr. Foye, does the Port Authority take any operations that can cause traffic backups in host communities?

A Not intentionally, no.

Q But, does sometime — does the Port Authority sometimes anticipate that traffic backups may accrue in host communities?

A Of course. If we're doing construction, as was described in the memo just on the screen, there were going to be traffic impacts, congestion, delays, et cetera, yes.

Q And does the Port Authority do anything in relation to local communities before doing something that might cause traffic in a local community?

A Yes. Generally what will happen is, again, weeks or months before that occurs, a plan will be developed that will involve the facility operators, in this case, the George Washington Bridge in the memo we just saw. The traffic engineers, people

from Government relations will reach out to local elected officials. The police, Port Authority police or someone at a facility will reach out to the police department, the fire department, first responders, and they'll usually be a press release. There may be signage on approach roads east and west of the facility in question. In some cases, radio ads we have done frequently. They'll be a local comprehensive message and communication plan, in addition to the physical plan for what's going to happen to that lane, to that bridge, to that tunnel.

Q And all this that you described, what's the purpose of it?

A The purpose is first and foremost public safety to reduce confusion in the minds of the customers and passenger vehicles and truckers. To reduce congestion. To make sure that no one is surprised. That motorists and customers and truckers and people driving passenger cars and elected officials, know what's going to happen at a particular time, particular day, particular week or month.

Q Now, these plans to notify local communities in advance of particular operation, would you, as the Executive Director — have you been briefed on these plans?

A Yes.

Q And have you been present in any meetings where Mr. Baroni was briefed on such plans?

A Yes, sir.

Q And can you describe generally what types of things were



discussed in those meetings when Mr. Baroni was present?

A Sure. They'll be a discussion of what the plan change is, what the issue is, why we're doing it, what we need to do. Is there a way that instead of doing it in ten days, it can be done in eight days? Discussions like that. Granular operating discussions. And then they'll be discussions of: How do we tell our customers? How do we tell drivers of passenger cars? Truckers? How do we tell local communities? Often Government Relations, New York Government Relations, New Jersey Government Relations will reach out to elected officials. The police, they're briefed, because if there are complaints, elected officials will get some of the calls. And the police or someone at the facility will reach out to first responders, fire department, police department, EMS, to make sure everybody knows what's happening and there are no surprises.

Q And based on such meetings where Mr. Baroni was present prior to September of 2013, did you have any understanding of Mr. Baroni's approach to outreach to local communities?

A I think I believe Bill agreed strongly it was important.

Q At any point prior to September of 2013, did Mr. Baroni express any view indicating that local officials should not be notified of a Port Authority operation?

A No, sir.

Q Now, in these meetings you described, were traffic engineers present as well?

A Sometimes.

Q And when traffic engineers were present, what kinds of things would they talk about?

A Well, traffic engineers would talk about — traffic engineers and the people from a facility, the bridge or tunnel or airport, would talk about the particular issues from — at their facility that was being addressed or that was being changed as a result of the construction that was going on and how they proposed — how long it would extend, what time of day. Generally we try to do these things in the evening, construction in the evening, as do other transportation agencies in the region around the country. So the traffic engineers would meet the physical challenges of the changes or proposed changes to this facility and the impact it's going to have on traffic, congestion, safety, et cetera.

Q And that those discussions with traffic engineers, would they ever talk about how much the delays may be?

A Yes.

Q Mr. Foye, outside of anything that happened in September of 2013, are you aware of any planned Port Authority operation that could cause substantial traffic backups in the local community of which you personally were not notified beforehand?

A No.

Q Do you recall receiving any briefing in advance of some work that the Port Authority was going to do on the Outer

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Executive Shuber's point about the communities affected by this on both sides of Hudson, we spent a lot of time doing outreach on GW Bridge issues and leading up to this major project with Mayor Sokolich in Fort Lee, and then other towns and communities in southeast Bergen County, and we're going to continue to do this. It's, it's very important to the partnership we have built with Mayor Sokolich. We're in very real time. He is, is, is, picks up the phone — excuse me, picks the phone up and raises issues to us. And we're going to continue to do that as well, the leadership of the county level as well.”

Mr. Foye, when you heard this in December of 2011, what was your understanding of this statement?

A My understanding was that Bill Baroni had been talking and meeting with Mayor Sokolich on issues related — Mayor Sokolich's — Mayor of Fort Lee, of course, and that Bill Baroni had been meeting with Mayor Sokolich on issues arising out of the George Washington Bridge, the proposed George Washington Bridge project. And that the relationship with the Mayor was a good one.

Q Mr. Foye, I want to direct your attention to September of 2013. Are you now familiar with the Port Authority's reduction of the access lanes to the George Washington Bridge for the Borough of Fort Lee, New Jersey?

A I am.

Q Is it okay if we refer to this as the lane reductions?

A Yes, sir.

Q When did you first hear of the lane reductions?

A I first heard of the lane reductions on Thursday, September 12th, late afternoon, early evening.

Q How did you first learn of them?

A I believe a media call into Media Relations, or perhaps as a result of an email from the press department. I'll call it media pendings. I think it's called media activity report formally. But one of those two ways, late the afternoon, early evening on Thursday, September 12.

Q Could we please bring up Government Exhibit 1125. And can we zoom in on it? Yup.

Mr. Foye, do you recognize this email?

A Yes, sir.

Q And when did you receive this?

A It looks like 6:27 p.m.

Q And what is this?

A It's an email from Ron Marsico in the media department, with what I'll call that day's media pendings, inquiries and questions from various reporters. This report is done daily.

Q And that second bullet, the one that starts: John Chikowski of the Bergen Record. Do you see that?

A Yes.

Q Did you review that on September 12th, 2013?

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A I did.

Q And what was your understanding of what that referred to?

A The reporter was asking about a change in the number of toll lanes on the George Washington Bridge available to residents of the Fort Lee and others at the GWB.

Q And when you reviewed this on September 12th, what was your reaction?

A I was surprised. I hadn't heard about it, didn't hear about it.

Q And why were you surprised?

A Because generally I'd know before changes were made to lanes. As I discussed, the process that would generally be raised some significant period of time in advance.

Q After learning about this, did you decide to do anything about it?

A I did.

Q What did you decide to do?

A I decided — I made a mental note to myself to speak to Bob Durando, he's the general manager of the George Washington Bridge then, is now. And to Cedric Fulton, who is the leader of the Bridges and Tunnels, was then, is now, early the next morning.

Q And why did you make that decision?

A I wanted to find out what was happening at the George Washington Bridge, as a result of seeing this or hearing about

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it before the email went out.

Q And after speaking to Mr. Durando and Mr. Fulton, did you decide to do anything?

A I did.

Q And what did you decide to do?

A I decided to order that the lanes be opened and send an email ordering that, and describing what I had been told and why I was taking that action.

Q And by “the lanes” are, you referring to those local access lanes in Fort Lee?

A Yes.

Q And why did you decide to do that?

A I thought that what was happening was a public safety disaster.

Q At the time when you made that decision, what was your understanding of what was happening?

A I didn't have any understanding until Friday morning when I spoke with Bob Durando and Cedric Fulton, I understood that three lanes on the upper level, the Fort Lee lanes on the upper level of the bridge had been reduced to one. That Durando and Cedric Fulton had received multiple calls. That Durando had met with the police chief, I think, on Monday, outside the — not at the Port Authority administration building. That the Police Chief had told Bob Durando that, you know, this was — my words, a public safety disaster. The police chief had

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mentioned a missing four-year old. A heart attack victim. An ambulance that couldn't get through traffic. The fire chief had had the same concerns. And, you know, these calls, congestion and issues with first responders, had gone on for four days.

Q And you said that you decided to end the lane reductions; correct?

A To open the lanes, yes, sir.

Q And how did you convey that decision in?

A An email.

Q Can we please bring up 1131R.

Mr. Foye, do you recognize what this email is?

A I do.

Q If we could just zoom in on the top paragraph.

And what is the — what is the date of this email?

A Friday, September 13th, 2013.

Q And what is generally this email describing?

A It's an email to Cedric Fulton who runs Bridges and Tunnels, to Bob Durando who runs the George Washington Bridge, describing what I had been told by conversations early that morning, 6 o'clock or so, by Bob Durando and Cedric Fulton, and the concerns I had about public safety, the calls from the police chief, et cetera. And why I was directing that the lanes be reopened immediately.

Q And did you CC Mr. Baroni on this email?

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A I did.

Q And why did you decide to convey this decision by email?

A I thought that what had happened was — what happened, in my experience, in the Port Authority, unprecedented, that the danger to the public was significant. And I wanted to be clear about what had

happened, what I had been told, and what I was doing. I wanted to have a record and I want it to be clear.

MR. KHANNA: Your Honor, may I ask Mr. Foye to read the email to the members of the jury?

THE COURT: Sure.

Q Mr. Foye, could you please read the email and we'll try to zoom in on it as we go along.

A Starting with the "after" IN the first paragraph?

Q Yes.

A "After reading last night media pendings, I made inquiries and received calls on this matter, which is very troubling. Here's what I learned. Reversing over twenty-five years of Port Authority George Washington Bridge operations, the three lanes in Fort Lee eastbound to the GWB were reduced to one lane on Monday of this week without notifying Fort Lee, the commuting public we serve, the ED or media. A decision of this magnitude should be made only after careful deliberation and upon sign off by the ED. Reports are that Fort Lee has experienced severe traffic delays engulfing the entire Fort Lee area since Monday. I am appalled by the lack of process,

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failure to inform our customers and Fort Lee, and most of all the dangers created to the public interest, so I am reversing this decision now, effective as soon as TBT and PAPD tell me it's safe to do so today. I am making this decision for the following reasons. One, this hasty and ill-advised decision has resulted in delays to emergency vehicles. I pray that no life has been lost or trip of a hospital or hospice-bound patient delayed. Two, this hasty and ill-advised decision has



undoubtedly had an adverse effect on economic activity in both states that is contrary to the directives we have from our Governors to do everything possible to create jobs in both states. Three, I will not allow this hasty and ill-advised decision to delay the travels of those observing Yom Kippur tonight or the holidays to follow. To be clear, I will get to the bottom of this abuse of decision which violates everything this agency stands for. I intend to learn how PA process was wrongfully subverted and the public interest damaged, to say nothing of the credibility of this agency. Finally, I am open to considering changes to each of our facilities, if there is a case to be made that change will benefit the public interest. In the case of the Fort Lee eastbound access lanes, approval of this action will require: One, written sign off by TBT, traffic engineering, and PAPD. That sign off was not sought or obtained here. Two, prior discussion with the local government and a communications plan and plenty of advance notice to the

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commuting public. That did not occur here. Three, consideration of the effects on emergency vehicles and sign off by PAPD. That did not occur here. Four, consideration of the financial impact on the PA in terms of O/T. That too did not occur here.

Cedric and Bob, please let his group know when access to three lines in Fort Lee can be restored as soon as possible today. This is a matter of public safety and time is of the essence. Pat.”

Q Mr. Foye, in your email you said, you referenced that a decision of this magnitude should be made only

after careful deliberation and upon sign off by the ED; correct? Who's the ED?

A Executive Director.

Q And why did you say that?

A I think that a decision like this, with the impact it had, what I was told, the Police Chief and the Fire Chief, and other officials in Fort Lee, required serious deliberation and a serious decision before actions like this were taken. Public safety was involved. Ambulances were delayed. Missing children, heart attack victims, et cetera.

Q And you also talk in your email about the lack of process. Correct? What did you mean by that?

A Well, there is a process in place as there was on the George Washington Bridge, on the Outer Bridge, for decisions

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like this. They're taken seriously. Engineers are involved. Facility people are involved. The police are involved. GOCOR is involved. Media is involved. Customers are notified. And we don't do things like this.

Q And then towards the bottom you said in your email: "In the case of Fort Lee eastbound access lanes, approval of this action will require," and then you listed certain things. Correct?

A Yes.

Q What were you conveying in that portion of your email?

A That this was a — decisions like this are serious. Public safety is involved. And there ought to be a process for approval of an action like this.

Q Now, after you sent this email, were the lanes restored?

A They were.

Q And did you have financial authority on operational decisions such as this?

A Yes.

Q Did Mr. Baroni have the authority to overrule you?

A No.

Q Now, at a certain point after you sent this email, did Mr. Baroni and you exchange emails in relation to your decision to restore the access lanes?

A Yes, sir.

Q Miss Hardy, can we bring up 1136R? If we can go towards

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the bottom.

Now, Mr. Foye, is this an email exchange that you had after you sent your email ending the lane reductions?

A Yes, sir.

Q And all the way on the bottom, is that that email that you had sent, which you just read to the members of the jury?

A Yes, that's it.

Q And after that, did Mr. Durando respond to that email?

A He did.

Q And was Mr. Baroni cc'd on that?

A Yes, sir.

Q And what did he say?

A Bob Durando said: We've restored three toll lanes to Fort Lee.

Q Did you then, moving up the page from bottom to top, did you then respond to Mr. Durando?

A I did.

Q And what did you say?

A I said: Thanks, Bob. I'll set up a meeting to discuss the issue. Looping Lisa, which to me means adding Lisa to the exchange, looping Lisa. How do we get word out?

Q And when you were referring to Lisa. Who were you referring to?

A Lisa MacSpadden, who was head of media for the Port Authority at the time.

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Q Why did you want to loop in Miss McFadden?

A Because the public hadn't been told of the closures, and I wanted to get looping Lisa to talk about media strategy, how do we inform.

Q And then above that, did Mr. Baroni respond to you?

A Yes, sir.

Q And what did he say?

A "Pat, we need to discuss prior communications".

Q And what did you understand that to mean when you got the that email?

A Bill Baroni wanted to talk before there was any public statement.

Q Did you then, towards the bottom, did you respond to Mr. Baroni?

A I did.

Q And what did you say?

A I said: Bill, we're going to fix this fiasco.

Q Then did Mr. Baroni respond to that?

A He did.

Q And what did he say?

A "I am on the way to office to discuss. There can be no public discourse".

Q What did you understand that to mean?

A That Bill Baroni didn't want a public statement or release.

Q On the lanes issue?

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A On the George Washington Bridge lane issues, yes.

Q And then you responded to that; correct?

A I did.

Q What did you say?

A "Bill, that's precisely the problem, there has been no public discourse on this".

Q Now, after that, there was — those exchanges were on November 13th?

A Yes, sir.

Q After that email exchange, did you and Mr. Baroni have any further discussions regarding the lane reductions?

A We did.

Q That same day?

A Yes, sir.

Q And at what time?

A We had two meetings. One mid to late morning, and the other late morning to early afternoon. Two separate meetings.

Q So focusing on the first one.

A Yes, sir.

Q Where did that meeting take place?

A In my office.

Q And so Mr. Baroni came to your office?

A Yes, sir.

Q And who all was present?

A Bill Baroni, me and John Ma.

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Q Who was John Ma the at the time?

A John Ma was and is my Chief of Staff.

Q You're number two?

A Yes, sir.

Q Why was Mr. Ma present?

A I asked him to attend. I wanted a witness.

Q Why did you want a witness?

A Because I thought something weird and terribly problematic had happened, and I wanted John, who I

trust implicitly, to be in the room and hear the same thing I did.

Q And when Mr. Baroni came to your office, what was his demeanor?

A I'd say he was on edge.

Q And could you please describe what happened when he came to your office.

A Bill, I think, began by asking me to reclose the lanes.

Q And after he did so, what was your response?

A I said: Absolutely not. Did you read my email? And I said, you know, words to the effect that someone could have died in the back of an ambulance. I said no.

Q And what, if any, response did Mr. Baroni have?

A Bill asked the lanes be closed, and said that the issue was important to Trenton.

Q And when he said the issue was important to Trenton, what was your understanding of what Trenton meant?

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A I took that to be the Governor's Office in Trenton.

Q Was that the way the Governor's Office in New Jersey was often referred to?

A Yes, sir.

Q And after Mr. Baroni said that, what if anything did you say?

A I think Bill said it was important to Trenton, and I didn't respond specifically, that I recall.

Q Do you recall anything being said more about the Governor's Office in New Jersey?

A I think Bill may have said that senior staff had been briefed on the matter, and that it was important to Trenton. I'm describing the first meeting.

Q The first meeting?

A Yes, sir.

Q And after Mr. Baroni came to your office and made those statements, what if anything did you decide to do?

A I didn't do anything, I left the lanes open. I had no intention and didn't — he asked they be reclosed, I said no, period.

Q Why is that?

A I thought it was a public safety disaster to close them. I opened them, I wasn't going to reclose them. After hearing what Durando had told me about the Police Chief and the Fire Chief, and the issues with first responders and ambulances

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being delayed, the answer is no.

Q You referenced a second meeting; correct?

A Yes, sir.

Q Where did that meeting take place?

A In my office.

Q And when was that approximately?

A Again, I think it was late morning. Could have been early afternoon. I think it was late morning.

Q Who was present for that meeting?

A Bill Baroni and me.



Q And could you please describe what happened during that meeting?

A Bill again asked that the lanes be closed again. I said no. He said it was important to Trenton, and he said that Trenton may call.

Q And what was your understanding of that statement, "Trenton may call"?

A I took it to be the Governor's Office in New Jersey might call or would call the Governor's Office in New York.

Q And after he said those things, what if anything did you say?

A I said they should call.

Q Anything else you recall that happened during that meeting?

A I think that was the substance of it, again, the second request to close the lanes. I think that's the substance.

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Q And this time, did you have any — did you, what did you decide to do in relation to those lanes?

A Do the same thing, nothing. I opened them, I was not closing them.

Q During either of your meetings with Mr. Baroni that day, did he address anything about the public safety concerns that you had raised in your email?

A No.

Q Did he talk in any way about how those public safety concerns could be mitigated if the lanes were reclosed?

A He did not.

Q During either of those two meetings, did Mr. Baroni respond to any of the concerns you had raised in your email about lack of notice?

A Yeah, he did — sorry. Bill did say in the first meeting that the problem had been one of miscommunication and that the communication could have been better. I think he said that in the first meeting, perhaps in both, but yes.

Q Anything else?

A No, I don't think so.

Q Now, subsequent to your conversations that day with Mr. Baroni, at any point did you become aware of a press statement that would be put out in relation to the lane reductions?

A Yes, sir.

Q How did you become aware of this?

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Q At his testimony.

A I do, yes.

Q And prior to September, 2013, based on Port Authority practices as you understood them, how much advance notice did communities generally receive when the Port Authority planned operations that could cause traffic backups in town —

A Frankly, a month. Often multiple months. In some cases, even longer. Months.

Q And this third policy that we just talked about, did Mr. Baroni ever discuss any such policy with you?

A No, sir.

Q Was any such policy ever proposed or put into place at the Port Authority?

A No.

Q Between September, 2013, and when Mr. Baroni left the Port Authority, at any point did Mr. Baroni raise with you any policies or procedures that should be implemented or amended in light of the lane reductions?

A No.

Q After Mr. Baroni's appearance before that legislative committee, did you have any interactions with him relating to that appearance?

A Yes.

Q And what — could you please describe for the members of the jury that interaction.

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A The legislative, Bill Baroni's legislative appearance was sometime in November of 2013. I don't remember the exact date. I think it was the day — that day when he returned to the office. Could it have been the next day, I don't remember. And he told me that he thought it had gone well. And that this was an area that he excelled in and he had danced them around.

Q And what was your understanding of what he meant by that?

MR. BALDASARRE: Objection, Judge.

THE COURT: Overruled. I'll allow it. You can answer.

A Thank you. That he had out-foxed, out-witted the legislative committee.

Q And, Mr. Foye, at a certain point did Mr. Baroni leave the Port Authority?

A He did.

Q Approximately when was that?

A I believe it was a Friday, middle of December, 2013. I don't remember the exact date.

Q And on the day he left, did you have any interactions with him?

A I did.

Q Could you please describe that interaction?

A Bill — I think Bill's office called and said he wanted to come over to my office across the hall. And I had people in my office and I thought he wanted to meet privately, so we met in

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John Ma's office, my Chief of Staff's office, and he told me that he was upset, distraught. That he was leaving the Port Authority. That he was going to go, and shortly before Christmas, he was going to go spend sometime in Ireland for Christmas, and David Wildstein had ruined everything he built and worked for.

Q Now, Mr. Foye, also in December of 2013, did you get subpoenaed by that same New Jersey legislative committee that Mr. Baroni appeared before?

A Yes, sir.

Q And did you in fact testify before that committee as well?

A I did.

Q What if anything did you do to prepare for that testimony?

A I think I went back and read my email, read certain other documents, and asked for data related to the amount of traffic vehicles on the three Fort Lee lanes on the upper level.

Q Those three local access lanes from Fort Lee to the upper level?

A Yes, sir.

Q And why did you want that data in particular?

A I wanted the data because the point had been made that the Fort Lee lanes carried — served four or five percent of the upper level traffic.

Q And who had made that point?

A Bill Baroni had in Trenton.

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Q And when you say Trenton, are you referring to the appearance before the New Jersey legislative committee?

A Forgive me, the legislative hearing in Trenton.

Q And what about that — Mr. Baroni's statements in relation to that, percentages you just referenced, caused you to want to find — get more data?

A It didn't make any sense to me.

Q Why is that?

A Because people in New Jersey and New York are smart. And if — three lanes on the upper level was 25 percent of the lanes. And if 25 percent of the lanes carried four, five percent of the traffic, everybody in

New York and New Jersey would be taking those lanes because they'd save five, ten, fifteen minutes getting across the bridge. And people in New York and New Jersey are smart, and it didn't make any sense to me.

Q And how did you know you could get the data of the actual number of people that went through those lanes?

A Because I had worked with the data in the past. It had been presented to — sorry, not that specific data. I had worked with that data, bridge and tunnel data in the past with respect to other facilities with respect to changes, what effect would it have on traffic with respect to, for instance, the George Washington Bridge upper level construction in August, I think it was, and I knew that data existed and asked

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for it.

Q And did you ultimately get that data?

A I did.

Q And what did it show you?

A It showed what I expected, which is that the three upper level lanes carried 25 or 26 percent of the traffic.

Q Thank you, your Honor. Nothing further.

THE COURT: Alright. So we'll take our break now, 15 minutes, and we will resume, ladies and gentlemen, right after that.

(Jury excused)

THE COURT: Alright, everybody, we'll take 15 minutes.

MR. CRITCHLEY: Your Honor, is it possible, either I could bring a little table so we could put some

exhibits on? Sometimes that lectern is not enough to carry all the exhibits.

THE COURT: Sure.

MR. CRITCHLEY: So it's okay bringing in a table?

THE COURT: As long as you can walk around it.

Alright, you can system down, Mr. Foye. Don't discuss your testimony while you're on the break.

(Recess)

THE COURT: Alright, we'll bring out the jury.

(Jury brought into courtroom)

THE COURT: You are, everybody, you can have a seat. We will proceed with the cross examination by Mr. Baldassarre of

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policies and procedures free standing, I would imagine, for a great many things; correct?

A Yes.

Q And I believe you testified that when a study, a test, something was going to happen, sounded like all the brains would get together. All certainly engineers, some people from the local facility, whether it was the Goethals or the GW and a group of people would get together, and tell me if I'm wrong, and they would decide: Okay, based on this set of facts, based on the information we need, this is the plan?

A Yup. There'd be lots of others involve but your description is generally correct.

Q Okay. And safe to say that when you get to — every plan is different because the starting info is different and the goal is frequently different.

A Every plan is different.

Q Every plan is different.

And if somebody designing the plan or involved in the plan knew that X would completely mess up getting to the goal, X wouldn't be part of the plan; right?

A I'm not sure I understand the question.

Q Well, if there was — in making the decision process, if there was a part, somebody said: Hey, let's put up a sign up over there. If it was the consensus that putting up that sign would make it impossible to get the data we wanted, the sign

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wouldn't go up; correct?

A I think there's a false premise in your question, which is that these closures are done as tests, and that's just never the case.

Q I'm not asking about the lane closures. I'm asking what you testified about the decision-making process when everyone gets together. If they knew there was — let's say there was a suggestion in part of that process. The consensus was it was, for lack of a better phrase, it would blow up what we were trying to do, they wouldn't do it, right? They would move on and design the plan differently?

A Right. But the projects we're talking about are Goethals Bridge, Outer Bridge, George Washington Bridge, Bayonne, as examples. They're not data collection efforts. They're efforts to — how can we



safely and efficiently close this ramp, this on ramp, this off ramp, the upper level, do construction on the upper level without compromising public safety with telling our customers in advance, telling the public, telling elected officials, the police department, the police department — the fire chief? It's not a data collection effort.

Q I understand.

A Okay.

Q Thank you. I would ask, could we bring up 1229, please. I guess could we just pull up the first paragraph — actually

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from the top — perfect. Just right there.

Now, I believe the Government asked you about this email. Do you recall that?

A Yes, sir.

Q And the event is going to happen on Saturday, August 11th. Correct?

A Yes, sir.

Q And then below that are the event details?

A Yes, sir.

Q And then I don't know if we can just scroll down or go back to the full size. Underneath the event details we see: Traffic impacts. And an estimation of traffic impacts. Correct?

A Yes, sir, I see it.

Q And then at the bottom, maybe six or seven bullet points having been put together bought what the outreach was going to be. Correct?

A Yes, sir.

Q And if we could just blow up the header again. So would you agree with me that in this case there's about three days notice given, rather than months and months?

A Can I see the entire memo?

Q Okay. I would just say, if you look — and we can certainly see that, but the date that it was sent was August 8th; correct?

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A That's correct.

Q As you've testified under oath previously, the buck stops with you; correct?

A I'm not sure I testified to that, but the buck stops with me.

Q Well, when the buck came to you, you passed off and allowed a false, according to you, a false press release to go out?

A I was focused on opening the lanes and protecting public safety. I did that and Bill asked for the statement, and I said yes.

Q And then you allowed a false statement to go out, according to you?

A A false statement that Bill and David Wildstein had directed, yes, sir.

Q And so that the world, if they're wanting to find out what's going on, you as the Executive Director of the Port Authority, is telling the world something that's not true?

A The statement wasn't true.

Q And you approved it?

A I let it go out, yes.

Q And similarly, if I could show you a document, on September 16th — if I could approach the witness?

THE COURT: Sure.

Q Ten fifty-four, okay — I just want to see if I could move this into evidence, this document. With consent, Judge, I'm

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CRIMINAL ACTION 2:15-cr-193-SDW

UNITED STATES OF	:	TRANSCRIPT OF
AMERICA,	:	PROCEEDINGS
	:	
-vs-	:	T R I A L
	:	
WILLIAM E. BARONI JR.,	:	Pages 1 – 186
and BRIDGET ANNE	:	
KELLY,	:	
Defendants.	:	
-----	:	

Newark, New Jersey  
September 22, 2016

B E F O R E: HONORABLE SUSAN D. WIGENTON,  
UNITED STATES DISTRICT JUDGE  
AND A JURY

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

PAUL FISHMAN, ESQ., UNITED STATES  
ATTORNEY  
BY: DAVID FEDER, ESQ.  
LEE CORTES, ESQ.  
VIKAS KHANNA, ESQ.  
Attorneys for the Government

BALDASSARE & MARA, LLC  
BY: MICHAEL Z. BALDASSARE, ESQ.  
JENNIFER MARA, ESQ.  
Attorneys for Defendant Baroni

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Pursuant to Section 753 Title 28 United States Code,  
the following transcript is certified to be an accurate  
record as taken stenographically in the above entitled  
proceedings.

S/Carmen Liloia  
CARMEN LILOIA  
Official Court Reporter  
(973) 477-9704

\* \* \*

Q Did you play any role in drafting it?

A No.

Q And did you play any role in coming up with it whatsoever?

A No.

Q Did you have anything to do with any of the language that was put in there?

MR. BALDASARRE: Objection, asked and answered twice.

THE COURT: Sustained.

MR. KHANNA: I'll move on, your Honor.

Q The first sentence in that email, what does it say?

A "The Port Authority has conducted", sorry, sir, read it?

Q Yes, please. Just the first sentence.

A "The Port Authority has conducted a week of study at the George Washington Bridge of traffic safety patterns."

Q And if that statement is false, Mr. Foye, what does that mean about whether that study ever happened?

A I'm sorry, I don't understand the question.

Q If the statement is false —

A Yes.

Q As there was a lot of back and forth about.

A Right.

Q What does that mean as to whether a study of traffic safety patterns was conducted?

A It means there was no study.

MR. KHANNA: Nothing further.

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they'll also work in partnership with our Engineering Department, which has a traffic engineering group that really specializes and focuses on traffic issues.

Q Have you become familiar with how the Port Authority conducts analysis of impacts on traffic?

A Generally, at an executive level.

Q How have you gained this familiarity?

A When the Port Authority has projects, work under way at one of its facilities, we'd often at the, you know, the executive level, just get a briefing from our project team before the project would start, you know, or during the project and receive a briefing from the staff members who are responsible for the day-to-day project as to what the work is and what the impacts would be and so forth.

Q Does the executive leadership at the Port Authority attend those briefings?

A Yes.

Q Did Mr. Baroni regularly attend presentations on how Port Authority projects would impact traffic?

A To my recollection, yes.

Q Do you recall any presentations in particular that both you and Mr. Baroni attended regarding projects that were expected to have a traffic impact?

A Yes.

Q Can you explain what some of those are?

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George Washington Bridge.

Q Did Mr. Baroni attend briefings about predictions about traffic impact stemming from the Alexander Hamilton Bridge project?

A Yes, I believe he did.

Q Alright, can you please describe the briefings.

A Yes. To my recollection, our team, I think it was primarily a TB&T, Tunnels Bridges and Terminals staff team, you know, explained the work that NYSDOT was going to do, you know, the nature of the work, itself, when it was going to occur. And they talked about what they, together with New York State DOT, predicted would be the potential backups. I think they talked about it both in terms of the time backup and also how far the traffic backup would extend from a distance standpoint. And we talked about messaging or communications plan to get the word out to motorists in the region.

Q Did the traffic engineers or the people conducting this analysis close lanes on the Alexander Hamilton Bridge to foreclose traffic impact?

A To my knowledge they did not.

Q Why not?

A Again, my experience has been the Port Authority on this project and others, is there's — they have the ability, given they have so much information



and data based on time of day, day of the week, and the month of the year, to have a pretty

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reasonable forecast of what, you know, closing a lane or, you know, having, you know, a couple lanes out of service would do to traffic. They can use the existing data that they have.

Q You understood these briefings to reflect a forecast?

A Yes.

Q And how did you know that it was a forecast?

A Again, the practice and the assumption was that, again, most of these projects that would have traffic impacts were based on estimates, you know, forecast, based on, you know, existing traffic patterns and volumes. The facility managers know their facilities quite well.

Q Does the Port Authority have the authority to close lanes on the Alexander Hamilton Bridge?

A No. Again, it's a New York State DOT facility.

Q Mr. Ma, do you recall attending briefings for a Port Authority project at the Outer Bridge Crossing?

A Yes, I do.

Q Okay. What is the Outer Bridge Crossing?

A The Outer Bridge Crossing is a bridge connecting Staten Island and New Jersey.

Q Isn't that a Port Authority facility?

A It is.

Q Could you please describe the project that the Port Authority was conducting there?

A Again, my recollection is 2012, or maybe early 2013, we

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A Yes.

Q Can you just explain how.

A Again, as part of these project briefings, usually, you know, a key part of the briefing itself is, in addition to what the work, the construction work actually is, is, well, what's our communication plan to let local elected officials, public officials and the travelling public know ahead of time.

Q And what role does is executive leadership play in that outreach effort?

A Well, the project team will give us the briefing. The executive leadership team might have additional feedback, you know, for example, make sure we call so and so, make sure, you know, some agency, or public official, or local elected officials is notified. And then we also have the opportunity to review, you know, a press release that might go out typically in advance of work starting. We'll issue advisories or press releases.

Q I think you testified just a moment ago giving notice to local communities about upcoming projects. Why does the Port Authority reach out to local communities in advance of projects that might cause traffic?

A Well, as a general matter, we want to be good partners with host communities where our facilities are located. Practically too, you know, it's oftentimes local officials, not Port Authority officials, but local officials who would get calls

from their constituents, you know, the communities if there's impacts, wondering what's going on. So we like to give them a heads up ahead of time.

Q Did the Port Authority get feedback or questions from local officials in advance of projects they've been briefed on?

A Yes.

Q What types of things do they raise?

A Local officials will ask about a whole range of things, you know. What's going to happen with policing, or help with policing? Traffic management resources. They'll often ask or have concerns or get concerns from the community about noise from the construction work, the hours of operation, the hours of work. You know, we'll speak with local communities, if there might be, you know, a particular event taking place in that city or town that, you know, might be adversely affected by our work.

Q How does the Port Authority handle those communications from local elected officials?

A I believe we generally try to you know, listen to them, adjust our plans, if it's warranted and necessary. Again, we try to listen and have a dialogue with them.

Q Prior to September, 2013, were you aware of any Port Authority project that would cause traffic impacts in a local community where executive leadership was not briefed about the project in advance?

A Not that I'm aware.

Q Prior to September, 2013, were you aware of any Port Authority project forecast that caused substantial traffic where the local communities did not receive advance notice?

A Not that I'm aware of.

Q Mr. Ma, do you recall briefings on a Port Authority project at the Lincoln Tunnel helix?

A I am.

Q What's the helix?

A The helix is the kind of curving cork screw access road that leads off of 495 into the Lincoln tunnel in Weehawken, New Jersey.

Q So what was the project at the helix?

A The project at the helix, I think we called it within the Port Authority, the Helix Fix. That was our marketing moniker for the project. It was doing some rehab of those access roads into the Lincoln Tunnel.

Q Was that forecast to cause traffic or diversions?

A Yes, I believe so.

Q When was the work scheduled to be done during the time — what time of day?

A I don't recall.

Q Did the Port Authority conduct public outreach in advance of that project?

A Yes, it did.

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Q Why did it do that?

A Again, with our approach or, you know, general approaches, we wanted to let the travelling public know ahead of time about the work.

Q Can you describe the nature of that public outreach?

A Yes. I think my recollection is, in addition to, you know, press releases and notifying local officials, we had a campaign where there were actually billboards we put up using Abraham Lincoln's face, you know, bowling and stuff. It had some catchy, you know, kind of phrase to go with it, really, to publicize the work itself ahead of time.

Q Was Mr. Baroni involved in the public outreach effort on the Helix Fix project?

A Yes, I believe that he was.

Q How so?

A On the Helix Fix, I recall Bill being present in at least some of the briefings, the executive briefings that we had. And also when we were getting the word out, Bill actually I think took some weekend days to go door to door with some brochure materials about the Helix Fix and he knocked on doors, as I understand it, you know, in the local community.

Q Is that common for a Port Authority executive to go door to door in a community that's to be affected by an up-coming project?

A For a senior executive Bill's level, I would say no.

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MR. BALDASARRE: Your Honor, could I just have one second with Mr. Feder?

THE COURT: Sure.

MR. BALDASARRE: Thank you, Judge.

Q Okay. Mr. Ma, based on your observations of these things on major road projects, to your

knowledge, what did you understand to be Mr. Baroni's view on giving advance notice to communities about those projects that might impact traffic?

A I would say it's consistent with the Port Authority's general approach, which is to, you know, make sure we got the word out.

Q To your knowledge, at any point prior to September, 2013, did Mr. Baroni express any view indicating that local officials should not be notified in advance of major projects?

A No, I don't recall.

Q Okay, Mr. Ma, I'm going to change now and direct your attention to September, 2013. Are you familiar with the reduction of access lanes from Fort Lee to the upper level toll plaza of the George Washington Bridge during the week of September 9, 2013?

A Yes, I am.

Q And would you understand if I refer to that as the lane reductions?

A Yes.

Q Did you have any advance knowledge of the lane reductions?

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2013, did you review an email about the lane reductions sent by Mr. Foye?

A I did.

Q Okay. Yvonne, could you put up Government Exhibit 1131R, your Honor, already in evidence.

Mr. Ma, do you see that email on your screen?

A I do.

Q Is this the email by Mr. Foye that you reviewed?

A Yes.

Q Did you discuss the contents of this email with Mr. Foye before he sent it?

A No, I did not.

Q Did Mr. Foye send this email to Mr. Baroni and others?

A Yes.

Q After Mr. Foye sent this email, what if anything was done with the local access lanes on September 13th, 2013?

A I think after Pat sent this email, the facility staff, Bob Durando, reopened the lanes.

Q Miss Hardy, you can take that down.

Staying on September 13th, 2013, did you attend any meetings with Mr. Baroni that day?

A I did.

Q Where were those meetings?

A In Mr. Foye's office.

Q And where is Mr. Foye's office. Where was your office

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located?

A At the time it was located in Manhattan, Park Avenue and 19th Street.

Q Mr. Baroni's office was also there?

A Yes.

Q What time was this meeting?

A I don't recall the specific time, but it was late, mid to late morning.

Q Who was there?

A Pat Foye, myself, and Mr. Baroni.

Q And to your knowledge, why were you there?

A Pat asked me to join him at the meeting. I think after that email, he had been in some communication with Bill, where Bill was on his way into the office, and Pat asked me to join him. He said: I want you to join me and hear this.

Q What was Mr. Baroni's demeanor when he arrived for the meeting?

A I would describe it as a little agitated.

Q And what was that observation based on?

A You know, Bill worked with us day to day and, you know, for other meetings before and even after that, you know, you might have a little chit chat about current events or something in the news, and my recollection is that on that day for that meeting we sort of got right into it.

Q Could you describe the conversation between Mr. Foye and

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Mr. Baroni?

A Yes. You know, from my recollection, Bill started the meeting by apologizing to Pat for not telling him about the lane reductions ahead of time. He said, you know, "it's my bad". "It's my bad". And then he went on to ask Pat to reverse his decision or consider reversing his decision, to which Pat said no.



And Mr. Baroni in essence said: You know, this is important to Trenton. Which in, you know, Port Authority parlance, or shorthand, is the New Jersey Governor's Office. I think he said something to the effect of: This is, you know, important to senior people in Trenton. And he went on to say: Trenton may need to call Albany on this. And Albany is where the New York Governor's Office is. And Pat responded: They can go ahead, they can call. I'm not reversing this. And basically my recollection is the meeting ended pretty quickly after that, and Bill said something to the effect of: That's unfortunate.

Q Did Mr. Baroni explain why the lane reductions occurred in the first place?

A I don't recall him giving a reason.

Q During this conversation, did Mr. Foye make any reference to public safety?

A I think he did, yes.

Q What was, in your recollection, what was the nature of his statement?

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A Pat made the comment, my recollection is, when Bill asked him to reverse his decision, and that Trenton might call Albany on this, Pat said something to the effect of: I'm not going to have someone die in the back of an ambulance, not on my watch.

Q Miss Hardy, I'd like to display Mr. Foye's email again. Again, that's Government Exhibit 1131R, which is in evidence. And if you could Miss Hardy, just zoom in on the bottom paragraph.

Mr. Ma, do you recall that Mr. Foye said in his email: This is a matter of public safety?

A Yes.

Q Did Mr. Baroni talk during that meeting about how the safety concerns raised in Mr. Foye's email would be addressed if the lane reductions were reinstated?

A No, I don't, I don't recall him addressing that.

Q Miss Hardy, could you please zoom in on the first numbered paragraph, towards the middle of the page. Thank you.

There it says, after number one, "this hastily and ill-advised decision has resulted in delays to emergency vehicles". Do you recall that, Mr. Ma, that in the email?

A I recall that sentence in his email, yes.

Q Did Mr. Baroni address what Mr. Foye wrote about concerning delays to emergency vehicles?

A No, I don't recall.

Q Miss Hardy, could you please focus on the top paragraph of

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seeking?

A I guess Mr. Coleman was seeking guidance on what to say.

Q Miss Hardy, could you now focus on the top email.

Mr. Ma, who sent this email?

A Bill Baroni.

Q I'm going to read it, your Honor. "Steve, we're good with the following." And then in quotes. "The

Port Authority has conducted a week of study at the George Washington Bridge of traffic safety patterns. We will now review those results and determine the best traffic patterns at the GWB. We will continue to work with our local law enforcement partners.”

Mr. Ma, what was your understanding of the language in quotes?

A My understanding is this was the statement that our media department was going to respond to the inquiries with.

Q It says that the Port Authority has conducted a week of study. Did you have any reaction to that statement?

A I guess I described my reaction as skepticism, deep, deep skepticism that there was any study.

Q Why was that?

A Again, I wasn't aware of any study.

Q And going back to the meeting with Mr. Baroni and Mr. Foye earlier that day, did Mr. Baroni refer during that meeting to traffic safety patterns?

A I don't recall him referring to that.

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Q And the last sentence of the statement, Mr. Baroni writes: “We will continue to work with our local law enforcement partners”. Do you see where it says that?

A Yes.

Q And what was your reaction to that?

A Again, skepticism.

Q Why was that?

A I wasn't aware of the study itself and I wasn't aware of what coordination was needed with local law enforcement partners.

Q To your knowledge, was this statement ultimately issued by the Port Authority?

A Yes.

Q And was it using the same language provided by Mr. Baroni?

A I believe it was.

Q Were you involved in the decision to issue that press statement?

A No, I wasn't.

Q Directing your attention to November, 2013, did you learn that Mr. Baroni was asked to testify about the lane reductions before the New Jersey legislative committee?

A Yes, I did.

Q Did you help prepare Mr. Baroni for his testimony?

A No, I did not.

Q Did you speak with Mr. Baroni before his appearance about

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A No.

Q To your knowledge, did Mr. Baroni do anything to have that policy adopted?

A Not that I'm aware of.

Q One more on the policies. Do you recall that Mr. Baroni told the legislature he was proposing a

policy that would require two weeks notice to local municipalities of non-emergency lane configuration changes?

A Yes.

Q Did Mr. Baroni ever speak about that proposal?

A No, sir.

Q To your knowledge, did Mr. Baroni do anything to have that policy adopted at the Port Authority?

A Not that I'm aware.

Q Do you recall Mr. Baroni's testimony about the allocation of traffic volume in the toll lanes of the upper level toll plaza in the George Washington Bridge?

A Yes.

MR. FEDER: Your Honor, with your permission, I'd like to play a clip from Exhibit 7008. It's admitted into evidence.

THE COURT: Okay.

THE MR. FEDER: Which we'll refer to as 7008A

(Video plays)

Q Do you recall seeing that portion of his testimony?

A I did.

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Q Mr. Ma, what if any reaction did you have at the time when you heard Mr. Baroni describe the Fort Lee lanes as special lanes?

MR. BALDASARRE: Objection. Relevance to his reaction.

THE COURT: I'll allow it.

A I guess I'd describe my reaction as, again, skepticism and I thought it was a mischaracterization of the lanes.

Q Why was that?

A Because from Mr. Baroni's testimony, it made it sound as if those three lanes were dedicated or exclusive just to Fort Lee residents, when my belief and understanding was that these were three access lanes. There's different approaches and different access points to the George Washington Bridge, and this is just one set of them. But it was open and accessible and available to the general, you know, travelling public coming eastbound.

Q After Mr. Baroni's appearance, did you have any conversations with Mr. Baroni in relation to his testimony?

A I did.

Q Can you please describe that interaction?

A I bumped into Bill at our office maybe a day or two after his appearance before this New Jersey legislative committee. I bumped into him in the hallway on the way to the bathroom and I said something to the effect of: Boy, that was some hearing the other day. To which Bill replied, in essence: Yeah, that

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was — I kind of showed them they're not going to pin me down. Pin me on this. Something to that effect.

Q And what was his tone during that encounter?

A I would describe him as just really pumped up about it. You know, maybe triumphant or victorious or something.

Q Turning ahead to December, 2013, did you learn that Mr. Foye had been called to testify before a New Jersey legislative committee regarding the lane reductions?

A Yes.

Q Did Mr. Foye testify on December 9th, 2013?

A Yes, I think that's the date.

Q Before Mr. Foye testified, did you visit Fort Lee?

A We did.

Q With who?

A With — it was Pat, myself, and Chris Valens, as I recall.

Q What did you do then?

A We had gotten in a car from our office in Manhattan and — in anticipation of Pat testifying, you know, a few days, or, you know, the next week. And we just drove up to the GWB ourselves, just in a car, and we just drove basically towards the bridge from the north, you know, from the north, headed southbound towards the GWB. And then from the south, north up towards the GWB all on the New Jersey approach sides.

Q And why did you do that?

A This was in anticipation of Pat's testimony thinking that

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questions might come up on how these access lanes work. And I'd say, you know, I was and I think, you know, Pat and Chris also were generally familiar with how the different approaches at the GWB worked. We just really wanted to drive it ourselves and refresh our

understanding of how the signage worked and how the access lanes actually worked.

Q And what did you learn from that signage?

A From that signage, and just driving it that afternoon, you know, we sort of proved to ourselves, if you will, that if you came up northbound up the New Jersey Turnpike, and you just followed the signs on the highway for the GWB, they would have signs, you know, GWB, alternate route, this exit, that exit, and if you just followed those signs, they would kind of lead you to these, not all of them, but at least one set of them would kind of lead you to these Fort Lee lanes.

Q Now, before Mr. Foye testified, did you obtain any statistical information regarding the local access lanes?

A I did.

Q What information were you seeking?

A I was trying to gather basic information to prepare Pat for his testimony the next week. So I was looking for just, with in the Port Authority, just a good map or diagram showing the GWB and all the different access points and the approach roads and how they worked. And it's just some basic statistical traffic data.

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Q Regarding the George Washington Bridge toll lanes?

A Yes.

Q Who did you ask for that information from?

A I recall asking Allison deCerreno, who's a senior staffer in TB&T department.



Q Did Mr. deCerreño email you the information you requested?

A Yes, she did.

Q Specifically that the statistical data that you requested?

A Yes.

Q Miss Hardy, could you please put up Government Exhibit 1205.

Mr. Ma, do you see that email on your screen?

A I do.

Q Is this the email with the information you received from Miss deCerreño?

A Yes, I think there's an attachment that went with it, a file.

Q Miss Hardy, could you please display Government Exhibit 1219.

Mr. Ma, is this the attachment to that email?

A Yes, it appears to be.

Q And what was your understanding of the data Miss deCerreño used to compile this information?

A My understanding is just from, you know, just traffic data that we maintain for our facilities.

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Q By "we," you mean the Port Authority?

A Yes, sir.

Q Miss Hardy, would you put Government Exhibit 1205 back on the screen and please zoom in on the first numbered paragraph.

May I just read this briefly?

THE COURT: Sure.

Q “During the four-week period, September 16, to October 11, 2013, week days only, the three Fort Lee lanes carried on average 25 percent of the total eastbound GWB UL traffic during the peek morning hours, 6 to 9 a.m. The highest portion of traffic these lanes carried during that period was 29 percent”.

Mr. Ma, did you review that paragraph when Miss deCerreno sent you that email?

A I did.

Q And what was your understanding of the information that this paragraph?

A My understanding was that it, you know, confirmed our belief that the three lanes, three so-called Fort Lee lanes, which are out of 12 total upper level lanes, so it’s a quarter of the lanes, and it carried a quarter of the traffic, so it was proportional. It was what we believed to be the case.

Q And do you recall the clip I just played in which Mr. Baroni referred to the local access lanes as special lanes?

A Yes, sir.

Q After reviewing this information from Miss deCerreno, what

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MR. BALDASARRE: Just briefly.

RE CROSS EXAMINATION BY  
MR. BALDASARRE:

Q Mr. Ma, you’re not a traffic engineer; correct?

A Correct.

MR. BALDASARRE: I have no further questions, Judge.

THE COURT: Mr. Critchley?

MR. CRITCHLEY: No questions, Judge.

THE COURT: Alright. Thank you, Mr. Ma, you're free to go. Have a wonderful day. Watch your step going down out of the witness box.

THE WITNESS: Thank you.

(Witness excused)

THE COURT: Alright, Mr. Khanna, you're standing. You can call your next witness.

MR. KHANNA: Thank you, your Honor. The Government is going to call Tina Lado. But before we do so, I'd like to admit the following exhibits by consent.

THE COURT: Okay.

MR. KHANNA: They are Exhibits 1009, 1032, 1014, 1025, 1042, '41, 1046, 1091, 1102, and 1111.

THE COURT: Okay.

MR. KHANNA: And may we call Tina Lado.

THE COURT: Sure. Those documents will be in evidence, ladies and gentlemen. Call Miss Lado.

CHRISTINA LADO, Sworn.

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THE COURT: Good afternoon, Miss Lado.

You can proceed, Mr. Khanna.

MR. KHANNA: Thank you, your Honor.

DIRECT EXAMINATION BY MR. KHANNA:

Q Good afternoon, Miss Lado.

A Good afternoon.

Q Are you currently employed?

A I am.

Q Where are you employed?

A At the Port Authority of New York and New Jersey.

Q And for how long have you been employed at the Port Authority?

A Nine years, since November, 2007.

Q What's your position?

A I'm the Director of New Jersey Government and Community Relations.

Q And is Government and Community Relations also received to sometimes as GOCOR?

A Yes, it is.

Q That's the acronym?

A Yes, it is, the shorthand.

Q In general terms, what does GOCOR do?

A GOCOR's role is to communicate and provide information on behalf of the agency to local communities in New Jersey that are host communities to our facilities as well as to the public

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on projects, capital programs, issues, things that the Port Authority is working on.

Q Now, you mentioned that you're the head of New Jersey GOCOR; correct?

A Yes.

Q Is there a New York GOCOR as well?

A Yes, there is.

Q And what's distinction between New Jersey GOCOR and New York GOCOR?

A I deal primarily just with New Jersey communities and elected officials, and my counterpart deals with those on the New York City side.

Q And how long have you been the head of New Jersey GOCOR?

A Since it was bifurcated, which I believe it was either the end of 2010 or 2011.

Q Now, what are your general responsibilities?

A Our responsibilities are to contact local officials and communicate with the public along with my public affairs colleagues in the media relations office and the marketing office on any initiative or program that the Port Authority is working on that would have an impact or an effect on the general public or a particular community that a facility is in.

Q I want to direct your attention to between in or around 2010 and 2000 — the end of 2013. During that time, who did you report to?

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A I reported dually, we had — when we had a Chief of Public Affairs, I reported to that person. I also reported to Mr. Baroni.

Q And at the time, what was Mr. Baroni's position?

A He was the Deputy Executive Director at the agency.

Q Now, I believe you mentioned something called a host community?

A Yes.

Q Could you just explain what a host community is.

A Certainly. A host community are those towns that have one of the Port Authority's facilities in it. The City of Newark, Newark Airport is a host community. Cities of Elizabeth, Weehawken, Fort Lee. There are several communities that have Port Authority facilities located within them.

Q And is the George Washington Bridge one of the Port Authority facilities?

A Yes, it is.

Q And Fort Lee, would that be one of the host communities for the George Washington Bridge?

A It is. It's primary host community for the George Washington Bridge.

Q And are there certain times when the Port Authority conducts operations on its bridges or tunnels when post communities are impacted?

A Yes, oftentimes. Any major capital program or project that

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happens, and oftentimes operations and maintenance issues would also impact a community that way.

Q And when the Port Authority does things that can cause impacts into host community, does GOCOR get involved?

A Yes, we do, with my public affairs colleagues, we do.

Q And how does GOCOR first get involved?

A For the most part, the line department, in this case, Tunnels Bridges and Terminals is a line department, would notify us that there is an upcoming project or program that they're going to put into effect. We would have project meetings with the project team as well as with the leadership of the line department with my public affairs colleagues to really learn about whatever the project is going to be, be educated on it, and work — start working on a plan on how we would notify the public as well as the community.

Q And how far in advance of the actual operation would GOCOR get notified?

A Generally as far in advance as possible, once the department is aware they're going ahead. That could be a year ahead, two years ahead in the planning. Our role is we like to be at least two months out just to provide adequate outreach in communications.

Q And once GOCOR is notified that the Port Authority might do something that could cause impacts in a host community, what does GOCOR do in response?

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A I'm sorry, could you restate?

Q Sure. So once GOCOR is notified that the Port Authority is going to do something down the road that could impact a host community, what does GOCOR do at that point?

A Generally with my public affairs colleagues there, media and markets, we work up an outreach plan. We try to determine with the project team just the significance of what's going to happen and the best

ways that we should communicate. Advertising methods, meetings, briefs, materials, media outreach, et cetera.

Q And when bridges and tunnels are involved, are those type of plans there GOCOR participates in, have any goals in relation to traffic?

A Well, with the project team I think everyone is always trying to mitigate the effects that traffic can have. It would be a disadvantage both to the travelling public, those people which who actually using the facility, whether it's the tunnel or bridge, as well as the community. The concern is the traffic doesn't bleed out into the local community and cause additional problems from whatever the planned project is.

Q And what kinds of problems are you concerned about?

A Many times drivers will seek refuge out of congested traffic into local streets. They may not know where they're going, and they just take a side road or — and they end up in the middle of the town, and that is all adding to congestion

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within a town in addition to whatever the construction effect might be from the project.

Q Is that something the Port Authority is trying to avoid?

A Yes.

Q Now, what kinds of steps does — you talked about notifying communities, correct?

A Yes.



Q What kinds of steps does GOCOR take in notifying the community of an up-coming Port Authority operation?

A We would generally begin by looking to meet with the Mayor and his team or her team, just to give them the first look at what the project is, purpose and need for it, why we're doing it, how it's going to be done, how it's going to be staged, the work hours, and then what we think some effects might be and the ways in which we're looking to mitigate those effects or provide assistance on them.

Q And that kind of meeting that you just described, is that done in advance of the operation actually starting?

A Yes, always.

Q And in these discussions with local officials like mayors, is there ever any discussion about safety?

A Yes. Both the safety of the travelling public, safety of people in the town, safety of workers working on the project, always a part of it, yes.

Q Now, I believe you testified about media and marketing.

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A Yes.

Q What are they?

A Media and marketing are two other departments in the umbrella organization of public affairs of which GOCOR is a part.

Q And what is their role as distinguished from GOCOR's role?

A Media relations deals primarily with the media, whether it's social media, traditional media, TV, print, reporters, et cetera. And my marketing colleagues work more on creating messaging, whether it's signs, web content, advertisement, et cetera. That would be communicating more with the general public.

Q And how does — okay, strike that. I'm sorry.

Now, when GOCOR develops a plan to notify local communities about traffic and other impacts of an upcoming operation, are Port Authority executives notified?

A Yes, they are.

Q And going back to 2013, which executives would be notified.

A At that point that would be Mr. Foye, the Executive Director, and Mr. Baroni, the Deputy Executive Director, as well as the director of the department would be involved as well, chief engineer, et cetera.

Q And were you ever present at any — excuse me. Were you ever present in any meetings with Mr. Baroni when he was briefed on GOCOR's plans to notify local communities?

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A Yes.

Q And in those meetings did marketing and media brief Mr. Baroni as well?

A They did.

Q Approximately how many such meetings were you present for where Mr. Baroni was also there?

A I would say, to give you a guess, somewhere in — more than a dozen, probably several dozen meetings in the course of the time.

Q And prior to September of 2013, what was your observation of Mr. Baroni's view towards notifying communities in advance of Port Authority operations?

A Always very interested, supportive of it, encouraging us to come up with as many creative ways to provide communication as possible, very involved.

Q Prior to September of 2013, did you ever observe Mr. Baroni indicating that he did not want potentially impacted communities to be notified?

A No, I did not.

Q And prior to September of 2013, were you ever told not to notify or communicate with local officials or mayors in connection with a traffic study or a traffic test?

A No, I was not.

Q Now, these meetings with Mr. Baroni that you just described, were traffic engineers sometimes present at these

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meetings?

A Yes.

Q And you're not a traffic engineer?

A I am not a traffic engineer.

Q But you were present for some meetings when they were there as well?

A Yes.

Q What kinds of things did they present on?

A Traffic engineers would look at examining, not the project's construction, necessarily, but how that construction, if it's happening at a time when the facility is still open to traffic, how it might back up traffic, how it might impact if various traffic lanes have to be moved for — to accommodate construction. That means traffic gets compacted, it gets congested, and traffic engineering works with — they have a lot of computer modeling that they do to work on what are acceptable times of congestion at facilities. Whether it's, you know, a 10- or 20-minute delay. Is it an hour delay? Is it a two-hour delay? They work to provide that information, which is helpful not only to the project team but also to us so we know how to better communicate on what an expectation will be for people using that facility or in the town.

Q And the type of information you just described, was that the type of information that was presented at meetings where both you and Mr. Baroni were present?

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A. Yes.

Q And based on such interactions with traffic engineers, have you formed a basic understanding of how traffic engineers conduct traffic studies?

A Yes.

MR. BALDASARRE: Objection, Judge.

A I'm not an expert —

MR. BALDASARRE: We're moving into what sounds an awful lot like expert testimony, and we were specifically asked and were told — given no notice of it.

THE COURT: Okay.

MR. KHANNA: Judge, it's perception. I would be asked to be heard at sidebar.

THE COURT: Let me see where you're going, Mr. Khanna. Overruled.

Q Let me repeat the question, Miss Lado.

Based on the meetings where traffic engineers were present, as well as you and Mr. Baroni, did you form a basic understanding of how traffic studies were conducted?

A I understood how they performed their work, that they used primarily computer modeling to do their work. And I was certainly present as they presented their findings to us to help educate us on what they thought we could anticipate with a project.

Q And based on your understanding, did traffic studies at the

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Port Authority involve the actual closure or modifications of lanes or facilities?

A Not to my knowledge, no.

Q Miss Lado, are you familiar with a Port Authority project relating to the helix of the Lincoln Tunnel?

A I am.

Q And what is the helix?

A The helix is the circular roadway that provides the access and egress from the Lincoln Tunnel located in Weehawkin into the Lincoln Tunnel, into New York City.

Q And at a certain point did some work need to be done in connection with that helix?

A Yes. Tunnels, Bridges and Terminals had begun a project called the Helix Fix, which was to provide some repaving work as well as some structural work underneath to the helix system itself over the course of — turned out to be three years.

Q And approximately when did this project begin?

A It began in 2012, I believe. It was scheduled to end in 2014, but it actually concluded in 2015.

Q But prior to the project actually beginning, did — was GOCOR involved in anything in relation to notifying local communities?

A Yes, we were involved in not only many planning meetings prior to that project commencing, but we also provided briefings and information to — in our case, in New Jersey, the

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A Elected officials from New York and New Jersey.

Q Now, in relation to this helix project, did Mr. Baroni have any ideas about what should be done in relation to notice to the local communities?

A Yes. He was very good at coming up with a lot of creative thinking on some kind of out-of-the-box markets ideas that we would have. He also thought it might be a good idea to offer to the two mayors to do a walkthrough of the town in the affected area, literally a kind of knocking on people's door and talking to them about the project. And he suggested that we see if the mayors wanted to go that route.

Q And did you follow up on that?

A I did. I did. I followed up with both — Mayor Stack decided he would handle that outreach.

Q And if you could just, Mayor Stack is from which town?

A I'm sorry. Union City Mayor Stack. He decided he would do that outreach himself. We provided collateral material for that. Mayor Turner in Weehawkin agreed and thought it was a very good idea, and we set up two dates to do a walkthrough in Weehawkin to accomplish that.

Q And did the walkthrough actually happen?

A It did.

Q And did you attend?

A I did.

Q Did Mr. Baroni?

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A He did.

Q And could you describe generally what happened during this walkthrough.

A Yes. Literally we were in the streets in the affected area of the project and we knocked on people's door. If they were home, we talked to them. We had collateral with us to give them a brochure, is what the collateral was. And we literally walked every house in the construction zone to inform people about the project. Not everybody was home, but we spoke to a lot of people that day.

Q And would the impacts of the — that the project was going to have on the community be discussed during those door-to-door?

A They would, briefly, because, again, people only have a few minutes to give you. But we would walk them through what it was, and what we thought they could anticipate. And then we left the brochure with them that had detailed information and contact information in it.

Q And what was the goal of doing this door-to-door?

A The goal was I think to set expectations so people understood this would be a project happening at nighttime, primarily. This was the neighborhood that was most adjacent to the project site, and the concern was, we wanted people to be educated about it, so once it happened, they knew what they were hearing and they also knew that if something was wrong or

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was extraordinarily noisy, that there was avenues and things that we had in place to address those things.

Q And those avenues included what kinds of things?

A There were noise monitoring on site. We had noise monitors set up around the job site. Things like quieting the backup alarms of construction vehicles. Dust, process to keep dust from getting in people's homes during the work time. Things like that.

Q Miss Hardy, if you could please bring up Government Exhibit 1032 and zoom in on the picture to the right.

Miss Lado, do you recognize the scene that that picture is depicting?

A Yes. That is from one of the days that we did the walk in Weehawkin.



Q And do you recognize the people in that scene?

A Mayor Turner, Mr. Baroni, and a resident, and I don't know the resident.

Q And Mayor Turner again was the —

A Richard Turner, Mayor of Weehawkin.

Q Now, in connection with the helix project, do you recall sending Mr. Baroni an email about some of the things that were being done to mitigate the impacts of the project?

A I may have done that.

Q If you could please bring up, Miss Hardy, Government Exhibit 1025.

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Miss Lado, is this an email that you sent to Mr. Baroni on March 7th, 2012?

A Yes, it is.

Q And what is the email addressing?

A This is — the email is cover to an attachment which was a briefing document on the project for the Port Authority Chairman, for his notification.

Q And Mr. Baroni asked for this?

A He did. He asked me to prepare it.

Q If we could just go to the next page, towards the bottom half. And you drafted this document, Miss Lado?

A I did.

Q Do you see where it says "traffic management"?

A Yes.

Q What is that section addressing?

A That's addressing how — while the project is ongoing, that the project team has worked out its protocols to manage traffic on the helix while the work is ongoing. During that work, lanes would close at different times to accommodate the construction, but traffic also needed to be accommodated and there were also diverted traffic routes, et cetera, to be used. There was coordination with law enforcement between the Port Authority Police Department and the Weehawkin and Union City Police Departments to address any traffic in that regard.

Q And do you see three bullets down where it says: Police

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will utilize control signalized intersections?

A Yes.

Q What did that mean?

A That means that the police actually operate the traffic signals at the intersections rather than being on an automatic timer, or in a loop system, the way many of your intersections are done. The police would actually be there to monitor and allow the traffic to flow.

Q And what's the purpose of that?

A The purpose is you have somebody on the ground who's actually seeing it so they know if, if there's a backup or one intersection, the traffic needs to flow in one direction or another because I get more traffic coming east to west or north to south. And with an officer there, they're on the ground, they're seeing it, and they are actually managing those lights and controlling the flow of that traffic.

Q And that would happen even though this project was overnight?

A Yes.

Q Thanks, Miss Hardy.

Miss Lado, outside of the helix project, did Mr. Baroni communicate with other local officials in connection with impacts that Port Authority operations could have on host communities?

A Yes, oftentimes.

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through there. Is a route that a lot of people use to go to the Jersey shore. And she wanted to make sure on Saturday morning the traffic wouldn't be backing up into town.

Q And did Mr. Baroni have any response to that concern?

A He did. He told her he was concerned about that as well. And he had indicated that the project would not be happening on Saturday mornings so that we could mitigate that.

Q To address the concern?

A Yes.

Q Were you present at any meetings with Mr. Baroni with any local officials from Jersey City?

A Yes. We had several meetings with former Mayor Jeremiah Healy and his staff.

Q And at whose work were those meetings?

A I think they were most likely at the Mayor's request but we could have requested them as well, I don't recall exactly.

Q Now, when Mr. Baroni met with local mayors, did he ever, in your presence, did he ever make any statements about those — about how those officials should contact the Port Authority or Mr. Baroni?

A Yes, he often indicated they could contact him directly. They should, you know, if they couldn't get him, they could call me, they could call our staff. There were numerous ways for folks to reach us.

Q Outside of anything that happened in Fort Lee in September

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of 2013, based on your interactions with Mr. Baroni, are you aware of any instance where Mr. Baroni refused to talk with or meet with a public officials who wanted to communicate with him?

A Not to my knowledge, no.

Q And outside of anything that happened in Fort Lee in September of 2013, was GOCOR ever not notified about a Port Authority operation that could substantially impact traffic in a host community well in advance of that operation?

A Not to my knowledge, no.

Q And outside of what happened in September of 2013, of anything that may have happened in September of 2013 in Fort Lee, were you ever instructed by any Port Authority executive not to reach out to local officials or mayors in connection with a Port Authority operation?

A No.

Q Miss Lado, in your capacity as the head of New Jersey GOCOR, did you have occasion to interact with the Mayor of Fort Lee, Mark Sokolich?

A Yes, several times.

Q And what would cause such an interaction?

A We would contact the Mayor if we had a project or a program happening there that we wanted to give him information on. Oftentimes he would contact us if he had issues or concerns that he wanted to address.

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Q And did you have any occasion to interact with Mayor Sokolich when Mr. Baroni was present?

A Yes, several times.

Q And based on those interaction, do you have occasion to observe Mayor Sokolich and Mr. Baroni's relationship?

A Yes, I did.

Q Prior to September of 2013, what was your observation of the nature of that relationship?

A It was very cordial, it was professional, it was very friendly. They had a very good relationship.

Q Did Mr. Baroni seem responsive to the Mayor's concerns?

A Yes, definitely.

Q Now, during these interactions where Mr. Baroni was present and you were present, did Mayor Sokolich raise any issues related to traffic?

A Yes. He had several concerns about gridlock that was happening occasionally through town. Just due to the congestion, the volume of the George Washington Bridge and that many times drivers will try to find an easier way to get to the toll plaza, so they'll kind of snake through town to do that and that creates gridlock in addition to just regular local traffic.

Q And did Mr. Baroni — how did Mr. Baroni respond when the Mayor would bring this up?

A I believe he always offered to meet and to discuss it and

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A Yes, it is, yes.

Q And then right above that, on — one minute later, did he respond to you?

A He did.

Q And what did he say?

A He said: Great, let's get the price to Mark.

Q And what was your understanding of what that meant?

A That he agreed. He thought the information I provided sounded fine, and that I should go back to the Mayor and let him know what we had come up with and see if we could then make it happen.

Q Miss Lado, I want to direct your attention to September of 2013. Are you familiar with the Port Authority's reduction of access lanes to the George Washington Bridge from the Borough of Fort Lee, New Jersey?

A Yes.

Q Is it okay if we refer to that as the lane reductions?

A Yes.

Q Did you have any knowledge of the planning of the lane reductions?

A No, I had no knowledge of the planning

Q When did you first hear of that?

A I received a phone call late Friday afternoon of that — prior to that weekend, from Mr. Durando the general manager of the bridge.

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Q Friday before the Monday that the lane reductions started?

A Yes, Friday before the Monday, yes.

Q And as a result of that phone call, what did you learn?

A Mr. Durando told me that there was going to be a lane change at the bridge the following —

MR. BALDASARRE: Objection, Judge.

THE COURT: Sustained.

MR. KHANNA: It informs her action, but I'm fine.

THE COURT: Just rephrase the question.

Q That's fine, I'll move on. Thank you, your Honor.

Now, the next day — I want to direct your attention to Monday of September 9th. At any point that day did you receive any communications from Fort Lee officials?

A Yes, I got — received phone calls from the Fort Lee Administrator, Peggy Thomas.

Q And if you could just explain what is the Fort Lee Administrator?

A She's the full-time employee at the town who takes care of all matters that happen in the town for the Mayor. The Mayor is not a full-time position, it's a part-time position.

Q And after getting that call from the administrator, did you reflect that the substance of that call in an email?

A I did.

Q And who did you send that email to?

A I sent that email to Mr. Baroni and Mr. Wildstein, and Mr.

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Fulton, the director of the department.

Q Could we please go to Government Exhibit 1091.

Miss Lado, could you please read that email to the members of the jury.

A Certainly. "Wanted you both to have a heads up. Peggy Thomas, Borough Administrator, called me regarding the increased volume and congestion of a.m. rush traffic throughout the Borough as a result of the GWB toll lane adjustment that occurred. She mentioned there were two incidents that Fort Lee PD and EMS had difficulty responding to, a missing child, later found, and a cardiac arrest. She additionally stated that the Borough and the PD had no advanced notice of the planned change. Also, Bill, the Mayor had placed calls to your office. Is there anything you need me to do? Let me know. Thank you."

Q Miss Lado, after sending this email, did you hear any response from Mr. Wildstein or Mr. Baroni?

A I did not.

Q Were you asked by either of them to reach out to Mayor Sokolich or anyone else in Fort Lee?

A No.



Q Now, later during that week of September 9th, did you have occasion to interact with Mayor Sokolich?

A Yes, he called me, I believe, Tuesday, Wednesday and Thursday that week.

Q And did you reflect the substance of that conversation in

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an email?

A I believe I did, yes.

Q And did you send that email?

A I did.

Q To who?

A I believe I sent it to Mr. Baroni's assistant, Mat Bell.

Q And do you recall one you sent directly to Mr. Baroni?

A I may have. I certainly may have. I don't recall, but I certainly may have.

Q Could we bring up Government Exhibit 1102.

Is this an email you sent to Mr. Baroni, Miss Lado?

A Yes, it is.

Q And that's on September 10, 2013?

A Yes, this was following a phone call with the Mayor.

Q With Mayor Mark Sokolich?

A Yes.

Q And could you please read that email to the members of the jury.

A Certainly. “Fort Lee Mayor Mark Sokolich called this morning regarding the traffic in Fort Lee. ‘Reasons unclear to us’. The Mayor would like to talk to you as soon as possible regarding the traffic congestion due to the changes in GWB toll booths configuration. He remains concerned. Doesn’t understand the purpose need of the traffic test and doesn’t understand why the Borough was not alerted. Additionally, he

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said that he is trying to ‘keep a lid on this’ politically and is getting pressure from members of Borough council who want to take some action. He feels this is a “life safety” issue. One example that occurred on Monday, 9/9, was Fort Lee volunteer ambulance attendants had to respond on foot leaving their vehicle to an emergency call. He was calm, but again reiterated he wants to talk to you. Let me know if you need anything additional. Thank you.”

Q Now, after sending this email to Mr. Baroni, did you hear back from him?

A I did not. I did not.

Q And was it out of the ordinary for you not to hear back from Mr. Baroni in connection with calls — or calls or emails from local officials?

A Yes, it was very unusual.

Q Now, you mentioned an email to Mat Bell; correct?

A Yes.

Q Who is Mat Bell?

A Mat Bell was Mr. Baroni’s assistant at the time.

Q And during the week of September 9th, was there an occasion where you sent an email to him?

A I did.

Q Okay. Could we please go to Government Exhibit 1111. If we could please zoom in. If we could go to the bottom of the email, please.

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Is this an email you sent to Mr. Bell?

A It is.

Q And why did you send this email?

A My attempts with Mr. Baroni had not — I hadn't received anything back, so I thought perhaps if I got it to his assistant, he would see him physically and might be able to give it to him and the message could be relayed more quickly, perhaps.

Q And in this email you say: "Mat, Fort Lee Mark J. Sokolich called again. Same issue". Correct?

A Yes.

Q What were you referencing there?

A Following up on the same calls the week the Mayor had made about the traffic at the bridge, the toll lane.

Q And then you said, "office and cell," and listed those

numbers; right?

A Correct.

Q And whose numbers were those?

A The Mayor's.

Q And then at the bottom you said: “Can you let me know if Bill would like me to return the call”. Correct?

A Yes.

Q Why did you state that?

A Just in case he, for some reason, he wasn’t able to return it himself and I could do it and provide some information to

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the Mayor.

Q Now, after you sent this email to Mr. Baroni, did you hear — excuse me, to Mr. Bell, did you hear from Mr. Baroni at any point that day?

A I received a phone call from Mr. Baroni.

Q And was that shortly after the email?

A I believe it was fairly soon after, yes.

Q And what was Mr. Baroni’s demeanor on this call?

A He was rather curt and very short on the phone, not his usual demeanor.

Q And what did he say to you?

A He said to me that they had been looking at phone bills for GOCOR and had found that we had high charges on our outgoing phone calls, so we needed to be careful and not make any unnecessary calls outside, particularly to, you know, to New Jersey.

Q And did he ask you anything after he said that?

A He asked me if I understood what he said, and I said: I believe I know what you’re saying.

Q And what was your understanding as to what Mr. Baroni was saying?

A What I took from that is he did not want me to call back Fort Lee.

Q And why did you take that from that?

A It was the only outreach I had made to him that week

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regarding a problem with a town that I was calling him about.

Q And are you responsible for reviewing and managing GOCOR's budget?

A Yes, I am.

Q And at that time was there any budgetary concern relating to phone usage?

A Not that had been pointed out to me, no.

Q At any point before or after this conversation did Mr. Baroni ever raise with you any concerns in relation to GOCOR's budget?

A No.

Q Did he ask you to cut costs in anyway, whatsoever?

A No, he did not.

Q Miss Lado, I want to direct your attention to November, of 2013. Did you in any way gain an understanding that Mr. Baroni would appear before a New Jersey legislative committee on the lane closure issue?

A Yes. We had received a letter to appear before the committee to Mr. Baroni and Mr. Foye that came

in from Chairman John Wisniewski and I passed that letter on.

Q And did Mr. Baroni ultimately appear before the legislature?

A He did ultimately appear before the legislature.

Q Did you watch or listen to his testimony?

A I listened to it online in my office.

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Q Do you recall Mr. Baroni at that testimony speaking about certain policies he was proposing?

A Yes.

Q And did you hear that one of the policies that was being proposed was the Port Authority would give two weeks notice to local municipalities in relation to a lane configuration lane?

A Yes.

Q If such a policy would be put into place, would GOCOR be the one to implement it?

A Yes. We would notify the town, yes.

Q Did Mr. Baroni at any point ever speak about any such policy proposal?

A No.

Q To your knowledge, was any such policy ever formally proposed or put in place at the Port Authority?

A Not to my knowledge.

Q And prior to September of 2013, what was GOCOR's practice in terms of giving advanced notice to host communities of traffic lane changes that could impact local communities?

A As with any project, we would always want to provide as much advanced notice as possible. Several months, if possible, would be ideal. The sooner you get out, the better it is to communicate with folks about a big change.

Q During Mr. Baroni's November testimony, do you recall him talking about communication breakdowns or failures in relation

Page 180

to the lane reductions?

A Yes.

Q And at the Port Authority, what entity dealt primarily with interacting with local officials like Mayor Sokolich?

A My department.

Q You?

A Yes, me and my department, yes.

Q And what was your reaction when you heard Mr. Baroni's statements about communication breakdown and failures?

A I thought —

MR. BALDASARRE: Objection.

THE COURT: I'll allow it.

Q What was your reaction when you heard Mr. Baroni's testimony about communication breakdowns or failures?

A I thought it was untruthful.

Q And why is that?

A I knew that I had been trying throughout the week to communicate with him to provide information to the town and those efforts were not fruitful.

Q Excuse me, those efforts —

A They were not fruitful. I didn't have any response back to communicate back to the town.

MR. BALDASARRE: Judge, I'd just object to the characterization as "untruthful".

THE COURT: That was her reaction.

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MR. BALDASARRE: I understand that, but respectfully, her reaction —

THE COURT: Your objection is noted, it's overruled.

It's 2:30.

MR. KHANNA: Judge, I literally, I apologize to the jury, I literally have two more minutes.

THE COURT: Okay. Alright, you guys are good?

MR. KHANNA: Thank you for your patience.

THE COURT: I like that, thumb's up.

Q By making the statements in his testimony, Miss Lado, about communication failures and breakdown, did you feel that Mr. Baroni was protecting you in anyway?

A No, I did not.

Q At any point between September 12th, 2013, and the time Mr. Baroni resigned from the Port Authority, did Mr. Baroni at any point talk to you about how communications could have been better handled in relation to the lane reductions?



A No.

Q Did he ever make any suggestions to you as to how such situations could be handled differently in the future?

A No.

Q Did he ever had have any discussions about how Port Authority communications could be altered in any respect whatsoever to ensure no communication breakdowns in the future?

A No, none that I recall.

\* \* \*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CRIMINAL ACTION 2:15 cr-193-SDW

UNITED STATES OF	:	TRANSCRIPT OF
AMERICA,	:	PROCEEDINGS
	:	
-vs-	:	TRIAL
	:	
WILLIAM E. BARONI JR.,	:	Pages 1 – 191
and BRIDGET ANNE	:	
KELLY,	:	
Defendants.	:	
-----	:	

Newark, New Jersey  
September 23, 2016

B E F O R E: HONORABLE SUSAN D. WIGENTON,  
UNITED STATES DISTRICT JUDGE  
AND A JURY

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

PAUL FISHMAN, ESQ., UNITED STATES  
ATTORNEY  
BY: DAVID FEDER, ESQ.  
LEE CORTES, ESQ.  
VIKAS KHANNA, ESQ.  
Attorneys for the Government

BALDASSARE & MARA, LLC  
BY: MICHAEL Z. BALDASSARE, ESQ.  
JENNIFER MARA, ESQ.  
Attorneys for Defendant Baroni

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Pursuant to Section 753 Title 28 United States Code,  
the following transcript is certified to be an accurate  
record as taken stenographically in the above entitled  
proceedings.

S/Carmen Liloia  
CARMEN LILOIA  
Official Court Reporter  
(973) 477-9704

\* \* \*

A Yes, we're still on a family plan. Thanks for mentioning that.

Q Alright, Mr. DeJesus, if could you give me — go to the unredacted entry. If you could just zoom in on that for me.

Mr. Mowers, do you recognize the telephone number that's listed there?

A Yes.

Q Whose telephone number is that?

A It's the cell phone number for — or at the time was the cell phone number for Bridget Kelly.

Q And what is the date and time of this entry?

A August 12th, post 7:07 p.m.

Q And is that your recollection of the date and time of the call you had with Miss Kelly?

A Yes.

Q Can you speak tell the jury what you discussed with Miss Kelly when she called you on August 12th.

A At first, you know, she called and we exchanged pleasantries about her kids and, you know, tell them Pete said hi. And then she asked about whether, you know, Mayor Sokolich is definitely not endorsing, right? Correct. Not going to happen. No change? I said that's right. She said: Great, that's all I needed to know. And I think we exchanged some further pleasantries and the call ended.

Q And in terms of not going to endorse, just what did you

understand that to mean, the question? Endorse who?

A That would be referring to endorse Governor Christie's re-election campaign.

Q And do you know what prompted Miss Kelly to call you about Mayor Sokolich?

A I don't.

Q Did she tell you?

A No.

Q Do you have any understanding of what Miss Kelly meant by: "That's all I needed to know"?

A No.

Q Mr. Mowers, I want to direct your attention now to September 9th of 2013. Did there come a time when you received an email from Miss Kelly?

A Yes.

Q Where were you employed at the time?

A I was on the Christie for Governor campaign.

Q When was she employed?

A In the office of the Governor.

Q Did you report to her at that time?

A No.

Q What was Miss Kelly's email about?

A I think she just asked something along the lines of had I heard from Mayor Sokolich in a while.

MR. CORTES: Your Honor, the Government would offer

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A Yes, it was.

Q So let's return now and talk a little more about the Port Authority and your position and Mr. Baroni's position.

When did — what was Mr. Baroni's position at the Port Authority?

A He was the Deputy Executive Director.

Q And who appointed him to that position?

A Governor Chris Christie.

Q Where does that position fall within the hierarchy of full-time employees at the Port Authority?

A It was the number one position on the New Jersey side.

Q And as a technical matter, though, is there an Executive Director and a Deputy Executive Director?

A Yes.

Q And as a technical matter, where does the Deputy Executive Director fall?

A As a technical matter, the Deputy Executive Director would be the number two position.

Q And is that how you viewed the hierarchy?

A No.

Q How did you view the hierarchy?

A I viewed the Port Authority having equal responsibility to the states of New Jersey and New York. And I viewed it as a 50/50 partnership, not with any one state having more authority than the other.

Q And do you know if Mr. Baroni shared your view?

A Yes, sir, he did.

Q How do you know that?

A Mr. Baroni and I discussed that many, many, many times.

Q Are you familiar with the Port Authority's by-laws?

A Yes, I am.

Q What powers does the Deputy Executive Director have pursuant to the Port Authority's by-laws?

A To the best of my knowledge, I read them, the Deputy Executive Director has no by-law power.

Q By comparison, what power does the Executive Director have?

A The Executive Director has considerable power.

Q As the Deputy Executive Director of the Port Authority, what were Mr. Baroni's responsibilities?

A Mr. Baroni's responsibilities were to watch out for New Jersey's interests at the Port Authority and that included a number of — a number of areas, whether it was the administration of the agency or supervision of facilities who were working on capital projects.

Q As the Deputy Executive Director in that role, though, was he responsible for the general supervision of all aspects of the Port Authority's business?

A Yes.

Q Including the operations of Port Authority transportation facilities?

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A Yes.

Q Now, did there come a time when you were hired at the Port Authority?

A Yes. I was hired, I began in May of 2010.

Q Who hired you?

A Mr. Baroni hired me.

Q What were your job responsibilities?

A My job was to act as Mr. Baroni's Chief of Staff, to fulfill those types of responsibilities that would normally be fulfilled by a chief of staff position.

Q How did it come about that you were hired at the Port Authority?

A Mr. Baroni offered me the position. After he was appointed to the Port Authority, he asked me if I wanted to join him there.

Q And what was — do you recall when this — these discussions started?

A I believe this would have been February of 2010, somewhere thereabouts.

Q How did you respond?

A Initially I said no, that I would have no interest in doing that.

Q Why did you say no?

A I said no because I didn't think that working within the Government would be something that was a good fit for me.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CRIMINAL ACTION 2:15-cr-193-SDW

UNITED STATES OF	:	TRANSCRIPT OF
AMERICA,	:	PROCEEDINGS
	:	
-vs-	:	T R I A L
	:	
WILLIAM E. BARONI JR.,	:	Pages 1 – 180
and BRIDGET ANNE	:	
KELLY,	:	
Defendants.	:	
-----	:	

Newark, New Jersey  
September 26, 2016

B E F O R E: HONORABLE SUSAN D. WIGENTON,  
UNITED STATES DISTRICT JUDGE  
AND A JURY

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

PAUL FISHMAN, ESQ., UNITED STATES  
ATTORNEY  
BY: DAVID FEDER, ESQ.  
LEE CORTES, ESQ.  
VIKAS KHANNA, ESQ.  
Attorneys for the Government

BALDASSARE & MARA, LLC  
BY: MICHAEL Z. BALDASSARE, ESQ.  
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S/Carmen Liloia  
CARMEN LILOIA  
Official Court Reporter  
(973) 477-9704

\* \* \*

Q Thank you, Miss Hardy.

Mr. Wildstein, directing your attention now to in or about March, 2011. Did there come a time when you visited the George Washington Bridge?

A Yes.

Q Why?

A Port Authority Office of Operations Standards was reviewing an issue pertaining to the number of toll collectors at the George Washington Bridge. And I went one morning during that review to observe it myself.

MR. BALDASARRE: Judge, I object to anything else about 2011 as outside the scope.

THE COURT: Objection noted. It's overruled.

Q Who were you with?

A I was with Mr. Baroni and employees of the George Washington Bridge.

Q And what time were you there?

A I believe it was early in the morning. It may have been a little before 7, a little after 7.

Q Where did you go specifically?

A Specifically I went to an operations center that is located parallel to the upper level of the George Washington Bridge, slightly past the toll plaza.

Q Did there come a time when you observed approaches to the toll plazas to the George Washington Bridge?

A Yes.

Q And had you ever reviewed the approaches to the bridge that closely before?

A No, I never seen the bridge any closer than being in a car going over the bridge.

Q What did you observe at that time?

A I observed three lanes. Three lanes furthest to the right, furthest to the southside of the upper level of the George Washington Bridge where there were cones allowing traffic to come from what looked to me to be local streets, and that those lanes were moving more quickly than the other nine lanes on the upper level.

Q Did you ask any questions?

A I did. I asked what those three lanes were about.

Q Who did you ask?

A I asked Bob Durando, who is the General Manager of the George Washington Bridge. He was with Mr. Baroni and I at the time.

Q How did Mr. Durando respond?

A Mr. Durando explained that these were lanes that were being set aside during the morning rush for Fort Lee local traffic. He explained to me that those lanes had been set aside at the request of a previous Mayor of Fort Lee to a previous Governor of New Jersey.

Q What did you think about those access lanes?

A I noticed the traffic moving more quickly through those lanes and I immediately thought that this would be — this would be a potential leverage point with Mayor Sokolich down the road. That these lanes had been given to a Mayor by a Governor and perhaps that would be leverage in the future.

Q Can you explain why that thought occurred to you?

A Yes. Because I — Mr. Durando had explained that those three lanes were given to Fort Lee in order to reduce local traffic in Fort Lee.

Q Did you know if that was true?

A No, I didn't know if it was true. I only knew what Mr. Durando had told me.

Q What do you think would happen if that cone line were removed during the rush hour?

A I thought the traffic would back up in Fort Lee.

Q After you had this thought about the cone line, did you discuss it with anyone?

A Yes. I discussed it with Mr. Baroni.

Q Why tell Mr. Baroni?

A I wanted to point it out to Mr. Baroni as a potential leverage point for Mayor Sokolich.

Q How did Mr. Baroni respond?

A Mr. Baroni had responded that he had seen what I saw and understood that that was — he told me — he agreed that that was a potential leverage point in the future.

Q Other than Mr. Baroni, did you share your thought about using those lanes as leverage with anyone else at or around that time?

A Yes. At some point I shared what I had seen at the bridge with Mr. Stepien, and explained to him that I had identified a potential leverage point.

Q Why did tell that to Mr. Stepien?

A My relationship with Mr. Stepien was that he expected me to give him information that might help him to secure endorsements.

Q Did you seek to use this leverage at the time?

A No. No, sir, at the time I did not.

Q Why not?

A At the time Mayor Sokolich and the Governor's Office had a good relationship and there was no need to use that as lev — there was no need for any leverage at all.

Q At any time prior to August, 2013, did you take any steps to evaluate the traffic using those lanes?

A No.

Q I'll direct your attention now to in or about March of 2013. Did there come a time that you learned about the status of Mayor Sokolich's endorsement?

A Yes, there was.

MR. CORTES: And your Honor, Government offers Government Exhibit 95. Any objection to Governmented 95.

\* \* \*

A After Mr. Stepien left the Governor's Office, Miss Kelly was promoted to Deputy Chief of Staff.

Q And did your interactions with Miss Kelly change?

A Yes, they did.

Q Can you explain how?

A They became more frequent. Issues — Port Authority issues that I had previously dealt with Mr. Stepien on, I was not now asked to deal with Miss Kelly on.

Q What about issues that you had previously dealt with Miss Kelly on?

A Miss Kelly asked that I continue those issues with her as well.

Q Directing your attention now to in or about June of 2013. Do you recall a proposed Port Authority agreement with Fort Lee?

A Yes, I do.

Q And what was the subject matter of that agreement?

A The subject of that was a renewal of a contract between the Port Authority and the Borough of Fort Lee where the Port Authority would pay for snow removal and street cleaning on Fort Lee's streets in the area around the George Washington Bridge.

Q Now, before we talk about that agreement, Mr. Wildstein, so prior to that June, 2013 timeframe, had you discussed Mayor Sokolich and the access lanes with Miss Kelly?

A At some point I had discussed with Miss Kelly. I had told Miss Kelly what I had told Mr. Stepien regarding the access lanes and using them as a potential leverage point.

Q How did Miss Kelly respond to that?

A When I explained to Miss Kelly the three lanes at the upper level and feeding into the GWB, Miss Kelly understood — Miss Kelly expressed to me that she understood exactly which lanes I was talking about and understood their impact.

Q And during this interaction with Miss Kelly about the lanes, did you discuss Mr. Stepien at all?

A Yes, I told Miss Kelly that I had told Mr. Stepien this.

Q And how did you meet that conversation with Miss Kelly?

A I left it as open-ended. That now she was aware of a potential point of leverage with Mayor Sokolich and if it was needed, to let me know. There was no discussion at that point about implementing it.

Q Now, directing you back to June of 2013, was there a primary election in June of 2013?

A Yes, there was.

Q And at or around that time, do you recall discussing Mayor Sokolich with Miss Kelly again?

A Yes.

Q In substance, what did you discuss?

A We discussed where Mayor Sokolich was in terms of the endorsement and that there was less of a likelihood that



Mayor Sokolich would make an endorsement.

Q And what was Miss Kelly's demeanor in this conversation?

A Miss Kelly wasn't happy that Mayor Sokolich was not coming on board at a time when a lot of other Democratic mayors and officials were — had already and were about to do so, to support Governor Christie.

Q What if anything did you tell her?

A I told Miss Kelly that if she wants the Port Authority to close down those Fort Lee lanes to put some pressure on Mayor Sokolich, that that can be done.

Q What was her response?

A She listened to what I said and said she would let me know.

Q Now, coming back to the proposed agreement between the Port Authority and Fort Lee, your Honor, the Government offers Government Exhibit 1052, with consent.

THE COURT: Okay, 1052 will be in evidence.

Q Miss Hardy, can you give me all the way.

Mr. Wildstein, do you recognize this?

A Yes, I do, I recognize this as an email exchange between me and Karen Eastman and then to Bridget Kelly.

Q And who is Karen Eastman?

A Karen Eastman is the secretary to the Board of Commissioners, she is the board secretary for the Port Authority.

Q And what is the subject of Miss Eastman's email to you?

\* \* \*

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A Yes, August 13th was the special primary election for an unexpired term in the United States Senate.

Q Did there come a time that morning when you received an email from Miss Kelly?

A Yes.

Q Miss Hardy — I'm sorry, your Honor, Government offers Government Exhibit 145.

THE COURT: On consent?

MR. CORTES: On consent. Thank you.

THE COURT: Alright, 145 will be in evidence.

Q Mr. Wildstein, do you recognize this?

A Yes, sir, I do.

Q What is this?

A This an email from Miss Kelly at 7:34 on August 13th 2013.

Q Did you keep this regular email in your gmail account?

A Yes, sir, it is.

Q Is this a copy of your regular gmail account?

A Yes, sir.

Q Showing you a copy of Miss Kelly's email to you on August 13th, 2013, at 7:35 p.m. Can you please read it?

A "Time for some traffic in Fort Lee."

Q And how do you respond?

A I responded by saying: "Got it."

Q When did you respond?

A I responded — what looks — I responded a minute later.

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Q What did you understand Miss Kelly to mean by time for some traffic problems in Fort Lee?

A I understood that to mean it was time to change the lane configurations, the upper level of the George Washington Bridge in order to create traffic in the Borough of Fort Lee.

Q What did you mean by your response of "got it"?

A Got it, meaning got your email, I understand, and I'll be on it.

Q Did you think Miss Kelly was joking?

A No, sir, I did not think she was joking.

Q Why not?

A Miss Kelly and I joked in emails before. I didn't get the impression this was a joke, and my impression at the time, as I remember it, was I didn't think it was a joke.

Q Do you know what prompted Miss Kelly to send this email on August 13th, 2013?

A No, I don't.

Q What did you think when you received this email?

A I remember thinking that I was a little surprised that this late that Mayor Sokolich, the point of leverage on Mayor Sokolich would be exercised.

Q After you received Miss Kelly's "time for some traffic problems" email that morning, did there come a time when you discussed it with Mr. Baroni?

A Yes, there was.

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Q How did you speak with him?

A I spoke with Mr. Baroni on the telephone.

MR. CORTES: Your Honor, just a moment?

THE COURT: Sure.

Q Your Honor, so the Government offers Government Exhibits 5002B, 6004A, 6009A, and 6010A, as well as 6013, all on consent or by stipulation.

THE COURT: Okay. So 5002B, 6004A, 6009A, 6010A, and 6013?

MR. CORTES: Yes, your Honor.

THE COURT: Those will be in evidence.

Q Thank you, your Honor.

Your Honor, may I approach the witness?

THE COURT: You may.

Q Mr. Wildstein, I'm handing you certain exhibits, just ask you to take a look at those. Mr. Wildstein, for each one of those documents when you've taken a look at them, can you just identify the Government Exhibit number and then what those documents are for and then I'll ask you some specifics about them?

A Yes. 6002B is a record of my cell phone, my telephone records.

Q And who — and what provider are those records from?

A AT&T.

Q And what are the last four-digits of your sent?

\* \* \*

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Q And was his line available at your desk?

A Yes, sir, it was.

Q Now, Mr. Wildstein, in your experience with Mr. Baroni, also receive calls that were transferred?

A Yes, I did.

Q Transferred from who?

A Transferred from one of his assistants or from my assistant.

Q Now, Mr. Baroni, on the morning of August 13th, 2013 —

THE COURT: Mr. Wildstein.

Q I'm sorry, Mr. Wildstein, on the morning of August 13, 2013, do you recall speaking with Mr. Baroni?

A Yes, I do recall that morning.

Q And do you recall where Mr. Baroni was?

A Yes. That was the day of the primary election, the special primary election for United States Senator. Mr. Baroni was in Hamilton, he was visiting polling locations.

Q Did there come a time that morning when you told Mr. Baroni about Miss Kelly's email?

A Yes, I did.

Q What did you tell him?

A I told him that I received an email from Miss Kelly that I viewed as instructing me to begin to put leverage on Mayor Sokolich by doing a lane closure.

Q How did Mr. Baroni respond?

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A Mr. Baroni was a little surprised that it was coming this late and he asked how I was going to do that. And I told him I was going to think about it and we would talk about it later.

Q Did there come a time when you spoke with Miss Kelly on August 13th, 2013, by telephone?

A Yes, there was.

Q And I'll refer you to Government 6013. Can you identify a phone entry between yourself and Miss Kelly?

A Yes, I can identify 5:48 p.m. from Miss Kelly's cell phone nobody, 3448, to my landline at the Port Authority, 6607.

Q And how long was — approximately how long was that conversation?

A Sixteen minutes and 30 seconds.

Q And do you recall having a telephone conversation with Miss Kelly following her email?

A Yes, I do.

Q Please describe that conversation?

A I referred to the email I received from her this morning, Miss Kelly that morning. I established on that call that this was something that Miss Kelly wanted done. And I told her that — I asked her to give me a week so that I could put together a plan and come

back to her and let Miss Kelly know what that plan would entail.

Q Did you discuss Mr. Baroni with Miss Kelly?

A Yes, I did.

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Q What did you discuss?

A I told Miss Kelly that I had spoken to Mr. Baroni.

Q What did you tell her?

A I told her that Mr. Baroni, you know, was informed that he's on board as well.

Q Following this email from Miss Kelly, did there come a time when you discussed Mayor Sokolich's endorsement status with her?

A Yes, there was.

Q What did she tell you, if anything?

A Miss Kelly told me that Mayor Sokolich was not endorsing

Q Governor Christie?

A Yes, she told me, Miss Kelly told me that Mayor Sokolich was not endorsing Governor Christie's campaign.

Q Did Miss Kelly tell you why she wanted to cause traffic problems in Fort Lee?

A No — I'm sorry, could you repeat that?

Q Sure. Did Miss Kelly tell you why she wanted to do this in Fort Lee?

A She told me that the reason was to send Mayor Sokolich a message.

Q Did she indicate why?

A Yes. The invitation was that Mayor Sokolich needed to fully understand that life would be more difficult for him in the second Christie term than it had been on the first.

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Q Did you agree to change those lanes to cause traffic problems in Fort Lee?

A Yes, sir, I did.

Q For what purpose?

A For the purpose of causing — of punishing Mark Sokolich, of creating a traffic jam that would punish him, send him a message.

Q Was there any other reason to change those lanes?

A No, there was not.

Q Any business reason of the Port Authority?

A None.

Q Was changing these lanes for this purpose a legitimate use of Port Authority resources, as you understood it?

A No, it was not.

MR. BALDASARRE: Objection, Judge.

THE COURT: Sustained.

Q Mr. Wildstein, did you understand whether or not you were allowed to use Port Authority resources for this purpose?

A Yes, I understood that.

Q What did you understand?



A I understood that at the Port Authority to use resources. There was a process of approvals that needed to be followed.

Q And were you — I'm sorry, go ahead?

A I did not follow them.

Q Did you convey to Miss Kelly that you had agreed to use

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these lanes to punish Mayor Sokolich?

A Yes, I did.

Q How did you convey that?

A I told her that.

Q Did you question Miss Kelly as to what specifically prompted her to send her "time for some traffic problems" email to you?

A No, I did not.

Q Why not question her?

A I did not question senior officials in the Office of the Governor as to why they were telling me to do something.

Q Did Miss Kelly share with you how IGA was going to treat Mayor Sokolich going forward?

A She did. Miss Kelly told me that Mayor Sokolich was not going to get the yeses going forward that he had received prior to that time, prior to saying that he would not endorse.

Q Did you tell Mr. Baroni about your discussions with Miss Kelly?

A Yes, sir, I did.

Q Generally, did you brief Mr. Baroni after you spoke with Miss Kelly?

A Yes.

Q Why?

A That was my job, that was one of my expectations. I kept Mr. Baroni informed of my communications with the Governor's

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Office.

Q What did you tell Mr. Baroni about your conversation with Miss Kelly about traffic problems in Fort Lee?

A I told Mr. Baroni that Miss Kelly wanted the Fort Lee lanes closed.

Q For what purpose?

A For the purpose of punishing Mayor Sokolich.

Q Because?

A Because he had not endorsed Governor Christie.

Q How did Mr. Baroni respond?

A Mr. Baroni was fine with that.

Q And what did you understand from his response?

A I understood that he had no objections to my closing the lanes to punish Mayor Sokolich.

Q Coming back to Government Exhibit 6013, which is August 13, 2013. Does this chart reflect telephone calls between yourself and Mr. Baroni on the evening of August 13?

A Yes, sir, it does.

Q And can you explain those telephone calls.

A These are calls from Mr. Baroni's cell phone number, 7069, to my cell phone number, 2158.

Q Did you frequently speak to Mr. Baroni during the evenings?

A Yes, I did.

Q Was this typical?

A This was typical, yes.

\* \* \*

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Q Mr. Wildstein, who is Rabbi Mindy Carlebach?

A Rabbi Mindy Carlebach is a rabbi in New Jersey.

Q And do you know where he's a rabbi for?

A No, I don't specifically know which congregation he is. I believe he's — he lives and work around East Brunswick, New Jersey.

Q I asked a poor question. Does he have any affiliation with the Port Authority?

A Yes, Rabbi Carl Carlebach is also a chaplain of the Port Authority Police Department.

Q Were you familiar with him?

A Yes, I was.

Q How did you find him?

A I was not a fan of Rabbi Carlebach, I found him to be annoying.

Q Why?

A Rabbi Carlebach had a — I had noticed, a habit of showing up for photo-ops and taking time away from events that the Port Authority had been working on.

Q Did you discuss Rabbi Carlebach with Miss Kelly?

A Yes, sir, I did.

Q Why?

A I had discussed it in the contention of Rabbi Carlebach coming to an event the Port Authority had done with Governor Christie and expressed my annoyance with him.

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Q How did Miss Kelly find him?

A Miss Kelly and I agreed. I believe Miss Kelly and I were in agreement with how we viewed Rabbi Carlebach.

Q Miss Hardy — and, your Honor, the Government offers Government Exhibit 5003-BK-09 and 5003-BK-01, I believe on consent.

THE COURT: Alright. Those documents will be in evidence, 5003-BK-09?

MR. CORTES: Yup. And BK-01. Thank you, your Honor.

Miss Hardy, can I have BK-09. It's 5003.

Mr. Wildstein, do you recognize this?

A Yes, I do. I recognize this as a text message exchange between Miss Kelly and I from October 2nd of 2013.

Q And can you orient us as to what we're looking at here.

A Yes. The text messages on the right side in green are mine and the text messages on the left side, black and white, are Miss Kelly's.

Q And can you read your text message to Miss Kelly at the top?

A Yes. I wrote: "Maybe Rabbi Carlebach can bless the crane and we will be good".

Q And what was that a reference to?

A It was in reference to an issue the Port Authority was having with a crane and a permit for a particular crane.

Q Who you discussed Rabbi Carlebach with Miss Kelly prior to

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this text message exchange?

A Yes, sir, I had.

Q How did Miss Kelly respond?

A She wrote and said: "He showed up at the Alliance for Action event tonight".

Q And do you understand that reference?

A I understood that to be a reference to the Alliance for Action was a civic community organization.

Q And what was Miss Kelly's next text?

A "Annoying".

Q And what did you understand that to mean?

A I understood her to have indicated to me that his showing up at that event was annoying to her.

Q Miss Hardy, can I have 5003-BK-01. Alright, Mr. Wildstein, do you recognize this?

A Yes, I do.

Q What is this?

A It's a series of photographs that I sent to Miss Kelly from my cell phone, texted her from my phone to her phone.

Q And what date?

A On August 19th, 2013.

Q And can you identify the photographs?

A Yes, I can. Top one is Rabbi Carlebach with Senator Baroni. The next two are Rabbi Carlebach with President Bush.

Q Sorry, can I have the next page.

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And can you identify those photographs?

A Yes. Starting from the top, Rabbi Carlebach — these are all of Rabbi Carlebach with Newt Gingrich, with Senator Rick Santorum, Anderson Cooper and John Boehner.

Q Mr. Wildstein, could you explain why you were sending these photographs to Miss Kelly?

A Yes. This was a continuation of a conversation Miss Kelly and I were having and I was joking around with her.

Q Miss Hardy, could you give us the bottom half of the text exchanges.

Mr. Wildstein, can you orient us again as to whose text messages are whose?

A Yes. The text message in the left column are Miss Kelly's, and to the right column in blue are mine.

Q And generally speaking, Mr. Wildstein, what were the subject matter of these text exchanges with Miss Kelly?

A Rabbi Carlebach was the subject matter.

Q And I want to direct your attention — your text message to Miss Kelly on August 19th, 2013, at 6:26 p.m. Can you read that.

A Yes. I wrote: “And he has officially pissed me off”.

Q Why did you write that?

A This coming at a time when Rabbi Carlebach had shown up at the dedication of the Harrison path station while the Governor was there to meet with Harrison officials, and Rabbi Carlebach

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had come into the event and took Governor Christie away to have photographs, taken away from what I viewed was the purpose of the event, which was the town of Harrison.

Q And why did you tell Miss Kelly this?

A I told Miss Kelly this in the context of our ongoing conversation about Rabbi Carlebach.

Q How did Miss Kelly respond to your email — your text message?

A She wrote to me: “Clearly”. Meaning, which I interpreted as clearly he has pissed me off.

Q Can you read the next text message.

A Yes. Miss Kelly wrote to me: “We cannot cause traffic problems in front of his house, can we?”

Q What did you understand that to be a reference to?

A I understood this to be a reference to causing traffic problems at the George Washington Bridge in Fort Lee.

Q Why did you understand that?

A Because I had been working on that issue at that time. I had already gotten the direction to realign the lanes and to cause traffic problems in Fort Lee as punishment to Mayor Sokolich for not endorsing Governor Christie.

Q With respect to Miss Kelly's text message and the reference to his house, did you understand whose house that was a reference to?

A Yes, my understanding is that it was a reference — his was

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Rabbi Carlebach, his house was Rabbi Carlebach's house.

Q And with respect to this text message, had you discussed Mayor Sokolich's house with Miss Kelly?

A Yes. Previously I had discussed with Miss Kelly where Mayor Sokolich's house was in relation to the George Washington Bridge.

Q In what respect?

A Respect of knowing where he lived and just how quickly he would potentially know when the traffic was backed up in his town.

Q How did you respond to Miss Kelly?

A I responded by saying: "Flights to Tel Aviv all mysteriously delayed".

Q And why did you send this text message?



A This was again in the context of the conversation she and I were having by saying: “Flights to Tel Aviv mysteriously delayed”. I was making the point that in addition to the George Washington Bridge, the airports in Newark and New Jersey were also controlled by the Port Authority.

Q How did Miss Kelly respond?

A She said: “Perfect”.

Q What was your understanding of this text message exchange between yourself and Miss Kelly?

A My understanding is that she and I were joking around.

Q Did you take any steps to implement either the traffic in

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front of the Rabbi’s house or of affecting flights to Israel?

A No, sir, I did not.

Q Why not?

A Number one, I didn’t view this as a serious request on traffic. And secondly, I, to the best of my knowledge, nobody at the Port Authority has the ability to delay a flight at one of the airports. That’s not within the Port Authority’s purview.

Q Did you consider this text exchange to be different from Miss Kelly’s “time for some traffic problems” email?

A Yes.

Q Why?

A Because this text message exchange was joking and I understood the other one to be serious.

Q Why did you understand the other one to be serious?

A Because I had presented the option of changing the lanes to Miss Kelly in a serious manner prior to receiving that email. And discussed it with her later that day.

Q Thanks, Miss Hardy.

Mr. Wildstein, you testified previously about the traffic — a traffic study cover story. Did there come a time when you discussed that with Mr. Baroni and Miss Kelly?

A Yes. Yes, sir, there was.

Q Were these conversations together or separate?

A They were separate.

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Q Do you have an understanding of why those conversations were separate?

A Yeah. My understanding is that I was the person in the Port Authority that primarily dealt with Miss Kelly. And I was also a person who communicated my activities with Mr. Baroni.

Q Whose idea was it to call it a traffic study with respect to these lanes in Fort Lee?

A It was my idea.

Q Why call it a traffic study?

A I believe that calling it a traffic study would provide a cover story for the true purpose of changing and realigning that traffic pattern at the bridge.

Q How was the traffic study cover story going to be used?

A If the — if there was a request for further information as to why there was traffic at the bridge, I wanted to have a public policy reason for doing so as opposed to saying it was political and it was punitive and revealing the true purpose.

Q Who did you expect to use the traffic study cover story on?

A I expected to use it on local officials or potentially the media.

Q How about within the Port Authority?

A Yes, I also used that as a reason for asking career officials at the Port Authority to change the lane configuration.

Q Did you discuss the traffic study cover story with Miss

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Kelly?

A Yes, I did.

Q What did you tell her?

A I told Miss Kelly that I was going to create a file, paper file with documents that showed that this lane — the lane changes were done as part of a scheduled traffic study at the Port Authority.

Q Did you discuss with Miss Kelly how the cover story was going to be used?

A Yes, I did.

Q What did you tell her?

A I told her that I was going to go to Port Authority officials and have the lanes changed by saying that I wanted to evaluate — I wanted to know what the impact of traffic would be if these lanes were to be taken away on a permanent basis.

Q How did Miss Kelly respond to these — the use of the traffic study cover story and the re-creation of a file?

A Miss Kelly approved that. She thought that that was a good idea.

Q What did you understand from your conversation with Miss Kelly?

A I understood that I had approval to go ahead and do that.

Q Did there come a time when you discussed the traffic study cover story with Mr. Baroni?

A Yes, sir, there was.

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Q What did you discuss with him?

A I discussed the same thing, that I was going to create a paper file — a file that I was going to paper with documents from Port Authority officials that would show that this was a traffic study in order to hide the real purpose of the lanes — the lane realignment.

Q Did you discuss with Mr. Baroni how the cover story was going to be used?

A Yes, I discussed with Mr. Baroni that I was going to reach out to Mr. Zipf and Mr. Durando, two Port Authority officials, to authorize the lane changes.

Q And who is Mr. Zipf?

A Peter Zipf is the Chief Engineer of the Port Authority.

Q Who is Mr. Durando?

A Mr. Durando is the General Manager of the George Washington Bridge.

Q How did Mr. Baroni respond to your discussion?

A Mr. Baroni agreed that this was a good idea.

Q What did you understand from your conversation with him?

A I understood that I had his approval to move forward.

Q After Miss Kelly's "time for some traffic problems" email, did you discuss with Mr. Baroni and Miss Kelly communication with respect to Fort Lee?

A Yes, I did.

Q Were those conversations together or separate?

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A Those were separate.

Q Why?

A Again, I was speaking to Miss Kelly on a regular basis about Port Authority issues. And that was part of my job. And I spoke to Mr. Baroni throughout the day, nearly everyday.

Q What did you discuss about communication with Miss Kelly?

A I'm sorry, sir, I'm not following the question.

Q Sure. With respect to communicating about what was going to take place with respect to these Fort Lee — these lanes located in Fort Lee, what did you

discuss with Miss Kelly about any communication to the Borough?

A Regards to communication with the Borough of Fort Lee, I discussed with Miss Kelly that there would be no advance notice given of the change of traffic patterns. And I discussed with her what the Port Authority — how the Port Authority would respond to those traffic problems as it relates to inquiries coming from Fort Lee.

Q And how did you propose the Port Authority respond?

A The proposed response was that all calls should be directed to Mr. Baroni's office, and that Mr. Baroni would not return those calls.

Q What was the purpose in not giving advance notice?

A The purpose was to maximize the impact on Fort Lee, to make the traffic jam as bad as possible.

Q Can you explain that.

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A Yes. My experience at the Port Authority was that if the Port Authority announced that there was going to be a road closure, a lane closure, if the Port Authority announced there would be — in advance that there would be traffic, the natural reaction among motorists was to avoid the area that — where the delays would be, and change the time they left or change their commuter patterns in order to minimize the effect on the travelling public.

Q So what was the purpose of not notifying Fort Lee in advance?

A The purpose was to create as big a traffic jam as possible.

Q And would not notifying Fort Lee allow them an opportunity — allow commuters an opportunity to adjust?

A No, it would not. If there was no — if there was no advance notice, in my view motorists would have just taken a way across the bridge that they usually do.

Q How did Miss Kelly respond to your discussion about having this be a surprise and with no advance notice?

A Miss Kelly approved that.

Q Is that based on your conversations with her?

A Yes, sir, it was.

Q Did you discuss this lack of advance notice with Mr. Baroni as well?

A Yes, I did, and Mr. Baroni —

Q What did you tell him?

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A Mr. Baroni approved that as well.

Q And is that based on your conversations with Mr. Baroni?

A Yes, sir.

Q Did you discuss with Mr. Baroni how to handle questions about what is happening with those lanes in Fort Lee?

A Yes. I discussed with Mr. Baroni that there would be — there would be no communication. That when Fort Lee contacted the Port Authority with a

question of “what’s going on here,” there would be no response.

Q Was this called by anything, by a phrase?

A Yes, it was referred to as radio silence.

Q How did Mr. Baroni respond to that?

A Mr. Baroni approved that as well.

Q For what purpose?

A He — for the purpose of punishing Mayor Sokolich.

Q Did you understand that from your conversations with Mr. Baroni?

A Yes, sir, I did.

Q Did you also understand that from your conversation with Miss Kelly?

A Yes.

Q Mr. Wildstein, after Mr. — Miss Kelly’s “time for some traffic problems” email, did there come a time when you discussed when to change the lanes with Miss Kelly and Mr. Baroni?

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A Yes. Yes, I did.

Q Again, were these separate conversations?

A Yes, they were separate.

Q For the same reason?

A Yes, sir.

Q Do you recall discussing the timing with Mr. Baroni?

A Yes, I recall that conversation.

Q What did you discuss with him?



A I had discussed with Mr. Baroni a lane closure at the end of August.

Q How did he respond to that?

A Mr. Baroni thought that if the purpose of closing those lanes was to maximize the impact on Fort Lee, and maximize the message and the punishment to Mayor Sokolich, that doing it at the end of August wasn't the best week because the end of August is typically a time when a lot of people are away and there's not as many people on the road.

Q Did you discuss an alternate time?

A I did. I talked about the next week, the next week had Labor Day, the beginning of the week, and Mr. Baroni asked me when is the first day of school.

Q And what did you do?

A I went online and looked to find the answer to that question when the first day of school was.

Q The first day of school where?

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A In Fort Lee, I'm sorry. Fort Lee.

Q What did you learn, if anything?

A I learned that the first day of school in Fort Lee was on Monday, September 9th, 2013.

Q Did you convey that to Mr. Baroni?

A I did.

Q How did Mr. Baroni respond?

A He smiled and said "fantastic."

Q And when did you schedule the changes to the lanes to take place?

A I'm sorry, I'm not following.

Q Let me take that back. Was that the date selected for when this was going to take place?

A Yes, sir, it was, September 9th.

Q Did you discuss the timing with Miss Kelly as well?

A Yes, I did, after my conversation with Mr. Baroni I had a conversation with Miss Kelly. I told her that September 9th was the first day of school, and that that was the idea, to start the traffic problems that day.

Q How did Miss Kelly respond?

A She agreed. She agreed that that was the day to start it.

Q What was your understanding from your conversation with Miss Kelly about the timing of the change to the lanes?

A My understanding is that the timing was approved, that it was meant to inflict punishment on Mayor Sokolich.

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Q And what was your understanding from the earlier conversation you just mentioned with Mr. Baroni for the time of changing the lanes?

A My understanding was that Mr. Baroni had also consented to September 9th being the first day.

Q Did you discuss with Mr. Baroni whether Mayor Sokolich would personally experience the traffic?

A Yes, I did. I discussed with Mr. Baroni where Mayor Sokolich's house was, the proximity to the George Washington Bridge. And that if he were

leaving his house in the morning, he probably would hit that traffic.

Q Mr. Wildstein, I want to step back for a moment from the agreement with Mr. Baroni and Miss Kelly and talk about traffic studies. Does the Port Authority conduct traffic studies?

A Yes, they do.

Q For what purposes does the Port Authority conduct traffic studies?

A There's a number of purposes. It can go from understanding what the impact would be for a regularly-scheduled construction project, a lane closure such as repaving. It could also be studying a traffic — doing a traffic study to determine a better way of moving cars across a bridge or through a tunnel.

Q Generally speaking, what if any results do these studies have?

A Generally they provide very, very exact estimations of what

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the impact would — what a project's impact would be on traffic.

Q During your time at the Port Authority, did you become familiar with how the Port Authority conducted traffic studies?

A Yes, sir, I did.

Q And what is your understanding of the general way in which the Port Authority conducts traffic studies?

A Generally they're done through computer modeling at the Port Authority Tunnels Bridges & Terminals, Office of the Chief Traffic Engineer. They could look at — they could look at existing data that was in their systems and predict exactly what the impact on traffic would be, exactly how long the line would be to get into, get through a toll plaza, how far back traffic would be backed up.

Q Do you know whether those studies require the actual closure or alteration of a facility?

A Yes, I do know. They did not require that.

Q How did you learn about how the Port Authority conducted traffic studies?

A I learned about it through attending many meetings at the Port Authority regarding the impact on traffic from regularly scheduled projects.

Q Had you interacted with traffic engineers regarding traffic studies at the Port Authority?

A Yes, I have.

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Q Was Mr. Baroni present for any of those interactions?

A Yes, he was present for some of them, yes.

Q Was Mr. Baroni present when traffic engineers discussed how they reached their conclusions?

A Yes. There were several times where I heard the presentation at the same time that Mr. Baroni did.

Q Have you received reports prepared by Port Authority traffic engineers?

A Yes, I have.

Q Would those reports include projections about traffic delays and queues?

A Yes, they did.

Q Did Mr. Baroni also receive such reports?

A Yes, he did.

MR. CORTES: Your Honor, just a moment?

Q Mr. Wildstein, are you familiar with a Port Authority project to repair the Lincoln Tunnel helix?

A Yes, I am.

Q Did that project take place when you were at the Port Authority?

A Yes.

Q What was involved?

A It involved significant lane closures of the Lincoln Tunnel helix in order to repair and repave them.

Q What Port Authority staff was involved in this project?

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THE COURT: Sure.

Q Is this conversation, the — what you're discussing here Mr. Baroni stated, was this at or round the time of this document in June of 2011?

A Yes, it was.

MR. BALDASARRE: Thank you.

Q Now, Mr. Wildstein, with respect to alternative 1, the full weekend tunnel closure, do you have an

understanding as to why that alternative was not selected?

A Yes, I do. It was a horrible idea. It was absolutely unworkable to close the entire Lincoln Tunnel for an entire weekend and backing up traffic for hours on the other crossings. There was never any consideration to doing that.

Q And how do you know that, Mr. Wildstein?

A Because I was in the meeting where that decision was made. I heard — and I've heard Mr. Baroni look at that and say: Well, we can't do that. That's not going to happen.

Q Thank you, Miss Hardy.

A I'm sorry, Mr. Cortes, that was not an exact quote I was just —

Q Sure.

A It was what my understanding was of what he was saying.

Q Please make that clear.

Mr. Wildstein, was what you had discussed with Miss Kelly and Mr. Baroni a Port Authority traffic study as you

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understood it?

A No, it was not.

Q Are you personally familiar with any instance where lanes or facilities were actually closed or altered in connection with a traffic study?

A No, I'm not.

Q Mr. Wildstein, putting traffic studies aside for a moment, when the Port Authority — when Port Authority operations can impact traffic, does the Port Authority do anything before those operations take place?

A Yes. The Port Authority conducts an extensive public outreach program to advise a multitude of parties as to what is going to happen and what the scheduling will be.

Q And what is the purpose of this notification?

A There's a couple purposes that includes communications so that the Port Authority will keep people informed and the people can make decisions. And it also includes a belief that if the Port Authority tells somebody that they're going to experience traffic at a certain day, at a certain time at a certain place, people will tailor their plans, they will alter their plans to reflect their desire to not be in that traffic.

Q How much advance notice does the Port Authority provide in your experience before it does something that will impact traffic?

A Planning begins months before and notification begins

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months or weeks, depending upon the project. And I'm talking about scheduled projects, I'm not talking about an emergency repair.

Q Understood.

A Okay.

Q Was Mr. Baroni briefed on these communication plans?

A Yes, he was.

Q How do you know that?

A I was a party to the briefings.

Q Were these communications plans of particular concern to Mr. Baroni?

A Yes, they were — this was a pet project of Mr. Baroni.

Q How do you know that?

A Because I was involved in that project that he and I had many, many discussions on plans for public outreach for closures and projects.

Q Sticking with the Lincoln Tunnel helix project, did Mr. Baroni take any personal steps regarding outreach?

A Yes.

Q How do you know that?

A I was again involved in the planning of that.

Q What did he do?

A Mr. Baroni would speak with elected officials. He would write to elected officials, letters with his signature. Specifically on the Lincoln Tunnel helix project Mr. Baroni

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Baroni, and to the right in the gray jacket with the gray hair is Mayor Turner. I don't recognize the person on the left.

Q Do you recognize where this is?



A Yes, I recognize that to be in an area adjacent to the Lincoln Tunnel. I can recognize the masonry and the grills as the helix of the Lincoln Tunnel.

Q And did you understand what occasion this was?

A Yes. This was a Saturday morning that Mr. Baroni went out with Mayor Turner and rang doorbells to talk about the helix. And what Mr. Baroni is holding and what the woman on the left is holding is a brochure that the Port Authority Marketing Department put together, Mr. Baroni and I both worked on, that explained the project to residents.

Q Other than what took place in Fort Lee in September of 2013, are you familiar with the Fort Lee making a major facility change that impacted traffic in a local community without any advanced outreach to that community?

A No, I'm not aware of that.

Q I you want to talk now about the steps you took to implement what took place in Fort Lee. Mr. Wildstein, what did you do first?

A I'm sorry, I'm not understanding.

Q Sure. With respect to implementing what took place — what ultimately took place in Fort Lee, what did you do first?

A Okay. To implement it, the first thing I did was I spoke

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reflected an authorization of that.

Q Did you report that conversation to anyone?

A Yes, I reported it to Miss Kelly and to Mr. Baroni.

Q Now, after being told by Mr. Durando — and thank you, Miss Hardy. We're done with that.

After being told by Mr. Durando that there was not an agreement with Fort Lee about those lanes, what did you do next?

A After that, at some point I contacted Peter Zipf, the Chief Engineer.

Q And why did you contact Mr. Zipf?

A Because I knew that the Office of the Chief Traffic Engineer would be the appropriate office at the Port Authority to specify how those — how the lane realignment would be done. How my wish to change the lane pattern would be implemented.

Q What if anything did you tell Mr. Zipf?

A I told Mr. Zipf that I wanted to — I wanted to close those three lanes, meaning — when I say “close those lanes,” what I meant was take the cones away and allow Fort Lee traffic to move in at the same point as the main span without cones being put out there. I told Mr. Zipf that I wanted to do that so that I could evaluate the issue and make a determin — I wanted to see what the impact on the traffic would be so that New Jersey — when I said New Jersey, I meant the New Jersey side of the Port Authority, so that New Jersey could determine

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whether those three lanes given to Fort Lee would continue on a permanent basis.

Q Was that the real reason?

A No, sir, it was not the real reason.

Q You didn't tell Mr. Zipf the truth?

A No, I did not.

Q How did Mr. Zipf respond?

A Mr. Zipf responded by telling me that he would speak to the Office of the Chief Traffic Engineer, Jose Rivera, and get back to me with a plan. I asked Mr. Zipf to send me a diagram. I asked him to give me a view of it on a piece of paper so that I could see exactly how those lanes would be changed.

Q Did there come a time when Mr. Zipf provided those plans to you?

A Yes, there was. I believe it was later that day.

Q Miss Hardy — your Honor, Government offers Government Exhibit 1066 with consent.

THE COURT: Alright, 1066 will be in evidence.

Q Mr. Wildstein, do you recognize this document?

A Yes. Yes, sir, I do.

Q And what is this?

A This is an email between Jose Rivera, the Chief Traffic Engineer to Peter Zipf, the Chief Engineer that Mr. Zipf forwarded to me that showed different scenarios of a change to the traffic configurations on the upper level of the George

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Washington Bridge.

Q And Mr. Wildstein, referring you to Mr. Zipf's email to you, was that on August 28th, 2013 at 6:19 p.m.?

A Yes, it was.

Q Mr. Wildstein, what was attached to this email?

A It was a pdf attachment that showed a graphic view of what the change would look like. It was a mock-up.

Q Alright, Mr. Wildstein, I'd ask you to read Mr. Rivera's email to Mr. Zipf.

A "Attached is a pdf showing the GWB upper level toll plaza under three scenarios. Sheet 1 shows a typical midday operation where traffic cones are set aside and traffic is allowed to move freely from the various approaches. Sheet 2 shows a mock-up of the morning peek period where the traffic cones are typically set up to segregate the three lanes from Fort Lee to flow into the three right most lanes of the toll plaza. Sheet 3 shows a mock-up of a potential modified morning peek period where three lanes from Fort Lee are merged who two lanes and feed the two right most lanes of the toll plaza. Since the traffic flows are extremely congested during the morning peek periods, traffic engineering recommends that the Fort Lee traffic be segregated from the other approaches by use of traffic cones, regardless of the number of lanes it is feeding to reduce the risk of sideswipe crashes. I hope this helps. Please advise if you need additional information."

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Q Mr. Wildstein, focusing on that last paragraph of sheet 3, and where the states: "To reduce the risk of sideswipe crashes." Did you understand what that referred to?

A Are you asking me if I understood it prior to this email, or after this email?

Q When you're reading email, did you understand that?

A Yes, I understood it as I saw the graphics that were attached to it.

Q Miss Hardy, can we have page 4 of this document. If you could assume a little bit on the picture.

Mr. Wildstein, does this reflect sheet number 2?

A Yes, sir, it does. That is sheet number 2.

Q And is this the George Washington Bridge upper level toll plaza during the a.m. peak period?

A Yes, it is.

Q And can you read this — that box that's depicted on the upper right hand side?

A It says: "Traffic cones would normally be set up to allow three lanes from Fort Lee to flow into the three right most lanes of the toll plaza".

Q And Mr. Wildstein, is there a line of orange dots there?

A Yes, there is.

Q And what do you understand that to be?

A I understand that to be the — those orange dots to represent where traffic cones would be placed to segregate

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those lanes.

Q And what is your understanding from this alignment that was depicted on sheet 2?

A My understanding is that this is the normal rush hour alignment. Three lanes coming in from Fort Lee into three toll lanes on the George Washington Bridge.

Q Miss Hardy, can we have the next page, please.

Mr. Wildstein, is that sheet number three?

A Yes, sir, it is.

Q And can you please read what's in the box on the upper right hand corner?

A Yes, it says: "Since the traffic flows are extremely congested during the morning peak periods, Fort Lee traffic should be segregated from the other approaches by use of traffic cones regardless of the number of toll lanes it is feeding to reduce the risk of sideswipe crashes." Shown here is Fort Lee traffic feeding two right most lanes of the toll plaza.

Q Mr. Wildstein, what does the orange dot line reflect here?

A Those would reflect the positioning of traffic cones to reduce the local access lanes from three to two. This would be the new positioning of the cones.

Q Now, Mr. Wildstein, about this — the risk of sideswipe crashes, had you considered that before when you were discussing this with Mr. Zipf?

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A No, I had not.

Q What was your understanding of what was being told you to about this risk?

A My understanding is that it was being explained to me that if the cones were not put out in the morning, that there would be a substantial risk of sideswipe crashes. As cars were — I wish I could point it out, but

as cars move through the main approach, which is the lanes that would be coming perpendicular to the toll plaza, if there were no cones, as cars from the main approach tried to move right to get through a toll plaza, that there would a likelihood of a sideswipe with those cars coming in from Fort Lee.

Q Miss Hardy, can you go back one page, back to sheet 2 for a second.

Mr. Wildstein, under this typical approach at these access lanes, how many toll booths were available to this approach?

A Three toll booths. The three toll booths to the right of that toll plaza. This is the eastbound direction.

Q Do you know what E-Z Pass is?

A Yes, I do.

Q What is E-Z Pass?

A E-Z Pass is an electronic tolling system that allows a motorist to have their tolls paid electronically as opposed to a cash transaction.

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Q In 2013, did the Port Authority encourage the use of E-Z Pass?

A Yes, sir, they did.

Q Why?

A The cost to the Port Authority of an E-Z Pass transaction was significantly less than the cost of a cash transaction. Probably more importantly there were numbers — I don't recall what the exact numbers are now, but I remember being told this, that there — that Port Authority staff knew approximately how

long it took a car to go through an E-Z Pass lane as opposed to how long it took a car to go through a cash lane and complete that transaction. And so simply put, more cars per minute could go through an E-Z Pass lane and onto the bridge, go through the toll plaza, than they could through a cash lane.

Q Do you know what percentage of motorists use E-Z Pass at Port Authority crossings in 2013?

A I don't know the exact number.s k I think it was in the 80 to 90 percent range.

Q Do all toll booths accept E-Z Pass?

A Yes, I believe all toll booths do accept E-Z Pass?

Q To all toll booths accept cash transactions?

A They do not.

Q Why have "E-Z Pass only" toll booths?

A E-Z Pass only toll booths allow cars to move more quickly through the toll plaza so that a car that had an E-Z Pass tag

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that want to go through E-Z Pass, didn't have to wait behind a cash transaction.

Q For those three toll booths that were segregated by cones here, do you know what the toll booth setup was?

A Yes. There's three lanes to the right. I believe it's 20, 22 and 24. Twenty and 22, so this would have been going left to the right, the first two lanes were E-Z Pass only. And the third lane was a cash lane.

Q That was your understanding?

A Yes, sir, it was.



Q Mr. Wildstein, because of this sideswipe issue that had been raised in this email, what did you conclude?

A I concluded that I could not go from three lanes to zero. That I had to leave that lane. The Chief Engineer had told me through the chief traffic engineer that there'd be accidents. There'd be collisions on the bridge if we simply removed the cones. If the Port Authority simply removed the cones. And it was my view after getting that information that going from three to zero was no longer an option based upon learning something that I didn't know previously

Q Miss Hardy, could we have page 1 of this document. Miss Hardy, could I have page 1 of this document. If you could give me the top email.

Mr. Wildstein, do you recognize Mr. Zipf's email to you?

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A Yes, I recognize this is the email from August 28th.

Q Can you please read Mr. Zipf's email to you.

A Yes. He said: "David, as requested, attached is a suggested modification. Jose will certainly work out the details further development with GWB as needed. One additional scenario could be to merge down to one lane, if needed. Let me know if you need anything further. Peter. Peter Zipf."

Q Do you recall Mr. Zipf's email to you?

A Yes, I do.

Q And do you recall his statement about an additional scenario could be a merge down to one lane?

A Yes, I do recall.

Q How do you respond to that?

A I asked Mr. Zipf to show me that additional scenario.

Q And did there come a time when you received that additional scenario?

A Yes, I believe the next morning I received it.

MR. CORTES: Your Honor, Government offers Government Exhibit 1068 with consent.

THE COURT: Alright, 1068 will be in evidence.

Q Miss Hardy, can you give me a zoom on the top email, please.

Mr. Wildstein, do you recognize this email?

A Yes, I recognize this is the email from Jose Rivera to Peter Zipf and myself on Thursday, August 29th, 2013.

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Q Mr. Wildstein, could you read the top sentence before the other — before the body of the email.

A Yes. “As discussed, attached is a revised pdf showing the GWB upper level toll plaza under four scenarios.”

Q And I want to direct your attention now to what’s listed as sheet 4. Can you please read that paragraph on this email.

A Yes. It says: “Similar to above, however traffic from Fort Lee is restricted to two lanes then merge who one lane to feed the right most lane of the toll plaza. Also, as above, since traffic flows are extremely congested during the morning peek periods, traffic

engineering recommends that the Fort Lee traffic be segregated from the other approaches by use of traffic cones to reduce the risk of sideswipe crashes.”

Q Miss Hardy, did you give us page 6 from this document. And if you could zoom in on the picture. Thank you.

Mr. Wildstein, what is depicted here?

A Sheet 4 shows a new traffic pattern where cones would be put out from Martha Washington Boulevard, which is the road where the orange dots are shown — Marsha Washington Boulevard feeding into the right most lane, lane 24 of the upper level of the bridge.

Q How far did the cone line extend on what's depicted here?

A Cone line extends on this depiction to the intersection of Martha Washington Boulevard and Bruce Reynolds Boulevard. Bruce Reynolds Boulevard would be parallel to the other lanes

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feeding into the George Washington Bridge.

Q How many toll booths are available to this approach on this scenario?

A One.

Q What did that mean in terms of paying the toll via the local approach?

A That meant that any cars coming in through the local approach would have to go through a cash lane. So if somebody — if a car or a truck had an E-Z Pass transponder, the E-Z Pass would work but it was also a cash lane. If there was any motorist in a car or vehicle paying cash, that any vehicles behind that

would have to wait until the cash transaction is completed.

Q Mr. Wildstein, what did you understand from this scenario?

A I understood this scenario was going to create substantial traffic delays in Fort Lee.

Q Why did you believe that?

A Because I knew that by reducing — from my experience at the Port Authority, from what I had been told, reducing these lanes from three to one meant that all of the cars would now feed into one toll plaza, one instead of into three, toll lanes instead of three.

Q What if anything did you decide from this scenario?

A Based on this scenario, I decided to go — rather than go from three to zero to go from three to one. That based upon

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the knowledge of the sideswipes that it would be just one lane.

Q And for what reason did you decide to go from three to zero to three to one?

A To penalize Mayor Sokolich for not endorsing Governor Christie, to create traffic to antagonize the Mayor.

Q Now, Mr. Zipf and Mr. Rivera, Mr. Wildstein, who you interacted with respect to these documents, did you ask either one of them for their opinion on this proposal?

A No, I did not. I didn't want the chief engineer and the traffic engineer to come back with an opinion

that I should not change the configurations at all. I didn't want to ask a question that I knew what the answer was going to be and I knew that the answer would likely impact or at least my belief impact my desire to do what I did, make the decision that I made.

Q Mr. Wildstein, also on August 29th, 2013, did there come a time when you reviewed a letter from Mayor Sokolich?

A Yes, there was.

MR. CORTES: Your Honor, just one second, your Honor.

THE COURT: Okay.

MR. CORTES: Your Honor, Government offers Government Exhibit 1217 on consent.

THE COURT: Alright, 1217 will be in evidence.

Q Miss Hardy, if you could give us that top.

Mr. Wildstein, do you recall this?

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reference to?

A Yes. The understanding was Mr. Baroni got a letter and he wanted me to read it and keep it. He put my name in the corner and then the letter would be given to me. The original copy of the letter would be given to me.

Q Miss Hardy, can we have the next page. And could I have the bottom paragraph.

Mr. Wildstein, if could you read the sentence that begins with consequentially.

A “Consequentially many vehicles exit the major approach roads and utilize our local thoroughfares as a shortcut in search of available toll booths. Accordingly, even weekends no longer provide a respite from traffic and gridlock on our roadways.”

Q Mr. Wildstein, at the time, what did you understand about who used those — that local approach and local toll booths in Fort Lee?

A I understood that these lanes were available to Fort Lee local residents and to others not from Fort Lee that understood the traffic in the morning in those three lanes moved more quickly than the other nine from the main approach. And that as a result, there were some motorists who understood that if they got off the main approach and cut through Fort Lee, they might be able to get over the GW Bridge in less time than if they simply stayed in the direction they were heading.

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Q Did you have an understanding as to whether or not those lanes, those lanes and toll booths in the morning peak period, were restricted to Fort Lee residents only?

A Yes, I knew they were not restricted to Fort Lee residents only.

Q Mr. Wildstein, after receiving these grams from Mr. Zipf and Mr. Rivera, did you show them to anyone?

A This diagram — I’m sorry, we’re not on the letter any more?

Q No, we’re not.

So going back to the diagrams that we just discussed from Mr. Rivera and Mr. Zipf. Do you recall showing them to anyone?

A Yes, I showed them to Mr. Baroni.

Q Where did you show them to Mr. Baroni?

A In his office. I put them down on his desk and he looked at them.

Q And can you please explain your conversation with him.

A I explained to Mr. Baroni the reason — I explained to Mr. Baroni that I no longer wanted to go from three lanes to zero, I wanted to go from three lanes to one lane because I found out about the sideswipe issues and I showed Mr. Baroni the plan that would show the new configuration of the cones that would bring everything into the right lane.

Q How did Mr. Baroni respond?

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A Mr. Baroni looked at it. I remember him taking his pencil, you know, and moving his pencil along the cone line. And then he looked at it and he says: Yeah, I understand this. I get it. It's going to cause accidents.

Q Meaning if you had taken the cones away?

A Correct.

Q Did you discuss with Mr. Baroni whether to go ahead with this one lane, one toll booth scenario?

A I did. I discussed that and Mr. Baroni agreed with me that it would no longer be three to zero it would be three to one.

Q And in terms of your agreement with Mr. Baroni, what was the purpose of this agreement?

A The purpose of the agreement was to create traffic in Fort Lee.

Q For what purpose?

A For the purpose of punishing Mark Sokolich for not endorsing Chris Christie's re-election campaign.

Q Stepping back for a moment, Mr. Wildstein, does the Port Authority make a record of every car and truck that goes through a toll booth?

A Yes, they do.

Q Is that data maintained by the Port Authority?

A No, it's maintained by a private contractor under contract to the Port Authority.

Q Is that data analyzed by the Port Authority for any

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purposes?

A Yes, it is.

Q For what purposes?

A It's for a variety of purposes. It's sometimes to understand traffic patterns. Sometimes to know exactly when motorists are travelling and what times they're going.

Q At the time, were you aware that the Port Authority was able to traffic the number of vehicles passing through the three toll booths during the morning rush?

A Yes.

Q How are you aware that that data was available?



A I was aware because I had been briefed extensively on the Port Authority's ability to accumulate data.

Q Was Mr. Baroni present for those same briefings?

A He was present for some of the same briefings. I don't know that he was present for all of them.

Q Did you ask any Port Authority staff member to analyze the volume of vehicles passing through those three local lanes and toll booths during the morning rush compared to the other toll booths at the upper level toll plaza?

A No, I did not.

Q Did Mr. Baroni?

A No, he did not.

Q Why didn't you?

A Because I knew very specific information was available and

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I didn't want to ask a question that I might get an answer that didn't support what I wanted to do.

Q Coming back to the different — the diagram that you received from Mr. Zipf and from Mr. Rivera, did there come a time when you discussed it with Miss Kelly?

A Yes.

MR. CORTES: Your Honor, Government offers Government Exhibit 222 with consent.

THE COURT: All right, Exhibit 222 will be in evidence.

Q Mr. Wildstein — sorry, can you give me the bottom one on that one — you can give me the whole thing, please.

Mr. Wildstein, do you recognize this?

A Yes, sir, I recognize this as an email exchange between Miss Kelly and I between August 28th and 30th, 2013.

Q And do you recognize the email addresses?

A Yes, sir, I do. I recognize mine to be my personal gmail address and Miss Kelly's to be her personal Yahoo address.

Q Directing your attention to the initial email in this chain from August 28th, 2013, at 5:08 p.m. Could you please read that one.

A Yes. I wrote: "Call when you have a chance, re: Fort Lee. Can wait for tomorrow".

Q Why did you want to speak to Miss Kelly about Fort Lee?

A I wanted to update Miss Kelly as to the fact that I had

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reached out to the office of Chief Traffic Engineer and was beginning to effectuate the Fort Lee lane closures.

Q And directing your attention to the remainder of this chain. Did you coordinate an email — I'm sorry, did you coordinate a call with Miss Kelly?

A Yes. Yeah, Miss Kelly told me she was away. And I told her it wasn't urgent, I just wanted to speak to her by Tuesday.

Q Did there come a time when you spoke with Miss Kelly by telephone on August 30th, 2013?

A We had an email about that call. I don't remember — I'd have to be refreshed to see my phone log. I believe I spoke to her around that time. Yes, I know I spoke to her around that time, I just — I'm not recalling the exact date I had the call.

Q Miss Hardy, can you please pull up Government Exhibit 6013. And I believe it's — I believe it's the next page or the page afterwards. I'll have the third page. There we go.

Mr. Wildstein, directing your attention to the table for August 30th, 2013.

A Yes, I see that, sir.

Q Does that chart reflect a telephone call between yourself and Miss Kelly on August 30th, 2013, at 4:20 p.m.?

A Yes, it does. It reflects an 8-minute phone call from my cell phone to Miss Kelly's cell phone on that date.

Q Now, after receiving those scenarios, those slides from Mr.

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Rivera and Mr. Zipf, do you recall discussing the content of those with Miss Kelly?

A Yes, sir, I do. I remember discussing the idea of three lanes to zero and then going from three to one.

Q Please describe that conversation.

A I told Miss Kelly that getting rid of all three lanes wasn't going to work out. I explained that I was unaware of the sideswipe issue. A risk for a sideswipe issue that would take the lane reconfigurations from a level that it went beyond simply causing traffic to the

likelihood of causing accidents. And I said that I would prefer that we go from three to one not from three to zero.

Q How did Miss Kelly respond?

A Miss Kelly agreed with that recommendation and approved going from three to one instead of three to zero.

Q Did you discuss what the result would be from going from three lanes of toll booths down to one?

A I told Miss Kelly that there would still be a substantial amount of traffic. That it was still going to be backed up deep into Fort Lee and that going from three to one wouldn't mask a traffic jam.

Q How did Miss Kelly respond?

A Miss Kelly approved that. She said that that was fine, to go from three to one.

Q What did you understand from your conversation with Miss

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Kelly?

A I understood that to be her approval of that option of the lane reconfiguration.

Q Did you ask Miss Kelly if she was sure whether she wanted to do this?

MR. CRITCHLEY: Objection, Judge, leading.

THE COURT: Overruled.

Q Did you ask Miss Kelly if she was sure whether she wanted to do this?

A I don't recall specifically asking her if she was sure. I very clearly got her approval. She told me that

this was the plan that she — this was fine. That my recommendation of reducing from three lanes to one was acceptable.

Q Did you discuss with Miss Kelly whether she had gotten approval —

A No, sir.

Q — For her decision?

A No, I did not.

Q Why not?

A I didn't ask Miss Kelly to justify to me that she had gotten approval. Her giving — Miss Kelly was a Deputy Chief of Staff to the Governor of New Jersey, she was among those I considered to be my boss. And if Miss Kelly gave me a decision, I never asked her to justify to me how she came about that decision.

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Q Did you discuss with Mr. Baroni the conversation you had with Miss Kelly?

A Yes, sir, I did.

Q What did you tell Mr. Baroni?

A I told Mr. Baroni that I had discussed the sideswipe issue with Miss Kelly. That I discussed the change in the lane configurations. That Miss Kelly had approved keeping that one lane to avoid the sideswipe issue.

Q What was Mr. Baroni's reaction?

A Mr. Baroni was fine with that. Mr. Baroni was okay with that as long as the Governor's office had also approved it.

Q Mr. Wildstein, does — directing your attention to this page from Government Exhibit 6013, does this also reflect telephone conversations between yourself and Mr. Baroni on August 28th, August 29th and August 30th, 2013?

A Yes, sir, it does.

Q And just looking at — directing your attention to the phone calls and the frequency, is that the typical frequency of your telephone calls with Mr. Baroni?

A No, in those three days it might actually be a little light. But Mr. Baroni and I spoke frequently by phone after work.

Q Alright, Miss Hardy, I'm done with that one.

THE COURT: You want to take our break, break time?

MR. CORTES: Sure.

\* \* \*

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A Miss Kelly reacted fine. It was good to have Pat Shuber briefed.

Q Did there come a time when you instructed Port Authority staff members to implement the lane reduction?

A Yes.

Q When?

A On the Friday before that Monday closure so it would have been, I suppose, September 6th, Friday, September 6th.

Q Why wait until September 6th?

A It was a deliberate effort on my part to wait until the last minute to give a final instruction so that nobody at the Port Authority would let Fort Lee know, would communicate that to Fort Lee or anyone else within the Port Authority.

Q Including to the Executive Director of the Port Authority?

A Yes, sir — yes.

Q Why?

A Relationships between the New Jersey and the New York side at the Port Authority were very strained. Mr. — I felt, and believed from my conversations with Mr. Baroni, Mr. Baroni felt as well, Mr. Foye had a tendency to become involved in New Jersey projects. And — or New Jersey activities and New Jersey politics. And specifically the idea was that — not to tell Mr. Foye so that he didn't become involved in it.

Q So he didn't interfere?

A That's correct, yes.

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Q Did you discuss waiting to give the instruction to implement the lane reductions until the Friday beforehand with Mr. Baroni and Miss Kelly?

A Yes, I did.

Q And were these separate conversations?

A Yes, sir, they were.

Q Did both of them agree?

A Yes.

Q So directing your attention to that Friday, who did you tell at the Port Authority about the lane reductions?

A I told Mr. Durando and Mr. Zipf.

Q What did you tell Mr. Durando?

A I called Mr. Durando and I said that I wanted to look at the traffic patterns — I wanted to see what the effect was of taking away two of the three Fort Lee lanes to — so that New Jersey, meaning the New Jersey side of the Port Authority, could make a determination down the road as to whether those lanes would stay on a permanent basis.

Q Was that the real reason for doing this?

A No, sir, it was not the real reason.

Q How did Mr. Durando respond?

A Mr. Durando wasn't happy. Mr. Durando responded that this would — was going to create a mess with traffic that morning.

Q What did you tell him?

A I told him that I wanted to proceed. That I wanted to see

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what the traffic would look like.

Q Did you discuss any resource issues in relation to executing these lane reductions?

A Yes. Mr. Durando discussed a couple resource issues with me. Most specifically involving a toll taker and other operations and maintenance issues.

Q Sticking with the toll taker. Can you explain what that issue was?



A Yes. Because of all of the traffic was now going to go into that lane furthest to the right, the one that was a “cash only” lane. Mr. Durando informed me that he needed to have a relief toll taker on duty. He had to bring in somebody else on overtime because if the one toll collector needed personal time, that he needed to have another toll collector on call to take over.

Q In terms of cost to the Port Authority, what did you understand about this extra toll collector?

A I understood that the Port Authority would have to pay for an extra toll collector to be on relief duty for that first toll collector.

Q Was that a problem for you?

A No, it was not.

Q Did you discuss the cost of this extra toll collector with anyone?

A I did. I discussed that toll collector cost with Mr.

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Baroni and Miss Kelly.

Q How did Mr. Baroni respond?

A Mr. Baroni laughed. Mr. Baroni joked about the fact that only at the Port Authority would have to pay a toll collector to just sit there and wait — pay a second toll collector to sit and wait in case the first toll collector had to go to the bathroom. He mocked that, he thought that was funny.

Q Did Mr. Baroni agree to proceed with the lane reductions in spite of that extra cost?

A Yes, he did.

Q How did Miss Kelly respond?

A Miss Kelly also shared the irony of having to pay an extra toll collector just to sit and wait in case someone needed a bathroom break, and she had no problem with it.

Q Coming back to your conversations with Mr. Durando, did you discuss communications with regard to the lane reductions?

A Yes. I specifically told him what to do when you hear from people in Fort Lee.

Q What did you tell him?

A I told him not to say anything to anybody but to direct all calls to Mr. Baroni's office, to Mr. Baroni.

Q Why did you tell him that?

A Because that was — that was the plan that I had come up with along with Mr. Baroni and Miss Kelly, which is that all calls would be directed to Mr. Baroni. And that Mr. Baroni

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would be radio silent. Meaning any — all the calls would come to him, and he wasn't planning on returning any of them.

Q You also mentioned that you contacted Peter Zipf on September 6th.

A Yes, I did.

Q Why did you contact Mr. Zipf?

A I told Mr. Durando that Mr. Zipf in the Engineering Department had worked out the plan for this and that Mr. Zipf would — I would have Mr. Zipf reach out to Mr. Durando. So I called Mr. Zipf to tell him that the plan was to start this on the following Monday morning, and to reach out to the GW Bridge.

And Mr. Zipf assured me he'd have someone on his staff speak to Mr. Durando.

Q Did you discuss anything else with Mr. Zipf?

A I discussed the operational issues with Mr. Zipf.

Q Specifically what?

A Specifically the cone lines and the need for signage.

Q Did you discuss collecting any data with Mr. Zipf?

A Yes. Yes, I discussed with Mr. Zipf that he would give me some numbers. His office would track it and would give me some numbers on how — how many cars were involved and how far back the traffic was delayed.

Q Did you understand what collecting that data would require?

A No, sir. At the time I did not understand that. But I understood that he would have to use some staff time.

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Q Did you ask Mr. Zipf to have his staff conduct a Port Authority traffic study of those lanes?

A No.

Q Did you speak with any other Port Authority staff members on September 6th, 2013, about the lane reductions?

A Yes, I spoke to Cedric Fulton, who was the Director of Tunnels, Bridges & Terminals.

Q What is Tunnels, Bridges & Terminals?

A That is the department at the Port Authority that operates the Hudson River crossings, the Holland, Lincoln Tunnel, and the four bridges.

Q What was Mr. Fulton —

A And the bus terminals.

Q I'm sorry.

A And the bus terminals as well.

Q What was Mr. Fulton's position with respect to Mr. Durando?

A Mr. Fulton was Mr. Durando's boss.

Q Could you please describe the conversation that you had with Mr. Fulton on September 6th.

A Mr. Fulton called me and let me know he had just spoken to Mr. Durando, and was asking about the decision to change the lane configuration. I told Mr. Fulton that we, meaning the New Jersey side, wanted to see the impact on taking those lanes away so that there could be a decision possibly made in the future regarding keeping those lanes.

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Q Was that true?

A. No, sir, it was not true.

Q How did Mr. Fulton respond?

MR. BALDASARRE: Objection.

A Mr. Fulton —

THE COURT: Wait. You said objection?

MR. BALDASARRE: On hearsay, Judge.

MR. CORTES: Sure, if Mr. Baldasarre doesn't want the response in, sure.

THE COURT: Okay.

MR. CORTES: But I'll note that.

THE COURT: Sustained.

Q Did you discuss communications with Fort Lee with Mr. Fulton?

A Yes, I did.

Q Did you give him any instructions?

A I instructed — yes, I did. I instructed him to refer anybody inquiring about that to Mr. Baroni.

Q In the conversation with Mr. Fulton, did you also discuss the Executive Director of Port Authority?

A Yes, Mr. Fulton asked me specifically does Pat Foye know.

Q How did you respond to him?

A I said yes, he does.

Q Was that true?

A No, sir, it was not true.

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Q Following these conversations on September 6th, with Mr. Zipf, Mr. Durando and Mr. Fulton, what did you expect?

A I expected that approximately 6 a.m. on Monday morning the 9th, that the Fort Lee access lanes would be reduced from three toll plazas to one.

Q Directing your attention to the weekend before the lane reductions, did you communicate with Miss Kelly and Mr. Baroni about them?

A Yes.

MR. CORTES: Your Honor, Government offers Government Exhibit 240 with consent.

THE COURT: Alright, 240 will be in evidence.

Q I'm sorry, can you give me the whole thing just to zoom in on.

Mr. Wildstein, do you recognize this email chain?

A Yes, I do. I recognize this is an email chain between Miss Kelly and myself on the 6th and 7th of September.

Q The 6th being a Friday?

A Yes, the 6th was a Friday, yes.

Q Looking at the first email in the chain, is that an email from you to Miss Kelly?

A Yes, it is.

Q Could you please read the entirety of that email?

A You want me to read it in the order in which it was?

Q I'm sorry, just directing you to your email to Miss Kelly.

\* \* \*

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Q Miss Kelly responded to your email on September 7th at 10 a.m. saying: "Great. I called you yesterday to talk path." Is that correct?

A Yes, it was.

Q What does — do you understand — do you have an understanding of what the reference to "path" is?

A Yes, I did have an understanding. I understood that she was calling to talk about a scheduled announcement by the Governor of New Jersey on

September 12th, of 2013, to announce the extension of the path line to Newark Airport.

Q How did you respond to Miss Kelly?

A I wrote her and said: "I'll call you in five minutes."

Q Mr. Wildstein, this email chain, did you keep this email chain in your personal gmail account?

A Yes, I did.

Q Is this a copy of the email from your personal gmail account?

A Yes, it is.

Q Mr. Wildstein, did there come a time when you spoke to Miss Kelly that weekend?

A Yes. Yes, we did speak that weekend.

Q Did you discuss the lane reductions?

A Yes, I did.

Q Do you recall what you discussed?

A I discussed that the Port Authority was set. That it was

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happening, as I indicated. That it would on Monday morning. And that I would let her know how it goes.

Q Did there come a time when you discussed with Miss Kelly how long the lane reductions would last?

A Yes. At some point I asked her how long this would go for. And what I was told is that we should take it on a day-to-day basis. That I would speak to her everyday and she would tell me each day whether it should continue for the next day.

Q How did you respond?

A I responded fine. I mean — if that’s how Miss Kelly wanted it, that was okay.

Q Directing your attention now to Sunday, September 8th, 2013. Did there come a time when you communicated with Mr. Durando, the general manager of the George Washington Bridge?

A Yes. We exchanged emails that morning.

MR. CORTES: Your Honor, Government offers Government Exhibit 1084 with consent.

THE COURT: Alright, 1084 will be in evidence.

Q Mr. Wildstein, do you recognize this?

A Yes, I recognize this as an email exchange between Mr. Durando and I on September 8th.

Q If I could direct your attention to the bottom email in this chain. Is that an email from you to Mr. Durando on September 8th, 2013, at 10:09 a.m.?

A Yes, sir, it is.

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Q Please read it.

A “Will be at bridge early Monday a.m. to view new lane test”.

Q And what did you mean by that?

A I meant to tell Mr. Durando that — I meant to tell Mr. Durando that I would be there.

Q How did Mr. Durando respond?

A He wrote: “So will I.” And went on to describe some operational issues that he had taken care of.

Q Can you please read that?

A Yes. He wrote. “So will I. Ops is on board. MTCE” is maintenance. “Maintenance is covering



signs tonight and police are aware that they will be controlling traffic in the intersections for the extended rush. We've also brought a toll collector in on overtime to keep toll lane 24, the extreme right hand toll lane upper level in the event that collector assigned to TL 24 needs a personal. See you in the morning."

Q Mr. Wildstein, did you have an understanding of what Ops referred to?

A Yes, I did. I understood that to mean the Port Authority Operations Department, which would be in charge of creating signs or any type of equipment that was needed. Operations Services.

Q How about maintenance?

A Yes. I understood that to be the GWB maintenance

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operation.

Q Did you have an understanding of what signs they were covering?

A Yes. Mr. Durando had explained to me that there were some directional signs that needed to be covered over so that the new traffic pattern would be less confusing to motorists.

Q The reference to — in that same sentence regarding the police, what did you understand that to be?

A Mr. Durando had explained that to me. He had explained to me the previous Friday that there was a police officer who was assigned to the intersection and that at some point after the height of the rush hour. That police officer would then go into the building — into the office and fill out some reports. Mr. Durando

explained that because that police officer would almost assuredly be out longer because of the traffic delays, they might have to finish completing those reports on overtime and that that would be an added expense.

Q With respect to that added expense, was that a problem for you?

A No, it was not.

Q Then with respect to the next sentence about the toll collector. Is that the same issue that you discussed previously?

A Yes, it was.

Q And what is the reference to toll lane 24?

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A Toll lane 24 is the — is a cash lane so there is a toll collector that works in that lane.

Q And with respect to toll lane 24, was that toll booth the one that was going to remain?

A Yes, that was the one left. That is the one furthest to the right on the southside of the eastbound upper level.

Q Mr. Wildstein, going to the third email now in this chain, you forwarded it to Mr. Baroni?

A Yes, I did.

Q Why did you forward it to Mr. Baroni?

A Mr. Baroni had asked to be kept in the loop on everything and this email gave some information that it was a confirmation that everything was on schedule so I forwarded it to Mr. Baroni so that he could see it.

Q Both before this email and after it, did you speak with Mr. Baroni on September 8th by telephone?

A Yes, I did.

Q Miss Hardy, could we have Government's 6013 in evidence, page 5 of that document. And if you could give me the top portion. Thank you, very much.

Mr. Wildstein, do you recognize this?

A Yes, I recognize this as telephone conversations between Mr. Baroni's cell phone and my cell phone on Sunday, September 8th.

Q And do you recall speaking to Mr. Baroni by telephone on

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that day?

A Yes, I do.

Q On more than one occasion? On more than one occasion?

A Yes, sir, on more than one occasion.

Q During these telephone calls, do you recall there being a time when you discussed Mr. Durando's email?

A Yes, I do recall that.

Q And did you discuss with Mr. Baroni the additional toll collectors and the Port Authority police officers working traffic?

A Yes, I discussed the overtime impact.

Q Mr. Wildstein, does this table also reflect telephone call between Miss Kelly and yourself?

A Yes, at 8:56 p.m. that evening.

Q Thank you, Miss Hardy.

Mr. Wildstein, directing your attention to the morning of Monday, September 9th, 2013, do you recall that morning?

A Yes, I do.

Q Where did you go that morning?

A I went to the George Washington Bridge.

Q When did you arrive?

A I arrived somewhere around 7 a.m., a little earlier.

Q Where did you go, specifically?

A Specifically I went to the George Washington Bridge

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administration building, which is on Bruce Reynolds Boulevard adjacent to the George Washington Bridge.

Q Miss Hardy, can we now have Government Exhibit 7025, which is already in evidence.

Mr. Wildstein, can you identify this?

A Yes, I can. There's a building toward the top of that picture with an H on the top, and that is the George Washington Bridge administration building.

Q Where did you park?

A I parked in a parking lot what looks like to be an upper level above the garage to the left of that building

Q Where did you go when you arrived?

A I went into the bridge Operations Center.

Q What if anything did you observe when you got there?

A I — that center has a lot of cameras — a lot of screens that monitor traffic. And I observed the traffic jam at the George Washington Bridge that morning.

Q How did you react?

A I knew that the plan that I had set into motion was working, that there was a lot of traffic.

Q Where was the traffic?

A Traffic was lined up on Martha Washington Boulevard and on Bruce Reynolds Boulevard.

Q And are those depicted on this photograph?

A Yes, they are —

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Q You can indicate on the screen?

A Okay. So Martha, this is Martha Washington Boulevard, and this is Bruce Reynolds. And so traffic was coming into both of these areas from both directions. There was a police officer at that intersection here that was directing traffic.

Q Okay, Mr. Wildstein, if you take a look — and, Miss Hardy, why don't you give me this upper right hand corner. No, no, the upper right hand corner. All the way over, if you can. Thanks.

Mr. Wildstein, do you see the Fort Lee lanes there?

A Yes, I do.

Q Okay. And where are those lanes?

A The Fort Lee lanes are right here.

Q Okay. So in terms of where — what you were just describing, can you just explain that a little bit more what you were just describing in terms of where the intersections are and where the traffic was?

A Yes. Let me clear this. I'm not sure how to clear this. But —

THE COURT: Tap on the corner.

A Okay. So this is the intersection right here at Martha Washington Boulevard and Bruce Reynolds.

Q So before you were indicating a street over, I believe, was that right? Was that accurate?

A No, this is Martha Washington. So the traffic was coming

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in through here. This here had normally been three lanes and on that day it was down to one.

Q Mr. Wildstein, after observing this, this — from the administration building, what did you do afterwards?

A After observing it on the screens, I met with Mr. Durando. Mr. Durando met me in the Operations Center, and went over with me, this is a lot of traffic.

Q What did you do after interacting with Mr. Durando?

A After that I met a Port Authority police lieutenant and he drove me around the area to get a firsthand view of local traffic.

Q What was the local traffic?

A Local traffic was very heavy. It was backed up considerably from there area.

Q What did you do after looking — observing the local traffic with this police lieutenant?

A Well, we drove around that area, went over — I went over to the other side of the bridge and drove around some of the traffic.

Q And what did you do after driving around?

A After finished seeing the traffic?

Q Yes.

A Lieutenant and I went to breakfast at the Fort Lee diner.

Q Where was that?

A It is on Lemoine Avenue, I believe it's somewhere in this

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area here.

Q And after that, did there come a time when you spoke to Miss Kelly that morning?

A Yes. I at some point got back in my car and drove back to the Port Authority offices in Manhattan and from the car I spoke to Miss Kelly.

Q Miss Hardy can, we have Government Exhibit 6013, page 6.

Mr. Wildstein, does this table reflect telephone calls between yourself and Miss Kelly and telephone calls between yourself and Mr. Baroni on Monday, September 9th, 2013?

A Yes, it does.

Q And directing your attention to the entry for 8:19 a.m., what does that reflect?

A That reflects a call placed from my cell phone to Miss Kelly's cell phone.

Q Do you recall speaking with Miss Kelly that morning?

A Yes, I do.

Q What did you tell her?

A I gave Miss Kelly an update of the traffic. I told her that the traffic was an absolute mess.

Q How did she respond?

A She was pleased.

Q Did you discuss continuing?

A I don't believe I discussed continuing with Miss Kelly on that call, I think I discussed that later.

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Q Did there come a time also that morning when you spoke with Mr. Baroni?

A Yes.

Q And does this table reflect telephone calls between yourself and Mr. Baroni at 8:35 and 8:43 a.m.?

A Yes, it does.

Q And in terms of the numbers there, is that Mr. Baroni's cell phone and your cell phone?

A Yes, 7069 is Mr. Baroni's cell phone and 2 one 58 is mine.

Q And going back to the telephone call with Miss Kelly is that your cell phone and her cell phone?

A Yes, sir, it is.

Q Now, back to the telephone calls with Mr. Baroni. Do you recall speaking with Mr. Baroni that morning?

A Yes, I do.

Q And what if anything did you discuss with him about Fort Lee?

A I discussed with him that the traffic was miserable. That there were significant delays.

Q How did he respond?



A Mr. Baroni was fine with that also. It wasn't really news. He and I were expecting delays based on conversations that we had had.

Q Mr. Wildstein, on Monday, September 9th, did you receive — were there messages that came in from Fort Lee?

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A Yes, sir, there were.

MR. CORTES: Your Honor, may I offer Government Exhibit 1089 on consent.

THE COURT: Ten eighty-nine will be in evidence.

Q Mr. Wildstein, do you recognize this document?

A Yes, I recognize this as an email between Mr. Durando and myself on Monday, September 9th.

Q And who else is copied on this document?

A Cedric Fulton, the Director of Tunnels Bridges & Terminals and Diannae Ehler, who was Mr. Fulton's deputy.

Q Mr. Wildstein, please read this email.

A "Just got off the phone with the FLPD," which I read to be Fort Lee Police Department Chief, "who is not happy about our new traffic pattern. He's particularly upset that no one from the GWB, either civilian or PAPD, had the courtesy or the neighborly intent to call either the Mayor's office or FLPD about testing a new traffic pattern. The Chief asked how he goes about ending this miserable failure. I advised him to have the Mayor call Bill Baroni. I also at their request met with them at the facility and advised them of same in person. They advised that the Mayor would

be calling Bill this morning.” And it’s signed Bob, Bob Durando.

Q Mr. Wildstein, did you know who the Fort Lee Police Chief was?

A No, at the time I did not know who it was.

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Q Regarding the second sentence, what did you understand from that second sentence?

A I understood that he was upset that he hadn’t received any notice, any outreach.

Q And regarding the sentence, Mr. Wildstein, where Mr. Durando wrote to you: “I advised him to have the Mayor call Bill Baroni.” What did you understand from that?

A I understood that to mean that Mr. Durando is following my instructions of the previous Friday was that calls would be directed to Mr. Baroni.

Q Did Mr. Baroni know about that instruction?

A Yes, he did.

Q What was your reaction to this email?

A I had no particular reaction. I wasn’t terribly surprised that people had reached out to Mr. Durando. I knew from past experiences that to be what would happen if there was an operational issue that Mr. Durando would be the first person to be contacted. And I was pleased that Mr. Durando was following the instructions.

Q Did you advise Mr. Baroni of this message?

A Yes, I did.

Q How did Mr. Baroni react?

A I don't recall a specific reaction. This is exactly how Mr. Baroni and I discussed this playing out that morning.

Q Did either Mr. Baroni or yourself respond to the Fort Lee

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Police Chief?

A No.

Q Were there other messages from Fort Lee that morning?

A Yes, there were.

MR. CORTES: Your Honor, Government offers Government Exhibit 1213 on consent.

THE COURT: Alright, 1213 will be in evidence.

Q Mr. Wildstein, do you recognize this document?

A Yes, I do. I recognize this to be a handwritten phone message from Mr. Baroni's office.

Q And how do you recognize this?

A I recognize the form of the message. I recognize the handwriting as that of Mat Bell, Mr. Baroni's assistant. And I recall having seen it that morning.

Q And that's — and it's dated September 9th, 2013, at 9:25 a.m.?

A Yes, sir, that's correct.

Q And it's indicated that it's for Bill. Who is that a reference to?

A Bill would be Bill Baroni.

Q And the message is from an individual named Marianne Leodori of Fort Lee. Do you recognize who that is.

A I don't recall if I knew at the time who that was other than it was somebody calling from Fort Lee soon after I recall learning that Marianne Leodori worked for the Mayor of Fort

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Lee.

Q Now, Mr. Wildstein, when messages came in to Mr. Baroni's office and your office, in addition to this handwritten note, were the messages conveyed in any other way?

A Yes. Typically if — if Mr. Baroni received a phone call and he was out of the office, actually sometimes in the office, in the building but not sitting right there, in addition to the hard copy, and in addition to this message that would be handwritten and left out for him, there would be an email sent with an additional copy of that message. And that would typically be — it was emailed to him and typically another one of his assistants got that message.

MR. CORTES: Your Honor, Government offers Government Exhibit 274 on consent.

THE COURT: Alright, 274 will be in evidence.

Q Alright, Mr. Wildstein, do you recall this?

A Yes, sir, I do.

Q Directing your attention to the bottom email in this chain. Who is that an email from?

A This is an email from Mathew Bell to Mr. Baroni.

Q And who is copied there?

A Gretchen DiMarco who was another of Mr. Baroni's assistants.

Q Please read the subject of that email.

A "Phone call, Mayor Sokolich, with a phone number, re:

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urgent matter of public safety in Fort Lee".

Q Following this email, what did Mr. Baroni do with it?

A Mr. Baroni forwarded it to me.

Q And how did you respond?

A I responded by saying: "Radio silence".

Q What does that mean?

A Radio silence was a term that Mr. Baroni and I had used in the past and it meant that regardless of people calling into Mr. Baroni, whether it was phone calls, texts, emails, whatever the form of communication, there would be no response. It would be radio silence.

Q Mr. Wildstein, the subject matter of this email is phone call from Mayor Sokolich regarding an urgent matter of public safety in Fort Lee. Did you know what that was about?

A No, sir, I did not know what that was about.

Q What did you think it was about?

A I thought that that was about Mayor Sokolich complaining about the traffic in Fort Lee.

Q After you received this email, other than sending this response to Mr. Baroni, what if anything did you do with this email?

A I shared that information with Miss Kelly at some point.

MR. CORTES: Your Honor, Government offers Government Exhibit 279, I believe on consent?

THE COURT: Alright, 279 is in evidence.

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Q Alright, Miss Hardy, if you can give me down to here.

Mr. Wildstein, do you recognize this?

A Yes, sir, I do. I recognize this portion as an email exchange between myself and Miss Kelly on the morning of September 9th.

Q And did you keep this email in your personal gmail account?

A Yes.

Q Is this a copy of that email from your personal gmail account?

A Yes, sir, it is.

Q Why did you forward this to Miss Kelly?

A This was consistent with her instructions, with Miss Kelly's instructions to keep her informed.

Q When did you forward it to Miss Kelly?

A I forwarded it to her 9:48 a.m. on the 9th.

Q How did Miss Kelly respond?

A She responded by asking me a question. "Did he call him back?"

Q How did you respond to her?

A I responded by saying: "Radio silence. His name comes right after Mayor Fulop".

Q Who is Mayor Fulop?

A Steven Fulop is the Mayor of Jersey City, New Jersey.

Q You use the term “radio silence”. Was that the same term as with Mr. Baroni?

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A Yes. I hadn’t used that term exclusively with Mr. Baroni, I had also used it with Miss Kelly and with others.

Q What were you intending to communicate with Miss Kelly by writing that here?

A I was intending to communicate that this was similar to another issue that happened around that same time where the Port Authority had been told to maintain a level of radio silence with the Mayor of Jersey City. So I was linking the two of them and letting Miss Kelly know this is exactly how Mr. Baroni is handling it, radio silence. His, in this case, meant Mayor Sokolich. That Mayor Sokolich comes right after Mayor Fulop, that these were two mayors not getting their calls returned by Mr. Baroni.

Q Why did you make that comparison to Miss Kelly?

A I don’t recall why I did that. I know I was linking the two together.

Q Had you discussed Mayor — had you discussed with Miss Kelly Mayor Sokolich and Mayor Fulop receiving the same treatment?

A Yes. Yes, we had in the past, yes.

Q Directing your attention now to Miss Kelly’s response. Can you please read that.

A The response is “TY”, which I read as thank you.

Q This email about Mayor Sokolich's call about an urgent matter of public safety that Mr. Baroni had sent to you, other

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than Miss Kelly, did you forward it to anyone else?

A No, I did not.

Q Returning — I want to return to that last, your last response about you understood that Miss Kelly was thanking you in that email. I want to come back to you.

I want to ask you some questions about that last email and Mayor Fulop. When was Mayor Fulop elected the Mayor of Jersey City?

A He was elected in May of 2013, and I think it was May 9th of 2013.

Q Before he was elected Mayor, did he hold any other public positions?

A Yes, Mr. Fulop was a city councilman in Jersey City.

Q Did you interact with him in your position at the Port Authority before he was the Mayor of Jersey City?

A Yes, I did.

Q In what context?

A While Mr. Fulop was a councilman and campaigning for Mayor, he was also working for a company called FAPS. I think FAPS means Foreign Auto Processing Systems or Services, FAPS was a tenant of the Port Authority at the Port of Newark.

Q And was Mr. Fulop affiliated with FAPS?

A Yes, he was.



Q In what capacity?

A I don't know his title. I don't know what his capacity

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was. Mr. Fulop had — Mr. Fulop had interacted with me as an advisor, as an advocate for FAPS.

Q Directing your attention to in or about October, 2012, did the Port Authority come to an agreement with FAPS at that time?

A Yes.

Q Were Mr. Baroni and you involved in those negotiations?

A Yes, we were.

Q And did Mr. Baroni and you agree to a deal with FAPS?

A Yes, we did.

Q Why?

A Mr. Baroni and I were asked to agree to that deal by the Office of the Governor of New Jersey.

Q Who?

A Specifically Mr. Stepien.

Q Did you understand why Mr. Stepien gave you this direction?

A Yes, I understood why. The direction was given because Mayor Fulop was viewed as somebody who might be possibly endorsing Governor Christie's campaign for re-election.

Q And what was the basis for your understanding?

A Basis for my understanding is Mr. Stepien told me that. It was the original basis of my understanding.

Q Now, when the Port Authority made the deal with FAPS and in or about October of 2012, did you inform Mr. Stepien of that deal?

A Yes, sir, I did.

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MR. CORTES: Your Honor, the Government offers Government Exhibit 71 on consent.

THE COURT: Seventy-one will be in evidence.

Q Mr. Wildstein, do you recall this document?

A Yes. This is an email explaining between Mr. Stepien and I on October 17th, 2012.

Q And did you send this email to Mr. Stepien after the deal with FAPS had been agreed to with the Port Authority?

A Yes, I did.

Q Please read your email to Mr. Stepien?

A "We have a deal with FAPS. Fulop owes you big time."

Q Why did you say that to Mr. Stepien?

A I said it for two reasons. One, to let him know that the deal had been reached. And the second, to make it clear that the only reason that deal was reached is because Mr. Stepien and the Office of the Governor asked the Port Authority to do that deal, to complete that deal.

Q How did Mr. Stepien respond?

A He wrote me saying: "I hope it's voidable, pending what happens next year. Thanks a lot. I know it was a pain in the ass."

Q And what did you understand him to mean by pending “what happens next year”?

A I understood that to mean pending whether Mr. Fulop endorses Chris Christie for Governor of New Jersey in the 2013

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election.

Q How did you respond?

A I responded by saying: “I expect to be disappointed but worth taking a shot.”

Q What did you mean by that?

A Meant that my own analysis of the politics here was that I didn’t think that Mayor Fulop would endorse Governor Christie. I didn’t believe Steve Fulop, whether he was a former city councilman or the Mayor of Jersey City, was actually going to pull the trigger and sign on for an endorsement. But given the potential upside of having a major player in the State’s second largest city possibly being with Governor Christie, it was worth taking the chance.

Q When this deal was made, did Mayor Fulop thank Mr. Stepien?

A Yes, he did.

MR. CORTES: Your Honor, Government offers Government Exhibit 74 on consent.

THE COURT: Exhibit 74 will be in evidence.

Q Miss Hardy, if you could give me a zoom on that. Thank you.

Alright, Mr. Wildstein, if I can direct you to the email at November 15th, 2012, at 7:05 p.m. Could you tell us what that is?

A Yes. That is an email from Mr. Stepien to me that I understood to be a cut and paste of Mayor — Mr. Fulop's text

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CRIMINAL ACTION 2:15-cr-193-SDW

UNITED STATES OF AMERICA, : TRANSCRIPT OF  
: PROCEEDINGS  
: TRIAL  
-vs- :  
: WILLIAM E. BARONI JR., : Pages 1 – 179  
and BRIDGET ANNE :  
KELLY, :  
Defendants. :  
----- :

Newark, New Jersey  
September 27, 2016

B E F O R E: HONORABLE SUSAN D. WIGENTON,  
UNITED STATES DISTRICT JUDGE  
AND A JURY

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

PAUL FISHMAN, ESQ., UNITED STATES  
ATTORNEY  
BY: DAVID FEDER, ESQ.  
LEE CORTES, ESQ.  
VIKAS KHANNA, ESQ.  
Attorneys for the Government

BALDASSARE & MARA, LLC  
BY: MICHAEL Z. BALDASSARE, ESQ.  
JENNIFER MARA, ESQ.  
Attorneys for Defendant Baroni

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Pursuant to Section 753 Title 28 United States Code,  
the following transcript is certified to be an accurate  
record as taken stenographically in the above entitled  
proceedings.

S/Carmen Liloia  
CARMEN LILOIA  
Official Court Reporter  
(973) 477-9704

\* \* \*

went door to door with any other mayors?

A I recall there was discussion about going door to door with Mayor of Union City, but I don't remember if that actually happened.

Q Mr. Wildstein, when we left off yesterday we were discussing Mayor Fulop of Jersey City. Do you recall that?

A Yes, sir.

Q After Mayor Fulop was elected as Mayor of Jersey City. When was he sworn in?

A He was sworn in on July 1st, 2013.

Q Do you know what a Mayor's day is?

A Yes, I do.

Q What is a Mayor's day?

A Mayor's day is a time slot that is set aside for one Mayor to meet with a number of state government agencies that he or she might have an interest in dealing with.

Q And who sets up a Mayor's day?

A The Office of the Governor would set up a Mayor's day.

Q After Mayor Fulop was elected and took office as the Mayor of Jersey City, did you discuss a Mayor's day for him with Miss Kelly?

A Yes, I did.

Q What did Miss Kelly convey to you?

A Miss Kelly said that the Governor's Office was setting up a Mayor's day for the Mayor of Jersey City, and that Mayor Fulop

had requested that the Port Authority be among the state Government entities included in that day.

Q Did Miss Kelly ask you to do anything?

A She asked me to have that day put on Mr. Baroni's calendar so he could attend the Mayor's day.

Q And was that day put on Mr. Baroni's calendar?

A Yes, it was.

Q And do you recall when that Mayor's day was scheduled to happen, roughly?

A It was a couple weeks, two, three weeks after Mayor Fulop became Mayor.

Q And, again, when was that?

A July, of 2013.

Q Mr. Wildstein, did those meetings happen?

A No, they did not.

Q What happened?

A I received a telephone call from Miss Kelly telling me to cancel — saying Mayor's day was cancelled and asking Mr. Baroni's office to contact Mayor Fulop's office directly to say that Mr. Baroni was not available to attend.

Q Did Miss Kelly tell you how you were suppose to cancel?

A Yes. Miss Kelly said that somebody from Mr. Baroni's office should call Mr. — Mayor Fulop's scheduler, scheduling assistant, and say that, due to a conflict, Mr. Baroni was not available to attend that meeting that day.



Q And when were you suppose to contact Mayor Fulop's scheduler and tell that individual that Mr. Baroni's appointment was going to be cancelled?

A It was immediate.

Q For what purpose?

A For the purpose of sending a message to Mayor Fulop.

Q Did Miss Kelly tell you this?

A Yes, she did. She said she wanted — that the intent was for each agency to make an independent call to Mayor Fulop's office so that the Mayor would get a number of calls as opposed to just one call saying it's off.

Q And by each agency, what are you referring to?

A By each agency, I mean whatever state department, I'm not familiar with who else was on the agenda, but whatever other state department was included. For example, if it were a member of Governor Christie's cabinet, a commissioner, that commissioner's office would call.

Q Did Miss Kelly tell you the reason for wanting all these meetings to be cancelled?

A Yes. Yes, she said that this was to send a message to Mayor Fulop.

Q Why?

A The message was political. That Mayor Fulop hadn't endorsed Governor Christie and he was to receive a message that he wasn't going to get any — he was not going to get any

assistance out of the State of New Jersey while he was Mayor.

Q Did Miss Kelly tell you who at the Governor's Office had told her to do this, if anyone?

A Yeah. She said the Governor had cancelled it, Governor Christie.

Q Did you agree to Miss Kelly's instruction that Mr. Baroni cancelled his meeting with Mayor Fulop?

A Yes, sir.

MR. CORTES: Your Honor, Government offers Government Exhibits 5003-BK-02, 5003-GD-01 on consent.

THE COURT: Okay, those documents will be in evidence.

Q Miss Hardy, if we could have those documents on split screen. Can you zoom in on the top of that one. Fantastic. Thank you, very much.

Mr. Wildstein, I want to direct your attention to the right side of the screen. Okay?

A Yes.

Q Can you identify that?

A Yes. This is — on the right side of the screen is a text message exchange between myself and Miss Kelly on July 18th, 2013. Miss Kelly's texts are to the left side, mine are in blue on the right side.

Q I want to direct your attention to the first text message, which is on Government Exhibit 5003-DK-02. Can you read that?

A Yes. It says: Nancy, with a phone number.

THE COURT: Okay, 122 will be in evidence.

Q Miss Hardy, if you can zoom in until the right here. Great. Thank you.

Mr. Wildstein, do you recognize this?

A Yes, I recognize this as an email between Mayor Fulop and Senator Baroni on July 22nd, 2013.

Q And does that email chain continue as well?

A Yes, it does. It was later forwarded to me and I later forwarded it to Miss Kelly and Mr. Stepien.

Q Mr. Wildstein, if I could direct you to the first email in this chain. What is the date of that email?

A July 22nd, 2013.

Q Who is that email from?

A It's from Steven Fulop, the Mayor of Jersey City.

Q Who's it to?

A Bill Baroni.

Q What is the subject?

A Meeting request.

Q Could you please read the body of that email.

A "Bill, I noticed you had a scheduling conflict during the transition as well as this week regarding recently scheduled meetings. I know how busy you are so I completely understand. But it would be greatly appreciated if you could let my office whom with whom to reach out to in order to coordinate time between your team and my office to discuss the Port Authority

and Jersey City. This is important to both entities, and of course I am more than willing to work around your calendar.”

Q What did Mr. Baroni do with this email?

A Mr. Baroni forwarded it to me.

Q When?

A About a minute later, about a minute after it was sent.

Q Did Mr. Baroni say anything in his email to you?

A No, he did not.

Q What did you understand from his forward of Mayor Fulop’s message?

A I understood that I should pass this on to the Governor’s Office to let them know that Mayor Fulop had reached out to Mr. Baroni.

Q What did you do with the email?

A I forwarded it to Miss Kelly and also to Mr. Stepien.

Q Why did you forward it to Mr. Stepien?

A Because Mr. Stepien had a special interest in Jersey City and Mayor Fulop around that time while he was serving as campaign manager.

Q And why did you forward it to Miss Kelly?

A Because Miss Kelly was the person that I had been receiving instructions from regarding communications with Mayor Fulop.

Q Did you say anything in your email to them?

A Yes. Yes, sir, I did. I said: Radio silence.

Q Mr. Wildstein, if I could direct you actually to the

previous email, July 22nd, 211.

A I'm sorry. I didn't say anything. I forwarded it as it had been sent from Mr. Fulop to Mr. Baroni.

Q And was there a response to your email?

A Yes, there was. There was a response from Mr. Stepien.

Q And is that email to you?

A Yes, it is to me and Miss Kelly was copied on it.

Q Do you recognize Miss Kelly's email address?

A Yes. I — that's her personal email address.

Q Please read Mr. Stepien's email to you.

A "Radio silence".

Q What did you understand from that email?

A I understood that there was to be radio silence. There was to be no response to that email.

Q Did you convey Mr. Stepien's radio silence statement to anyone?

A Yes, I let Mr. Baroni know that I had heard from Mr. Stepien, and that it would be radio silence.

MR. CORTES: Your Honor, Government offers Government Exhibit 123 on consent.

THE COURT: Alright, 123 will be in evidence.

Q Mr. Wildstein, do you recognize this?

A Yes, sir, I do. It is an email from myself to Mr. Baroni on July 22nd.

Q Is that the same day as the email you received from Mr.

Stepien?

A Yes, it was.

Q What is the subject of this email?

A The subject is Fulop.

Q And it's an email from you to Mr. Baroni?

A Yes.

Q Please read this email?

A "Radio silence".

Q What did you intend to convey to Mr. Baroni?

A I was communicating to Mr. Baroni that there would be radio silence on any matter involving Mayor Fulop.

Q Did Mr. Baroni respond to Mayor Fulop's request for a meeting?

A He did not, no.

Q Did Mayor Fulop continue to ask for meetings?

A Yes, he did.

MR. CORTES: Government offers Government Exhibit 132.

THE COURT: Is that on consent?

MR. CORTES: Yes, it is, your Honor.

THE COURT: Alright, 132 will be in evidence.

Q Mr. Wildstein, do you recognize this?

A Yes, I do.

Q Miss Hardy, if you could give me a zoom down here. Perfect, thank you.

Mr. Wildstein, what is the date of this email chain?

A August 1st, 2013.

Q And I want to direct your attention to the first email in the chain. Who is that email from?

A This is from Steven Fulop.

Q Who is it to?

A To Mr. Baroni.

Q What is the subject?

A "Follow up".

Q Please read the contents of this email?

A "Bill, I hope you have been well and I wanted to follow up again with a request for a meeting with you to discuss points of mutual interest with regards to Jersey City and the Port Authority. Please let me know your availability and we can work around your calendar. Thanks so much."

Q What did Mr. Baroni do with this email?

A Mr. Baroni forwarded that to me.

Q Did Mr. Baroni say anything in his email to you?

A No, he did not.

Q What did you understand from Mr. Baroni's forward of Mayor Fulop's email to you?

A I understood that Mr. Baroni expected that I would pass this on to – I would pass this on to the Governor's Office and to Mr. Stepien.

Q What did you do with this email?

A I forwarded it to Mr. Stepien.

Q Why?

A To keep him informed. He and I had been speaking about Jersey City.

Q How did Mr. Stepien respond?

A I responded by saying: Continue to ice him. No meeting.

Q What did you understand from that?

A I understand "continue to ice him" was very similar to radio silence. Continue to have no contact with Mayor Fulop at all, no return phone calls.

Q How did you respond to him?

A I responded to him by saying: Done.

Q What did that mean?

A It meant if that is his directive, that's what I would do.

Q Did you inform Mr. Baroni of Mr. Stepien's email to you?

A Yes, sir, I did.

Q How did he respond?

A He was in agreement.

Q Did Mr. Baroni respond to Mayor Fulop's August 1st, 2013 request for a meeting?

A No, he did not.

Q Did Mayor Fulop continue to ask for meetings with the Port Authority?

A Yes, he did.

MR. CORTES: Your Honor, Government offers Government Exhibit 202, on consent.

THE COURT: Alright, 202 will be in evidence.



Q Alright, Mr. Wildstein, do you recognize this document?

A Yes, I recognize this as an email exchange from August 18th.

Q Directing your attention to the first email in this chain. Who is that an email from?

A From Mayor Fulop.

Q Who is it to?

A Mr. Baroni.

Q What is the subject of that email?

A Meeting request.

Q Please read the body of that email.

A “Bill, I am following up again requesting a meeting with regards to overlapping issues between the PA and JC. This is very important to us in Jersey City and would appreciate the cooperation. As a side note, I am not sure if it is a coincidence that your office cancelled the meeting several weeks back that seemed to be simultaneous to other political conversations elsewhere that were happening. Prior to that, you were always very responsive and I sincerely hope the two issues are not related, as it wouldn’t be in the PA/Jersey City or the residents of the State’s best interest. Please let me know when we can meet in the near future and we can work around your availability.” And it is signed Steven M. Fulop, Mayor of Jersey City.

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Q This refers to PA, do you understand that reference?

A Yes, I understood PA to mean Port Authority.

Q What did Mr. Baroni do with this email?

A Mr. Baroni forwarded that email to me.

Q Did Mr. Baroni say anything in his email?

A No, sir, he did not.

Q What did you understand from Mr. Baroni's forward of Mayor Fulop's email to you?

A I understood Mr. Baroni to be telling me Mayor Fulop had reached out to him again and that I should continue to keep people informed of that.

Q What did you do with the email?

A I forwarded that email to Mr. Stepien.

Q For what purpose?

A So that Mr. Stepien would be aware that Mayor Fulop was continuing to reach out requesting meetings.

Q Did Mr. Stepien respond to you?

A Yes, he did.

MR. CORTES: Your Honor, Government offers Government Exhibit 203 on consent.

THE COURT: Alright, 203 will be in evidence.

Q Mr. Wildstein, do you recognize this?

A Yes, I do.

Q And who is this an email from?

A. This is an email from Bill Stepien.

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Q Who is this an email to?

A It's to me.

Q Please read the body of this email.

A Mr. Stepien wrote: He's getting a little snippy. Good. Continue to disregard.

Q Who did you understand to mean by "he"?

A I understood "he" to be Mayor Fulop.

Q What is the date of this email chain?

A August 18th.

Q Is that the same date as your forward to Mr. Stepien of Mr. Baroni's email to you?

A Yes, it was.

Q What did you understand from Mr. Stepien's email to you?

A I understood "continue to disregard", was the same as "radio silence" or "ice him" or any other of the other terms that were being used.

Q Did you inform Mr. Baroni of Mr. Stepien's email?

A Yes, I did.

Q Why?

A To continue to keep Mr. Baroni informed of what message we were receiving.

MR. CORTES: Your Honor, Government offers Government Exhibit 204 on consent.

THE COURT: Alright, 204 will be in evidence.

Q Mr. Wildstein, do you recognize this?

A Yes, I do. I recognize this as an email between myself and Mr. Baroni that same day, August 18th.

Q And is the bottom portion of this email the previous email portion that we were looking at in Government's Exhibit 202?

A Yes. This was the email that Mr. Baroni had sent, forwarded — this was the email from Mayor Fulop to Mr. Baroni that he had forwarded to me.

Q And did you respond to Mr. Baroni's forward?

A Yes, I did.

Q Please read your email to Mr. Baroni.

A "From step. He's getting a little snippy. Good, continue to disregard".

Q Who is "step"?

A Step is a reference to Bill Stepien.

Q What were you conveying to Mr. Baroni?

A I was conveying to Mr. Baroni that I had forwarded the email onto Mr. Stepien and that the instructions were the same, that there should be no response.

Q Did Mr. Baroni respond to Mayor Fulop's August 18th, 2013 request for a meeting?

A No, he did not.

Q Did Mayor Fulop continue to ask for meetings with the Port Authority?

A Yes, he did.

Q Did there come a time when Port Authority Chairman David

Samson scheduled a meeting with Mayor Fulop?

A There came a time where Chairman Samson had — I don't know if it was scheduled. There was a request that I was aware of.

Q How were you aware of that request?

A Mr. Baroni told me of that request.

Q Did Mr. Baroni ask you to do anything about that request?

A Yes. He asked me to check with Mr. Stepien to be sure that Chairman Samson was included in the radio silence introductions.

Q Did you do so?

A Yes, sir, I does.

MR. CORTES: Your Honor, Government offers Government Exhibit 212 on consent.

THE COURT: Alright, 212 will be in evidence.

Q Mr. Wildstein, what is the date of this email?

A August 28th.

Q And what is the subject?

A Fulop.

Q Who is it from?

A It is from me.

Q Who is it to?

A It's to Mr. Stepien.

Q Please read the body of your email.

A "Fulop called Samson directly and has a meeting set up for next week. Samson wants to confirm that the Gov does not want

him to do that meeting".

Q Mr. Wildstein, did Mr. Stepien respond to you?

A Yes, he did.

Q And how did he respond?

A He responded that Mr. Samson was included as part of the directive to have no Port Authority contact with Mayor Fulop.

Q Did you convey Mr. Stepien's response to Mr. Baroni?

A Yes, I did.

MR. CORTES: Your Honor, Government offers Government Exhibit 5003-BB-03 on consent.

THE COURT: Alright, 5003-BB-03 will be in evidence.

Q Mr. Wildstein, do you recognize this?

A Yes, I do. I recognize this as a text message exchange between Mr. Baroni and I on August 28th.

Q And can you orient us, please –

A Yes.

Q Go ahead.

A Yes. My texts are in – on the right side in blue and Mr. Baroni's texts are on the left side, black and white.

Q Alright, Mr. Wildstein, could you please read your text message to Mr. Baroni on August 28th, 2013, at 4:24 p.m.

A Yes. I wrote: Per Stepien. No meetings with Fulop. One hundred percent. Order that Fulop be frozen out comes directly from Gov.

Q Could you please read the next text message.

A I wrote back to Mr. Baroni and said: You have this?

Q Going back to that first text message, what did “frozen out” means?

A Frozen out is the same as icing him or radio silence. It was another means of saying absolutely no contact at all.

Q Now, going to Mr. Baroni’s response, please read what his response is at 4:41 p.m.?

A He wrote back to me and said: Yes. Him specifically, correct?

Q And was that followed with another text?

A Yes. It was followed with a question mark.

Q And what did you understand Mr. Baroni to mean by ‘him specifically’?

A I understood in this case that him was Mr. Samson.

Q How did you respond to Mr. Baroni?

A I responded to him by saying: Everyone.

Q How did Mr. Baroni respond to you?

A He wrote me back and said, “him specifically”, with a question mark.

Q How did you respond to him?

A I wrote back and I said: I told step about Samson specifically and he said one hundred percent.

Q And, again, who is step?

A Step is Bill Stepien.

Q And did you send another text message to Mr. Baroni?

\* \* \*

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broke”?

A I knew Hudson Terrace South to be the area that fed other communities beyond Fort Lee. Southern communities would come up Hudson Terrace South, turn onto Bruce Reynolds Boulevard, and then go from Bruce Reynolds Boulevard, make a right, turn onto Martha Washington into the Fort Lee lanes.

Q And what did you understand “Fort Lee from Martha Wash still heavy” to mean?

A I understood that to mean that the local traffic in Fort Lee remained heavy at 9:51 in the morning.

Q Thank you Miss Hardy.

Mr. Wildstein, do you know Tina Lado?

A Yes, sir, I do.

Q Who is Tina Lado?

A She is the New Jersey Director of Government and Community Relations for the Port Authority.

Q And did there come a time on the morning of September 9th, 2013, when you received an email from Miss Lado?

A Yes, there was.

Q Bear with me, your Honor, one second. Your Honor, I believe Government Exhibit 1091 is in evidence, so I ask Miss Hardy to call that up.

Mr. Wildstein, whose this an email from?

A This is an email from Miss Lado.



Q When?

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A On Monday, September 9th.

Q What time?

A 11:24 a.m.

Q Who is this email to?

A It is to Mr. Baroni and myself, copied Mr. Fulton.

Q And again, who is Mr. Fulton?

A He is the Director of Tunnels, Bridges and Terminals for the Port Authority.

Q And do you recognize this email?

A Yes, I do.

Q Please read the email.

A “Wanted you both — wanted you both have a heads up. Peggy Thomas, Borough Administrator, called me regarding the increased volume of congestion of the a.m. rush traffic through the Borough as a result of the GWB toll lanes adjustment that occurred”. She mentioned that there were two incidents that Fort Lee PD and EMS had difficulty responding to, a missing child, later found, and a cardiac arrest. She stated additionally that the Borough and the PD had no advance notice of the planned change. “Also, Bill, the Mayor had placed calls to your office. If there is anything you need me to do, please let me know. Thank you.”

Q Mr Wildstein, had you spoken to Miss Lado regarding the lane reductions?

A No, I did not.

Q Why not?

A I did not view Miss Lado as a member of Governor Christie's team. Miss Lado had been appointed to her job by previous administration. And had been held over by a special request.

Q Now, directing your attention to the first paragraph, did you know who Peggy Thomas was?

A At the time I had not heard of Miss Thomas before.

Q Did you understand from this email that she was affiliated — she was an official with the Borough of Fort Lee?

A Yes, sir, I did.

Q Now, directing your attention to the second paragraph, what did you understand from this?

A I understood that Miss Lado was telling us — telling Mr. Baroni and I that there were two public safety incidents at the George Washington Bridge that morning, in Fort Lee that morning.

Q What was your reaction to that information?

MR. BALDASARRE: Objection.

MR. CRITCHLEY: No, please.

MR. BALDASARRE: You want me to withdraw it?

MR. CRITCHLEY: Yeah.

MR. BALDASARRE: Alright, I withdraw it, Judge.

THE COURT: Okay. You can proceed, Mr. Wildstein.

THE WITNESS: Thank you, your Honor.

Q What was your reaction to that information?

A I didn't have much of a reaction.

Q Why not? Do you know why not?

A Yes, I do. I was very focused on the politics of the intent of the lane closure and didn't give that very much attention.

Q Now, directing your attention to the third paragraph here. In Miss Lado's email where she wrote: Bill, the Mayor had placed calls to your office. What did you understand from that?

A I understood that to mean that Miss Lado was aware that Mayor Sokolich had reached out to Mr. Baroni.

Q Did you respond to Miss Lado?

A I did not, no.

Q Did Mr. Baroni?

A No, he did not. He did not at the time make any response, no.

Q After receiving this email, did there come a time when you discussed it with Mr. Baroni?

A Yes, there was.

Q What did you discuss?

A We discussed that Mayor Sokolich from his call that morning from the information Miss Lado was providing was playing — what was described as the public safety card.

Q What does that mean?

A It meant that Mayor Sokolich was saying that the lanes —

the changing of the configuration of the lanes was creating a public safety problem in Fort Lee.

Q And did you accept that?

A No, I didn't.

Q What did you mean by the public safety card?

A What I meant is that — I believed that to be a good response from Mayor Sokolich, closing all right lanes, can't do it for public safety reasons, public safety is often a good reason.

Q And did you discuss this with Mr. Baroni?

A I did.

Q Did he agree with your view?

A He did. He said to me he thought it was smart of Mayor Sokolich to respond that way.

Q Did either one of you follow up with the Borough Administrator?

A No, we did not.

Q Or the Borough of Fort Lee?

A No.

Q On these issues in this email?

A No.

Q Was there any discussion with Mr. Baroni about sending Port Authority resources to help Fort Lee with these issues?

A No, there was not.

Q After you received this email from Miss Lado, did there

come a time when you had a telephone conversation with Miss Kelly?

A Yes.

MR. CORTES: Your Honor, Government calls up — I'm sorry, this is already in. I'm sorry, Miss Hardy, could we have Government Exhibit 6013, at page 6.

Mr. Wildstein, directing your attention to this chart, is there an entry at 1:47 p.m.?

A Yes, there is.

Q Can you identify that entry, please.

A Yes. That is a call from me from my landline at the Port Authority to Miss Kelly's cell phone.

Q How long was that call?

A Six minutes and 31 seconds.

Q Mr. Wildstein, do you recall discussing with Miss Kelly that day — I'm sorry, do you recall your conversation with Miss Kelly that afternoon?

A Yes, I do.

Q What did you discuss?

A I discussed with her an update on communications had been received and I asked Miss Kelly what she wanted to do for Tuesday.

Q And with respect to the communications that had been received, are you talking about communications that had been received by the Port Authority from Fort Lee?

A Yes, sir, that's what I'm referring to.

Q And with Miss Kelly, did you discuss Miss Lado's email that you had received with respect to certain public safety issues?

A Yes, I did.

Q And did you describe those issues to Miss Kelly?

A I did. I told Miss Kelly what Miss Lado had reported.

Q And how does — and what — what did you tell Miss Kelly about that issue?

A I told Miss Kelly that I hadn't heard any other public safety issues. I hadn't received any other complaints.

Q And who from? Who were you talking about?

A Specifically from Port Authority Police. I hadn't — or from Operations. I hadn't received any communications from the Port Authority saying that there were public safety issues.

Q Now, did you tell Miss Kelly about the public safety card that you discussed with Mr. Baroni?

A I did. I told her that I thought that was a smart political response from Mayor Sokolich to play the public safety card. She agreed.

Q Did Miss Kelly ask you to find out if these public safety concerns were true?

A No.

Q Did you offer?

A No, I did not.

Q Did you discuss whether to contact Fort Lee?

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A No.

Q You mentioned that you also discussed with Miss Kelly continuing the lane reductions. Is that correct?

A Yes, sir, that's correct.

Q What did you discuss?

A I asked Miss Kelly if she wanted the lane — what she wanted to do about the lanes on Tuesday, September 10th. And Miss Kelly told me to close those lanes again.

Q Did you convey that to Port Authority staff members?

A Yes, I let Mr. Durando know.

Q Mr. Wildstein, following your conversation with Miss Kelly, did there come a time when you spoke with Mr. Baroni on September 9th, 2013?

A Yes.

Q And just directing your attention to this Government's Exhibit 6013, how many telephone calls did you have — could you just identify those phone calls.

A You talking about in the afternoon?

Q Yes, sir.

A So that would be this block of calls right here.

Q And can you explain the first block of calls? Can you explain those, and then the second block.

A Yes. The first four calls, 6607, these would have been from my landline at the Port Authority. And this is from — to Mr. Baroni's cell phone.

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Q And how about the second block there?

A The second four calls were from Mr. Baroni's cell phone to my cell phone.

Q And that's during the evening?

A Yes, sir.

Q Of September 9th?

A Yes, those four were after 7 p.m., yes.

Q Now, did there come a time in your conversations with Mr. Baroni that afternoon when you discussed your conversation with Miss Kelly?

A Yes, there was. There was a point where I told Mr. Baroni that I had spoken to Miss Kelly and that the lanes would be closed the next day.

Q How did he respond?

A Mr. Baroni was fine with it.

Q Thank you, Miss Hardy.

Mr. Wildstein, did the lane reductions continue on September 10th, 2013?

A Yes, they did.

Q At your direction?

A Yes, sir, at my direction.

Q Why did you give that direction?

A Those were the instructions that I had received from Miss Kelly.

Q Mr. Wildstein, on the morning of September 10th, did you

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learn that Mayor Sokolich left a message with Mr. Baroni's office?

A Yes, I did.



Q How do you know that?

A I saw those messages. I saw that message.

MR. CORTES: Your Honor, Government offers Government Exhibit 1214 on consent.

THE COURT: Alright, 1214 will be in evidence.

Q Mr. Wildstein, do you recognize this?

A Yes, I recognize this. It is a handwritten telephone message taken by Mat Bell, Mr. Baroni's assistant.

Q And who is this message from?

A It is from Mayor Sokolich to Mr. Baroni.

Q What is the subject of this handwritten — this message?

A "Change of traffic patterns".

Q Now, Mr. Wildstein, on the morning of September 10th, did there come a time, that you learned that Mayor Sokolich had directly contacted Mr. Baroni?

A Yes.

Q How did you learn that?

A I saw the message. I was advised of the message.

Q Your Honor, Government offers Government Exhibit 5003-BB-06.

THE COURT: Alright.

MR. CORTES: On consent.

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THE COURT: I have 5003-BB-06 will be in evidence.

Q Mr. Wildstein, do you recognize this?

A Yes, I do. I recognize this as a text message exchange between Mr. Baroni and myself on September 10th.

Q Can you please orient us.

A Yes. My texts are on the right in blue and Mr. Baroni's on the left in black.

Q Mr. Wildstein, directing your attention to the text message on September 10th, 2013, at 6:52 a.m. from Mr. Baroni. Could you please read that text message.

A Yes. It says: Presently we have four very busy traffic lanes merging into only one toll booth. The bigger problem is getting kids to school. Help, please. It's maddening.

Q Who did you understand this text message to be from?

A I understood this to be a text message from Mayor Sokolich to Mr. Baroni.

Q What did you understand four very busy traffic lanes merging into only one toll booth, what did you understand that to be?

A I understood that to be the lanes that would feeding into the George Washington Bridge through Martha Washington Boulevard.

Q What did you understand from the reference to the bigger problem is getting kids to school?

A I understood that as a reference to the traffic delays were

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delaying kids getting to school on time that morning.

Q What did you understand from "help, please"?

A I understood that to be that Mayor Sokolich wanted somebody to respond to him. He needed help. He need to do fix this issue.

Q How about “it’s maddening”?

A I understood this to be — I understand this to be Mayor Sokolich’s just personal response that it was maddening to him that this type of traffic was occurring.

Q Did there come a time when you discussed this message with Mr. Baroni?

A Yes.

Q How did Mr. Baroni react to this message?

A Mr. Baroni mocked Mayor Sokolich. He kept repeating: It’s maddening. It’s maddening. He would say to me, you know,

there was something afterwards that I had said, he said: That must be maddening. He found some humor in that particular line.

Q Did you as well?

A Yes, I did.

Q Was there any — did you discuss responding to Mayor Sokolich?

A No, sir, no.

Q Was there any discussion of sending Port Authority resources to help Fort Lee?

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A No, there was not.

Q Sorry, could we have Government’s 6013, at page 7.

Mr. Wildstein, can you just tell us what we're looking at?

A You're looking at a record of my phone calls on Tuesday, September 10th, with Mr. Baroni and Miss Kelly.

Q Mr. Wildstein, does this reflect a telephone call with Mr. Baroni on September 10th, 2013, at 7:54 a.m. for two minutes and 27 seconds?

A Yes, it does. It reflects a call from Mr. Baroni's cell to my cell.

Q Mr. Wildstein, what if anything did you do with Mayor Sokolich's text message that you had received from Mr. Baroni?

A I forwarded that to Miss Kelly.

MS. CORTES: Government offers Government Exhibit 5003-BK-03.

THE COURT: That's on consent.

MR. CORTES: On consent, yes, your Honor.

THE COURT: Alright, 5003-BK-03 will be in evidence.

Q Mr. Wildstein, could you please orient us.

A Yes. This is a text message exchange between Miss Kelly and myself from the morning of September 10th, 2013. My text to Miss Kelly are on the right. Top two, the blue background, the bottom three in green. Miss Kelly's text are on the left in black.

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Q With respect to the text message, your text message on September 10th, at 7:04 a.m. What is that?

A I pasted in Mayor Sokolich's text to Mr. Baroni, that Mr. Baroni had sent me. And in order to add some context to Miss Kelly as to what the text was, I wrote "Sokolich text to Baroni".

Q How did Miss Kelly respond?

A She wrote by saying: Is it wrong that I am smiling?

Q What did you understand her to mean?

A I understood her to mean that she read the text of Mayor Sokolich's frustration and that he was smiling about it.

Q How did you respond to her?

A I responded: No, it's not wrong that you're smiling.

Q Why did you respond that way?

A Because that's how I felt, that it wasn't wrong that she was smiling.

Q How did she respond to you?

A She wrote me back and said: I feel badly about the kids. And then added: I guess.

Q What did you understand her to mean?

A I understood that to mean that Miss Kelly was feeling a little bit of empathy toward kids from Fort Lee that were having to trouble get to go school that morning.

Q How do you respond to her?

A I responded by saying: They are the children of Buono

Q What did you mean by “the children of Buono voters”?

A Barbara Buono was the Democratic nominee for Governor running against Governor Christie. I — the context of what I meant was the people that were experiencing delays on that bus were the children of people that were probably not going to vote for Governor Christie anyway.

Q Why did you send this to Miss Kelly?

A I sent that to put it into some context that we are — we were representing Governor Christie’s interests.

Q Why were you comfortable sending that message to Miss Kelly?

A Hard question to answer. I shouldn’t have been comfortable saying — it was a terrible thing to say. But I felt that this was a personal communication between two friends that talked about politics and I believed that Miss Kelly would understand what I meant. I believe she would understand the message that I was sending.

Q What was the next message that you sent to her?

A I said to Miss Kelly: Bottom line is he didn’t say safety.

Q And how did Miss Kelly respond to you?

A She said, “exactly”, with an exclamation point.

Q What were you referring to?

A I was referring to the conversations from Monday, September 9th, the day before, where Mayor Sokolich had reached out

saying it was a matter of urgent public safety. That I had received an email from Miss Lado saying that there was a report of a missing child and that EMS responses were delayed and that I had spoken to Miss Kelly in the context of my belief that Mayor Sokolich was playing the public safety card.

Q And why are you raising that in this message?

A Because I felt more comfortable with an issue of delays, even with children, than I did with an issue regarding public safety.

Q And what did you understand Miss Kelly's response to mean?

A That she agreed with me.

Q Mr. Wildstein, are the other text message in this exchange about another topic with respect to your text message at 7:13 a.m. and her response at 7:15?

A Yes, those two were on a different topic.

Q Did you discuss with Miss Kelly sending Port Authority resources to help Fort Lee?

A No, I did not.

Q Other than to Miss Kelly, did you send Mayor Sokolich's text message that Mr. Baroni had sent to you to anyone else?

A No, I did not.

Q Thank you, Miss Hardy.

Mr. Wildstein, after — continuing on September 10th. After these text message exchanges with Miss Kelly, did you receive additional information regarding traffic at the bridge

that morning?

A Yes, I did.

Q And did you receive that from the same source?

A Yes.

Q Who was that?

A Lieutenant Michaels.

Q And with that — once you received that information from Lieutenant Michaels, what did you do with it?

A I forwarded that information on to Mr. Baroni and Miss Kelly.

MS. CORTES: Government offers at this time Government Exhibit 5003-BB-07 and 5003-BK-04, both on consent.

THE COURT: Okay. 5003-BB-07 and 5003-BK-04 will be in evidence.

Q Miss Hardy, if you can give us those on the top/bottom, 5003-BB-07, 5003-BK-04.

Alright, Mr. Wildstein, can you just take a look at those two Government Exhibits and let me know when you're ready.

A Okay, Mr. Cortes.

Q Alright. So, Mr. Wildstein, do you recognize these two text messages as text messages that you sent?

A Yes, I do. I recognize the text message to — at the right, align to the right in blue as a text message I sent to Mr. Baroni. And I recognize the text message on the left with



mine in green. Again on the right side of that text is a text I sent to Miss Kelly.

Q Alright. Starting with Government's 5003-BB-07, was that sent to Mr. Baroni on September 10th, 2013, at 7:43 a.m.?

A Yes, it was.

Q And is that the same — the contents of that text message the same as the one you sent to Miss Kelly at 7:45 a.m. the same day?

A Yes, it was, sir.

Q And please read that text message.

A "So I95 traffic broke about five minutes ago. About 45 minutes earlier than usual because there were two additional lanes to handle morning rush".

Q Mr. Wildstein, did you send that information to anyone else, other than Miss Kelly and Mr. Baroni?

A No, sir, I did not.

Q Why did you — you sent these text messages separately.

Why did you do that?

A That was my common practice. I kept separate text message

exchanges. I kept group texts from myself to a minimum. I was not — I wasn't a big group texter.

Q Mr. Wildstein, did you consider this information significant?

A Yes. Yes, I did.

Q Why?

A Because that information would potentially help the Port Authority's narrative, the Port Authority's cover story down the road in that the lanes, by taking two lanes available — away from Fort Lee and giving those two lanes to the main approach of the George Washington Bridge, that others might get across the bridge more quickly because they had two extra lanes.

Q That was the cover story?

A Yes, sir. That was part of the cover story, yes.

Q Not the true purpose —

MR. CRITCHLEY: Judge, leading, Judge.

THE COURT: Sustained.

Q Was that the true — was that the true purpose?

A No, sir, it was not the true purpose.

Q Did Mr. Baroni respond to your text message?

A Mr. Baroni and I discussed it at some point.

Q Do you recall what you discussed with him?

A I discussed with him that these — this was good news.

Q For that reason?

A Yes. For exactly that reason.

Q And that's referring to the cover story?

A Yes.

Q Did Miss Kelly respond to you?

A Yes, she did.

Q How did Miss Kelly respond?

A She responded to me by saying: That is good.

No?

Q How did you respond?

A I responded: Very good.

Q And why did you respond “very good”?

A Because I viewed that to be good news in support of an argument that Miss Kelly and Mr. Baroni and I might be called upon to make some day.

Q That argument being?

A The cover story.

Q And then what did you understand from — I’m sorry. How did Miss Kelly respond to that?

A “Small favors.”

Q What did you understand her to mean by “small favors”?

A I understood her to mean that there was a lot of traffic in Fort Lee. Kids wouldn’t the buses a long time. Mayor Sokolich was receiving the message, and that small favors meant that other New Jersey motorists were getting across the bridge more quickly that morning.

Q Thank you, Miss Hardy.

Did there come a time on September 10th, 2013, when you spoke with Miss Kelly by telephone?

A Yes, there was.

Q Miss Hardy can, we have 6013, page 7.

Mr. Wildstein, can you identify on this table, the telephone calls that you had with Miss Kelly on September 10th,

A Yes. I had one call with her at 6:07 p.m. from my office phone to Miss Kelly's cell, and I had a second call with Miss Kelly from my cell to her cell at 8:33 p.m.

Q How long were those conversations?

A The first one was slightly more than 16 minutes, 16 minutes and five seconds. The second was one minute and two seconds.

Q Mr. Wildstein, do you recall discussing the lane reductions with Miss Kelly on the telephone that day?

A Yes, I do recall that.

Q In substance, what did you discuss?

A I asked Miss Kelly whether the lane changes should continue on Wednesday, September 11th, and she told me that they should.

Q Did you convey that the lane reductions should continue to Port Authority staff members?

A Yes, I did. I had conveyed that earlier.

Q That day?

A That day.

Q Why did you convey that earlier that day?

A I had not spoken to Miss Kelly that day. I had conveyed that they should continue on Wednesday, knowing that if the instructions were different, that I could — you know, there was plenty of time to change that. That I could have changed the lane configuration back to where it had been the previous week very quickly.

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Q Did you discuss with Miss Kelly your reactions to how the lane reductions had been going?

A Yes, I did. I discussed with her specifically that Mayor Sokolich was clearly feeling a lot of heat. Mayor Sokolich was quite upset and that was part of the purpose of it.

Q How did she respond?

A Miss Kelly was very pleased by that.

Q Mr. Wildstein, did you speak with Mr. Baroni on September 10th?

A Yes, I did.

Q Personally?

A Yes, we did, yes.

Q By telephone?

A Yes.

Q Directing your attention to this Government's Exhibit 6013.

Did you speak with Mr. — is this a record of your telephone

calls with Mr. Baroni that day?

A Yes, it is.

Q Can you just identify those calls?

A Yes, I spoke to Mr. Baroni at 7:54 from his — he called me from his cell to my cell. At 9:21, from my cell to his land. At 6:58 p.m., from his cell to my cell. And then from his cell to my cell at 8:42, 8:47 and 8:58.

Q Did you discuss the lane reductions with Mr. Baroni on September 10th?

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A Yes, I did.

Q And during these conversations with Mr. Baroni, did you discuss Mayor Sokolich?

A Yes.

Q What did you discuss?

A We discussed that Mayor Sokolich was getting the message.

Q During your conversations with Mr. Baroni, did you discuss Miss Kelly?

A Yes, I did.

Q What did you discuss?

A After I had spoken to Miss Kelly I told Mr. Baroni that the lanes would continue to be closed on Wednesday morning.

Q Did there come a time when you discussed David Samson in relation to the lane reductions with Mr. Baroni?

A Yes.

Q What did you discuss?

A I had discussed the — Mr. Baroni's conversation that Mr. Baroni had told me he had spoken to Mr. Samson.

Q About what?

A About the lane closures.

Q Did Mr. Baroni tell you when that conversation took place?

A I don't recall when that conversation took place. I don't recall Mr. Baroni telling me when that conversation took place. I believe it was — I believe it may have been the weekend before or the day before. I don't know that it was that day.

the lane closures and Mayor Sokolich's reaction with the Governor on September 11th.

Q And you as well?

A Yes, sir, I was going to be there as well.

Q And what was the purpose of bringing this up with Governor Christie the next day?

A The purpose was to take a curtain call. The purpose was — Mr. Baroni and I believed that we were pleasing Governor Christie and we're proud of that and we're looking forward to discussing it with the Governor.

Q And what event were you going to see Governor Christie?

A At the — the next day was September 11th, 2013. It was the 12th anniversary of the 9/11 terroristic attacks at the World Trade Center.

Q Were you going to see Governor Christie at that event?

A Yes. Yes, I was.

Q I want to direct your attention now — and Miss Hardy, you can take that down. I want to direct your attention now to September 11th, 2013. Mr. Wildstein, did the lane reductions continue that day?

A Yes, they did.

Q Was that based on your instruction to Port Authority staff members?

A Yes.

Q Why did you give that direction?

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A I gave that direction because Miss Kelly had given me that direction.

Q With whose approval at the Port Authority?

A With Mr. Baroni's approval.

Q Mr. Wildstein, on the morning of September 11th, 2013, where did you go?

A I went to the World Trade Center site in lower Manhattan.

Q Did there come a time when Governor Christie arrived there?

A Yes.

Q Who was there when he arrived?

A Mr. Baroni and I were there when he arrived, and some other Port Authority staffers.

Q Who was Governor Christie with?

A Governor Christie was with his wife, the first lady. He was with one of his aids, and he was with his New Jersey State Police protection detail.

Q Where did you meet Governor Christie?

A I met Governor Christie on an unpaved roadway that was between the new World Trade Center building, one World Trade Center, and the 9/11 memorial. I met him at the point where his car pulled onto that roadway and he got out of the car.

Q After Governor Christie and Mrs. Christie arrived, did there come a time when Mrs. Christie left that area?

A Yes, there was.



MS. CORTES: Government offers Government Exhibits

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to him at least twice.

Q And how did you show it to him?

A Once I showed it to him on my iPad that I would carry around the Port Authority, and once I was in my office and I showed it to him on my commuter monitor.

Q Following this conversation with Governor Christie on September 11th, 2013, did Mr. Baroni express any further concerns during the lane reductions?

A No, he did not.

Q Mr. Wildstein, following the memorial service on September 11th, did there come a time that you spoke with Miss Kelly by telephone?

A Yes.

Q Sorry, can we have Government's Exhibit 6013 at page 8.

Mr. Wildstein, can you identify when you spoke with Miss Kelly?

A Yes. At 11:51 a.m. on September 11th.

Q Was that a telephone call?

A Yes, it is a call from my landline at the Port Authority to Miss Kelly's cell phone.

Q Do you recall that conversation?

A Yes, I do.

Q The substance of it?

A Yes.

Q And what did you discuss in substance?

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A In substance I let her know that Governor was happy. Asked her if she wants the lanes to continue the next morning, and she said she did.

Q How did you respond?

A I responded that I would close them if those were her instructions to have them closed for a fourth morning, then I would do that.

Q And did you convey those instructions to Port Authority staff members?

A Yes. Yes, I did.

Q Sticking with this, with Government's Exhibit 6013, did you have telephone calls with Mr. Baroni that day as well?

A Yes, I did.

Q And could you just identify the times of those phone calls?

A Yes, 4:24, 4:48, 5:08, 5:40, 5:43, 8:18. I just covered that up, I believe it was 8:45 and 10:13.

Q Mr. Wildstein, do you recall in your conversations with Mr. Baroni that day and following the memorial service that morning, do you recall discussing the lane reductions again that day?

A Yeah, I was with Mr. Baroni throughout that day and I recall having a conversation with him telling him that the lanes will be closed another day, per Miss Kelly's instructions.

Q And what was Mr. Baroni's reaction?

A Mr. Baroni had no problem with that at all.

Q Thank you, Miss Hardy.

Directing your attention now to September 12th, 2013. Did the lane reductions continue that day?

A Yes, they did.

Q Was that based on your instructions to Port Authority staff?

A Yes, it was.

Q Why did you give that instruction?

A I gave that instruction because Miss Kelly had told me to go for a fourth day and that I had discussed that with Mr. Baroni.

Q Did there come a time on the morning of September 12th, 2013, when Mayor Sokolich attempted to contact Mr. Baroni?

A Yes.

Q How?

A Mayor Sokolich wrote a letter to Mr. Baroni.

MR. CORTES: Government offers Government Exhibit 366 with consent.

THE COURT: Alright, 366 will be in evidence.

Q Mr. Wildstein, do you recognize this document?

A Yes, I recognize this as the letter that was emailed from Mayor Sokolich's office to Mr. Baroni.

Q And could I direct you to the first email in this chain. Who is that an email from?

A The first email is from Maryanne Leodori, who I

understood to work for Mayor Sokolich, to Mr. Baroni, on September 12th.

Q What is the subject of that email?

A "Fort Lee correspondence by Mayor Sokolich".

Q And what did Mr. Baroni do with that email?

A He forwarded that to me.

Q Do you recall reviewing that letter at the time?

A Yes, I do recall that.

Q Before I get to the letter, did Mr. Baroni state anything in his letter — in his email to you?

A No. No, he did not.

Q Sorry, if we could have the first page of the document. I'm sorry, the second page. Sorry. Thank you. And if you could just zoom in on the bottom three paragraphs.

Mr. Wildstein, referring you to the first paragraph of this document, what did you understand from this?

A The first paragraph I understood to mean that Mayor Sokolich was saying to Mr. Baroni up front that this was a personal communication. That he was not going to release this to anybody. That this was just between the two of them.

Q What was your reaction to that?

A I was pleased by that. I was relieved that Mayor Sokolich was not starting out his letter by saying: I'm releasing the following statement to the media because. I thought this was dodging this becoming a public issue.

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Q If I can refer you now to the second paragraph.

What did you understand from that paragraph?

A I understood that to be Mayor Sokolich stating first the significant traffic problem in Fort Lee, complaining that there was no outreach or public notice. And that his — that he was reaching the conclusion that this was punitive in nature.

Q And what — how did you react to that?

A I reacted by understanding that Mayor Sokolich was getting the message, that he was being punished for not endorsing the Governor.

Q Referring you now to paragraph 3, sentences — the first and second sentences. Do those sentences refer to public safety?

A Yes, they do.

Q What did you understand from those statements?

A I understood that Mayor Sokolich was saying that the lane closures were impacting response time for public safety for first responders in Fort Lee.

Q And how did you react to those statements?

A I didn't react.

Q Did you discuss this letter with Mr. Baroni?

A I did.

Q What did you discuss?

A I discussed the idea that Mayor Sokolich was getting the message, that he was understanding exactly what was happening

here.

Q Did you discuss the fact that Mayor Sokolich had sent this letter to Mr. Baroni personally?

A Yes, I did. And I discussed with him that at least he and I wouldn't have to be dealing with a press phone call that day.

Q Did you discuss the public safety concerns raised in this letter with Mr. Baroni?

A Yes.

Q What did you discuss?

A We discussed that Mayor Sokolich was bringing back the public safety card from — that he had raised on Monday.

Q Did Mr. Baroni respond to Mayor Sokolich's letter?

A No, he did not.

Q Did you?

A No.

Q What if anything did you do with this letter?

A I forwarded this letter to Miss Kelly and to Mr. Stepien.

MR. CORTES: Your Honor, Government offers Government Exhibit 368, on consent.

THE COURT: Alright, 368 will be in evidence. Are you ready for a break, Mr. Cortes, or do you want to finish this?

MR. CORTES: Up to you, your Honor.

THE COURT: Alright, I say let's break. So we'll break for 15 minutes, ladies and gentlemen, and then we will resume testimony.

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THE COURT: Okay. That makes life a little bit easier.

Alright, so we'll bring the jury out and we'll proceed.  
(Jury brought into courtroom)

THE COURT: Alright, everybody can have a seat. We will continue and press on.

And, Mr. Cortes, you can proceed.

MR. CORTES: Thank you, very much, your Honor.

Q Miss Hardy, I believe we're going to present Government Exhibit 368. I believe it's now in evidence. Miss Hardy, can I have this portion.

Mr. Wildstein, do you recognize this document?

A Yes, I do. I recognize this is an email chain that began with the letter that came from Mayor Sokolich to Mr. Baroni.

Q Why did you forward this email to Miss Kelly?

A Consistent with Miss Kelly's instructions to me to keep her informed.

Q Why did you forward it to Mr. Stepien?

A Because this was the first formal letter regarding the lane closures and when I looked at that, I decided to just add Mr. Stepien to. I thought it would be something that would interest him.

Q Mr. Wildstein, did there come a time on September 12th, 2013, when the Port Authority received a media inquiry about

the lane reductions?

A Yes.

Q Miss Hardy, we're done with that document.

Who was the media inquiry from?

A It came from the Record.

Q And did you discuss this media inquiry with anyone?

A Yes, I did. I discussed it with Mr. Baroni.

Q What was the substance of the conversation?

A The substance of the conversation is: Okay, now a press call has come in. Time to use the traffic study story and draft a statement.

Q Who drafted a statement?

A I did. I drafted that statement.

Q Did you discuss the proposed statement with Mr. Baroni?

A Yes, I did.

Q What was his reaction?

A Mr. Baroni approved this statement.

Q What did you do with this statement?

A I read the statement to a representative of Port Authority Media Relations.

Q Who?

A Chris Valens.

Q And who is Chris Valens?

A Chris Valens is a public information officer. I don't recall his exact title.

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Q And you stated that you read it; is that correct?

A I stated that I read it to him, yes.



Q Why did you read it to him?

A Because I didn't want a statement that had my name on it forwarded around. I didn't want my name attached to this statement. That this statement was suppose to come from the Port Authority generically and not from me. And I didn't want to have someone in Media Relations to have a copy of an email that I sent them with a statement.

Q And are you referring to an email that you sent to a Port Authority email address?

A Correct.

Q Now, with respect to this media inquiry and statement that the Port Authority had received, who if anyone did you send it to?

A I sent this to Miss Kelly and I believe I sent it to Mr. Drewniak.

Q Who is Mr. Drewniak?

A Michael Drewniak at the time was Governor Christie's press secretary in the Office of the Governor.

Q Why send it to him?

A On sensitive media stories, on sensitive issues, as opposed to an everyday occurrence, the instructions were and had been to share the Port Authority's response with the Office of the Governor before releasing a statement to the press.

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Q Had you discussed the lane reductions with Mr. Drewniak before September 12th, 2013?

A No, I had not.

MR. CORTES: Your Honor, the Government offers Government Exhibits 375 and 376 on consent.

THE COURT: Alright, 375 and 376 will be in evidence.

Q Miss Hardy, can we have Government's 375. If you can just give me to here.

Mr. Wildstein, do you recognize this?

A Yes. I recognize this as an email from a reporter at the Record to Chris Valens in Port Authority Media Relations from September 12th, 2013. And I recognize my having sent it from my personal account to Miss Kelly and Mr. Drewniak.

Q Now, Miss Hardy, can we have Government 376.

Mr. Wildstein, what is this document?

A This is an email exchange between — this is an email from me to Miss Kelly and to Mr. Drewniak with a draft of the statement that the Port Authority — that I was recommending, that the Port Authority release to Mr. Chikowski at the Record.

Q Is this email dated September 12th, 2013?

A Yes, it is.

Q Could you please read the body of the email.

A "The Port Authority is reviewing traffic safety patterns at the George Washington Bridge to ensure proper placement of toll lanes. The PAPD has been in contact with Fort Lee Police

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throughout this transition".

Q Was this the statement that you had drafted?

A Yes, it is.

Q Referring to the first sentence and the reference to “traffic safety patterns’, what did you mean by “traffic safety patterns”?

A I meant the changing of the lanes, the reduction of the lanes from three to one.

Q What does traffic safety patterns mean?

A It doesn’t mean anything.

Q Why did you use that?

A Because it sounded good.

Q And was that statement true?

A No, sir, it was not true.

Q Were these lane reductions about traffic safety patterns?

A No, they were not.

Q Referring to the second sentence of this. What is the reference to PAPD?

A PAPD is the acronym for the Port Authority Police Department.

Q Who came up with this sentence about being in contact with Fort Lee Police throughout this transition?

A I did.

Q What did this statement mean?

A This meant that law enforcement was talking to law

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enforcement.

Q Why include the word “throughout”?

A Because I was concerned that the public safety issue that had been raised on Monday and Wednesday might be a bigger issue and I was looking to inoculate our message, ours being the Port Authority's message, my message, to be able to say that law enforcement had always — always been in contact with law enforcement.

Q Had you discussed this part of the statement with Mr. Baroni?

A Yes, I did.

Q Did Mr. Baroni approve his statement?

A Yes.

Q And was this the statement that was issued — ultimately issued by the Port Authority.

A Yes. Yes, it was.

Q Did you approve this — did you issue this statement on behalf of the Port Authority knowing that it was not true?

A Yes, I did.

Q Did Mr. Baroni — was Mr. Baroni aware that this statement was not true?

A Yes, he was.

Q How do you know that?

A Because he and I discussed it.

Q What was the purpose of issuing this statement claiming

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that lane reductions were a review of traffic safety patterns?

A The purpose was to give what I imagined to be a credible answer to Mr. Chikowski who covered traffic issues for the Record so that he would find this to be an acceptable answer and move on, not dig any deeper.

Q Into this story?

A Yes, sir.

Q Thank you, Miss Hardy.

Mr. Wildstein, subsequently, did there come a time on September 12th, 2013, when Mayor Sokolich again reached out for Mr. Baroni?

A Yes, there was.

MR. CORTES: Your Honor, Government offers Government Exhibit 5003-BB-08.

THE COURT: Alright, 5003-BB-08. That's with consent?

MR. CORTES: Yes, your Honor.

THE COURT: That will be in evidence.

Q Mr. Wildstein, do you recognize this?

A Yes. I recognize this as a text message from Mr. Baroni to me on September 12th.

Q And could you please read this.

A "From Serbia. My frustration is now trying to figure out who is mad at me."

Q Mr. Wildstein, what did you understand "from Serbia" to mean?

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A I understood that to mean Mayor Mark Sokolich.

Q Why does Serbia — why did you understand Serbia to refer to Mayor Sokolich?

A I understood Mr. Baroni and I had nicknames for people. And that Serbia was a take on Mr. Sokolich, Mayor Sokolich's Croatian decent.

Q And could you explain that nickname a little further. Just explain how it came up.

A Sure. Mr. Baroni and I would, as I said, may have nicknames for people. At one point we had a friend who was Russian and we referred to that friend as the Chechen, meaning Russia and Chechnya. So that was consistent.

Q Consistent with what?

A With Mr. Baroni and I referring to people by nicknames. I understood what his intent was.

Q In reading this message, did you understand this text message to be from Mayor Sokolich?

A Yes, I did.

Q And did you discuss this text message with Mr. Baroni?

A Yes.

Q What did you discuss?

A At that time we discussed — we had previously — Mr. Baroni and I previously had thought that Mayor Sokolich understood exactly what was happening and trying to figure out who is mad at him. I remember being a little confused about

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him not necessarily understanding who it was that was mad at him.

Q What about Mr. Baroni?

A Mr. Baroni to me shared that same line of thinking.

Q Did Mr. Baroni respond to this text message from Mayor Sokolich?

A No, he did not.

Q How do you know that?

A Because he told me that he was not responding.

Q Miss Hardy, can you call up Government Exhibit 6013 at page 9.

Okay, Mr. Wildstein, can you identify what this document is?

A Yes. This a log of telephone calls between Mr. Baroni and myself and Miss Kelly and myself on September 12th, 2013.

Q Can you identify, please, the calls between yourself and Mr. Baroni.

A Yes. The first five are between Mr. Baroni and myself. The first one from Mr. Baroni's cell phone to my landline. The second from my landline to Mr. Baroni's cell phone. The third from his cell phone to my landline at the Port Authority. The fourth from my landline to Mr. Baroni's cell phone. And the fifth from Mr. Baroni's cell phone to my landline — to my cell phone.

Q Mr. Wildstein, could you just identify the times of those

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calls?

A Yes, 601 p.m., 7:27 p.m., 7:38 p.m., 7:46 and 8:20.

Q Mr. Wildstein, at some point during your conversations with Mr. Baroni on September 12th, did you discuss the lane reductions with him?

A Yes, I did.

Q What did you discuss in substance?

A I discussed the lanes would be closed again on Friday, and that clearly Mayor Sokolich is feeling frustration.

Q Mr. Wildstein, on September 12th, 2013, did Miss Kelly send you an email about the lane reductions?

A Yes, she did.

MR. CORTES: Your Honor, Government offers Government Exhibits 373 and 389 on consent.

THE COURT: Alright, 377, 389 will be in evidence.

Q Miss Hardy, can you give me from here down to here.

Mr. Wildstein, do you recognize this?

A Yes, I recognize this as an email between Christina Renna and Bridget Kelly that Miss Kelly forwarded to me on September 12th.

Q Who is Christina Renna?

A Christina Renna at the time was the Director of IGA in the Office of the Governor.

Q What is the subject of Miss Renna's email to you and Miss Kelly?

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A Fort Lee.

Q And what did Miss Kelly do with this email?

A Miss Kelly forwarded it to me.



MR. CORTES: Your Honor, just a moment?

THE COURT: Sure.

Q Mr. Wildstein, could you please read this email.

A “This afternoon Evan received a call from Mayor Sokolich.”

Q Stopping you there. Do you know who Evan was — is?

A At the time I did not know who Evan was, no.

Q Please continue.

A “It came from a number he was not familiar with that was actually a secretary who patched the Mayor through to Evan. The Mayor is extremely upset about the reduction of toll lanes from three to one. Not only is — not only is is causing a horrendous traffic backup in town, first responders are having a terrible time maneuvering traffic because the backup is so severe. The Mayor told Evan that he has no idea why Port Authority decided to do this but there is a feeling in town that it is Government — that it is Government retribution for something. He simply can’t understand why that would be the case, however, because he has always been so supportive of the Governor. Sokolich explained that the council wants to organize a press conference with picketers at the foot of the bridge. The Mayor feels he is about to lose control of the situation and that he looks like a fucking idiot. Evan told

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the fine Mayor he was unaware that the toll lanes were closed but he would see what he could find out.”

Q Mr. Wildstein, what did you understand from this email?

A I understood that now for the first time, the first time, that I was aware that Mayor Sokolich had now reached out to the Governor's Office.

Q Did you respond to Miss Kelly's email?

A Yes, I did.

Q Miss Hardy, can I have Government's 389. If you could give knee this portion.

Directing you to your response to Miss Kelly at 3:56 p.m. on September 12th. Can you read that.

A I wrote to Miss Kelly: Call me when you have a moment.

Q How did Miss Kelly respond to you?

A She responded: Later. On way to Seaside. Will call later.

Q Did you understand what "on way to Seaside" meant?

A Yes, I did. On that particular day there was a fire in Seaside Heights, New Jersey. It was a major fire and the Governor was going to Seaside to observe responses to that fire. And Miss Kelly — I understood Miss Kelly was going with him.

Q How did you respond to Miss Kelly?

A I said: Of course.

Q Mr. Wildstein, did you keep this email in your personal

\* \* \*

Q And how did Miss Kelly respond to you?

A She said: Just getting car in Trenton.

Q Following these text messages, did there come a time when you spoke with Miss Kelly by telephone?

A Yes.

Q Miss Hardy, can we have Government's 6013 again, page 9.

Mr. Wildstein, can you identify on this table telephone calls between yourself and Miss Kelly?

A Yes. At the end of this table there are two calls at 9:21 p.m. and at 9:30 p.m. from Miss Kelly's cell phone to my cell phone.

Q Do you recall those conversations with Miss Kelly?

A Yes, I do.

Q Could you please describe the substance of those conversations?

A We talked about a number of issues, they included Fort Lee, the traffic — the lane closures, the letter that had been sent to Mr. Baroni, the email — the email regarding the phone call from Mayor Sokolich to the Governor's Office. And we spoke at length about the Governor's actions at the fire.

Q Starting with that last one, what did you discuss about the Governor's actions at the fire?

A Miss Kelly and I talked about how well Governor Christie does in an emergency situation. How that is a place where he particularly excels. That when he — when he's there, he's

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very attentive, he's very good in those situations. And we talked about how that, in the approach to the 2013 election, that Governor Christie looked really good in

front of those cameras managing New Jersey's response to the fire.

Q What did you discuss about Mayor Sokolich's letter to Mr. Baroni?

A We discussed the letter as the first formal communication. We discussed the news story request, how that would — I'm sorry, you asked me about the letter.

Q Yes. What did you discuss about the letter?

A We discussed really just that a letter had come in, that Mayor Sokolich was getting the message.

Q How did you react to the letter? I'm sorry, let me withdraw that. Did you share with Miss Kelly your reaction to the letter?

A Yes, I did.

Q What did you share with Miss Kelly?

A I said that Mayor Sokolich was understanding that he had — that this was probably aimed at him. This was a move of retaliation, that he was getting the message.

Q How did Miss Kelly respond to the letter?

A Miss Kelly was fine with the letter. She wasn't worried about the letter. She was actually pleased that Mayor Sokolich was getting the message.

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Q Did you discuss communicating with Mayor Sokolich with Miss Kelly?

A Yes.

Q What did you discuss?

A We discussed — I asked her how the Governor's Office was going to respond to the phone call from Mayor Sokolich to IGA.

Q What did she tell you?

A She said that there would be no response. That it would continue to be a form of radio silence.

Q Did you discuss the media statement that you had drafted that day with Miss Kelly?

A Yes.

Q What did you discuss?

A I told — I discussed with Miss Kelly that there had been a request for information from Mr. Chikowski at the Record and that I discussed the statement that I put out. She said the statement was fine.

Q Did you discuss continuing the lane reductions on Friday, September 13th, with Miss Kelly?

A Yes.

Q What did you discuss?

A I asked Miss Kelly if she wanted the lanes to continue to be closed on Friday morning and she said yes, she did.

Q Thank you, Miss Hardy.

Mr. Wildstein, directing your attention now to

\* \* \*

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Q And if we can go back to Government Exhibit 1129.

Mr. Wildstein, directing your attention to the email at 6:46 a.m. Is that an email from Mr. Durando to you?

A Yes, sir, it is.

Q Please read the content of that email.

A “He asked about the test. He asked why he wasn’t told.”

Q Who is “he”?

A I understood “he” to be a reference to Patrick Foye.

Q How did you respond to Mr. Durando’s email?

A I responded to Mr. Durando by saying: His staff knows but BB, which was Bill Baroni, will to him. I believe what I meant there was, will speak to him.

Q Was that true?

A No, it was not true.

Q And I’m referring specifically to his staff – your response “his staff knows”.

A Yes, sir, that was not true.

Q Why not tell the truth to Mr. Durando?

A I had already told Mr. Durando that I had let the Executive Director’s office know, and I was trying to stick to my original story.

Q Did there come a time that morning when you received an email from Mr. Baroni?

A Yes.

Q What did you receive?

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A Mr. Baroni forwarded me a copy of an email that

Mr. Foye had sent out.

MR. CORTES: Your Honor, the Government offers Government Exhibit 452R on consent.

THE COURT: Four fifty-two R will be in evidence.

Q Thanks, Miss Hardy.

Mr. Wildstein, I'm showing you what's marked as Government Exhibit 452R. Do you recognize this?

A Yes, I do.

Q What is this?

A This is an email that Mr. Foye sent to Mr. Fulton and Mr. Durando and copied Mr. Baroni and others on.

Q And what was the content of this email?

A The content was Mr. Foye's reaction to the changes of the traffic pattern at the GW Bridge as related to the Fort Lee lanes.

Q And did Mr. Baroni forward this email to you?

A Yes, he did.

Q And that was on the morning of Friday, September 13th?

A Yes, sir.

Q Did there come a time when you discussed this email with Mr. Baroni?

A Yes.

Q After you received it?

A I'm sorry.

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Q After you received it?

A Yes, after I received it, yes.

Q What did you discuss?

A Mr. Baroni was fairly upset that Mr. Foye had become involved in a New Jersey issue like this. And discussed, Mr. Baroni and I discussed how he and I were going to go about handling it.

Q And were you upset as well?

A I was very upset, yes, sir.

Q That Mr. Foye got involved?

A I was very agitated.

Q And what did you discuss in terms of dealing with Mr. Foye's reaction?

A I discussed with Mr. Baroni that he was going to need to talk to Mr. Foye. A mutual agreement, he was going to need to talk to Mr. Foye. And I discussed with Mr. Baroni the need to put the cones back up because that had been the direction that I had been given from the Governor's Office.

Q Mr. Wildstein, I'll just remind you again, keep speaking in that microphone.

A Okay.

Q Did there come a time when you also discussed the Bergen Record article with Mr. Baroni?

A Yes, there was.

Q What was Mr. Baroni's reaction to that?

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A Mr. Baroni felt that that story itself was okay. That it followed a narrative that he and I were seeking to portray as this being a traffic study.

Q Mr. Wildstein, that morning did you coordinate a telephone call with Miss Kelly?



A Yes, I did.

MS. CORTES: The Government offers Government Exhibit 446 on consent.

THE COURT: All right, 446 will be in evidence.

Q Mr. Wildstein, you recognize this?

A Yes, I do. I recognize this as an email exchange between Miss Kelly and I on the morning of September 13th.

Q And what is the subject matter of this email exchange?

A Mr. Cortes, are you referring to the subject line in the email or —

Q No —

A Asking generally?

Q What's the content of that?

A The content is about Mr. Foye's email. I'm sorry, the content of that was the newspaper story.

Q I'm only talking just — Mr. Wildstein, to step back a minute. I'm talking specifically about this email. What's the subject matter of this email?

A The subject matter of this email was Miss Kelly saying to me: Let's talk on my way in.

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Q Meaning — what did you understand that to mean?

A I understood that to mean George Washington Bridge.

Q Okay. And in terms of the subject matter of the call?

A Yes, sir.

Q And did there come a time after this email exchange that you had a telephone conversation with Miss Kelly?

A Yes.

Q Alright, Miss Hardy, can you call up Government's 6013 at page 10.

Mr. Wildstein, directing your attention to the entry at 7:58 a.m. Can you just describe that.

A Yes, sir. This is a phone call between myself and Miss Kelly, 7:58 a.m., on September 13th. This was from my landline at the Port Authority to Miss Kelly's cell phone.

Q For how long?

A Twelve minutes and six seconds.

Q Do you recall that conversation?

A Yes, I do.

Q What was the substance of that conversation?

A This conversation was about Fort Lee.

Q What did you discuss?

A I discussed that Mr. Foye had become involved in this issue and that Mr. Foye had directed Mr. Durando to change the lanes back to three local lanes for Fort Lee.

Q How did Miss Kelly respond?

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A Miss Kelly was not happy.

Q What did you tell her?

A I told Miss Kelly that I had been — I had spoken to Mr. Baroni. That Mr. Baroni was going to speak to Mr. Foye. And that Mr. Baroni was going to work on

putting this lane configuration back to where it had been on Monday, Tuesday, Wednesday and Thursday of that week.

Q Mr. Wildstein, following — and thank you, Miss Hardy, for that one.

Following that conversation with Miss Kelly, did there come a time when Mr. Baroni came to the Port Authority's offices?

A Yes.

Q And did you speak with him when he arrived?

A Yes, I did. I recall meeting him — meeting with him as he arrived, yes.

Q And in substance, what did you discuss?

A I discussed with him that Miss Kelly wanted those lanes restored to — as it had been during that week. And I discussed with him they needed to meet with the Executive Director.

Q How did Mr. Baroni respond to you?

A Mr. Baroni told me that he would set up a time to speak to Mr. Foye.

Q Did there come a time when Mr. Baroni met with Mr. Foye?

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A Yes, there was.

Q Were you present for that meeting?

A No, I was not.

Q After that meeting, did you discuss the meeting with Mr. Baroni?

A Yes.

Q Did he tell you what happened?

A Yes, he did.

Q What did he tell you?

A He told me that Mr. Foye refused to reopen those — to change those lanes back.

Q And did Mr. Baroni tell you who was present for that meeting?

A Yes, he told me that Mr. Foye had John Ma, who was Mr. Foye's Chief of Staff, come into the room. And Mr. Baroni made a special point of that. We discussed that because up until that time whenever Mr. Baroni asked for time with Mr. Foye, and Mr. Baroni would typically go over to Mr. Foye's office and talk, it would always just be the two of them. This was the first time that Mr. Foye had Mr. Ma come in to be part of a meeting like that. And Mr. Baroni was concerned that Mr. Foye wanted a witness for that conversation.

Q Is that based on what Mr. Baroni told you?

A Entirely based on that, yes.

Q Did Mr. Baroni tell you about what he said to Mr. Foye?

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A Yes, he did.

Q What did he tell you?

A Mr. Baroni told me that he told Mr. Foye that this was something Trenton wanted, and he needed to rescind his direction to Mr. Durando.

Q How did Mr. Foye respond?

A Mr. Foye refused. And Mr. Foye — Mr. Foye at some point — I'm sorry, I believe I'm confusing two conversations. There's a point where Mr. Foye told

Mr. Baroni that he had spoken to Albany. I think that may have been in a later meeting

Q And in a later meeting between who and who?

A A later conversation between Mr. Baroni and Mr. Foye. I'm not sure.

Q Okay.

A I don't remember.

Q Hold on, let me stop you. Are you not sure about there being a second meeting, or not sure about whether that statement was said in this first meeting?

A I am — I'm not certain what the timeline was on that.

Q Okay. So do you recall there being one meeting or two?

A I believe Mr. Baroni had two conversations with Mr. Foye.

Q And in one of those conversations did Mr. Foye reference Albany?

A Yes, he did.

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Q Are you sure about which one of those conversations it was?

A No, I'm not certain.

Q What do you recall Mr. Baroni telling you about Mr. Foye's reference to Albany?

A I recall Mr. Baroni saying that when Mr. Foye discussed this with Albany, and by Albany he meant Governor Andrew Cuomo's Office, and that Mr. Foye had received direction not to reopen those lanes.

Q Do you recall Mr. Baroni telling you anything else about this — about these conversations with Mr. Foye?

A Yes. I recall Mr. Baroni being quite upset that Mr. Durando chose to follow Mr. Foye's order ahead of an order that had been given out by his office. Mr. Baroni expressed to me that he was upset that this was going to hurt his efforts to, you know, to make Port Authority employees believe that he and Mr. Foye were on equal footing as it relates to New York having 50 percent of the say and New Jersey having 50 percent of the say. Mr. Baroni said he was very upset that Mr. Durando would just listen to Mr. Foye without — and side with him and make that change at Mr. Foye's request only.

Q Mr. Wildstein, after these interactions with Mr. Foye, did there come a time that day when the cone line at the lanes, when that cone line was removed to its three-lane configuration?

A That's my understanding.

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Q Okay. Mr. Wildstein, after Mr. Baroni met with Mr. Foye, did there come a time when you sent an email to Miss Kelly?

A Yes.

MR. CORTES: Your Honor, the Government offers Government Exhibit 469 on consent.

THE COURT: Alright, 469 will be in evidence.

Q Mr. Wildstein, do you recognize this document?

A Yes, I do. I recognize this as an email exchange between Miss Kelly and myself on the morning of September 13th.

Q Directing your attention to your email to Miss Kelly at 11:44 a.m. Could you please read that.

A “The New York side gave Fort Lee back all three lanes this morning. We are appropriately going nuts. Samson helping us to retaliate.”

Q What did you mean by the first sentence?

A What I meant was that Mr. Foye, that is what I meant by the New York side, Mr. Foye gave Fort Lee back the three lanes that they had had up until the week before — the beginning of that current week.

Q Had you already discussed Mr. Foye’s email, though?

A Yes.

Q And what is this a reference to?

A This is in reference to Mr. Baroni meeting with Mr. Foye.

Q Directing your attention to the second sentence, what did you mean by that?

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A We were appropriately going nuts meant that Mr. Baroni and I were very, very upset. We were very angry that Mr. Foye had gotten involved in a New Jersey issue.

Q What did you mean by the third sentence about Samson helping us to retaliate?

A What I meant was that Mr. Baroni had spoken to Mr. Samson and that Mr. Samson was becoming involved. And Mr. Samson was retaliating against Mr. Foye for taking this position.

Q And what did you mean by “retaliating”?

A I meant that — based on my understanding, that there would be a price for Mr. Foye to pay for getting involved in something that had been important to New Jersey.

Q Now, directing your attention to Miss Kelly's email to you at 11:47 a.m. Could you please read that.

A She wrote "what", with two question marks.

Q What did you understand from Miss Kelly's question?

A I understood that — I understood that to mean that she didn't understand what I meant by appropriate — well, I don't think she understood what I meant by Samson helping us to retaliate.

Q Now, going to your email in response to her, could you please read that?

A I wrote back: Yes. Unreal. Fixed now.

Q What did you mean by "fixed now"?

A What I meant was that at that point, at 12:07 p.m. on that

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Friday, I had a belief, based upon Mr. Baroni's conversation with me, that Mr. Samson was getting this fixed. That Mr. Samson was going to overrule Mr. Foye and talk to others on the New York side.

Q And did that ultimately happen?

A No, sir, it did not happen.

Q Did there come a time when you spoke to Miss Kelly that afternoon?

A Yes, there was.



Q Miss Hardy, can I have Government's 6013, at page 10.

Mr. Wildstein, directing you to the entry at 2:08 p.m. Can you identify that?

A Yes. This represents a telephone conversation that I had from my landline at the Port Authority to Miss Kelly's sell for two minutes and 17 seconds.

Q Do you recall that conversation?

A Yes, I do.

Q What was the substance of that conversation?

A That New York was not going to reopen the lanes.

Q How did Miss Kelly respond?

A Miss Kelly was angry. And that Miss Kelly said: Let it go. You know, Mr. Samson's recommendation had been let it go. I told that to Miss Kelly, and she accepted that.

Q In terms of what Mr. Samson recommended, how did you know that?

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A I learned that from Mr. Baroni. Mr. Baroni told me that.

Q Were you involved in that conversation with Mr. Samson?

A No, I was not.

Q Mr. Wildstein, did the Port Authority receive another media inquiry about the lane reductions on September 13?

A Yes.

Q And did you discuss this inquiry with Mr. Baroni?

A Yes, I did.

MR. CORTES: Your Honor, the Government offers Government Exhibit 1141 on consent.

THE COURT: Alright, 1141 will be in evidence.

Q Miss Hardy, can we have that one.

Mr. Wildstein, do you recognize this?

A Yes, I do. I recognize this as an email from Steve Coleman of Port Authority Media Relations.

Q And what is the subject matter of Mr. Coleman's email?

A This regarded additional media inquiries in reference to the George Washington Bridge toll plaza issue.

Q Did Mr. Baroni respond to Mr. Coleman?

A Yes, he did.

Q How did he respond?

A He responded by saying: Steve, I shall get guidance and get back to you.

Q Did there come a time when Mr. Baroni responded to Mr. Coleman?

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A Yes, there was.

MS. CORTES: The Government offers Government Exhibit 1142, with consent.

THE COURT: All right, 1142 in evidence.

Q I'm sorry, could we have that one? Thank you.

Mr. Wildstein, do you recognize this document?

A Yes, I do.

Q What is this document?

A This is a response from Mr. Baroni to Steve Coleman.

Q And if could you please read the body of Mr. Baroni's email to Mr. Coleman and others.

A "Steve, we are good with the following." And then there is a quote. "The Port Authority has conducted a week of study at the George Washington Bridge of traffic safety patterns. We will now review those results and determine the best traffic patterns at the GWB. We will continue to work with our local law enforcement partners."

Q Mr. Wildstein, who drafted this statement?

A Mr. Baroni drafted this statement.

Q Were you present for the drafting?

A Yes, I was.

Q Do you know what this statement was based on?

A This statement was an edited version — an enhanced version of the statement I had written the day before for Mr. Chikowski's question.

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Q Directing your attention to the first sentence of this statement, what did "a week of study" refer to?

A That referred to a week — the referred to the fact that the lanes had been changed, the configuration of the lanes at the GW Bridge had been changed all week.

Q And directing your attention to the latter part of that sentence, “traffic safety patterns”, what did that refer to?

A That referred to — that took words from the statement I had drafted the day before.

Q Now, going to the next sentence that’s about “we will now review those results”, what results?

A Mr. Cortes, I don’t think there were results.

Q What was the purpose — what was the purpose of this sentence?

A The purpose of that sentence was to implement the cover story that the Port Authority was doing a traffic study. So the sentence “we’ll now review those results” was to infer that that data had been collected and that a determination of the best traffic patterns at the GWB would follow.

Q Did Mr. Baroni ever review results to determine the best traffic patterns at the GWB?

A No.

Q Did you?

A No, I did not.

Q Did Mr. Baroni or you ever ask anyone at the Port Authority

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to review those results to determine the best traffic patterns at the George Washington Bridge?

A No.

Q Mr. Wildstein, was this statement true?

A No, sir, it was not true.

Q How do you know that?

A I know that because the intent of the lane closures was to punish Mayor Sokolich for not endorsing Governor Christie.

Q And had you discussed that with Mr. Baroni?

A Yes, sir, I had.

Q Mr. Wildstein, did the Port Authority receive more media inquiries about the lane reductions?

A Yes.

Q And did there come a time when Mr. Baroni authorized the Port Authority to issue the same statement?

A Yes.

MS. CORTES: Government offers Government Exhibit 1182 on consent.

THE COURT: Alright, 1182 in evidence.

Q And Miss Hardy, if we could just focus on the bottom — the bottom email right there.

Alright, Mr. Wildstein, directing your attention to the very first email in this chain. Do you recognize that?

A Yes, I do.

Q What is that?

\* \* \*

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A I said: Not on Friday a.m.

Q How did Mr. Baroni respond to you?

A He wrote back and said: No. Was there one yesterday?

Q Did you understand what he was referring to?

A I did. I then understood that Mr. Baroni was wondering if there had been a council meeting on the previous day and perhaps the council told Mayor Sokolich not to have a meeting with the Port Authority.

Q Did you know when — when it was?

A No, I did not.

Q Mr. Wildstein, after the lane reductions ended on September 13th, 2013, did you seek to review any data that had been collected?

A No, I did not.

Q Did Mr. Baroni?

A No.

Q Did you meet with anyone from Traffic Engineering about information resulting from the lane reductions?

A No.

Q Did Mr. Baroni?

A No, he did not.

Q We're talking about the timeframe following the lane reductions in September, okay?

A Yes.

Q Again, following the lane reductions in September, did you

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meet with anyone from TB&T about any information resulting from the lane reductions?

A No.

Q And to your knowledge, did Mr. Baroni?

A No, to my knowledge, he did not.

Q Now, sticking with the September timeframe, did there come a time when you were made a way of a Freedom of Information Act request for materials —

A Yes, I'm sorry.

Q — for materials related to the lane reductions?

A Can you repeat the question since I interrupted?

Q Sure. Sure. Did there come a time when you were made aware of a Freedom of Information request for materials related to the lane reductions?

A Yes, there was.

Q What did you learn?

A I learned that data — I learned for the first time that data that been collected by Port Authority staff on the first few days of the lane closures.

Q How did you learn this? Can you just explain the process.

A Yes. When there was a media request, a freedom of information request from a member of the media to the Port Authority, staff would collect the information that would be responsive to that request. Then there would then be a meeting — they were called FOI meetings. And it would be

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between myself and John Ma, who was Chief of Staff to the Executive Director, and members of Port Authority Public Affairs, and the Board secretary. We would review those pending requests and make a decision as to whether the Port Authority's FOI request would be filled to that particular media — media entity.

Q Mr. Wildstein, what is a Freedom of Information Act request?

A Freedom of Information Act is a federal law that allows any citizen to request certain information of the Federal Government. In New Jersey there is a similar law that's called OPRA, the Open Public Records Act. And the Port Authority is not bound to either one state's law or a federal law. So as a result, the Port Authority had its own policy enacted by the Board of Commissioners. It was called a Freedom of Information Act request. And it was a system by which any member of the public, media or anybody else, could ask for specific information and possibly gain access to it.

Q Now, with respect to this Freedom of Information Act request, did you become aware of certain materials that had been collected in response to that request?

A Yes.

Q And what were those materials?

A These materials came from Engineering. I believe it was Engineering. And I saw it for the first time that they had

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reviewed some data and were beginning to put together some recommendations regarding the future of the three lanes.

Q What was your reaction to this — to these materials.

A At the time I viewed it as a gift because when I saw this materials for the first time, I felt that there



was an aspect of these materials that actually supported the cover story of the traffic study.

Q Did you share these materials with Mr. Baroni?

A Yes, I did.

Q What was his reaction?

A Mr. Baroni was equally pleased that these materials actually existed and could be added to the file.

Q Did there come a time when Mr. Baroni asked you to gather some other information?

A Yes.

Q What information?

A Mr. Baroni asked me to gather information regarding where the particular cars were coming from that used the George Washington Bridge.

Q Why gather that information?

A Because Mr. Baroni wanted to begin to make an argument that those three lanes benefited a small number of cars, actual cars that — I'm sorry, a small number of Fort Lee residents that were using the George Washington Bridge.

Q And why gather these statistics in particular?

\* \* \*

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Q What did you tell him?

A I told him that Mr. Baroni and I had discussed the lane closure with Governor Christie and that Governor Christie seemed to be enjoying it, enjoying the news of the traffic issues.

Q How did Mr. DuHaime respond to you?

A Mr. DuHaime told me that Governor Christie must have thought that Mr. Baroni and I were joking around. That Governor Christie would not think that that was funny.

Q Did Mr. DuHaime and you discuss what you had proposed as your resignation?

A Yes, we did.

Q What did you discuss?

A I told Mr. DuHaime that I would be willing to leave the Port Authority. I would be willing to resign so that the story might go away. That way others who were involved, that their involvement would not become public.

Q How did he respond to you?

A Mr. Baroni — I'm sorry, Mr. DuHaime did not think it would go — reach that level. Mr. DuHaime didn't think that the story was going to go as badly as it did.

Q Mr. Wildstein, did there come a time when Mr. Baroni and you began to prepare a written report?

A Yes.

Q What was this report about?

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A As a result of increased pressure on the Port Authority to say something about the lane closures, the idea came about that the Port Authority would issue a written report that would explain the traffic study story and put a particular spin upon the events that happened during the week of September 9th.

Q What was the spin going to be?

A The spin was going to be that the Port Authority was conducting a traffic study to determine whether it was fairer to give three lanes to Fort Lee.

Q Is that the fairness argument you testified about previously?

A Yes, sir, that's what I'm talking about, yes.

Q When was this report going to be released?

A This report was going to be released on the day before Thanksgiving.

Q Why then?

A Because that would typically be a light news coverage day and that people wouldn't be paying as much attention on Thanksgiving day and in the few days that followed that.

Q With respect to this written report, was that report going to discuss communications with Fort Lee?

A Yes, it was.

Q What was the report going to detail?

A The report was going to admit to a communications breakdown between the Port Authority and the Borough of Fort Lee.

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Q Why include that?

A That was one of the issues that had come forward. That is one of the complaints was that there was no advance notice given to a traffic study. And that Mr. Baroni and I felt at the time that that was — that type of mea culpa was okay.

That the Port Authority could admit — that the Port Authority could admit fault and that type of mea culpa wouldn't hurt Governor Christie.

Q Was it a communication breakdown?

A No, sir, it was not.

Q What was it?

A It was a lie.

Q Did you discuss this report with Mr. Baroni?

A Yes, I did.

Q What did you discuss?

A Mr. Baroni and I discussed the steps that this — that this Port Authority report would take, how would it be laid out, what components would be involved, what issues would be discussed in it.

Q Who wrote the first draft?

A Mr. Baroni wrote the first draft.

Q How do you know that?

A I know that because he told me he was writing it. I know that because I saw him writing it. I know that because the first draft was eventually given in long hand to Mr. Baroni's

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assistant. It was typed up and emailed to me.

Q Who wrote it in long hand?

A Mr. Baroni did.

MS. CORTES: The Government offers Government Exhibit 548 on consent.

THE COURT: Five forty-eight will be in evidence.

Q Mr. Wildstein, do you recognize this document?

A Yes, sir, I do.

Q What is this document?

A This is an email from Miss DiMarco to Mr. Baroni on November 15th, 2013, that typed up the original first draft that — Mr. Baroni forwarded it to me.

Q Alright, Mr. Wildstein — if you could, Miss Hardy, could you give us the second page of this document. And if you could zoom in for me on the paragraph that says “background”.

Mr. Wildstein, if you could please read this sentence of this paragraph.

A I’m sorry, Mr. cortes, you want me to read?

Q Beginning from where it says “this.”

A “This reduced the number of toll lanes from blank to blank. This forced the creation of three special Fort Lee lanes. Lane segregated for use only by the residents of Fort Lee who access them via blank street.”

Q Mr. Wildstein, how did the phrase “special Fort Lee lanes” come about?

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A Mr. Baroni came up with that term.

Q What was that a reference to?

A It was a reference to the three lanes that had been

designated for local traffic on the upper level of the bridge.

Q What is the implication, Mr. Wildstein, of this phrase, “special Fort Lee lanes”?

MR. BALDASARRE: Objection, Judge, as to implication. I mean to his mind.

MR. CORTES: To his mind.

THE COURT: Alright.

Q Let me — I'll rephrase it. What is your understanding, Mr. Wildstein, of what that phrase means?

A My understanding was that by calling them special Fort Lee lanes, it might create a greater constituency of those who would oppose one town getting special lanes beyond what other towns receive.

Q Was that accurate?

A No, sir, it was not.

Q Miss Hardy, if you could zoom out now and then zoom in on the paragraph that begins: August/September, 2013. Thank you.

Mr. Wildstein, if you could, please read that paragraph that starts with "in August, 2013."

A "In August, 2013, as a result of conversations with members of the Port Authority Police, Port Authority Director of Interstate Capital Projects David Wildstein met with Port

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Authority officials in Engineering, Traffic Engineering, and Tunnels, Bridges and Terminals, to review the situation of the segregated Fort Lee lanes."

Q Mr. Wildstein, that sentence refers to you, is that

correct?

A Yes, sir, it does.

Q Did those conversations with the Port Authority Police take place?

A No, they did not.

Q Did you discuss this sentence with Mr. Baroni before he wrote it?

A Yes, I did.

Q What did you discuss?

A I discussed my taking responsibility for this plan. And as part of that, Mr. Baroni said that we can — that a better idea would be to put this on the Port Authority Police because the Port Authority Police would be — this was a public safety advocate. People would say well: The police recommend that these lanes be changed, then there must be a good reason for it. They have a better understanding of public safety. And in this context, a greater understanding of moving traffic across the span more quickly.

Q Mr. Wildstein, who is Paul Nunziata?

A Mr. Nunziata was president of the Port Authority Police Benevolent Association, which is the union that represents

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allow or accept the Port Authority Police Department being attributed a role in coming up with this idea for the lane reductions?

A Yes, I did.

Q Now, was Mr. Baroni aware of whether or not that was true?

A Was Mr. Baroni aware that I had had the conversation?

Q I'm sorry, let me ask a better question.

Was Mr. Baroni aware of whether or not you had conversations with members of the Port Authority Police in August of 2013 as expressed here?

A No, Mr. Baroni was not aware that I had conversations with the Port Authority Police in August.

Q Had that actually happened —

A No. I'm sorry, I didn't mean to interrupt. Can you state it again.

Q Had that actually happened?

A No, it had not happened.

Q Did you tell Mr. Baroni that that hadn't happened?

A I didn't.

Q Miss Hardy, can you zoom in on the communication paragraph.

Mr. Wildstein, can you read that first sentence there.

A "The implementation of the reduction of Fort Lee lanes from three to one was not accompanied by customary communications, both within the Port Authority and externally."

Q And in terms of the customary communications referenced

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there, Mr. Wildstein, what was your understanding of that?

A That customary, at least during the time that I was at the Port Authority, involved an extensive



outreach program reaching out to and communicating with host communities with other Government officials that were involved, reaching out to motorists. Advising the media of lane closures.

Q Can you read the next sentence, Mr. Wildstein.

A “The decision to move forward with the study was not approved by either the executive level of the agency or the Board of Commissioners.”

Q Mr. Wildstein, did you understand who the executive level of the agency was a reference to?

A Yes, I understood that to be a reference to Mr. Foye, the Executive Director.

Q Now, can you read the next one, two, three — the next three sentences.

A “The Borough of Fort Lee was not notified of the closures in advance. These communication breakdowns cannot be repeated. The Port Authority relies on mutual cooperation both internally and with our community stakeholders.”

Q And, Mr. Wildstein, with respect to the communication breakdowns, was that — were there communication breakdowns?

A No, there were no communications breakdowns.

Q Why not? What were they — I’m sorry, let me ask one question. What were they?

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A It was a deliberate intent to not communicate.

Q Now, after receiving this draft, Mr. Wildstein — and we’re done here, thank you, Miss Hardy. After receiving this draft report, Mr. Wildstein, what did you do with it?

A I began to edit it. I began to fill in some blanks and I made some — I believe I changed some language.

Q And did you have multiple conversations with Mr. Baroni about the preparation of and revisions to this statement?

A Yes, sir, I did.

Q About how much time did you spend preparing and revising the document, give or take?

A It was an extensive period of time. And it was hours and hours and hours. I mean —

Q Can you give an estimate?

A Ten hours. Fifteen hours. Somewhere in that area. It was extensive.

Q Ultimately, was the report issued?

A No, sir, it was not.

Q What happened?

A Prior to the expected issuance of that report, members of the Port Authority staff received an invitation to testify before the New Jersey State Assembly Transportation Committee. I don't recall the exact name of the committee.

Q Do you recall when those invitations arrived?

A Yes. They arrived in November of 2013.

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Q Who was invited?

A Mr. Baroni, myself, Mr. Foye, and Michael Fedorko, the Superintendent of the Port Authority Police.

Q Did you discuss with Mr. Baroni how to handle the invitations?

A Yes, I did.

Q What was the decision?

A The decision was that Mr. Baroni would attend and the other three, Mr. Foye, and Mr. Fedorko, and I would not.

Q What happened with the draft report?

A The draft report became the basis of Mr. Baroni's testimony before the Assembly Transportation Committee.

Q Including the same arguments?

A Yes, sir.

Q Was the Assembly Transportation Committee informed that Mr. Baroni would testify?

A No, they were not.

Q Why not?

A Mr. Baroni felt that it was — Mr. Baroni conveyed to me that it would be strategically better to not accept or decline the invitation so that he could show up on that Monday morning for the hearing and that possibly some members of the committee wouldn't be as prepared because they felt that he was going to be a no show. He thought that would be advantageous to himself and to the Port Authority if there was no response.

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Q Did you discuss the invitation to testify with Miss Kelly?

A Yes, I did.

Q What was her reaction?

A Miss Kelly was upset. She was not happy that it had reached the level of a legislative committee meeting.

Q Did you discuss with Miss Kelly how Mr. Baroni intended to testify before the committee?

A Yes, I did.

Q What did you tell her?

A I told Miss Kelly that Mr. Baroni intended to use the traffic study story that she and I had talked about months beforehand. And that the traffic study and the fairness issue would become the basis of Mr. Baroni's testimony.

Q Did you work with Mr. Baroni to prepare his testimony?

A Yes, sir, I did.

Q Did you prepare materials for him to use during his testimony?

A Yes.

Q What did you prepare?

A I prepared information on committee members. I assembled everything that was in the file that I had created and accumulated on this — on the lane closures. I included the numbers of motorists. And I drilled those numbers down to individual legislative districts in order to formulate arguments.

\* \* \*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CRIMINAL ACTION 2:15-cr-193-SDW

UNITED STATES OF	:	TRANSCRIPT OF
AMERICA,	:	PROCEEDINGS
	:	
-vs-	:	T R I A L
	:	
WILLIAM E. BARONI JR.,	:	Pages 1 – 159
and BRIDGET ANNE	:	
KELLY,	:	
Defendants.	:	
-----	:	

Newark, New Jersey  
September 28, 2016

B E F O R E: HONORABLE SUSAN D. WIGENTON,  
UNITED STATES DISTRICT JUDGE  
AND A JURY

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

PAUL FISHMAN, ESQ., UNITED STATES  
ATTORNEY  
BY: DAVID FEDER, ESQ.  
LEE CORTES, ESQ.  
VIKAS KHANNA, ESQ.  
Attorneys for the Government

BALDASSARE & MARA, LLC  
BY: MICHAEL Z. BALDASSARE, ESQ.  
JENNIFER MARA, ESQ.  
Attorneys for Defendant Baroni

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Pursuant to Section 753 Title 28 United States Code, the following transcript is certified to be an accurate record as taken stenographically in the above entitled proceedings.

s/Carmen Liloia  
CARMEN LILOIA  
Official Court Reporter  
(973) 477-9704

\* \* \*

movie Trading Places.

Q What did it mean?

A It meant that if Mr. Baroni was able to fix the problem, I would give him one dollar.

Q Mr. Wildstein, we're going to review portions of Mr. Baroni's testimony now.

Miss Hardy, can you take that down. And we're going to play what's in evidence as Government Exhibit 7009. We're going to play certain clips of it. Okay?

A Yes, sir.

Q Miss Hardy can, we play clip 3 from the testimony.

(Audio plays)

Q Mr. Wildstein, do you recall that statement?

A Yes, sir, I do.

Q Was that a statement from Mr. Baroni's prepared remarks?

A Yes, it was.

Q Mr. Wildstein, that clip referred to multiple conversations with members of the Port Authority Police in August of 2013, regarding traffic conditions at the George Washington Bridge. Had those meetings between yourself and the Port Authority Police Department actually taken place?

A No, sir, they had not.

Q Did Mr. Baroni know that those meetings had not taken place?

A Yes, sir, he did.

Q How do you know that?

A Because he and I had discussed it, sir.

Q Now, Mr. Wildstein —

THE WITNESS: Your Honor, can I say something? I need to make it clear. I had listened to the testimony on the Internet. I had not seen the clip. I didn't want to represent that I had — this is what I saw. It's simply the words that I recognize.

Q Understood. You've listened to Mr. Baroni's testimony as it went in?

A Yes, sir, I listened to it, I didn't watch it.

THE COURT: And that was on the day he was giving the testimony, correct?

THE WITNESS: That's correct. I listened on the day he gave the testimony.

THE COURT: November 25th, 2013?

THE WITNESS: Yes, your Honor.

THE COURT: Okay.

Q Mr. Wildstein, regarding Mr. Baroni's statement about members of the Port Authority Police Department, was Mr. Baroni questioned about that statement at the hearing?

A Yes, sir, he was.

Q Alright, Miss Hardy, can we have from Government's Exhibit 7009, clip 14.

(Audio plays)



Q Mr. Wildstein, had Mr. Nunziata and Mr. DeFilippis suggested this idea to you?

A No, they had not.

Q Did Mr. Baroni know that?

A Yes, he did.

Q How do you know that?

A Mr. Baroni was with me at the George Washington Bridge in 2011, when the idea of using — changing lanes at the George Washington Bridge — changing Fort Lee lanes first came up.

Q Were Mr. Nunziata's and Mr. DeFilippis's names in Mr. Baroni's prepared remarks?

A No, they were not.

Q Were you expecting him to name Mr. Nunziata and Mr. DeFilippis during his testimony?

A No.

Q Miss Hardy can, we have clip 4, please.

(Audio plays)

Q Mr. Wildstein, do you recall that testimony?

A Mr. Cortes, I didn't hear the beginning of that, I'm sorry.

Q Can we have that again, please.

(Audio plays)

Q Mr. Wildstein, do you recall that testimony?

A Yes, sir, I do.

Q Had you requested a one-week study on Thursday, September 5th?

A No, I had not.

Q Did Mr. Baroni know that you had not ordered a one — I'm sorry, a one-week study on Thursday, September 5th?

A Yes, he did.

Q How do you know that?

A Mr. Baroni and I had discussed that this would be taken on a day-to-day basis.

MR. CORTES: Your Honor, with your permission can, I approach and put up a poster board?

A Okay.

Q For the record, this is marked as Government's Exhibit 1210.

Mr. Wildstein, do you recognize this?

A Yes, I do.

Q What is this?

A This is the — the graphic that Mr. Baroni had requested from the Port Authority Engineering Department through me to use during his testimony before the Assembly Transportation Committee.

Q Alright. Mr. Wildstein, we're going to play two clips now.

Miss Hardy, can we have from Government's Exhibit 7009, clip 1, and then we're going to have clip 7.

THE WITNESS: Your Honor, I wants to be sure I'm clear.

Q Sure — can you pause that, Miss Hardy. Thank you.

Go ahead, Mr. Wildstein.

A Sir, I had seen this graphic in pdf form when it was sent to me from the Chief Engineer, but I have not seen it blown up like this. I recognize the graphic.

Q Mr. Wildstein, since Mr. Baroni's testimony, have you also seen a video of the testimony?

A Yes, sir, I have.

Q And do you see what's marked as Government's 1210 utilized during that testimony?

A Yes.

Q Alright, Miss Hardy, if we could have clip 1.

(Audio plays)

Q I'm sorry, can we have clip 7, now.

(Audio plays)

Q Mr. Wildstein, were those lanes special for Fort Lee residents only?

A No, they were not.

Q Did you understand that?

A Yes.

Q Did Mr. Baroni understand that?

A Yes.

Q How do you know?

A Mr. Baroni and I had discussed that as well.

Q Mr. Wildstein, in Mr. Baroni's testimony it indicates that 4.5 percent of drivers go in through the three lanes. What

does that 4.5 percent number represent, Mr. Wildstein?

A The 4.5 percent number would be E-Z Pass tags that are registered to a Fort Lee address.

Q Mr. Wildstein, did you understand whether that number, that statistic was the number of motorists that went through that entrance?

A Yes, I understood that. Yes, I understand that. Could you repeat the question?

Q Sure. What did you understand about that 4.5 percent number with respect to entry on the upper level toll plaza?

A I understood that not to be a real number. 4.5 percent was representing only those vehicles that use E-Z Pass that were registered to a Fort Lee address. It doesn't include vehicles coming from another community or vehicles cutting through Fort Lee to use those lanes.

Q Did Mr. Baroni understand that?

A Yes, sir, he did.

Q How do you know?

A Mr. Baroni and I had discussed that issue.

Q Did you know the actual percentage of users of these local access lanes?

A No.

Q Were you aware that that data was available?

A Yes, I was.

Q Was Mr. Baroni aware that that data was available?

A Yes, he was.

Q How do you know that?

A Mr. Baroni and I had been in the same briefings over the last — over the few years prior to this time and it had been explained several times.

Q In preparation for Mr. Baroni's testimony, did either Mr. Baroni or you take any steps to find out the actual percentage of users of the local access lanes?

A No.

Q Why not?

A Mr. Baroni and I felt that the numbers that we already had supported the argument that was going to be made so there was no need to get any of this additional information.

Q What argument was that?

A This was an argument of fairness and that 95 percent of the vehicles were getting 75 percent of the lanes and 5 percent of the vehicles were getting 25 percent of the lanes.

Q Was that an accurate argument?

A No, it was not an accurate argument.

Q What was that argument meant to do?

A It was — the intent was to make legislators believe that the system of Fort Lee, the policy of Fort Lee having three lanes set aside was unfair.

Q Miss Hardy, can we have clip 8 from Government Exhibit 7009.

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toll would actually be less money. So my understanding is moving — changing the lane configuration would have cost the Port Authority about a thousand dollars a day in revenue.

Q Miss Hardy, can we now have Government Exhibit 7009, clip 24.

(Audio plays)

Q Mr. Wildstein, do you recall this testimony?

A Yes, I do.

Q Did you discuss with Mr. Baroni how to answer the question about notification to Fort Lee?

A Yes.

Q And how did Mr. Baroni — how would Mr. Baroni respond to that question?

A The response would be an apology for a breakdown in communications and a pledge to do better in the future.

Q Was the lack of a notification to Fort Lee a communication breakdown?

A No, it was not.

Q Why not?

A It was a deliberate decision to not communicate with Fort Lee.

Q Was the lack of notification to the Port Authority's Executive Director a communication breakdown?

A No.

Q Why not?

A That also was deliberate.

Q Miss Hardy, can we have clip 18 from Government Exhibit 7009.

(Audio plays)

Q Mr. Wildstein, do you recall this testimony from Mr. Baroni?

A Yes, I do.

Q Did you have an understanding of whether this had been hugely problematic for Mr. Baroni personally?

MR. BALDASARRE: Objection, Judge, as to his mind.

MR. CORTES: If he understood.

THE COURT: Just rephrase it.

Q Mr. Wildstein, did you understand whether or not the lack of communication with Mayor Sokolich had been hugely problematic for Mr. Baroni personally?

A No, I didn't get that impression.

Q And is that based on your conversations with him?

A Yes, it was.

Q Alright, Miss Hardy, thank you. We're done with the testimony.

Mr. Wildstein, following — to support Mr. Baroni's testimony, what if anything did you do?

A I prepared a briefing book. I did some research. I did some fact checking. I did some prep sessions with Mr. Baroni.

Q Let me ask a — I wasn't precise in my question.  
Following

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can you just describe what's the back and forth here.

A Sure. It begins at 11:22 a.m. during the testimony. Miss Kelly writes: He is good.

Q Did you understand what she was referring to? Do you recall what she was referring to?

A I recall — I think she's referring to Mr. Baroni. But without seeing the context of the earlier text, it's hard for me to say that for sure.

Q Mr. Wildstein, if you go back one — Miss Hardy, if you could go back to the first page and look at the bottom.

Okay, Mr. Wildstein, that text message from Miss Kelly is at 11:21. Is that correct?

A Yes, sir.

Q Let's go back now to the next page. Give us that top half again. Do you see what the time of that first text message?

A Yes, I do, I see it's 11:22.

Q Do you recall — does that help you —

A Yes, it does.

Q — recollect what this is about?

A Yes, sir, it does.

Q What do you recall?

A Miss Kelly is — "he" in this case is Mr. Baroni, "he is good", meaning Mr. Baroni is good.



Q Directing you now, Mr. Wildstein, to the next text message. Can you please read that.

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A “Go Chivakula”.

Q Do you have an understanding what that refers to?

A Yes, sir. My understanding is that it refers to Assemblyman Upedra Chivakula, who was a Democrat representing Middlesex County and a member of the Assembly Transportation Committee.

Q And did Assemblyman Chivakula make any statements during the testimony?

A Yes. Assemblyman Chivakula stated he had also experienced a lot of traffic at the George Washington Bridge and I viewed it as essentially buying into the fairness argument.

Q Can you go down to your email — I’m sorry, your text, the next one.

A Yes, I see it.

Q And what — can you please read that.

A I wrote: Thank you to the GOP caucus.

Q And do you recall why you wrote that?

A Yes. I wrote that with an intent of some sarcasm that the Republican members of the committee, in my view, were doing nothing to help Mr. Baroni.

Q How did Miss Kelly respond?

A She responded by saying: They are not asking questions.

Q How did you respond to that?

A I responded by saying: Pisses me off.

Q If you could go down, Mr. Wildstein, to the text message at

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11:50 a.m. from Miss Kelly.

A Yes.

Q Can you read that.

A It says: Screw David Wolfe.

Q And how did you respond to that?

A I responded by saying: Schmuck.

Q And do you recall whether Assemblyman Wolfe made a statement at the testimony?

A Yes. Assemblyman Wolfe made a statement, I believe it was similar to — he didn't like people coming into these meetings and lying.

Q And do you recall why you had this reaction?

A Yes. Assemblyman Wolfe is a Republican from a — from Ocean County, a Republican area, and had served with Mr. Baroni in the assembly.

Q If you go now to the next text message from Miss Kelly. Can you read that.

A “Feedback has been very positive”.

Q Do you understand what that meant?

A Yes, sir. I understood that to mean that the feedback that she was getting in the Office of the Governor had been very positive regarding Mr. Baroni's testimony.

Q And if you could go to the next text message from Miss Kelly at 2:10 p.m.. Can you read that.

A “Did Gretchen talk to MWW?”

access to any of your devices or electronic accounts?

A Yes, I did.

Q What devices?

A I provided the Government with access to two desk-top computers, to my iPad and to my personal cell phone.

Q And what email accounts?

A I provided the Government with access to a few personal email accounts.

Q Did you consent to provide this access?

A Yes, sir, I did.

Q Mr. Wildstein, can you estimate, please, how much time that you personally spent on the lane reductions? Just the issue in general, working on.

A Twenty-five, thirty hours, something like that.

Q Can you estimate how much time Mr. Baroni spent?

A I don't know exactly how much. It was less than me but I don't remember how much.

Q Can you give an approximation?

A Twenty hours. Fifteen hours. I don't remember.

MR. CORTES: Your Honor, we have nothing further.

THE COURT: Okay. So, ladies and gentlemen, we'll take our 15-minute break now and then we will resume with cross examination. Okay?

(Jury excused)

THE COURT: Alright, everybody, we'll take 15

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CRIMINAL ACTION 2:15-cr-193-SDW

UNITED STATES OF	:	TRANSCRIPT OF
AMERICA,	:	PROCEEDINGS
	:	
-vs-	:	T R I A L
	:	
WILLIAM E. BARONI JR.,	:	Pages 1 – 236
and BRIDGET ANNE	:	
KELLY,	:	
Defendants.	:	
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Newark, New Jersey  
October 5, 2016

B E F O R E: HONORABLE SUSAN D. WIGENTON,  
UNITED STATES DISTRICT JUDGE  
AND A JURY

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

PAUL FISHMAN, ESQ., UNITED STATES  
ATTORNEY  
BY: DAVID FEDER, ESQ.  
LEE CORTES, ESQ.  
VIKAS KHANNA, ESQ.  
Attorneys for the Government

BALDASSARE & MARA, LLC  
BY: MICHAEL Z. BALDASSARE, ESQ.  
JENNIFER MARA, ESQ.  
Attorneys for Defendant Baroni

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Pursuant to Section 753 Title 28 United States Code,  
the following transcript is certified to be an accurate  
record as taken stenographically in the above entitled  
proceedings.

S/Carmen Liloia  
CARMEN LILOIA  
Official Court Reporter  
(973) 477-9704

\* \* \*

Q Did Mr. Baroni know that you lied to Mr. Fulton?

A Yes.

Q How do you know that?

A Because I told him that.

Q You were asked questions on cross examination about the public safety card. Do you recall that testimony?

A Yes, sir, I do recall it.

Q On September 9th, 2013, you testified that Mr. Baroni forwarded you an email that Mayor Sokolich had called about an urgent matter of public safety. Do you recall that?

A Yes.

Q That same day did you forward that same email to Ms. Kelly?

A Yes, I did.

Q When you received that email about an urgent matter of public safety, did you care what Mayor Sokolich was calling about?

A No.

Q Did you care about there being any public safety issue?

A No.

Q When you spoke to Mr. Baroni on September 9th, 2013, did he ask you to find out whether there was any public safety issue?

A No, he did not.

Q When you spoke to Ms. Kelly on September 9th, 2013, did she ask you to find out whether there was any public safety issue?

A No, she did not.

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Q At any point during the week of the lane reductions, did Mr. Baroni ask you to do anything to find out whether there was a public safety issue?

A No.

Q At any point during the week of the lane reductions, did Ms. Kelly ask you to do anything to find out whether there was a public safety issue?

A No.

Q Did you check with the Fort Lee Police Department about whether there was a public safety issue in Fort Lee?

A No, I did not.

Q Did you ask anyone to check?

A No, sir.

Q Did you check with the Fort Lee Emergency Medical Services if there was a public safety issue in Fort Lee during that week?

A No.

Q Did you ask anyone to?

A No, I didn't.

Q How about the Fort Lee Fire Department, did you check with them?

A No, sir.

Q Did anyone ask you to?



A No, nobody asked me to.

Q That include — and anyone includes Mr. Baroni and Ms.

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Kelly?

A Yes, sir.

Q Did Mr. Baroni, Ms. Kelly or you ever discuss stopping the radio silence plan just to check with Mayor Sokolich about this public safety issue?

A No, we did not discuss that.

Q You were asked questions on cross examination about the Port Authority being the good cop and the Governor's Office being the bad cop. Do you recall that?

A Yes, sir, I do.

Q Who did you discuss that idea with?

A I discussed that with Miss Kelly.

Q What was Ms. Kelly's response?

A Miss Kelly thought that it could potentially be a good plan.

Q Did you ever discuss it again?

A No, we did not.

Q You were asked questions about conversations that you had with Mr. Samson and Mr. Baroni, that there were conversations between the Governors of New Jersey and New York. Do you recall that?

A Yes.

Q Were you actually a party to any of those conversations between the New Jersey Governor and the New York Governor?

A No, sir, I was not.

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Q Do you know for a fact whether those conversations actually happened?

A No, I do not know.

Q Did Mr. Foye ever — the Executive Director of the Port Authority, did he ever sign off on a report about the lane reductions?

A No, sir, he did not.

Q Did he ever sign off on Mr. Baroni's testimony?

A No.

Q Was Patrick Foye disciplined in any way following these lane reductions about those lane reductions?

A I don't have any way of knowing whether he was disciplined or not.

Q Do you recall being asked questions on cross examination about the report that was converted into Mr. Baroni's opening statement before the Assembly Transportation Committee?

A Yes, sir, I remember that.

Q You were asked questions about who was involved in drafting the report. Do you recall that?

A Yes.

Q Did Ms. Kelly know about the idea of the report?

A Yes, sir.

Q Did Ms. Kelly know that the report would use the cover story of a traffic study?

A Yes, she did.

Q How do you know that?

A Because Miss Kelly and I discussed that.

Q Did Ms. Kelly know that the cover story was not true?

A Yes, she did.

Q How do you know that?

A Because Miss Kelly and I discussed that also.

Q After Mr. Baroni received an invitation to testify before the Assembly Transportation Committee, did Ms. Kelly know that the report was going to be turned into Mr. Baroni's opening statement?

A Yes, sir, she did.

Q How do you know that?

A Because I told her.

Q You were asked questions about an exhibit which was marked and entered into evidence as K-1437 and there was a November 25th email between Mr. Drewniak and you regarding Mr. Baroni's testimony in which you wrote, "most importantly, Gov was not brought into this." Do you recall that?

A Yes, I saw that yesterday, yes, sir.

Q Do you recall that exhibit?

MR. BALDASARRE: I'm sorry, what number?

MR. CORTES: K-1437.

Q Mr. Wildstein, that email is between yourself and Mr. Drewniak; is that correct?

A Yes, sir, it was.

\* \* \*

A Wednesday, August 21st, 2013.

Q And the subject, it talks about NJ.com, Egg Harbor Township Mayor is selling his home because taxes are too high, report says." Correct?

A Correct.

Q What is that referring to?

A It was an article in the Star Ledger, NJ.com, that the Egg Harbor Township Mayor, Sonny McCullough, had made comments to the press that he was selling his home because the taxes were too high.

Q Property taxes?

A Yes.

Q And what did Miss Kelly say in this email?

A "Hope Sonny loses your number, Chris. Bye bye."

Q What was your understanding of what that meant?

A That I was to be hands off with Mayor McCullough.

Q Did you review this as a joke?

A No.

Q Thank you, Miss Hardy.

Mr. Stark, subsequent to the text message exchange in August with Miss Renna, did you have any further interactions with Miss Kelly in relation to Fort Lee?

A Yes.

Q How did this interaction come about?

A Mr. Ridley asked me a week or two later as I was going down

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to my daily meeting with Miss Kelly if we were allowed to talk to Mayor Sokolich again.

Q And when was your interaction — and subsequent to that, you had an interaction with Miss Kelly?

A Yes, during the daily meeting.

Q And when was this in relation to that text message exchange with Miss Renna?

A One or two weeks later.

Q And where did you have this interaction?

A In Miss Kelly's office, the senior staff office outside the Governor's Office.

Q And could you please describe what happened — what was said during this interaction?

A Yes. I asked Miss Kelly if we were — that Evan wanted to know if we could get in contact with the Mayor of Fort Lee again and she said "no, we're doing enough to mess with him."

Q And what was your understanding as to what she was saying about reaching out to Fort Lee?

A That the answer was no.

MR. KHANNA: Once second, your Honor. Thank you, your Honor, nothing further.

THE COURT: Alright.

Cross?

MS. MARA: Yes, your Honor.

CROSS EXAMINATION BY MS. MARA:

THE COURT: Alright, Government, you can call your next witness.

MR. CORTES: Coming, your Honor.

THE COURT: Who is it, Mr. Cortes?

MR. FEDER: Sorry, your Honor.

THE COURT: Hello.

MR. FEDER: The Government calls Amy Kwon.

AMY HUANG. Sworn.

DIRECT EXAMINATION BY MR. FEDER:

Q Good afternoon, Miss Huang.

A Good afternoon.

Q Are you currently employed?

A Yes, I am.

Q Where do you work?

A I work for the Port Authority of New York and New Jersey.

THE COURT: Just pull that mike a little closer.

Q How long have you worked at the Port Authority?

A Thirty years.

Q What is your current position at the Port Authority?

A I'm a senior operations planning analyst.

Q And how long have you had that position?

A About 15 years.

Q Was that your position in 2013?

A Yes, it was.

Q In which department at the Port Authority do you work?

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A Tunnels, Bridges and Terminals department.

Q To whom did you report in 2013?

A Daniel Jacobs.

Q I'm sorry?

A Daniel Jacobs, my manager.

Q What are your — what were your primarily responsibilities as senior operations planning analyst in September, 2013?

A I monitor and analyze annual reporting traffic activities at the six tunnels and bridges that the Port Authority manages.

Q Do you use data in your work as is a senior operations analyst?

A Yes, I do.

Q What data do you use?

A We use a system called ITCS, which stands for Integrated Toll Collection System.

Q So ITCS?

A Yes.

Q Generally, what does that ITCS data show?

A That records every transaction of traffic going through our six tunnels and bridges.

Q So every vehicle that goes through the toll booths?

A Yes, everyone going over.

Q And does it record every vehicle regardless of the method of payment?

A Yes, it does.

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Q Does the Port Authority collect its ITCS data on a regular basis?

A Yes.

Q To your knowledge, how long has the Port Authority been —

A Since we have the E-ZPass system installed, which I think is, I believe, around about 1996, around that time, or '98.

Q Miss Huang, I'm going to just ask you just let me finish my question otherwise Miss Liloia will get mad at me. Thank you.

THE COURT: That is true.

Q Okay. How is ITCS data captured and recorded?

A When it — when it goes to the toll booth, we have a video to record and also the toll collectors, they can punch a key to record it.

Q Is it collected automatically?

A Some of it, not everyone. Some manually

Q And how often is the data captured and recorded?

A I will say every second.

Q Every second?

A Yeah.

Q Is it the regular practice of Port Authority to archive that data?



A Yes, we did.

Q And has that data been kept in the regular course of the Port Authority's regularly-conducted activities?

A Yes.

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Q To your knowledge, was does the Port Authority collect ITCS data?

A We use it to calculate how much revenue we get collected, and also we use the information to manage our facilities' operations. For instance, like when we have constructions, we use that to determine what would be the best time to do it without impacting the traffic. And also when weather is bad, we like to know how much traffic we lost and how we can avoid the time — what time, which would be a better time to pass.

Q The ITCS data, is there another way to refer to it as traffic volume data?

A Yes.

Q Are there different ways to look at that data, for instance, based on time of day?

A Well, the data is really in details. So we can tell how much of the traffic are using — paying cash, how much are using E-ZPass, and also different time of day, and also by toll lane at each of our facilities.

Q So, for instance, you can — you can figure out for a certain period of time how many vehicles passed through a particular toll lane; is that right?

A That's correct, yeah.

Q Are you familiar with reduction of the number of local access lanes from Fort Lee to the upper level toll plaza of the George Washington Bridge beginning on September 9th, 2013?

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A Yes, I do.

Q If I refer to this as the lane reductions, will you understand what I mean?

A Yes, I do.

Q Okay. So directing your attention to Monday, September 9th, did you go to work at the Port Authority that day?

A Yes, I did.

Q And did you perform work relating to the lane reductions on Monday, September 9th?

A Yes, I did.

Q What did you do?

A I followed the traffic at the George Washington Bridge into a comparison of the traffic to compare to a day of a year ago.

Q And did you email the results of your analysis to anyone?

A Yes, I sent it to my manager, Dan Jacobs.

Q Miss Hardy, can you please show for the witness Government Exhibit 1092.

Your Honor, on consent of the parties, the Government offers Government Exhibit 1092.

THE COURT: Alright, 1092 will be in evidence.

Q Miss Huang, is this your email to Mr. Jacobs?

A Yes, it is.

Q Can you please read your email.

A “Attached is a summarized 15 minutes traffic by toll lane at GWB for September 9th, 2013 and September 10th, 2012. As I

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was checking the data, I have noticed that September 10th, 2012 traffic counts for toll lanes 62 appeared in both GWBU and GWBL level. I have re-downloaded the data and came to the same numbers. I’m leaving the counts separately in both plazas”.

Q What did you mean by “15-minute traffic by toll lane”.

A It is a traffic where you summarize every 15 minutes within an hour.

Q Was there an attachment to this email?

A Yes.

Q Okay.

Your Honor, on consent the Government would offer Government Exhibit 1092A.

THE COURT: 1092A will be in evidence.

Q Miss Huang, is this the attachment to your email?

A Yes.

Q It’s hard to see but, Miss Hardy, if you could please go to the fourth page and zoom in just on the top left corner of the chart. Okay. What does this chart reflect, Miss Huang?

A It’s the 15-minute traffic data for September 9th, 2013, at the George Washington Bridge.

Q Okay. Miss Hardy, can you please zoom out and, Miss Huang, the entries across the top row are GWBU, GWBL, and GWBP. Can you tell the jury what those entries mean.

A GWBU is George Washington Bridge upper level. GWBL is George Washington Bridge lower level. And GWBP is the George

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Washington Bridge PIP, which is the Palisade Interstate Parkway entrance.

Q Miss Huang, the second row, underneath that. Miss Hardy, can you zoom in on the — great. The second row here has a sequence of numbers. What do those numbers correspond to?

A Those are the numbers to the toll booth.

Q Numbers for the toll booth?

A Yes. Which is the toll lane.

Q And then in the column on the first column on the left, what do those entries refer to?

A Those are hours.

Q So where it says zero, what —

A It's zero hour.

Q Okay. And what about the second column?

A Those are the 15-minute intervals.

Q So 15-minute intervals for that hour?

A For that hour, yes.

Q So does that, if I'm getting this right, that the numbers to the right on each row reflect are the numbers of vehicles at a given toll lane during a 15-minute interval?

A That's correct.

Q Okay. So for instance, just — you see the double zero there under “minutes”. You go to the column to the right, it says “1”. Does that mean that one vehicle went through toll lane two between midnight and 12:15 on that day?

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A That's correct.

Q Okay. Got that right.

How did you get this data for September 9th?

A I download it from our TTCS system.

Q Miss Hardy, can you please go to the first page and do that same zoom in the top left corner. I'm sorry, just above that, if we could capture that and the lines above it.

What does this worksheet on the chart reflect?

A This is the traffic data for September 10th, 2012.

Q Okay. Why did you collect the data for September 10th, 2012, and reflect it on this chart?

A Because it's a comparable day to a year ago.

Q What do you mean by a comparable day?

A It's a Monday in September. If you go by calendar, you will see the same day as a year ago to September — the 9th, in 2013.

Q So it was a Monday, September 9th, 2013, and this chart reflects Monday, September 10th, 2012. And what was the purpose of having those two dates?

A So we can compare with the traffic changes between the two dates.

Q Did you keep regular work hours on September 9th, 2013?

A Yes, I did.

Q And approximately how much time did you spend on September 9th doing work in connection with the lane reductions?

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A Two hours.

Q Turning to Tuesday, September 10th, did you work a normal work day at the Port Authority that day?

A Yes, I did.

Q And did you conduct substantially the same analysis?

A Yes.

Q And did you use the ITCS data?

A Yes, I did.

Q To compile a chart?

A Yes.

Q Did you send that chart to Mr. Jacobs?

A Yes, I did.

Q Okay. Miss Hardy, can you please put up — well, your Honor, the Government would like to admit on consent — if I could just read some of the exhibits I believe that.

MR. BALDASARRE: That's fine.

Q Gotcha.

Your Honor, if I may just read the exhibits the Government would like to move into evidence.

Government Exhibit 1234, Government Exhibit 1234A, Government Exhibit 1235, 1235A, 1235B, 1236, 1236A, and 1242, on consent.

THE COURT: No objection?

MR. CRITCHLEY: Yes, Judge.

MR. BALDASARRE: Yes, Judge.

Q Thank you, your Honor.

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Miss Hardy, could you bring up Government Exhibit 1234A. And please go — please zoom in on the sort of top left corner of the screen. A little bit lower, please. Thank you. Okay.

Miss Huang, I don't know, does this chart reflect the same basis analysis that you conducted on the previous day?

A Yes, it is.

Q And does this reflect that the comparison date, this was for September 10th, 2013; is that correct?

A That's correct.

Q Miss Hardy, can you please go to page 4 and zoom in on the top left corner. Thank you.

And does this reflect a comparable day of September 11th, 2012?

A Yes, it is.

Q Thank you. And referring you to the columns under GWBU, which you see in the chart, how many toll booths are there at the GWB at the upper level toll plaza?

A Well, a total of 12.

Q A total of 12. And, Miss Hardy, if we could just move that sort of to the right.

Under GWBL — how about under GWBL, Miss Huang, how many toll booths are there at the lower level toll plaza?

A Ten.

Q Ten.

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And for the GWB toll plaza at the Palisades?

A Six.

Q Approximately how much time did you spend on September 10th, 2013, doing work related to the lane reductions?

A Two hours.

Q And did you conduct that same analysis on Wednesday, September 11th, 2013?

A Yes, I did.

Q Did you compare it to a date the previous year?

A Yes, I did.

Q And how many hours did you spend on Wednesday, September 11th, on the lane reductions?

A Two hours.

Q And on September 12th, did you conduct the same analysis?

A Yes, I did.

Q And some of the — and did you compare traffic volumes at the George Washington Bridge against traffic volumes from the George Washington Bridge for a comparable the previous year?



A Yes, I did.

Q And how much time did you spend on September 12th, 2013, doing work in connection with the lane reductions?

A Two hours.

Q And turning to Friday, September 13th, did you work a normal work day?

A Yes, I did.

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Q And was any of that work related to the lane reductions?

A Yes.

Q What did you do?

A I did the same traffic comparison.

Q Did you send Mr. Jacobs a comparison chart to a comparable the previous year like you've done for the previous days that week?

A No, I didn't.

Q Why not?

A Because I learned that they had reopened the toll lanes.

Q And approximately how much time did you spend on September 13th, 2013, doing work in connection with the lane —

A Two hours.

Q Is that two hours?

A Two hours.

Q After September 13th, 2013, did you do any additional work related to the lane reductions?

A No.

Q After September 13th, 2013, did anyone ask you for the analysis you prepared during the week of September 9th?

A No.

Q After September 13th, 2013, did anyone at the Port Authority ask you to collect or analyze any data about the lane reductions?

A No.

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here on consent of the parties.

Q Do you see, Miss Huang, the exhibit numbers in the left hand column under the dates for each of the different dates?

A I'm sorry?

Q Do you see the exhibit numbers that are the source for each of those — for that data?

A Yes.

Q And did you verify the accuracy of the information included in Government Exhibit 1242?

A Yes, I did.

Q How did you do that?

A By manually calculating each number and checking against my report and also calculating the total and we did all the presumed days.

Q Okay. Continue, Miss Hardy, if you could just zoom out for a second and zoom in on the lower right corner. Lower right corner of the document under the exhibit sticker. There it is.

Miss Huang, were you asked to initial and date Government Exhibit 1242 after you checked it for accuracy?

A Yes, I did.

Q And are those your initials?

A Yes.

Q Okay. And can the accuracy of the information on this chart be tested by referring to the actual charts that were just admitted into evidence?

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A Yes.

Q Okay. If we could zoom out and just zoom in again on the chart, please, Miss Hardy. Okay.

Taking the first non-shaded row, so the second row from the top, which starts with 9/10/12, the next column reads, 6 a.m. to 7 a.m. So what do those cells mean on that chart?

A Twenty is lane 20, 22 is lane 22, and 24 is lane 24.

Q Are those toll lanes at the George Washington Bridge upper level?

A They are. Those three lanes there, the Fort Lee entrance.

Q The three lanes closest to the local access lanes in Fort Lee?

A Yes.

Q And what is the next column, total 20, 22, 24?

A That's the total traffic we had going through those three toll lanes during the hours 6 to 7 on September 10th, 20 —

Q And so it has 875 between 6 a.m. and 7 a.m. What does that number reflect?

A Those are the total of lane 20, 22 and 24 for the hours 6 to 7.

Q Okay. And then the next column says GWBU total. What is that number 4,157 mean?

A That's the total traffic going through the upper level of the George Washington Bridge on September 10, 2012, between 6 to 7 in the morning.

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Q And then there's a percentage at the end of that. What does that percentage reflect?

A That's the percentage of the traffic volume going through toll lane 20, 22, 24, including the total traffic in George Washington Bridge upper level.

Q Okay. And directing you to the yellow highlighted portion at the bottom of the chart. What does that portion of the chart reflect?

A That's the total traffic for the four days for toll lane 20, 22, 24, and also the total for George Washington Bridge upper level.

Q And the header on that small chart in the corner says 6 a.m. to 10 a.m. total for September 10th, 2012, to September 13th, 2012. Is that correct?

A That's correct.

Q And what percentage of vehicles using the George Washington Bridge from 6 a.m. to 10 a.m. during September 10th, through September 13th, 2012, used toll lanes 20, 22 and 24.

A A little bit over 25 percent of all the traffic going through the George Washington Bridge upper level.

Q And that's for all vehicles passing through; is that correct?

A Yes.

Q For cash?

A Cash and E-ZPass, yes.

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Q And E-ZPass?

A Yes.

Q And how about for people who decide to not pay by cash or E-ZPass?

A They also included in them as violations.

Q Violations?

A Right.

Q And so that percentage is 25.32 percent of the vehicles using the upper level toll plaza for those four mornings between 6 a.m. and 10 a.m. used the toll lanes 20, 22 and 24. Is that accurate?

A Yes.

Q Okay. One second, please.

No further questions, your Honor.

THE COURT: Alright, any cross? Mr. Baldassarre?

CROSS EXAMINATION BY MR. BALDASARRE:

Q Good afternoon, Miss Huang. I'm Michael Baldassarre. I represent Bill Baroni. How are you?

A I'm good.

Q Part of your job at the Port Authority involves studying traffic; correct?

A That's correct.

Q And it includes analyzing traffic data; correct?

A That's correct.

Q And you've been at the Port Authority for thirty years;

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CRIMINAL ACTION 2:15-cr-193-SDW

UNITED STATES OF	:	TRANSCRIPT OF
AMERICA,	:	PROCEEDINGS
	:	
-vs-	:	T R I A L
	:	
WILLIAM E. BARONI JR.,	:	Pages 1 – 196
and BRIDGET ANNE	:	
KELLY,	:	
Defendants.	:	
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Newark, New Jersey  
October 6, 2016

B E F O R E: HONORABLE SUSAN D. WIGENTON,  
UNITED STATES DISTRICT JUDGE  
AND A JURY

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

PAUL FISHMAN, ESQ., UNITED STATES  
ATTORNEY  
BY: DAVID FEDER, ESQ.  
LEE CORTES, ESQ.  
VIKAS KHANNA, ESQ.  
Attorneys for the Government

BALDASSARE & MARA, LLC  
BY: MICHAEL Z. BALDASSARE, ESQ.  
JENNIFER MARA, ESQ.  
Attorneys for Defendant Baroni

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S/Carmen Liloia  
CARMEN LILOIA  
Official Court Reporter  
(973) 477-9704

\* \* \*



THE COURT: Alright, everybody, we'll bring the jury out

(Jury brought into courtroom)

THE COURT: Alright, I'm sorry, I missed you. You guys can sit have a seat. Good morning to you. We're going to get started. And the Government, you may call your next witness.

MR. FEDER: Thank you, your Honor, the Government. Calls Victor Chung.

VICTOR CHUNG, Sworn.

THE COURT: Good morning, Mr. Chung, come on up.

DIRECT EXAMINATION BY MR. FEDER:

THE COURT: When you're ready, Mr. Feder, you can start.

MR. FEDER: Thank you, your Honor.

Q Good morning, Mr. Chung.

A Good morning.

Q Are you presently employed, sir?

A Yes, I am.

Q Where do you work?

A I work for the Port Authority of New York and New Jersey.

Q In what department at the Port Authority?

A Tunnels, Bridges and Terminals department.

Q What is your title?

A I'm a senior transportation planner.

Q Was that your title in September, 2013?

A Yes.

Q Did you work at the Port Authority on September 6th, 2013?

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A Yes.

Q Did you learn that day of a plan to reduce the number of local access lanes from Fort Lee to the upper level toll plaza of the George Washington Bridge beginning on September 9th?

A Yes.

Q Were you asked to do any work on Friday, September 6th, in relation to that plan?

A Yes.

Q Who asked you to perform that work?

A Mark Morriello.

Q What was Mr. Morriello's title?

A He's the Assistant Director of Tunnels, Bridges and Terminals department.

Q What did Mr. Morriello ask you to do?

A He asked me to come up with an analysis on the impact if the three local Fort Lee toll lanes are reduced to one lane only.

Q And did you do that analysis on Friday, September the 6th?

A Yes, I does.

Q Based on that analysis, what did you predict would be the effect of the lane reductions?

A There would an huge congestion on Fort Lee's local streets.

Q On Friday, September 6th, how many hours did you do work related to the planned lane reductions?

A A little bit more than eight hours.

Q Were the lane reductions implemented on Monday, September 9th?

A Yes.

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Q Did you perform work on the lane reductions during the week of September 9th?

A Yes.

Q What did you do?

A I was asked to make some comparisons of travel times approaching the GWB upper level toll plazas. On that week — morning peek hours to historic travel times value.

Q And how many hours did you work on the lay reductions that week?

A About six hours.

Q Are you familiar with how the Port Authority normally conducts traffic studies in your experience?

A Yes.

Q And based on that experience, were the lane reductions done in a manner consistent with how the Port Authority normally conducts traffic analysis?

A No.

Q No. Why not?

A When we conduct a traffic study on a matter this serious, we will have — we'll have the technical staff like myself conduct — perform some analysis on it. And based on the results, if it has a very negative

impact, they will further study it and come up with resolutions to reduce the impact if they still want to go ahead with the proposal.

Q Does doing that analysis require the actual closure of lanes?

A To test it? No.

Q After September 13th, 2013, do you recall any additional

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work that you performed relating to the lane reductions?

A No, I don't recall.

Q And after September 13th, 2013, do you recall anyone asking for the analysis you performed during the week of the lane reductions?

A I don't recall.

Q No further questions. Thank you.

THE COURT: Alright, any cross.

MR. BALDASARRE: Yes, judge, thank you.

CROSS EXAMINATION BY MR. BALDASARRE:

Q Good morning, Mr. Chung.

A Good morning.

Q I'm Michael Baldasarre. I represent Bill Baroni. I just want to talk to you a bit about the data that you collected and reviewed. You used historical data; correct?

A On —

Q On Friday.

A On Friday? Yes.

Q Okay. And part of the historical data you used was — were surveys that had been mailed to Port Authority customers. Correct?

A That's part of the —

Q Okay, part of it?

A Yeah.

Q And those surveys were from 2006; correct?

A Right.

Q And so the surveys you used were from — in '13, were about seven years old; correct?

\* \* \*

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A Right.

Q Right. And you did the best you could, given the time?

A Right.

Q Did you think you were violating any Port Authority policy in the way that you did this, this analysis?

A By doing this analysis I, as usual, I want to provide upper management the tool to make the determination and that's my purpose.

Q Okay. And you were comfortable that what you were doing was an appropriate task for you to be asked to do; correct?

A To perform an analysis —

Q Yes.

A — on the different scenarios?

Q Yes.

A Yes.

Q Okay. Just one thing, I just wanted to go over different, a little bit — same topic, just a little bit different involvement. Am I right that, to your understanding, this study, this analysis, was ordered by David Wildstein?

A I saw David Wildstein's name in the email chain when I first received the email from Mark Morriello.

Q And did you remember — did you at any time learn from Mr. Morriello that it was David Wildstein's idea to do this?

A He was having meeting with people, including Mr. Wildstein, I believe, on Friday.

Q On Friday, okay. Am I right that Mr. Morriello was trying to convince David Wildstein not to do this?

A When I present my conclusion or analysis to Mr. Morriello,

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I urge him to do so.

Q Okay. And am I right that it was your understanding he did try to do that; correct?

A Yes, I believe he did.

Q Okay. And am I right that during this timeframe with Mr. Wildstein, it was your impression that Mr. Wildstein had made up his mind and was going to do this; correct?

A At the end of Friday, I learned that they would go ahead to do it on Monday.

Q This was at the end of Friday the 6th?

A The 6th.

Q You learned it was going to be done?

A Yes.

Q Okay. And am I right that your belief is that what David Wildstein said had weight; correct?

A I don't know who made the decision, but at the end of the day, it looks like they have — upper management has decided that they would go ahead and make it one lane.

Q Okay. Do you recall telling the Government that what David Wildstein said at the Port Authority had weight?

A Did I say that?

Q Yes. Do you recall saying that during one of your meetings with the Government?

A That what he said has weight?

Q Yes. The phrase "had weight."

A I don't recall that.

MR. BALDASARRE: One moment, please. May I approach, Judge?

\* \* \*

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caused a ripple effect to build traffic up here.

Q Did you work regular 8 to 4 hours on Monday?

A Yes.

Q How much time did you spent on Monday in discussions regarding the lane reductions?

A Two hours.

Q Okay. Turning now to the next day, Tuesday, September 10th. Did you do work relating to the lane reductions on September 10th?

A Yes.

Q What did you do?

A I came into the office, logged into the Transcom website, downloaded the data, and started analyzing the data.

Q Did you prepare a summary of that data?

A Yes.

Q Did you send that analysis to anyone?

A I send it to my supervisor Raheel Shabih.

Q Mr. Shabih?

A Yes.

Q How many hours did you spend on Tuesday working on the lane reductions?

A Four hours.

Q We'll going to Wednesday, September 11th, 2013. Did you work on the lane reductions on that day?

A Yes.

Q And what did you do?

A I did the similar task that I did the previous day, logged into the website, downloaded the data and starting analyzing

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the data and prepared a report on it.

Q And did you send that report to Mr. Shabih?

A Yes.



Q How many hours did you spent on Wednesday working on the lane reductions?

A Four hours.

Q Okay. Going to another day, Thursday, September 12th, did you work on the lane reductions on that day?

A Yes.

Q What did you do?

A I — the same task as I did the previous day.

Q Okay. I'm now going to bring up what's been marked as Government Exhibit 1209C. And 1209 is already in evidence. This is just a subset of that exhibit. And, Miss Hardy, if you could please go to the second page. I'm sorry, there is no second page on this one. Sorry about that. Could you please zoom in, starting from here and going down to here.

Mr. Patel, could you read that? I mean, are you able to see it enough to read it?

A Yes.

Q Okay. If you could, who sent this email, sir?

A I sent it to Jose, copy Rizwan and Raheel.

Q I'm sorry?

A I sent it to Jose Rivera and copied Rizwan and Raheel on it.

Q Rizwan Baig and Raheel Shabih?

A From.

Q Why did you send this email to Mr. Rivera?

A I was asked by Raheel to send it over to Jose.

Q Can you please read the bulleted — please just read this email. Thank you.

A Okay. “Jose, here’s a draft summary for Wednesday, September 11th, 2013. Peter. We performed the analysis for Wednesday, September 11th, 2013, and did observe some improvement in the overall travel time on the mainline during the morning peak period, 6 a.m. to noon. The attached file graphically represent the impact of new traffic pattern on travel times on I-95 local and express lanes to U.S. toll plaza, 1.4 mile section. The summary of the finding is as follows. For traffic originating on I-95 express lanes, an average reduction of 4.12 minutes, about 52 percent in travel time was observed. For traffic originating on I-95 local lanes, an average reduction of 2.72 minutes, about 43 percent in travel time was observed. The improvements in the travel time on the mainline should be weighed against the deterioration of the level of service for the local traffic originating from Fort Lee. The facility and TB&T are assessing those impacts. We will coordinate with them and report back on the findings. Jose.”

Q Thank you. Now this is in quotes. Why was it in quotes?

A Because I drafted the email for Jose sent it to Peter.

Q And that’s Mr. Zipf; correct?

A Yes.

Q Peter is Mr. Zipf?

A Peter is Mr. Zipf, yes.

Q The statistics in those bulleted paragraphs in the middle,

A No.

Q Why not?

A Because the travel time readers are installed only on the mainline on I-95.

Q Did you — did you conduct any analysis that week on the impact to the local traffic originating from Fort Lee?

A No.

Q How many hours did you spend on Thursday working on the lane reductions?

A Four hours.

Q Alright. Turning to Friday, September 13th, 2013, did you work at the Port Authority that day?

A Yes.

Q Did you perform work relating to the lane reductions?

A Yes.

Q What did you do?

A The same work I did the previous days.

Q Did you complete a chart of the previous days' data?

A Yes.

Q Miss Hardy, can you please bring up Government Exhibit 1241.

MR. BALDASARRE: No objection.

MR. CRITCHLEY, JR.: No objection.

MR. FEDER: The Government would move for the admission of Government Exhibit 1241.

THE COURT: 1241 will be in evidence.

Q Mr. Patel, what is this document?

A This a document showing point A to point B. That's where

\* \* \*

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Q It took longer to get from point A to point B as opposed to a typical day where the blue line is above the red line?

A Yes.

Q And does this chart reflect the same analysis you conducted for the other days preceding this that week?

A Yes.

Q After you created this chart reflecting the Thursday travel time, did anyone ask for it?

A No.

Q You can just zoom out, please, on this chart. Thank you.

If anyone had asked for it, could you have given it to them?

A Yes.

Q Mr. Patel, would you have done the travel time analysis you've testified about today but for the lane reductions?

A No.

Q Would you have prepared these charts or charts like this but for the lane reductions?

A No.

Q Did you have other work assignments that week that you had to put off because of your work on the lane reductions?

A Yes.

Q Mr. Patel, after the lane reductions ended, did anyone ask you for the travel time analysis you performed during the week of September 9?

A No.

Q After September 13th, 2013, anyone ask you to provide any assessments or conclusions based on the analysis you had done

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that week?

A No.

Q After September 13th, 2013, did anyone ask you to assess the effect of the lane reductions on travel times on mainline?

A No.

Q Mr. Patel, what is your educational background?

A I have a masters in transportation engineering

Q Have you worked primarily as an engineer since you got your masters?

A Yes.

Q Over that time, have you become familiar with the methods by which the Port Authority uses to conduct traffic studies?

A Yes.

Q In your experience at the Port Authority, how does the Port Authority conduct traffic studies?

A To do the traffic study we actually use the real traffic volume, and use that information, plug it into a computer-generated models in order to get the outcome out of it.

Q And then what do you do with those models when you put in the data, what do you then do with that data?

A Then you decide on what your objectives are, if you're looking to do a lane closure, so that gives you your predictive analysis that if you do this, this what your results are going to be seeing.

Q And in your experience to do this predictive analysis, does it actually require closing the lane?

A No.

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Q Why not?

A Because that's why you're doing the analysis, to see your results before you actually do something.

Q Mr. Patel, based on your experience, was the travel time analysis that you conducted during the week of the lane reductions consistent with how the Port Authority conducts traffic studies?

A No.

Q Why not?

A Because the travel time information is just assembled data. Every vehicle passes by. But once we have the 20 matches, the rest of the information is discarded. There is no use for it because it's only to let the motorists know how long it takes you to go from point A to point B.

Q Just so I'm clear, over a set time period, you take a sample of 20 cars that go from point A to point B; is that correct?

A And once that is matched, the rest of the information is not useful.

Q So how is that different from information that the Port Authority uses to conduct traffic studies?

A For traffic study, you actually use your entire volume, every vehicle used for it.

Q Besides the George Washington Bridge — I just want to shift into a different topic. Besides the George Washington Bridge, does the Port Authority operate other bridges?

A Yes.

Q What are they?

\* \* \*

calls Therese Riva.

THERESE RIVA, Sworn.

DIRECT EXAMINATION BY MR. KHANNA:

THE COURT: Good morning, Miss Riva.

And you can proceed, Mr. Khanna.

Q Thank you, your Honor.

Miss Riva, are you currently employed?

A Yes.

Q Where are you employed?

A The Port Authority of New York New Jersey.

Q For how long have you been employed at the Port Authority?

A Thirty-four years.

Q What's your position?

A Senior Business Manager.

Q What Port Authority department is that in?

A Tunnels, Bridges and Terminals.

Q And do you work for a particular Port Authority facility?

A Yes, the George Washington Bridge.

Q How much of your career have you spent working at the George Washington Bridge?

A All 34 years.

Q Now, how long have you held your current position of senior business manager?

A One year.

Q And what position did you hold prior to that?

A Operations planning analyst.

Q And how long did you hold the position of operations planning analyst?

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A Six years.

Q So you held that position in 2013?

A Correct.

Q What were your responsibilities as an operations planning analyst?

A I supervised the clerical staff who input time keeping for operations staff and managed the scheduling and coverage for toll collectors, tunnel bridge agents, field supervisors, toll supervisors.



Q And you mentioned time keeping. That was one of your responsibilities, managing time keeping?

A Correct.

Q What is time keeping?

A Time keeping is the manner in which we input information we receive about employees' work hours into our computer system called People Soft. And then it generates paycheck through comptrollers.

Q As an operations planning analyst, did you have any responsibility in relation to staffing toll collectors at the George Washington Bridge?

A Yes.

Q What responsibility did you have in relation that?

A I just oversaw the weekly final and advance schedules to make sure the staffed lanes were staffed and that deficiencies were managed and we met minimum staffing.

Q And based on your experience while working at the George Washington Bridge, are you familiar with Port Authority business records that relate to time keeping at the George

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Washington Bridge?

A Yes.

Q And are you familiar with records showing what work toll collectors are paid for and how much they are paid for that work?

A Yes.

Q I want to direct your attention to in or about September of 2013, from Monday, September 9th, to Friday, September 13th, were you aware of the reduction of local access lanes to the upper level of the George Washington Bridge in Fort Lee from three to one?

A Yes.

Q And when did you first learn of these lane reductions?

A The Friday before it began.

Q In connection with the lane reductions, were you asked to do anything in relation to toll collectors?

A I was asked to staff an excess toll collector at main tolls on all three tours.

Q So just breaking down some of that terminology. When you talk about at main tolls, what do you mean by that?

A Main tolls is what we call the toll collection plaza on the upper level.

Q So the upper level toll plaza?

A Correct.

Q And what are — you said in relation to three tours; is that right?

A Yeah, there were three tours of toll collectors. We have the midnight tour that typically starts anywhere from 10:30 at

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night, and then eight hours later. Starting times can vary from 10:30 to midnight. So a 12 to 8 tour, and then a day tour, 8 to 4, and then a 4 to 12 tour.

Q So three different shifts, basically?

A Correct.

Q Now, going back to September of 2013, what were you asked to do in relation to toll collectors at the upper level toll plaza?

A I was asked to staff one additional toll collector on each tour, so three toll collectors a day to be an excess toll collector in the toll house.

Q Who asked you to do this?

A My general manager.

Q What was his name?

A Bob Durando.

Q And was he the general manager of the George Washington Bridge?

A Yes.

Q And what was your understanding as to why Mr. Durando asked you to staff an excess toll collector during that week?

A Well, with only one lane available for local traffic, if that toll collector needed a personal break, or got sick, or needed something aside from their normal break, there would be no one in the booth for the local traffic. So we wanted to have someone basically on standby that could get out to the lane as quickly as possible.

Q So someone who could replace that person right away, if necessary?

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A Yes.

Q Now, as a result of Mr. Durando's instruction, did excess toll collectors actually work during the lane reductions?

A Yes.

Q And during the lane reductions, did different people staff this position of being an extra toll collector?

A Yes.

Q Were these excess toll collectors paid regular rate or an overtime rate?

A Overtime rates.

Q And why were they paid an overtime rate?

A Because they either worked on their regular day off or in excess of eight hours, a double tour.

Q Was there anyway to bring in an excess toll collector and not pay them overtime?

A No.

Q Now, are you familiar with Port Authority payroll records showing how much money these excess toll collectors who were brought in as a result of the lane reductions were paid during that timeframe?

A Yes.

Q Miss Hardy, if can he would bring up Government Exhibit 1246, the first page, please, just for the witness.

MR. BALDASARRE: No objection.

MR. CRITCHLEY, JR.: No objection.

MR. KHANNA: With consent, the Government would move to admit Government Exhibit 1246 and Government Exhibit 1245.

THE COURT: Alright, so 1246 and '45 will be in evidence.

MR. KHANNA: May I approach, your Honor, with a hard copy for the witness?

THE COURT: Sure.

Q Miss Riva, starting with Government Exhibit 1246, is that a document with many pages?

A Yes.

Q And do you recognize this document?

A I did.

Q And have you reviewed it before?

A Yes, I have.

Q And are your initials at the bottom of the page?

A Yes, lower right.

Q And in general terms, could you describe what these records are?

A The page — the first page is a sign-in sheet which we have a sign-in sheet for every toll plaza main, which is upper, lower level and the Palisades parkway for each tour. And it's information prepared for time keeping purposes, a toll collector's employee numbers, their name, their signature, time in, time out, hours worked, where they're working.

Q And in relation to the entire document that you have in front of you, does that contain information of how much time and what toll collectors were paid during the lane reductions?

A Yes.

Q Okay. Now, as a result of your review of the records in Government's Exhibit 1246, did you compile a chart summarizing

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how much money these excess toll collectors were paid?

A Yes.

Q Miss Hardy, if we could please bring up Government Exhibit 1245. And if we could zoom in on the top half.

Do you recognize this document, Miss Riva?

A Yes.

Q And is this the chart summarizing the amount of money that was paid to the excess toll collectors during the week of the lane reductions?

A Yes.

Q And does the chart fairly and accurately reflect the payroll records demonstrating how much money the excess toll collectors were paid during the lane reductions?

A Yes.

Q I just want to go through each column of the chart and just ask you to explain what it is. "Name of Port Authority employee," what does that refer to?

A That's the actual employee that worked the time.

Q One of the — does that refer to the excess toll collector —

A Yes, these are all the excess toll collectors.

Q During the week of the lane reductions?

A Yes.

Q How about “employee number,” what does that refer to?

A Every Port Authority employee has an employee number attached to them.

Q How about the date?

A The date is the date they actually worked the extra time.

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Q And hours?

A The amount of hours during that shift.

Q How about “description”?

A Description is based on whether or not an employee chose to get paid for their time, or bank their time, or what kind of rate, FLSA rate they were entitled to?

Q And how about “pay rate”?

A And the pay rate is the dollar amount attached to their time based on their salary.

Q Per hour?

A Correct.

Q And does the rate differ for different people?

A Yes, it does. There were several steps that, due to their contract, the toll collectors get paid at a different rate, so.

Q And how about the last column, “hourly earnings”?

A That’s the cumulative of their pay rate with their hours.

Q And, Miss Hardy, if we could go to the bottom third of that page, please. Miss Riva, do you see all

the way at the bottom on the right, the number 3,696.09 in the total row?

A Yes.

Q What does that reflect?

A That is the cumulative of all of the amount — the amount that was paid to all the toll collectors for that week for extra work.

Q Would this money reflected in the total row have been paid if the lane reductions had not taken place?

A No.

Q Thank you, your Honor, nothing further.

\* \* \*

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A No.

Q Ms. Ashmore, following your conversation with Mr. Wildstein, did there come a time when you spoke to Bridget Kelly about the constituent complaints about the backups at the bridge?

A Yes.

Q When was that?

A It was either that day or the next.

Q And when you say “that day”, are you referring — what are you referring to?

A Whether it’s the same day that I had the conversations with Mr. Wildstein and Miss Crifo or the next day, I don’t recall which, but within a short timeframe of a day or two.

Q And how did you speak to Ms. Kelly?



A I stopped by her office and asked her if she had a minute and that was normal course of action that I would have done in any matter.

Q And where was Ms. Kelly's office?

A At that point she was the Deputy Chief of Staff and she was on the first floor.

Q What is the first floor?

A There's three floors — actually our floors to the Governor's Office. She occupied an office inside the inner Office of the Governor's Office on the first floor. One side has the counsel's office the other side as the inner office, which is where the Governor, the deputies — the Chiefs of Staff, the Chief Counsel and a few of the deputies had offices.

Q That's where Ms. Kelly's office was?

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A Yes.

Q Where was your office?

A My office was on the third floor.

Q When you went to Ms. Kelly's office, was anyone else there?

A Not that I recall.

Q When you came to Ms. Kelly's office, was she there?

A Yes.

Q What did you do when you came to Ms. Kelly's office?

A I explained to her about the phone calls that we had received, the angry calls. I explained to her the call that Nicole and I had had with David Wildstein.

And I was looking to see if maybe she had gotten any information in the Intergovernmental Affairs side, maybe someone complained to them, or if there's any information she might be able to provide to me as well as trying to provide to her that here was this issue, this percolating issue, let me unpackage that just a little bit.

Q And first, when you went into Ms. Kelly's office, did you stand and convey this information to her, or did you sit?

A I sat.

Q Okay. And so was she behind her desk?

A Yes.

Q Okay. And so in terms of what you told her, did you discuss with her the complaints that Constituent Relations had received?

A Yes.

Q And you explain the substance of those complaints?

A Yes. I explained there was angry calls about the lane

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reductions and people were stuck in traffic.

Q And after that, did you also discuss with Ms. Kelly your telephone call with Mr. Wildstein?

A Yes.

Q What did you tell her?

A I explained that I had gone to Nicole Crifo and asked her if she knew anything about it. We conferenced in David Wildstein to ask him about it,

and that he had basically told us that it was not a — it was a Port Authority matter and not for the Governor's Office.

Q Did you ask Ms. Kelly any questions?

A I believe I asked her some — along the lines of maybe, did she get any phone calls from anyone about the matter? Was she — did she have any information to impart? Again, I was looking to be able to provide information should we continue to get calls on the matter.

Q Did Ms. Kelly respond to any of your questions?

A She nodded but no, there was no — no, she did not respond.

Q Do you recall her providing to you any information?

A She said okay at the end.

Q Was that a response to any of your questions?

A No.

Q Did you observe any reaction from Ms. Kelly as to any of the statements that you made to her?

A She was nodding. She did not seem surprised. And was smiling at times throughout the conversation.

Q What did you do then?

A I concluded that I was not going to receive information and

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I didn't ask any more, and I left.

Q Did you ever speak to Ms. Kelly about the lane reductions again?

A No.

MR. CORTES: Your Honor, I have nothing further.

THE COURT: Thank you, Mr. Cortes.

Cross.

MR. BALDASARRE: Yes. Judge, thank you.

CROSS EXAMINATION BY MR. BALDASARRE:

Q Good afternoon.

A Good afternoon.

Q In the fall of 2013, you were still reporting to who? Directly, who did you report to directly?

A I don't remember exactly what timeline I switched from Bill Stepien. I think I was reporting to Rosemary Iannacone at that point.

Q And Miss Iannacone reported to, at that time, to Kevin O'Dowd; correct?

A Yes.

Q And Kevin O'Dowd reports directly to who?

A The Governor, Governor Christie.

Q Okay. So you're three levels back from the Governor; correct?

A Yes.

Q And Miss Iannacone's office, where was that at the time?

A That was also in the inner office.

Q Okay. And by the inner office, how close is her office to where the Governor's office —

\* \* \*

Christie and several other folks, so I did not verbalize it to her. I decided to take an email and send it to her.

Q Miss Hardy, can we have Government Exhibit 565, just for the witness.

MR. CRITCHLEY: No objection.

MR. BALDASARRE: No objection.

MR. CORTES: Your Honor, the Government offers Government Exhibit 565.

THE COURT: Alright, 565 will be in evidence.

Q Miss Hardy, can you give me from here — I'm sorry — there we go. Thank you.

Miss Renna, do you recognize this?

A Yes, I do.

Q What is this?

A This is the email I typed to Bridget Kelly.

Q And what is the date and time of this email?

A September 12th, 2013, at 3:36 p.m.

Q And can you please read this email?

A “This afternoon, Evan received a call from Mayor Sokolich. It came from a number he was not familiar with that was actually a secretary who patched the Mayor through to Evan. The Mayor is extremely upset about the reduction of toll lanes from three to one. Not only is it causing horrendous traffic backup in town, first responders are having a terrible time maneuvering the traffic because the backup is so severe. The Mayor told Evan that he has no idea why Port Authority decided to do this, but there is a feeling

in town that it is Government retribution for something. He simply doesn't

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understand why that would be the case, however, because he has always been so supportive of the Governor. Sokolich explained that the council wants to organize a press conference with picketers at the foot of the bridge. The Mayor feels he is about to lose control of the situation and that he looks like a, quote unquote, fucking idiot. Evan told the fine Mayor he was unaware that the toll lanes were closed but he would see what he could find out.”

Q Miss Renna, where did you obtain the information that you put into this email?

A From Evan Ridley.

Q What was the purpose of this email to Ms. Kelly?

A To notify Bridget as to what was going on in Fort Lee, what the Mayor called to complain about.

Q Did there come a time when Ms. Kelly responded to your email?

A She did.

Q Miss Hardy, can we zoom back out. And can we — from here, when did Ms. Kelly respond?

A She responded on September 12th, 2013, at 11:44 p.m.

Q How did she respond?

A She responded with the word “good.”

Q Did Ms. Kelly make any additional response to your email to her?

A No.

Q Other than her email that stated “good,” did Ms. Kelly provide any direction to you regarding whether to respond to Mayor Sokolich?

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A No.

Q Did you know what Ms. Kelly meant by “good”?

A No.

Q Did you understand her response as a direction to do anything?

A No.

MR. CRITCHLEY: Objection, Judge.

MR. CORTES: It’s her understanding, Judge.

MR. CRITCHLEY: If she didn’t know what she meant, how could she?

THE COURT: I did not hear what you said.

MR. CRITCHLEY: If she doesn’t know what she meant, how could she follow up on it?

MR. CORTES: The witness can have an understanding.

MR. CRITCHLEY: Yeah, but —

THE COURT: Overruled.

Q What was your understanding of what Ms. Kelly wrote to you?

A You mean her response?

Q I’m sorry, her response.

A What is my understanding of her response?

Q Did you understand her response to be a direction to do anything?

A No.

Q In response to Mayor Sokolich's telephone call to Mr. Ridley, did you contact him?

A Did I contact —

Q Mayor Sokolich.

\* \* \*

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A Yes.

Q What is it about?

A On September 12th was the day the Seaside boardwalk fire broke out, and so Bridget was en route with the Governor and others to Seaside. And so her instructing me to instruct our staff to have Chris Stark call the mayors, because it was his region, and let them know that they were on their way and also to let the legislators know as well.

Q Thank you, Miss Hardy.

Miss Renna, I want to direct your attention now to December 12th, 2013. Did there come a time that day when you received a telephone call from Bridget Kelly?

A Yes.

Q Approximately when?

A 8:45 at night.

Q Where were you?

A I was leaving dinner with my husband and my children.

Q And did you take the call when Ms. Kelly called you?

A No, I missed the call.



Q What did you do — and did there come a time when you saw that you had missed a call from Ms. Kelly?

A Yes.

Q And what did you do after you saw the missed call?

A I called her back.

Q Do you recall the conversation with Ms. Kelly?

A I do, yes.

Q What were you doing during this conversation?

A I was driving. I was driving my family home from dinner.

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Q What did you discuss with Ms. Kelly?

A She asked if I had a moment to talk about the Fort Lee timeline.

Q What did you tell her?

A She asked me about the timeline as it resulted in when IGA was seeking Mayor Sokolich's endorsement. That's really how the call began. She was asking me if I had any recollection of when the IGA team was selecting the endorsement from Mayor Sokolich or not.

Q How did you respond to Ms. Kelly's question about that?

A Well, I responded to her by saying that I wasn't one hundred percent sure because at that time that was not in my purview at all. But it was my understanding that Mayor Sokolich was felt out for an endorsement sometime in spring. I told her I thought

it was April or May, I think is what I told her. And that it was a soft ask, which means that the regional director didn't come out and fully ask for the endorsement but to just kind of feel around. And the indication was that he was not interested in endorsing the Governor.

Q How did Ms. Kelly respond to you?

A She responded positively and she said that that is — was her understanding as well. That, you know, that she was sort of gut checking herself with me because that's what she remembered it to be as well, that we were seeking — IGA was seeking the endorsement sometime in the spring. And that we knew back in the spring that Mayor Sokolich was not going to endorse.

Q Did the conversation continue?

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A Yes.

Q What did you discuss?

A Well, at that point she said that she felt relieved because Kevin O'Dowd, who at the time was Governor Christie's Chief of Staff, had called her and had a conversation with her that she described as being very nerve racking about the issues surrounding the Fort Lee lane closures. And so that's really why she explained she was calling me because she wanted to, like I said, gut check, she wanted to make sure my memory of things matched her recollection of things as it related to seeking the endorsement?

Q What else did you tell her?

A At that point I told her that — well, at that point she told me that there was going to be a press

conference the next day and that Mr. Baroni was going to be resigning from the Port Authority. And that she was getting a lot of questions about everything with the lane closures. And she did say at one point, you know, I'm just getting so many questions about this. And, you know, I didn't know anything about this. Like — I didn't know anything about the lane closures.

Q How did you respond to her statement?

A Well, when she said she didn't know anything about the lane closures, I said to her — I sort of reminded her, I said: Well, I did email you about the lane closures because the Mayor called Evan, and then I typed you an email about it and flagged it with you back at the time the lane closures were happening. So I explained that to her.

Q Were you referring to your email that we reviewed dated

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September 12th, 2013?

A Yes, that's correct.

Q When you raised your email to Ms. Kelly from September 12th, how did she respond to you?

A She responded by saying: Is that the email I responded to with "good," like with the word "good"?

Q And, again, are you referring that from the email we reviewed from September that 12th, 2013?

A That was the email I was referring and I believe she was referencing, correct.

Q How did you respond to Ms. Kelly's statement?

A I said: Yeah, I believe that's the email. That's the — because that was the only email we had ever

exchanged about Fort Lee. So, yeah, I said that's the email.

Q And when you said Fort Lee, do you mean the Fort Lee lane issue?

A Yes.

Q How did Ms. Kelly respond to you when you said yes, that was the email that you were referring to?

A She said: Well good could mean a bunch of different things. You could read good a bunch of different ways.

Q Did she say anything else?

A I said: Yeah, you can. And she said: You know — that's what she said, she said: You know, you can read it a bunch of different ways. You can read it, you know, one way or the other. But I'm just — I'm getting a lot of questions about this so do me a favor and get rid of it.

Q How did you respond to that?

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A I asked her if she meant that she wanted me to delete the email.

Q Did she respond to your question?

A She did. Very quickly she said: Yeah. I'm just very nervous about things right now. I'm getting a lot of questions. She indicated that she had been in the hospital all day with one of her children and that she really, you know, was under a lot of stress and getting grilled about this from Kevin O'Dowd and she was just very nervous about it.

Q Did your call continue with Ms. Kelly?

A It did continue, yes. The call broke up, though, at some point round this time and the call dropped off at some point around this time period.

Q What happened after the call dropped?

A After the call dropped, I drove home. And I know that we tried to call each other back and like got each other's voice mails. And I think I connected with her first, if memory serves me correctly. And I sat in the driveway in my car and let my family go back in the house and continued the conversation with her at that point, and just kind of picked up with the conversation about the lane closures.

Q What was Ms. Kelly's demeanor during the first conversation — the first telephone conversation?

A I mean, it was pretty normal. It was normal, it was business like. She was asking my opinion. Towards the end of it she sounded — she started sounding very nervous, but by and large it was just a normal conversation.

Q How about the second conversation?

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A The second conversation she was very nervous, a very different demeanor in the second part of the phone conversation versus the first.

Q What do you mean by that?

A She was talking very fast, repeating herself a lot. I characterized it as kind of talking in circles. Like I was having a hard time following some of the things she was saying. Like I said, she was repeating certain things she had already told me. So a little bit frantic and nervous.

Q What was she saying?

A She told me on the second portion of the call, she again reiterated the fact that Mr. Baroni was going to be resigning and that the Government was going to be having a press conference about it, which she had also told me on the first part of the call. And she made a comment about, you know, “I have been hiding under my desk about this whole Fort Lee issue. Any time anyone walks into my office, I feel I need to hide under my desk because I’m getting a lot of questions about it.” She also went on to tell me that she asked me, you know, not to tell anyone that Mr. Baroni was resigning. And that at one point she stopped and said to me if — “you know, Christina” — I think, not exactly sure how she phrased it was, ‘you know, Christina, if someone tells me something is okay, who am I to question them?’”

Q How did you answer her?

A I answered her by saying: Right. If Bill, meaning Bill Stepien, or David, meaning David Wildstein, told you something, my full thought would have been I wouldn’t question them

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either. But I didn’t get to chance to finish my full thought.

Q Why not?

A Because Bridget cut me off and said: I don’t need your vindication, Christina.

Q Why did you bring up Mr. Wildstein and Mr. Stepien?

A Because just in my estimation they were purely, my own personal speculation, they were the two people that I thought potentially she could be referring to

when she said: If someone tells me something is okay, who am I to question them?

Q After Ms. Kelly told you she didn't need your vindication, did the phone call continue?

A It did.

Q What if anything else did Ms. Kelly told you?

A She told me Senator Loretta Weinberg, she had somehow heard that Senator Weinberg was totally of the belief that this was a Port Authority orchestrated issue. And that the Governor's Office was not involved at all. And that made Bridget feel more comfortable that the Governor would be isolated from any sort of ramifications from this incident.

Q What else did she tell you?

A She also told me at one point she said, I'm trying to remember the exact words, she proceeded to say: You know, Christina, if David says there is a traffic study, I have no doubt there's proof that there's a traffic study.

Q How did you respond to her?

A I responded by saying: Right. It's a traffic study. Because my understanding was that it was a traffic study.

Q Miss Renna, you testified that Ms. Kelly repeated herself

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during this telephone call. What if anything did she repeat?

A Well, she repeated the part about Mr. Baroni's resignation. She did also said multiple times that she

was not involved with the lane closures, you know, which I believed during the course of the conversation.

Q Miss Renna, on the night of your telephone call with Ms. Kelly, did you inform anyone else of your conversation with her?

A I did.

Q Who did you tell?

A Peter Sheridan.

Q Why did you tell this to Mr. Sheridan?

A Because Peter was the person I kind of told everything to and trusted.

Q Miss Hardy, could we have Government Exhibit 5001A for the witness.

MR. CRITCHLEY: 5000A.

MR. CORTES: 5001A.

MR. CRITCHLEY: 5001A?

MR. CORTES: Yup.

MR. CRITCHLEY: No objection.

MR. BALDASARRE: No objection.

THE COURT: 5001A will be in evidence.

MR. CRITCHLEY: Can we get the stipulation this is UTC time?

MR. CORTES: Yes. Just one second.

MR. CRITCHLEY: Sure.

MR. CORTES: The Government will offer what's

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