

CITY HALL

Eric Adams Escalates His Defense of Top Aide Accused of Sexual Harassment and Retaliation

Voicing support for Tim Pearson in the wake of multiple lawsuits and nominating an aggressive litigator as the city's top lawyer, the mayor braces for tough legal battles ahead.

BY YOAV GONEN |

JULY 30, 2024, 9:20 P.M. UPDATED JULY 31, 2024, 2:52 P.M.

REPUBLISH



Mayor Eric Adams answers questions from reporters during a sometimes contentious City Hall press conference, July 30, 2024. Credit: Ed Reed/Mayoral Photography Office

Mayor Eric Adams steeled himself Tuesday against a new lawsuit against a top adviser that has fueled ongoing scrutiny of his inner circle.

At a combative press conference, the mayor defended Senior Advisor Timothy Pearson, who has been hit with a fourth lawsuit alleging either sexual harassment or retaliation. The same day, Adams nominated a controversial litigator as the city's chief lawyer.

If approved by the City Council, that lawyer, Randy Mastro, would play a key role in navigating a number of thorny legal issues for the administration — including the growing number of legal complaints against Pearson, who is a long-time friend of the mayor's.

The new [lawsuit](#), filed Tuesday in Manhattan Supreme Court by NYPD Deputy Chief Miltiadis Marmara, echoes claims in three previous suits filed by staffers who had worked under Pearson in a special unit Adams set up to help manage city operations. All allege that Pearson repeatedly sexually harassed a female subordinate and retaliated against her and the colleagues who backed her up.

Marmara's suit also [alleges](#) that Pearson was the subject of sexual harassment complaints during his years in the NYPD, long before Adams tapped him for a top spot in the administration in May 2022.

Pressed by reporters Tuesday in sometimes testy exchanges, Adams said Pearson's role hasn't changed since NYPD Sgt. Roxanne Ludemann filed her initial [complaint](#) against Pearson, top members of the NYPD and the city in March.

"People have a tendency to, when accusations are made, to say, 'You know what? The pressure's hot, you need to just get rid of a person.' I just don't operate that way," said Mayor Adams.

"What I've learned in life is that a good friend walks in the room when others walk out," Adams added of Pearson, a 31-year NYPD member who retired in 2012 with the rank of inspector. "Those in law enforcement, particularly officers of color, would tell you he has walked in the room at some difficult times."

In her lawsuit, filed in March, Ludemann alleges she was denied promotions as retaliation for not succumbing to Pearson's advances. (Pearson and the other named defendants in that suit have filed [papers](#) denying the claims.) In his new lawsuit, Marmara alleges he was retaliated against after Pearson learned that Marmara had discussed the harassment with top NYPD officials, including the mayor's brother Bernard Adams.

Marmara said in his court filing that he walked into an office on Dec. 1, 2022, and saw Ludemann "grimacing" with Pearson's hand on her bare shoulder. After that, he alleges, she opened up to Marmara about the prior harassment but convinced him not to file a formal complaint at the time over concern for her career.



Timothy Pearson stands behind Eric Adams while the mayor is sworn in during the New Year's Eve 2022 celebration in Times Square. Credit: lev radin/Shutterstock

The new court papers allege at least two sexual harassment complaints were filed against Pearson while he served in the NYPD in the late 1990s, and that Pearson was terminated as head of security at Resorts World Casino in Queens in 2022 over “numerous sexual improprieties.”

The latest lawsuit also alleges that sometime around 2014, Marmara, who was working in the Queens South bureau at the time, heard from a community pastor who told him that Pearson had sex with her into having sex.

Pearson had already retired from the NYPD by then and was working at Resorts World Casino.

Marmara's legal filing alleges the pastor told him Pearson “sexually abused her and had rough sex with her that she did not consent to,” and also that Marmara learned that the pastor had filed a criminal complaint against Pearson over his conduct.

The filing says Marmara isn't aware of the outcome of that complaint, and the pastor, whose name is being withheld by THE CITY, couldn't immediately be reached for comment.

Marmara's complaint details a number of other allegations of Pearson's boorish behavior over the decades, which the filing says continued upon Pearson's return to city government in 2022.

This included in July 2022, when the lawsuit says Marmara and Pearson drove together to a Hispanic Heritage event at Gracie Mansion. En route, Pearson “howls like a dog at the women they pass in the car,” the filing claims.

As is protocol, the city conducted a background check of Pearson through its Department of Investigation, but according to an agency spokesperson the review wasn’t completed until Feb. 20, 2024 — nearly two years after Pearson was hired and roughly 11 months after he submitted the required paperwork.

Asked whether the NYPD has records of sexual harassment complaints filed against Pearson during his 31-year tenure, an unnamed NYPD spokesperson declined to comment, citing the pending litigation.

The press office at Resorts World Casino didn’t respond to an email about the lawsuit and Pearson, who earns \$257,374 per year in salary on the payroll of the city’s Economic Development Corporation, didn’t respond to a voicemail from THE CITY seeking comment.

In response to repeated questions from a reporter at the Daily News Tuesday about when Adams first learned about the complaints filed against Pearson, the mayor asked whether there was any security in the room.

When the reporter said he was just doing his job, Adams [said](#) he would let security personnel do their job “if you keep interrupting.”

Paying Outside Lawyers

After the press conference, Adams announced his nomination of controversial attorney Mastro as the head of the city’s law department.

The corporation counsel’s appointment requires approval by the City Council — where a number of members voiced strong opposition after Mastro’s name [first leaked](#) several months back.



Randy Mastro speaks at City Hall about Mayor Eric Adams launching the NYC Legal Fellows Program, Nov. 2, 2022. Credit: Caroline Willis/Mayoral Photography Office

In a statement, Public Advocate Jumaane Williams urged the Council to reject the nomination based on Mastro’s [record](#) — which has included aggressive tactics on behalf of clients [opposing](#) a homeless shelter on Manhattan’s Upper West Side in 2021.

If approved, Mastro would replace former Corporation Counsel Sylvia Hinds-Radix, who [reportedly](#) left in June after a number of differences with the administration — including over whether Pearson was [eligible](#) for legal representation by the law department.

The city is currently paying the private firm Wilson, Elser, Moskowitz, Edelman and Dicker LLP to defend Pearson, the city, the Economic Development Corporation and others, including NYPD Chief of Department Jeffrey Maddrey, against the lawsuits.

A law department spokesperson said that arrangement was approved while Hinds-Radix was still at the helm and after it was determined that Pearson “was entitled to representation, and that it was appropriate for outside counsel to handle the matters.”

An attorney for Wilson Elser, John Flannery, said the defendants plan to “vigorously defend themselves in this suit.”

Marmara's lawsuit details numerous times that he claims to have shared Ludemann's complaints about Pearson with higher-ups in the administration — including as early as December 2022 with Bernard Adams, who oversaw Adams' security until [stepping down](#) several months later.

Flannery countered that none of the allegations against Pearson were formally reported to the NYPD or the administration.

“Deputy Chief Marmara and the other plaintiffs only reported alleged misconduct after they were the subjects of an NYPD Internal Affairs Bureau investigation into their own misconduct,” said Flannery. “Facts matter, and the facts will show that Deputy Chief Marmara was removed from his position as a result of his own misconduct, including threatening Mr. Pearson over the speed in which NYPD officers at MSA were being promoted.”

John Scola, an attorney for Marmara — who headed the special mayoral unit — and the three other plaintiffs, said the city's unwillingness to sideline Pearson shows a lack of commitment to addressing sexual harassment.

“Senior officials in the Mayor's office and NYPD knew of Pearson's actions but ignored them to avoid displeasing Mayor Adams,” he said. “As a result, four careers have been ruined, and Pearson remains in a position to harass female City employees.”

Pearson is also the target of a probe by the city's Department of Investigation over allegations that he [assaulted](#) security guards at a city-run homeless shelter last year when they balked at letting him inside after he refused to show identification.

A DOI spokesperson said Tuesday that the investigation is ongoing.

While some members of Adams' inner circle fend off civil lawsuits, others have been under [scrutiny](#) from federal law enforcement, including senior adviser Winnie Greco and campaign fundraiser Brianna Suggs. Last fall, the FBI seized the mayor's electronic devices as part of an unspecified investigation. Adams is not known to be the target of any probe and has not been accused of wrongdoing.



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Bridgagate Report Author Denies Sexist Treatment Of Bridget Kelly

Bridgagate Report Author Denies Sexist Treatment Of Bridget Kelly

By **Amanda Terkel**

Mar 30, 2014, 11:37 AM EDT

Updated Mar 31, 2014



LEAVE A COMMENT

WASHINGTON -- The lead lawyer behind the Bridgagate report that cleared New Jersey Gov. Chris Christie (R) defended his work Sunday against accusations of a conflict of interest and sexist treatment of Christie's former aide Bridget Kelly.

On Thursday, Randy Mastro, a former federal prosecutor who is now a partner at the law firm Gibson Dunn, released a report finding that Christie [had not been involved](#) in the Bridgagate scandal, which shut

down two of Fort Lee, N.J.'s access lanes to the George Washington Bridge [from Sept. 9 to the morning of Sept. 12](#) last year.

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Mastro and his firm were hired by Christie, however, to conduct their review. The report also provided an [incomplete picture](#) of the events that took place, since the three individuals at the center of the controversy -- former Christie Deputy Chief of Staff Kelly, former Port Authority of New York and New Jersey official David Wildstein and former Christie top adviser Bill Stepien -- all refused to cooperate and give their versions of what happened.

Kelly received especially harsh treatment in the Gibson Dunn report, which has been criticized for its sexist undertones. It said she became an "emotional" train wreck after Stepien, with whom she was reportedly involved, allegedly broke up with her. It also said she cries frequently and relies on men for approval.

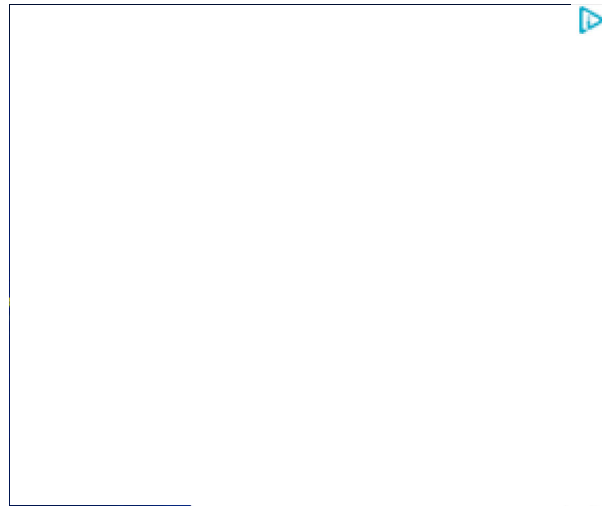
Kelly's lawyer said the report contained "[venomous, gratuitous, and inappropriate sexist remarks](#)."

In an interview Sunday on ABC's "This Week," Mastro denied those characterizations.

"We treated both David Wildstein and Bridget Kelly exactly the same," he said. "They deserved the assessment that we gave both of them about their personal conduct and about their actions, exactly the same way because they violated the public trust. And that's what the evidence showed. ... All of it relevant to not only their consciousness and guilt, but their culpability."

But even one of Kelly's critics, New Jersey state Sen. Loretta Weinberg (D) -- who is co-chair of a New Jersey legislative committee investigating Bridgegate -- said on Sunday that the report's language was unacceptable.

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"How did they know who broke up a personal relationship?" asked Weinberg in an interview with NBC's "Meet the Press." "That gratuitous, sexist language in that report is infuriating, and anybody who put their name on that report should be ashamed of themselves."

Former New York City Mayor Rudy Giuliani (R), who also appeared on the show, was less critical of the report's treatment of Kelly.

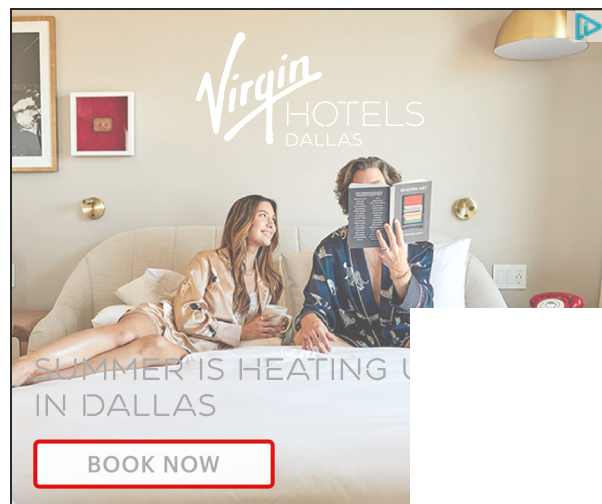
"I think the mention of it, as I could tell, seemed relevant to the fact that the two people [Kelly and Stepien] might not be communicating," he said, adding, "They had to explain why they weren't communicating."

Christie's choice of Mastro to conduct the review also came under fire for creating a potential conflict of interest. Mastro had been [representing the Port Authority](#) in unrelated litigation; he [withdrew from that case](#) in February.

Mastro denied any conflict of interest on Sunday in his ABC interview.

"Let me be clear," he said. "We've had no incentive at our law firm to do anything other than to get to the truth. We will be judged at the end of the day by whether we got it right, and ... we believe we got it right. We had to work harder to get it right."

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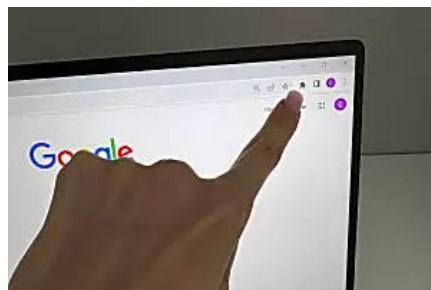


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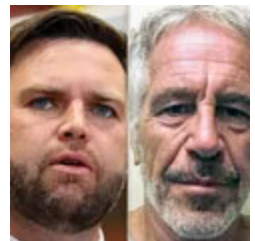
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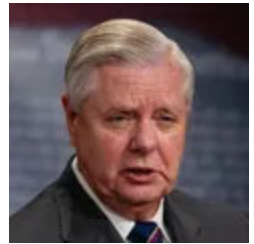
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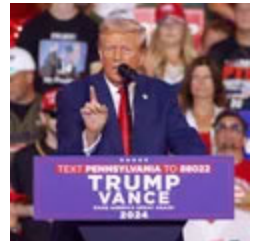
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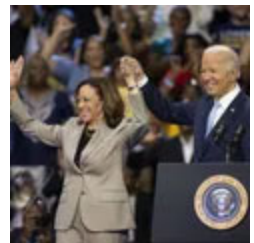
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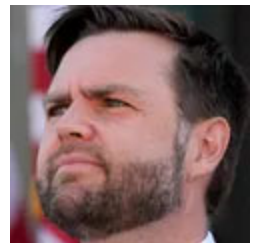
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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

v.

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

Defendants.

Case: 2:15-cr-00193-SDW

OPINION

December 16, 2015

WIGENTON, District Judge.

Before this Court is non-party Gibson, Dunn & Crutcher LLP’s (“GDC”) Motion to Quash William E. Baroni Jr. (“Baroni”) and Bridget Anne Kelly’s (“Kelly”) (collectively, “Defendants”) subpoena *duces tecum* pursuant to Federal Rule of Criminal Procedure 17(c).

For the reasons stated below, the Motion to Quash is **GRANTED**.

I. BACKGROUND AND PROCEDURAL HISTORY

This Court assumes familiarity with the allegations and procedural history of this case and reviews only the facts relevant to the present motion. In September 2013, local access lanes on the upper level of the George Washington Bridge were closed without public warning. (Dkt. No. 1, Indictment ¶¶ 4-5.) The closures were allegedly made at the direction of Defendant Baroni, who then served as the Deputy Executive Director of the Port Authority of New York and New

Jersey and Defendant Kelly, then the Deputy Chief of Staff for Legislative and Intergovernmental Affairs for the Office of the Governor of New Jersey (“OGNJ”). (*Id.* at ¶¶ 1.A, 1.B, 4-5.)

On January 9, 2014, the United States Attorney’s Office for the District of New Jersey (“USAO”) opened an investigation into the lane closures. (Dkt. No. 16, May 27, 2015 Declaration of Michael Critchley (“May Critchley Decl.”) Ex. 1.) One week later, the OGNJ retained GDC to conduct a separate investigation into the closures, (Dkt. No. 28, Declaration of Alexander R. Southwell (“Southwell Decl.”) Ex. D.; May Critchley Decl. Ex. 2 at 35)¹ and the New Jersey Legislature launched its own probe.² GDC’s investigative team included five former federal prosecutors with experience in internal investigations and criminal cases. (Southwell Decl. Ex. C at 1; May Critchley Decl. Ex. 2 at 39-41.) During its two-month investigation, GDC conducted over 70 interviews and reviewed more than 250,000 documents. (Southwell Decl. Ex. C. at 1; May Critchley Decl. Ex. 2 at 36.)³ GDC summarized its findings in a report it publicly disclosed on March 27, 2014 (“Mastro Report”). (Southwell Decl. Ex. C.) In addition to posting the report on a public website,⁴ GDC provided the Mastro Report and seventy-five witness interview summaries to the USAO and the New Jersey Legislative Select Committee on Investigations. (Southwell Decl, Ex. C.) Defendants were later indicted for their alleged roles in the lane closures.

¹ GDC was also asked to investigate allegations that officials attempted to coerce Hoboken Mayor Dawn Zimmer into advancing a real estate project in exchange for Superstorm Sandy recovery funds. (Memorandum of Law in Support of Non-Party Gibson Dunn’s Motion to Quash Defendants’ Subpoena *Duces Tecum* (“Mot. Quash”) at 4.) Those allegations are not at issue here.

² The legislative probe was conducted by the New Jersey Legislative Select Committee on Investigation. Reid J. Schar, *Interim Report to the New Jersey Legislature Regarding the September 23 2013 Closure of George Washington Bridge Access Lanes in Fort Lee* (Dec. 8, 2004), http://www.njleg.state.nj.us/legislativepub/reports/interim_report.pdf.

³ GDC did not, however, interview Defendants. (Mot. Quash 4.)

⁴ The website, www.gdcreport.com is no longer available to view. Visitors to the site receive a notification that “All access to this object has been disabled.”

On May 27, 2015, Kelly filed, and Baroni joined, a Motion for Issuance of a Rule 17(c) Subpoena (“Mot. Subpoena”) related to GDC’s internal investigation for the OGNJ. (Dkt. No. 16.) Over the objection of GDC, this Court granted Defendants’ motion by letter order on July 10, 2015. (Dkt. No. 24.) Defendants subsequently served a Rule 17(c) subpoena on GDC, seeking two categories of documents:

- a. Any and all handwritten or typed notes, stenographic transcripts and audio and/or video recordings of witness interviews conducted by Gibson Dunn during its representation of the Office of the Governor of New Jersey from on or about January 16, 2014 to the present.
- b. Any and all metadata and the document properties for all typed notes and interview summaries created during interviews of witnesses during Gibson Dunn’s representation of the Office of the Governor of New Jersey from on or about January 16, 2014 to the present.

(Dkt. No. 16, Proposed Order.) Defendants also requested that “[i]n the event that any of the above information no longer exists, Gibson Dunn shall provide a written explanation to the Court of when the information was destroyed, why the information was destroyed, and at whose instruction the information was destroyed.” (*Id.*) On August 21, 2015, GDC objected and responded to the subpoena and also filed the instant motion to quash. (Dkt. No. 28.) Kelly filed a brief in opposition on September 21, 2015, which Baroni joined. (Dkt. No. 35.) Baroni also filed a separate brief in opposition. (Dkt. No. 36.) GDC timely filed its reply on October 7, 2015. (Dkt. No. 38.)

II. LEGAL STANDARD

Federal Rule of Criminal Procedure 17(c) allows a party to issue a subpoena requiring a witness to produce “books, papers, documents, data, or other objects . . . before trial or before they are to be offered into evidence.” FED. R. CRIM. P. 17(c)(1) (2015). Rule 17(c) is meant to provide the defense with an opportunity to inspect relevant and evidentiary materials before a hearing or trial, but is not “intended to provide an additional means of discovery.” *Bowman Dairy Co. v.*

United States, 341 U.S. 214, 220 (1951); *United States v. Messercola*, 701 F. Supp. 482, 485 (D.N.J. 1988) (noting that the rule serves as a “convenient and time saving tool for trial preparation”). Because Rule 17(c) is not meant as a broad discovery device, a party seeking pretrial production and inspection of documents under Rule 17 “must show: (1) that the documents are evidentiary and relevant; (2) that they are not otherwise procurable reasonably in advance of trial by exercise of due diligence; (3) that the party cannot properly prepare for trial without such production and inspection in advance of trial and that the failure to obtain such inspection may tend unreasonably to delay the trial; and (4) that the application is made in good faith and is not intended as a general ‘fishing expedition.’” *United States v. Nixon*, 418 U.S. 683, 699-700 (1974). In short, the *Nixon* court stated, the party seeking the subpoena must demonstrate “(1) relevancy; (2) admissibility; and (3) specificity.” *Nixon*, 418 U.S. at 700.

Rule 17 further provides that, upon motion, a court may quash or modify a subpoena “if compliance would be unreasonable or oppressive.” FED. R. CRIM. P. 17(c)(2); *Nixon*, 418 U.S. at 698. The decision to enforce a subpoena is subject to the court’s discretion. *Nixon*, 418 U.S. at 702 (noting that “[e]nforcement of a pretrial subpoena duces tecum must necessarily be committed to the sound discretion of the trial court since the necessity for the subpoena most often turns upon a determination of factual issues.”)

III. DISCUSSION

GDC’s arguments to quash each of Defendants’ two requests are considered in turn.

A. Notes, Transcripts and Recordings

In response to Defendants’ request for notes, transcripts, and/or recordings “of witness interviews conducted by [GDC] during its representation of the [OGNJ],” GDC avers that “no notes, transcripts, and recordings of the witness interviews exist separate from the interview

memoranda that GDC released to the public and that GDC furnished . . . to Defendants.” (Mot. Quash 1; *see also* Southwell Decl. ¶ 13, Ex. A.) Consequently, GDC argues that “the controversy between GDC and Defendants as to the first demand in the subpoena” is moot. (Mot. Quash 8.)

GDC was hired, at significant taxpayer expense, to conduct what was promised to be an open and “thorough” investigation.⁵ (Dkt. No. 35, Sept. 21, 2015 Declaration of Michael Critchley (“Sept. Critchley Decl.”) Ex. E at 36; Ex. G (quoting Governor Christie as promising that the investigation findings would be made “public without any restriction . . .”) GDC had “unfettered” access to over 70 individuals (May Critchley Decl. Ex. 2 at 36), and made the most of that access, using multiple attorneys to interview each witness, often multiple times. (May Critchley Decl. Exs. 7, 8 (detailing interview dates and attorneys present).) Attorneys are trained to scrupulously document information when conducting internal investigations, including taking and preserving contemporaneous notes of witness interviews.⁶ In the past, GDC has done exactly that. Indeed, in 2013, the United States District Court for the Southern District of New York compelled GDC to produce interview notes that GDC took during its internal investigation of a limited

⁵ Although the precise amount GDC has been paid is not clear from the motion papers, it appears that GDC has earned nearly eight million dollars for its representation of the OGNJ since January 2014. (May Critchley Decl. Ex. 5 (claiming the “legal tab for taxpayers topped \$7.75 million”); *see also* www.project.wync.org/christie, (last visited Dec. 10, 2015).)

⁶ GDC is a sophisticated and experienced law firm whose ranks include former prosecutors with knowledge and training in document preservation requirements in criminal matters. *See* [http://www.gibsondunn.com/Search/Pages/EntireSiteSearch.aspx?k=\(prosecutor\)](http://www.gibsondunn.com/Search/Pages/EntireSiteSearch.aspx?k=(prosecutor)) and <http://www.gibsondunn.com/practices/pages/BCI.aspx>, last visited Dec. 11, 2015 (identifying GDC hires with prosecutorial backgrounds). GDC’s “Key Team Members” include: Randy Mastro (“one of the nation’s leading litigators” and a former Assistant United States Attorney for the Southern District of New York); Debra Wong Yang (a veteran federal prosecutor and former judge); Alexander Southwell (a former Assistant United States Attorney for the Southern District of New York); Reed Brodsky (a former Assistant United States Attorney for the Southern District of New York who spent nine years with the office); and Avi Weitzman (a former Assistant United States Attorney for the Southern District of New York who spent seven years with the office). (May Critchley Decl. Ex. 2 at 39-41.)

partnership's financial dealings. *See Gruss v. Zwirn*, 296 F.R.D. 224 (S.D.N.Y. 2013) (rejecting GDC's work product and public policy objections to producing those materials). In *Gruss*, Jim Walden, the co-chair of GDC's White Collar Defense and Investigations group submitted a declaration to the court, describing the firm's "general practice" for internal investigations. (*Gruss v. Zwirn*, 09-CV-6441 (PGG) (MHD), Docket Entry 63 at 2.) In that declaration, he stated that he and others "trained associates concerning the relevant legal and factual issues, supervised them in the review of documents, reviewed interview outlines, and assigned them responsibility for taking hand written notes during witness interviews based on specific instructions premised on the partners' perspectives on relevance and probity." (*Id.*) Walden's declaration makes it clear that contemporaneous notes were taken by interviewers and that those notes were preserved after the summaries were completed. (*Id.* at 2-3.)

GDC acknowledges that it intentionally changed its approach in this investigation. (Dkt. No. 39, October 9, 2015 Letter from Randy Mastro (noting that GDC was "careful about the manner in which we prepared our interview memoranda and other work product" because of the parallel legislative investigation and media interest).) Pursuant to that new approach, "witness interviews were summarized electronically by one attorney while the interviews were being conducted and then edited electronically into a single, final version." (Southwell Decl. ¶ 13.) The practical effect of this unorthodox approach was to ensure that contemporaneous notes of the witness interviews and draft summaries would not be preserved. Rather, they would be overwritten during the creation of the revised and edited final summary.

It is easy to see why Defendants have cried foul. (Defs.' Brief in Opposition to Mot. Quash ("Defs.' Opp'n Br.") at 1 ("GDC claims that it billed New Jersey taxpayers nearly \$10 million, but not a single lawyer took a single note during 75 interviews in the most high-profile political case

in recent years.”).) This Court shares Defendants’ frustration. Although GDC did not delete or shred documents, the process of overwriting their interview notes and drafts of the summaries had the same effect. This was a clever tactic, but when public investigations are involved, straightforward lawyering is superior to calculated strategy. The taxpayers of the State of New Jersey paid GDC millions of dollars to conduct a transparent and thorough investigation. What they got instead was opacity and gamesmanship.⁷ They deserve better.

However, despite this Court’s distaste for GDC’s tactics, it has no basis to doubt the truth of GDC’s representations, made by officers of the court under penalty of perjury, that additional materials responsive to Defendants’ request, such as notes or drafts, do not exist. Therefore, this Court will grant GDC’s motion to quash Defendants’ request to produce this first category of materials.⁸

B. Metadata

Defendants also request “[a]ny and all metadata and the document properties for all typed notes and interview summaries created during interviews of witnesses . . . from on or about January

⁷ Defendants also argue that GDC’s process violates its ethical obligations under the New Jersey Office of the Attorney General and Department of Law’s Outside Counsel Guidelines which require outside counsel to “retain . . . work product . . . for a period of not less than seven (7) years from the date the matter is concluded or for the time period specified by rule or law in the jurisdiction in which the matter was pending, whichever is longer.” (May Critchley Decl. Ex. 6 at 15.) This Court’s ruling is limited to GDC’s motion to quash; potential ethical violations of any retainer agreement between GDC and the OGNJ are in the purview of the State of New Jersey.

⁸ Defendants’ alternative argument that documents responsive to their first request should be produced pursuant to Federal Rule of Criminal Procedure 16(a)(1)(E) is unavailing. Rule 16(a)(1)(E) delineates the scope of the Government’s disclosure and permits defendants to inspect or copy items material to their defense “if the item is within the government’s possession, custody, or control.” FED. R. CRIM. P. 16(a)(1)(E). This Rule does not apply to non-parties such as GDC. This Court could only extend the Rule’s reach to a non-party if the government had “possession, custody or control” over the materials Defendants seek. *See, e.g., United States v. Stein*, 488 F. Supp. 2d 350, 363-64 (S.D.N.Y. 2007) (requiring non-party to produce documents pursuant to Rule 16 where the non-party had entered into a deferred prosecution agreement with the government which gave the government the legal right to obtain documents held by the non-party). Here, the USAO did not (and does not) direct or control GDC’s activities and does not have “possession, custody or control” of the materials Defendants seek. (Dkt. No. 38, Letter from Paul J. Fishman, Oct. 7, 2015 at 2-3.; Dkt. No. 39, Letter from Randy Mastro, Oct. 9, 2015 at 1.)

16, 2014 to the present.” (Dkt. No. 16, Proposed Order.) To survive GDC’s motion to quash, Defendants must show that the material they seek is relevant, admissible and specific as required by *Nixon*. 418 U.S. at 700.

Metadata is “electronically-stored evidence that describes the ‘history, tracking, or management of an electronic document.” *Aguilar v. Immigration & Customs Enf’t Div.*, 255 F.R.D. 350, 354 (S.D.N.Y. 2008) (quoting *Williams v. Sprint/United Mgmt. Co.*, 230 F.R.D. 640, 646 (D. Kan. 2005)). Defendants seek the metadata from GDC’s interview summaries in order to identify “who created the summaries, who if anyone edited the summaries, and when” in order to resolve potential future disputes at trial “as to the content of the summaries . . .” (Dkt. No. 16, Defs.’ Mot. For Issuance of a Rule 17(c) Subpoena (“Mot. Subpoena”) at 12.) GDC argues that the metadata Defendants seek is “patently irrelevant to the Government’s case as charged in the Indictment against Defendants or any potential defense.”⁹ (Mot. Quash 9.)

Evidence is relevant under Federal Rule of Evidence 401 if it has “any tendency to make a fact more or less probable than it would be without the evidence.” Fed. R. Evid. 401 (2015). “In most cases . . . metadata [has] no evidentiary value – it does not matter when a document was printed, who typed the revisions, or what edits were made before the document was circulated.” (Southwell Decl. Ex. F., *The Sedona Principles, Second Edition: Best Practices Recommendations and Principles for Addressing Electronic Document Production* cmt. 12a (Sedona Conference Working Group Series 2007).) Here, Defendants are charged with conspiring to misuse (18 U.S.C. § 371), and actually misusing, property of an organization receiving federal benefits (18 U.S.C. §§

⁹ GDC does not claim that producing the metadata would be unduly burdensome. *Younes v. 7-Eleven, Inc.*, 2015 WL 1268313, at *4 (D.N.J. Mar. 18, 2015) (noting that “[g]enerally, the burden rests with the party objecting to the production of metadata or ESI to show undue hardship or expense.”) Rather, it focuses its argument on Defendants’ failure to satisfy the *Nixon* standard.

2, 666(a)(1)(A)); conspiring to commit (18 U.S.C. § 1349), and actually committing, wire fraud (18 U.S.C. §§ 2, 1343); conspiring to injure and oppress the civil rights of certain individuals (18 U.S.C. § 241); and acting under color of law to deprive those individuals of their civil rights. (Dkt. No. 1, Indictment.) Nothing in the tracking or management of GDC's witness summaries has any bearing on those offenses. Defendants were charged as a result of the USAO's sixteen-month investigation of the lane closures, not GDC's two-month probe. (*See* Dkt. No. 14, United States of America's Memorandum of Law in Support of Motion for Protective Order at 1.) The government investigation does not mention or refer to GDC's investigation or the firm's witness summaries. (*Id.* at 1-2 (describing the discovery materials the Government intends to make available to Defendants).) As such, Defendants have failed to show that the metadata they request is relevant or will lead to the discovery of admissible evidence.

Defendants explicitly claim that they require the metadata only to "identify which [GDC] attorney prepared the document in question in order to call the attorney as a witness" at trial, should a dispute arise as to the content of the summaries. (Dkt. No. 16, Mot. Subpoena at 12.) At best, the information Defendants would acquire would provide them with a means to impeach witnesses at trial. Rule 17(c), however, may not be used to obtain pretrial materials that are sought solely "for purposes of impeachment." *United States v. Cuthbertson*, 651 F.2d 189, 195 (3d Cir. 1981); *United States v. Onyenson*, No. 12-cr-602(CCC), 2013 WL 5322651, at *2 (D.N.J. Sept. 20, 2013) (recognizing that "it is clear that Rule 17(c) subpoenas may not be used to uncover materials sought solely for impeachment purposes"). If, as Defendants claim, there are discrepancies between what the witnesses said during their interviews and how their statements were memorialized in the GDC summaries, Defendants may call the witnesses and/or the GDC attorneys who conducted the

interviews to testify at trial.¹⁰ Rule 17(c), as it relates to a third party, should only be enforced when Defendants cannot obtain the information sought from any other reasonable source. As both the witnesses and GDC attorneys are available to Defendants at trial, Defendants have no need for the summary metadata.

Because Defendants cannot show the information they seek is either relevant or admissible, this Court will grant GDC's motion to quash.¹¹

IV. CONCLUSION

For the reasons set forth above, non-party GDC's Motion to Quash is **GRANTED**. An appropriate order follows.

/s/ Susan D. Wigenton

SUSAN D. WIGENTON, U.S.D.J

Orig: Clerk
cc: Parties

¹⁰ At this stage, Defendants have identified only two witnesses who take issue with GDC's summary of their interview statements and those discrepancies are seemingly minor. (Defs.' Opp'n Br. at 5-6; May Critchley Decl. Ex. 8, T:40-42, 51; Ex. 9, T:143, 222-224.) The need for the testimony of either the witnesses or the summaries' authors is speculative at this point. "The purpose of Rule 17(c) is to prevent trial delays" and there is no indication that denying Defendants access to metadata containing the identity of the authors of the GDC summaries would delay their trial. *United States v. Caruso*, 948 F. Supp. 382, 397 (D.N.J. 1996); *see also United States v. Brown, et al.*, 2015 WL 8375184 (D.N.J. Dec. 8, 2015) (denying defendants' motion for issuance of a Rule 17(c) subpoena where defendants failed to show that the trial would be delayed if they were denied the information sought.).

¹¹ Although it need not reach the issue, this Court finds little merit to GDC's argument that the material sought is protected by the work product doctrine. (Mot. Quash 16-19.) GDC has made the witness summaries available to the public, the USAO and the New Jersey Legislature. GDC has also freely spoken to the media about its findings and its final report. Having disseminated portions of its investigation so widely, its claim of privilege is tenuous. *See, e.g., Gruss*, No. 09-cv-6441(PGG)(MHD), 2013 WL 3481350, at *11 (S.D.N.Y. July 10, 2013) (rejecting attorney client and work product protections for interview notes and interview summaries where GDC had disclosed portions of its internal investigation, including interview summaries to the SEC, finding that partial disclosure of that type was a manipulation of "evidentiary privileges to serve their interests").

Judge Faults Firm's Failure to Keep Notes in Christie Bridge Investigation

By **Kate Zernike**

Dec. 16, 2015

A federal judge on Wednesday harshly criticized the internal investigation that cleared Gov. Chris Christie of any wrongdoing in the George Washington Bridge lane-closing scandal, saying it was a “calculated strategy” of “opacity and gamesmanship” rather than the thorough and transparent inquiry that the governor promised.

Mr. Christie commissioned the investigation in January 2014 after documents subpoenaed by legislators revealed that one of his senior aides had sent an email that called for “some traffic problems in Fort Lee,” the community that was gridlocked for four days by the lane closings in September 2013.

According to invoices released by the state late Friday, the law firm that Mr. Christie hired to do the investigation, Gibson, Dunn & Crutcher, billed New Jersey \$8 million through the end of August for continuing defense of the governor.

But the independence of the investigation has come under question from the start. It was led by Randy Mastro, who like many of the governor's close aides once worked for former Mayor Rudolph W. Giuliani of New York, one of Mr. Christie's biggest defenders in the lane-closing scandal. This week, a lawyer involved in the investigation, Debra Wong Yang, co-hosted a \$2,700-per-person fund-raiser in Los Angeles for Mr. Christie's Republican presidential campaign.

The firm's report, released in March 2014, limited blame for the lane closings to the aide who sent the email, Bridget Anne Kelly, and two Christie confidants at the Port Authority of New York and New Jersey, both of whom resigned in late 2013.

Ms. Kelly and one of the Port Authority officials, Bill Baroni, were indicted in May on charges that they closed the lanes intentionally to punish a mayor who had declined to endorse Mr. Christie's re-election campaign in 2013. (The other official, David Wildstein, pleaded guilty in exchange for cooperation with prosecutors.)

Their lawyers sought notes and any other records that Gibson, Dunn & Crutcher used to prepare its report, saying that they could clear up inconsistencies in the interviews summarized in the report.

Gibson, Dunn & Crutcher insisted no such notes or recordings of the interviews existed.

In her opinion on Wednesday, Judge Susan D. Wigenton of United States District Court in Newark wrote that the firm acknowledged "that it intentionally changed its approach in this investigation." In the past, the firm took contemporaneous notes during interviews and preserved them — as is standard legal practice. In what the judge called an "unorthodox approach," drafts of notes were overwritten as the firm prepared its final report on the closings.

"It's easy to see why defendants have cried foul," Judge Wigenton wrote.

"This was a clever tactic, but when public investigations are involved, straightforward lawyering is superior to calculated strategy," she wrote. She noted that the state's taxpayers had spent millions on the investigation, after the governor had promised that it would be "thorough" and its findings made "public without any restriction."

"What they got instead was opacity and gamesmanship," she wrote. "They deserve better."

That said, Judge Wigenton said she had to take Gibson, Dunn & Crutcher at its word that no notes existed, and she allowed the firm's move to quash the motion seeking them.

Still, in a footnote, she wrote that her ruling was limited to the immediate legal motion. “Potential ethical violations” of the retainer agreement between the governor’s office and the law firm, she wrote, “are in the purview of the State of New Jersey.”

A version of this article appears in print on , Section A, Page 35 of the New York edition with the headline: Judge Criticizes Transparency of Internal Inquiry of Christie

Opinion: Sexist Depiction of Bridget Kelly Returns Bridgegate to Front Page

CARL GOLDEN | APRIL 1, 2014 | [OPINION](#)

Why did Christie's million-dollar lawyer think it necessary to portray Kelly as unstable, insecure victim of failed romance



Carl Golden

While Gov. Chris Christie and his team of attorneys were prepared for the cynical reception of their in-house investigation that cleared him of any involvement in Bridgegate, they seem taken aback by the fierce blowback against the report's portrayal of his former deputy chief of staff Bridget Anne Kelly as an emotionally distraught, if not unstable, and insecure woman so upset over a failed love affair that she conspired to close access lanes to the George Washington Bridge in Fort Lee.

In exonerating Christie, the report placed all blame on Kelly and David Wildstein, a Christie-approved top staffer at the Port Authority of New York and New Jersey, for shifting the access lanes for four days in September, resulting in a massive traffic jam and eventually exploding into a scandal whose fall out has inflicted serious damage on the governor.

Singling out Kelly and Wildstein as the sole responsible parties while absolving the governor and his top staff was not unexpected, but the accompanying demeaning language characterizing Kelly elicited a storm of criticism accusing the lead attorney, Randy Mastro, and the governor of the worst sort of sexist behavior.

Mastro's task as assigned by Christie was to determine if there was involvement by anyone in the administration — other than Kelly who was blamed and fired by Christie in January — in the lane-closure scheme.

In doing so, for some reason Mastro delved into Kelly's personal life in addition to her professional career and, in what struck most people as totally unnecessary and gratuitous, said she was impelled to act as a result of the severing of a personal relationship she had with Christie confidante and campaign manager Bill Stepien.

Whatever Mastro's motivation for including Kelly's personal life in his report, it drew nearly universal condemnation as an assault on a woman for no apparent or logical reason, other than to shred her reputation and send a not-so-veiled message that she'd receive more such treatment if she decided to break her silence and reveal whatever she knows about others in the administration and their roles — if any — in the lane closure episode.

It all seemed so stupidly unnecessary. Mastro had the goods on her: Her "time for some traffic troubles in Fort Lee," message and the subsequent e-mail exchanges she had with Wildstein, electronically chortling over the havoc they'd created.

He and his team could easily have pinned the entire scheme on her and Wildstein without the amateur psychoanalysis.

It raises also questions about the judgment of other members of Mastro's investigative team, particularly the women, who apparently didn't object to the rhetorical destruction of Kelly.

Didn't anyone in this roomful of high-powered lawyers utter "Whoa, this is trouble," upon reading the portrayal of Kelly? Did no one foresee the potential adverse reaction to alleging that Kelly was victimized by her own hormones and couldn't help herself from retaliating against someone?

Even in his appearance on a Sunday morning news/talk show, Mastro was defiantly unapologetic, defending his work with the snarky observation that some people “can’t handle the truth.”

So, for a million bucks or so, Christie got a guy who can quote Jack Nicholson.

The governor has defended Mastro’s report and waved it in the air as conclusive and exhaustive proof of his repeated claims that he knew nothing about the bridge closing scheme until it hit the newspapers.

Critics suggest otherwise; that he got exactly what his administration paid for — a report that validated his claims and supported his predetermined conclusions.

Whether he shares Mastro’s description of Kelly or whether he agrees that parading her private life in front of an enthralled media was a wise maneuver, Christie’s unwavering defense of the report suggests he wasn’t troubled by it.

Presumably he could have prevailed upon Mastro to delete that portion of the report in light of the other evidence which pointed to her culpability. The administration went out of its way to describe the report as “comprehensive and exhaustive.” It could have been both without recounting Kelly’s personal travails.

Through her attorney, rather than in person, Kelly expressed her anger with being identified as a scorned woman, psychologically incapable of dealing rationally with personal issues.

Her reaction led to speculation that the embarrassment she felt would translate into offering her version of events, her interactions with others on the governor’s staff, and — at the core of the controversy — whether she can tie Christie directly either to preknowledge of the lane closures or to participating in the after-the-fact-attempt to disguise it as a legitimate Port Authority traffic study.

Kelly and Stepien are both embroiled in a court case in which they are challenging the validity of subpoenas for documents from the legislative investigating committee. At the same time, their attorneys have offered their clients' cooperation if granted immunity from prosecution from the committee as well as from the United States Attorney.

Both have invoked their Fifth Amendment right against self-incrimination.

The uproar over the report's treatment of Kelly is a setback to Christie's strategy of putting Bridgegate behind him by shifting the public debate onto firmer ground through his favorite town hall forums where he can reiterate his message of controlling government spending, cutting taxes, improving education, and so on.

At a time when Bridgegate began to show signs of a loss of momentum, when new revelations have ceased to spark renewed public and media interest, the outrage over the demeaning of Kelly has put the matter back on the front pages.

Christie is one of the more savvy politicians to hold the governor's office and he's shown no signs of a tin ear — until now. Whatever one might think about the irresponsibility of Kelly's use of her office to choke off traffic on the George Washington Bridge, portraying her as an emotional cripple was a major political blunder.

As for Mastro, he should settle in on a Saturday night to watch "A Few Good Men." In the end, Nicholson was found guilty.

ABOUT NEW YORK

Silence Is Deafening in Bridge Report

By Jim Dwyer

March 27, 2014

The original plans for the George Washington Bridge called for its two mighty towers, each 60 stories high, to be clad with granite facing, but that was deferred to save money. To this day, the steelwork is as bare as when the towers rose above the Hudson in the late 1920s.

There was no shortage of veneer on Thursday when a corporate lawyer, Randy M. Mastro, hired by Gov. Chris Christie of New Jersey, presented a report on the intentional creation of traffic jams at the bridge in September.

Practically the first words out of Mr. Mastro's mouth were a description of the private lawyers who worked on the report as "a team of professional, former federal prosecutors with nearly 50 years of government experience and many, many internal investigations."

He apparently liked how those credentials sounded, so he repeated versions of them twice more during the news conference, like a man slapping successive coats of lacquer on plywood.

It wasn't enough. None of the former prosecutors spoke to the chairman of the Port Authority of New York and New Jersey, David Samson, whose emails show his raging against a port official who had brought the traffic jam scheme to an end.

Mr. Samson is as close and powerful an ally to Governor Christie as they come, and yet throughout its 360 pages, the report never states directly that Mr. Samson refused to speak with the governor's own investigators.

Asked about Mr. Samson, Mr. Mastro replied, “The Wolff Samson firm declined to have parties there interviewed.”

It was a blurry use of language. The Wolff & Samson law firm is Mr. Samson’s commercial base of operation, one that has thrived during Mr. Samson’s affiliation with Mr. Christie. But he is not solely a private lawyer, and the investigation was not about his firm’s lucrative lobbying work.

He was appointed by Governor Christie as the chairman of a public agency that has a budget larger than 26 states, and that happened to have direct control of the George Washington Bridge. One might have thought his deliberate silence would cause the center of any honest inquiry to cave in, but Mr. Mastro danced past its danger and instead described the report as a “vindication” of Mr. Christie.

Stonewalled at the top by the person most likely to have direct contact with the governor on Port Authority matters, Mr. Mastro and his team spent 10 weeks digging up a few penny scraps of dirt on the people who were designated from the outset by Governor Christie as the villains of the bridge caper: David Wildstein, a schoolmate of the governor’s for whom a job was invented at the Port Authority, and Bridget Anne Kelly, the governor’s former deputy chief of staff and the author of the email declaring, “Time for some traffic problems in Fort Lee.”

MS. KELLY and Mr. Wildstein were lashed, and not undeservedly, for their role in the bridge fiasco. But it is their continued isolation that is the crowning accomplishment of the report, which finds excuses for two other prominent Christie aides who refused to speak with the Mastro investigation, Bill Baroni and Bill Stepien. Even though they emailed about the gridlock, the report said, they might have believed it was a legitimate traffic study.

Mr. Mastro also pointedly noted that Ms. Kelly had a personal relationship with Mr. Stepien, who was then running the Christie political apparatus, and that the pair had broken up before the beginning of August.

It might have looked like piling on the fall-woman for the bridge scandal, but Mr. Mastro said it was not gratuitous. Those circumstances “might explain, particularly not speaking, the lack of communication between the two of them during the critical period” when the bridge scheme was executed.

That is, Mr. Stepien may not have been on sufficiently cordial terms with Ms. Kelly to be given the full skinny.

The chivalry ship has long since sailed; Ms. Kelly will carry her own bags. Acting pre-emptively, Mr. Mastro also suggested that if she and Mr. Wildstein cut deals with other investigating authorities, such as current federal prosecutors, their credibility would be suspect because they are in big trouble.

Such an attack is an ordinary play by lawyers in courtrooms, but not one that could be mistaken for that of the “fiercely independent” fact-finder that Mr. Mastro styled himself to be.

The exposed steel of the George Washington Bridge tower has become its defining glories, all its riveted strength bared in details that anyone can see. Not so the Mastro report: Shrouding its central weakness, it makes no mention of the silence by the chairman of the Port Authority.

Asked why the report was not a whitewash, Mr. Mastro slapped on another coat of his preferred language. “The word you just used,” he began, “Again — this is a vindication of Governor Christie.”

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A version of this article appears in print on , Section A, Page 20 of the New York edition with the headline: Silence Is Deafening in Bridge Report

**REPORT OF GIBSON, DUNN & CRUTCHER LLP
CONCERNING ITS INVESTIGATION ON BEHALF OF
THE OFFICE OF THE GOVERNOR OF NEW JERSEY INTO ALLEGATIONS
REGARDING THE GEORGE WASHINGTON BRIDGE LANE REALIGNMENT
AND SUPERSTORM SANDY AID TO THE CITY OF HOBOKEN**

March 26, 2014

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ACRONYMS AND ABBREVIATIONS

Abbreviation	Department / Agency / Organization
BPU	New Jersey Board of Public Utilities
CDBG	Community Development Block Grant
CDBG-DR	Community Development Block Grant – Disaster Recovery
DCA	New Jersey Department of Community Affairs
DEP	New Jersey Department of Environmental Protection
DOE	U.S. Department of Energy
FEMA	Federal Emergency Management Agency
GORR	Governor’s Office of Recovery and Rebuilding
GWB	George Washington Bridge
HMGP	Hazard Mitigation Grant Program
HUD	U.S. Department of Housing and Urban Development
NJT	New Jersey Transit
OEM	Office of Emergency Management
PSE&G	Public Service Electric and Gas Company
RBD or RbD	Rebuild by Design

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I. EXECUTIVE SUMMARY

What follows is the product of interviews with more than 70 witnesses and the review of more than 250,000 documents, including the personal texts and emails of the Governor, the Lieutenant Governor, and their senior staffers, over the past two months. We were tasked by the Office of the Governor to investigate (i) allegations concerning the George Washington Bridge toll lane realignment at Fort Lee, and (ii) Mayor Zimmer's allegations concerning Superstorm Sandy aid allocations to Hoboken. Based on our investigation, we are now in a position to address most but not all of these allegations, as several key witnesses have refused to cooperate with our investigation or asserted their Fifth Amendment rights. But we have had the cooperation of all current members of the Governor's Office, former members of that Office, and other independent witnesses as well. We are therefore confident that, based on our thorough review, we have a clear understanding of what happened here, even if the participants' precise motives remain to be determined. We were also tasked by the Governor's Office to make recommendations, as warranted by our findings, to promote best practices going forward. Here is a summary of our findings and recommendations.

A. George Washington Bridge Toll Lane Realignment At Fort Lee

From September 9 to 13, 2013, the Port Authority realigned two of the three George Washington Bridge toll lanes dedicated to local access from Fort Lee, thereby causing massive local traffic congestion for those trying to access the bridge from Fort Lee.¹ There was no apparent forewarning to the Fort Lee Mayor's Office, the local police force, or local emergency services.² Some Port Authority officials claimed this was just a study to assess a longstanding traffic issue,³ but it soon thereafter emerged that, even within the Port Authority, this traffic study was so closely held that its Executive Director complained he did not know about it at the

time and therefore put a stop to it on September 13, 2013.⁴ Rumors started to swirl that this toll lane realignment may have been done to target Fort Lee Mayor Mark Sokolich, a Democrat, because he did not endorse Governor Christie for re-election.⁵ And questions remained in any event about what ulterior motives there may have been for conducting such a traffic study at that point in time, what role the Governor and/or anyone on his staff may have played in that decision, and whether anyone tried to cover up the truth after it became a public controversy.

1. The Participants In This Act

Our investigation found that David Wildstein (then of the Port Authority) and Bridget Kelly (then one of the Deputy Chiefs of Staff in the Governor's Office) knowingly participated in this plan to realign toll lanes leading onto the George Washington Bridge at Fort Lee, at least in part, for some ulterior motive to target Mayor Sokolich. Our investigation also found that Bill Stepien (then the Governor's campaign manager) and Bill Baroni (then the Deputy Executive Director of the Port Authority) knew of this idea in advance, but we found no evidence that they knew of the ulterior motive here, besides the claimed purpose of conducting a traffic study.⁶ As to whether anyone else may have knowingly participated in this plan to target Mayor Sokolich, our investigation has not found any evidence of anyone else's involvement.

What motivated this act is not yet clear. The common speculation that this was an act of political retaliation because Mayor Sokolich failed to endorse the Governor for re-election⁷ is not established by the evidence that we have seen. By his own account, Mayor Sokolich had a "good relationship" with the Christie Administration.⁸ He was therefore considered a Democrat who might cross party lines to endorse the Governor's re-election.⁹ But by late March 2013, both the Governor's Office and his campaign knew that Mayor Sokolich would not be endorsing,¹⁰ yet that had no apparent effect upon his working relationship with the Christie Administration over the next several months. Indeed, by April 2013, Sokolich was no longer on

the list of Mayors whose endorsement the campaign would be seeking; yet in mid-May 2013, he remained on a list of Mayors being considered for honorary appointments by the Governor.¹¹ And when speculation of political retaliation surfaced as a reason for this lane realignment, Mayor Sokolich said he found it “incomprehensible that there’s any truth whatsoever to these rumors.”¹²

Something happened to change this dynamic dramatically, however, in August 2013. By that time, Kelly had become Deputy Chief of Staff,¹³ assuming the post left vacant by her predecessor, Stepien, who had departed in April 2013 to run the Governor’s re-election campaign.¹⁴ Because Stepien was her “benefactor,” Kelly relied heavily on him during this transition.¹⁵ And at some point after Stepien’s departure to run the campaign, Kelly and Stepien became personally involved, although, by early August 2013, their personal relationship had cooled, apparently at Stepien’s choice, and they largely stopped speaking.

Around that same time, Wildstein started pressing Port Authority engineers to assess the traffic effects resulting from the dedicated Fort Lee toll lanes leading onto the George Washington Bridge.¹⁶ That Fort Lee was favored with these dedicated toll lanes was an issue periodically raised within the Port Authority. Indeed, Wildstein himself first raised the issue in late 2010.¹⁷ For some reason yet to be determined, Wildstein seemed to be driving this issue again in 2013. It was Wildstein’s “idea,” like so many other “crazy” ones he’d had before that never got off the ground.

Among his political friends, Wildstein first approached Stepien about this idea to realign the Fort Lee toll lanes. Stepien, who was no longer a State employee at the time, sidestepped the question, telling Wildstein he would have to go to “Trenton.” Wildstein then began communicating with Kelly about that subject using their personal email accounts.¹⁸ On August

12, 2013, Kelly reconfirmed that Mayor Sokolich would not be endorsing the Governor for re-election. Then, on August 13, 2013, she sent Wildstein her now-infamous email: “Time for some traffic problems in Fort Lee.”¹⁹ To which Wildstein knowingly responded: “Got it.”²⁰

We found no evidence up until that point in time of any hostility toward Mayor Sokolich. But when Kelly learned that one of her staffers, Evan Ridley, apparently met with Mayor Sokolich a few days later on August 16, 2013, she lashed out about it in a series of emails, saying “I am on fire,” “I am irate,” “[W]hy did he think it was ok to meet with Sokolich?,” and “He should not have met with Fort Lee without approval. I am really upset with him.”²¹

Meanwhile, by late August 2013, Wildstein had received from Port Authority engineers a “suggested modification” to the Fort Lee lanes in contemplation of an imminent traffic study there.²² On August 28, 2013, he exchanged emails with Kelly on their personal accounts about having a “call” that evening “re: Ft. Lee.”²³

On September 6, 2013, Wildstein instructed Port Authority employees to reduce Fort Lee’s toll access from three lanes to one,²⁴ apparently giving the impression this was “to do a quick assessment on Fort Lee impacts to be used for a discussion with the Fort Lee Mayor next week.”²⁵ In internal emails at the time, Port Authority employees expressed concern: “A single toll lane operation invites potential disaster.”²⁶ But Wildstein nevertheless forged ahead, privately emailing Kelly: “I will call you Monday AM to let you know how Fort Lee goes.”²⁷

Unbeknownst to Fort Lee officials, who apparently received no prior notice,²⁸ the Port Authority’s traffic study was implemented during the rush hour starting on the morning of September 9, 2013.²⁹ Wildstein showed up personally at the George Washington Bridge to witness what he had wrought.³⁰ The complaints started coming that very morning from Fort Lee officials, including Mayor Sokolich, who phoned Wildstein’s Port Authority boss, Bill Baroni,³¹

about an “urgent matter of public safety in Fort Lee.”³² Instead of returning the call, Baroni forwarded the message to Wildstein’s personal email account.³³ Wildstein responded: “radio silence,”³⁴ and then forwarded that exchange to Kelly, joking that Mayor Sokolich’s “name comes right after mayor Fulop”³⁵—an apparent reference to Jersey City Mayor Steven Fulop, whose meetings with Christie Administration officials were cancelled by Kelly the month before. Kelly responded by thanking Wildstein: “Ty.”³⁶

Later that same day, September 9, 2013, Kelly checked in with her staff to inquire: “Have you spoken to the Fort Lee Mayor?”³⁷ They had not.³⁸

The very next morning, on September 10, 2013, Kelly and Wildstein gloated over the problems they were causing Mayor Sokolich. Kelly texted Wildstein: “Is it wrong that I am smiling?”³⁹ To which Wildstein responded, “No,”⁴⁰ derisively calling the affected Fort Lee residents “Buono voters”⁴¹—a reference to Governor Christie’s Democratic opponent, State Senator Barbara Buono.⁴²

On September 12, 2013, Mayor Sokolich emailed Baroni a letter that “this decision has negatively impacted public safety here in Fort Lee,”⁴³ which Baroni then passed on to Wildstein.⁴⁴ This time, Wildstein forwarded the letter to both Kelly and Stepien on their personal email accounts.⁴⁵ And when Kelly learned later from her staff that Mayor Sokolich had also called to say he was “extremely upset,”⁴⁶ she responded by personal email: “Good.”⁴⁷

That same day, September 12, 2013, Wildstein advised Michael Drewniak, the Governor’s Press Secretary, of a press inquiry to the Port Authority about the Fort Lee traffic congestion.⁴⁸ Wildstein also sent Drewniak a draft response to the inquiry: “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 throughout this transition.”⁴⁹

That evening, Baroni texted Wildstein a message from “Serbia”⁵⁰—an apparent reference to Mayor Sokolich, who is actually Croatian⁵¹—that the Mayor said his “frustration is now trying to figure out who is mad at me.”⁵²

Meanwhile, at the Port Authority, Executive Director Patrick Foye, a Cuomo Administration appointee, complained he had not been made aware of this land realignment decision beforehand and, on the morning of September 13, 2013, emailed that he found this “very troubling”⁵³ and was “going to fix this fiasco” by immediately reversing the decision.⁵⁴ Wildstein then wrote Kelly a private email: “The New York side gave Fort Lee back all three lanes this morning. We are appropriately going nuts.”⁵⁵ Around the same time, Baroni emailed Foye that “[t]here can be no public discourse” about the reversal.⁵⁶

Days later, though, the controversy had not died down. On September 17, 2013, Mayor Sokolich again texted Baroni wanting assurances “the recent traffic debacle was not punitive in nature.”⁵⁷ Baroni forwarded the text to Wildstein,⁵⁸ who forwarded it to Kelly.⁵⁹ And later that same day, a *Wall Street Journal* reporter called Wildstein, who urgently texted Kelly for “instructions” and wrote, “I need to speak with you.”⁶⁰

On September 17, 2013, *The Wall Street Journal*’s story reported “speculation that the closures could be retribution for Mr. Sokolich’s decision not to endorse Mr. Christie in his re-election bid in November,” but quoted Mayor Sokolich as saying, “I find it incomprehensible that there’s any truth whatsoever to these rumors.”⁶¹ On the morning of September 18, 2013, Wildstein forwarded it to Stepien at his personal email account.⁶² Stepien responded: “It’s fine. The mayor is an idiot, though. W[in] some, lose some.”⁶³ Admitting too much, Wildstein replied: “I had empty boxes ready to take to work today, just in case.”⁶⁴ He added: “It will be a tough November for this little Serbian.”⁶⁵ Wildstein also reached out to Drewniak, admitting he

was “unusually nervous over this one.”⁶⁶ Drewniak, unaware of any ulterior motive behind this traffic study, said that the story was “[n]ot so bad. At least it doesn’t run wild with that crazy allegation it was done as political retaliation. That was a nutty suggestion.”⁶⁷

On October 1, 2013, *The Wall Street Journal* broke another story, this time reporting on Foye’s internal September 13, 2013 email sharply criticizing the traffic study and pulling the plug on it.⁶⁸ Stepien texted Wildstein: “Holy shit, who does he [Foye] think he is, Capt. America?”⁶⁹ And Wildstein replied: “Bad guy. Welcome to our world.”⁷⁰ The next morning, on October 2, 2013, Wildstein forwarded this article to Stepien at his private email account, and Stepien responded to Wildstein: “For what it’s worth, I like you more on October 2, 2013 than I did on October 2, 2009[.]”⁷¹

As the controversy grew, Wildstein and Kelly attempted to cover it up. Others in the Governor’s Office were being told by Wildstein and Baroni that this was a legitimate traffic study and an operational issue best left to the Port Authority to handle. With Assembly Committee hearings looming in late November 2013, Wildstein helped prepare Baroni for his testimony. Baroni told the Committee this was a legitimate traffic study long under consideration and long overdue because Fort Lee had received favored treatment in the past.⁷² He even described the study’s limited but inconclusive results, showing there was improvement in I-95 traffic flow as a result of this toll lane realignment.⁷³ Baroni also publicly identified Wildstein as the Port Authority employee responsible for orchestrating the lane realignment.⁷⁴

By early December 2013, Wildstein was feeling vulnerable, knew he would have to resign, and then did.⁷⁵ While he continued to insist to the Governor’s Office that this was a legitimate traffic study, even if flawed in its execution, and admitted that this was his “idea,” he tried to deflect blame, telling Drewniak that he had not acted alone, identifying Kelly and

Stepien as others who knew, and claiming he had emails to prove it. Wildstein even suggested he mentioned the traffic issue in Fort Lee to the Governor at a public event during the lane realignment—a reference that the Governor does not recall and, even if actually made, would not have registered with the Governor in any event because he knew nothing about this decision in advance and would not have considered another traffic issue at one of the bridges or tunnels to be memorable. Drewniak passed on Wildstein’s claims to others in the Governor’s Office. Others also heard the Kelly email rumors and reported them back to the Governor’s Office around that time.

On December 9, 2013, Port Authority officials testified before the Assembly Committee that Wildstein was behind the lane realignment decision and told them “not to worry” about notifying Foye or Fort Lee officials in advance.⁷⁶ Foye also testified, saying he was not aware of any actual traffic study.⁷⁷

The Governor became concerned about what he was hearing and demanded straight answers from his senior staff. On December 12, 2013, he had further inquiries made of Kelly and Stepien. Both denied any involvement in the decision to close these lanes. Kelly even claimed to have searched her emails, showing a couple to the Governor’s Chief of Staff, Kevin O’Dowd, a former federal prosecutor, but none of the damning private ones proving her advance knowledge and participation. But Kelly was nevertheless panicked by what she considered to be O’Dowd’s “grilling.” She called her staffer, Christina Renna, that same night to make a desperate request: delete the email that Kelly sent to Renna on September 12, 2013, where Kelly, upon learning Mayor Sokolich was “extremely upset,”⁷⁸ responded: “Good.”⁷⁹ Despite Kelly’s attempt to cover her tracks, Renna preserved a copy of that email.⁸⁰

The very next morning, on December 13, 2013, the Governor convened a special meeting of his senior staff and also invited Drewniak.⁸¹ He stood the entire time and raised his voice. He told them he was concerned they were all suffering from “senioritis” following the election. He said the national attention was a double-edged sword: “The spotlight can turn to a searchlight real quick.” He mentioned a number of miscues but then focused on the George Washington Bridge lane realignment fiasco. He said words to the effect of: “This is a mess, and now I have to clean it up.” He demanded to know from each of them in that room whether they had any prior knowledge or involvement in the lane realignment. He said he was going to hold a press conference later that day to set the record straight. He told them to come forward with the truth that morning, to go tell O’Dowd or Charles McKenna, then the Governor’s Chief Counsel. “The confessionals are open,” he said. But Kelly did not come forward. To the contrary, when questioned for a second time by O’Dowd that morning, Kelly continued to deny any involvement. Later that morning, the Governor held his press conference, saying he had been “assured” by his senior staff and Stepien that they were not involved. He also announced at the press conference that Baroni would be replaced at the Port Authority by Deborah Gramiccioni, one of the Governor’s senior staffers and also a former federal prosecutor.⁸²

The “assurances” that the Governor had received proved to be inaccurate. When, on the morning of January 8, 2014, documents subpoenaed by the Assembly Committee surfaced publicly in the press, they showed Kelly and Stepien communicating with Wildstein about the Fort Lee lane realignment issue using their personal email accounts.⁸³ Kelly’s email exchanges with Wildstein were particularly damning because she seemed to be blessing the decision beforehand for some ulterior motive. Stepien’s showed awareness, but not approval.

That afternoon, on January 8, 2014, the Governor called together his top aides and advisors at Drumthwacket. It was an emotional session, in which the Governor, welling up with tears, expressed shock at the revelations, directed Kelly's immediate firing for lying to him, and also decided to sever ties with Stepien.

The next morning, on January 9, 2014, the Governor held a press conference for nearly two hours in which he acknowledged this breach by someone close to him, took responsibility for it happening on his watch, and answered the press's questions.⁸⁴ That same morning, Kelly texted her then-former staffer, Renna, admitting her transgression: "I'm sorry to tarnish IGA."⁸⁵

Since then, Wildstein, Kelly, and Stepien have asserted their Fifth Amendment rights against self-incrimination,⁸⁶ from which adverse inferences can appropriately be drawn.⁸⁷ No one else has done so.⁸⁸ Indeed, we have had the cooperation of every current member of the Governor's Office, including the Governor himself, former members of that Office, and other independent witnesses as well.

2. The Role Of The Governor

Our investigation found that Governor Christie did not know of the lane realignment beforehand and had no involvement in the decision to realign the lanes. He does not recall becoming aware of the lane realignment during the period the lanes were closed, but would not have considered a traffic issue memorable in any event.⁸⁹ After the fact, he at first accepted the explanation being offered by New Jersey's representatives at the Port Authority that this was simply a traffic study, an operational issue to be handled there, and the resulting controversy just typical in-fighting between the New York and New Jersey contingents. But once the Governor became aware of Port Authority officials publicly questioning whether this was a legitimate traffic study and rumors of others' involvement, he made appropriate inquiries and even convened a special meeting of his senior staff on December 13, 2013, demanding to know

whether any of them were involved in this decision, only to be lied to by Kelly. When documents were then publicly released on January 8, 2014, confirming Kelly's participation in the decision to close these lanes and Stepien's apparent awareness, Governor Christie called together his top advisors that same day and, in an emotional session, expressed shock at the revelations, directed Kelly's firing immediately for lying to him, and also decided to sever ties with Stepien. The very next day, the Governor held a nearly two-hour press conference to acknowledge this transgression by someone close to him, to take responsibility for it, and to answer questions from the press.⁹⁰ Then, his Office commissioned this investigation.

Governor Christie's account of these events rings true. It is corroborated by many witnesses, and he has conducted himself at every turn as someone who has nothing to hide. Moreover, in all the documents we reviewed (including the personal texts and emails of the Governor and his senior staff) and from all the witnesses we interviewed, we uncovered nothing contradicting the Governor's account.

3. The Role Of The Governor's Senior Staff, Besides Bridget Kelly

We have not found any evidence of any other member of the Governor's staff, besides Bridget Kelly, being involved in the decision to realign these George Washington Bridge toll lanes at Fort Lee. And we have not found any evidence of any other member of the Governor's staff, besides Bridget Kelly, doing anything to cover up what happened here after the fact. There were members of the Governor's staff who became aware of the lane realignment during or after the fact, but they understood from Wildstein or Baroni, apparently relying on information provided him by Wildstein, that this was a legitimate traffic study, no matter how misguided the Port Authority's execution of it, and therefore an operational issue for the Port Authority to deal with, not the Governor's Office. And by December 2013, as hearsay and rumors filtered back to

some in the Governor's Office about Kelly's possible involvement, there was follow-up and questioning of Kelly, who denied it.

4. Conclusion

In sum, we have not found any evidence of anyone in the Governor's Office knowing about the lane realignment beforehand or otherwise being involved, besides Bridget Kelly. Whatever motivated Wildstein and Kelly to act as they did, it was not at the behest of Governor Christie, who knew nothing about it.⁹¹ The Governor and his senior staff gave Kelly the benefit of the doubt—a decision that was both understandable under the circumstances and reasonable based on the evidence available to the Governor's Office at that time. Importantly, the evidence exposing this operation was not to be found in government files; rather, it was hidden in the personal email accounts and personal texts of those participating in order to conceal their act. As other investigations progress, they may uncover, through their subpoena powers, more about the questions that remain unanswered, including what really motivated this plan. And consistent with our mandate, we will continue to facilitate the Governor's Office's cooperation.

B. Hoboken Mayor Dawn Zimmer's Allegations Concerning Sandy Aid

In allegations made publicly for the first time on a national cable news program on January 18, 2014, Hoboken Mayor Dawn Zimmer accused the Christie Administration of a conspiracy at the highest levels to coerce her into advancing a stalled real estate project being pursued by a private developer (the Rockefeller Group) in exchange for Sandy aid. Mayor Zimmer has claimed that, starting in May 2013, she repeatedly received threats from high-ranking State officials, including Lieutenant Governor Kimberly Guadagno, Department of Community Affairs ("DCA") Commissioner Richard Constable, and Governor's Office of Recovery and Rebuilding ("GORR") Executive Director Marc Ferzan, as a "direct message"⁹² from Governor Christie. In handwritten notes purportedly made "a few days"⁹³ after these May

2013 exchanges, Mayor Zimmer described them as “corrupt”⁹⁴ and wrote that they showed a “direct connection b/t the Rockefeller p + Sandy funding.”⁹⁵

Our investigation found that Mayor Zimmer’s allegations are, in material respects, demonstrably false. They are contradicted by contemporaneous documents, other witnesses’ accounts, and her own prior statements. In sum, the subjective perceptions she may have do not match objective reality, as reflected in the hard evidence uncovered during our investigation.

We note at the outset Mayor Zimmer’s claim that the Christie Administration held Hoboken’s Sandy aid hostage for ulterior political motives is contradicted by Mayor Zimmer’s own public statements as recently as a week before she went public with these accusations. Indeed, on January 11, 2014—one week before first making her allegations—Mayor Zimmer told the press that, while disappointed with Hoboken’s Sandy aid, “I don’t think it was retaliation and I don’t have any reason to think it’s retaliation.”⁹⁶ In fact, after she alleged these threats were first made in mid-May 2013, she repeatedly heaped praise on Governor Christie for having “done a great job for NJ & Hoboken.”⁹⁷ Indeed, on May 24, 2013, she wrote to the Governor: “Thank you for your continued advocacy for New Jersey and efforts to rebuild our communities.”⁹⁸ Moreover, in October 2013, her Chief of Staff offered in writing to provide Governor Christie’s re-election campaign with a letter of “support” from Mayor Zimmer, saying she was “proud to stand with” the Governor because he “was there for us when we needed him most, responding to the crisis of Superstorm Sandy.”⁹⁹ Mayor Zimmer’s statements since mid-May 2013 do not square with her allegations now that she was supposedly being threatened by the Christie Administration at that time.

1. Mayor Zimmer’s Specific Allegations

Taking Mayor Zimmer’s allegations in turn, she has claimed she received threats from three different Christie Administration officials on three separate occasions:

a. Mayor Zimmer’s Exchange With Lieutenant Governor Guadagno

Mayor Zimmer has alleged that, two days after she sent a May 8, 2013 letter to Governor Christie requesting more Sandy aid, the Lieutenant Governor, having met “w/ the Gov.,”¹⁰⁰ “created”¹⁰¹ a public event at a ShopRite in Hoboken, invited Mayor Zimmer to attend, and then, after the May 13, 2013 event, “pulled [her] aside in the parking lot”¹⁰² to deliver “a direct message from the governor”¹⁰³ that “if you don’t move ahead”¹⁰⁴ with the Rockefeller Group’s project, “we’re not going to be able to help you”¹⁰⁵ with more Sandy aid. Mayor Zimmer further alleged that the Lieutenant Governor said to her at that time: “I know it’s not right. I know these things should not be connected, but they are and if you tell anyone, I’ll deny it.”¹⁰⁶ In other words, to credit Mayor Zimmer’s account, one would have to believe that Guadagno, a former federal prosecutor and county sheriff, made a full confession—right there, out in the open, in the supermarket’s parking lot, immediately after that public event, with press and staff nearby—that she was doing something wrong, knew it was wrong, and was doing it anyway.

Our investigation found that Mayor Zimmer’s account of this exchange is, in material respects, demonstrably false:

(i) Guadagno did not meet with the Governor and then create this event to deliver his message to Mayor Zimmer. In fact, the decision to invite Mayor Zimmer to the event occurred midday on Friday, May 10, 2013—*before* Guadagno met with the Governor at a senior staff retreat later that day, as contemporaneous documents show.¹⁰⁷

(ii) This was not a “created”¹⁰⁸ event. It was weeks in the planning, as contemporaneous documents show.

(iii) It was not the Lieutenant Governor who “pulled” Mayor Zimmer “aside” to have this private meeting.¹⁰⁹ It was actually Mayor Zimmer who requested the meeting, as

contemporaneous documents show.¹¹⁰ And she requested that meeting to pitch her “[i]mportant idea” to fund a sweeping, post-Sandy flood mitigation plan for Hoboken.¹¹¹

(iv) It was Mayor Zimmer who had the Rockefeller Group on her mind, not Guadagno, as contemporaneous documents show. That is because the Rockefeller Group designed Hoboken’s flood mitigation plan—the same one that Mayor Zimmer was seeking Sandy aid to fund—but its development project, backed by lawyers she perceived as close to the Governor, had just suffered a setback before Hoboken’s Planning Board five days earlier when its application for redevelopment benefits was voted down. Mayor Zimmer was anxious about its status, having recently written the Governor complaining that “the solution to Hoboken’s flooding challenges cannot be dependent on future development.”¹¹²

(v) Guadagno had to be firm with Mayor Zimmer during their private meeting, pushing back on Mayor Zimmer’s funding demands and unwarranted assumption that the stalled Rockefeller Group project was why Hoboken was not getting more Sandy aid. And we know what Guadagno said because she repeated it to the press that same day: “[While] the mayor is a great advocate for Hoboken, . . . the governor has to be an advocate for the entire state. We are trying to [do] the best we can with the resources we have.”¹¹³

(vi) Guadagno has had no role in the Sandy aid decision-making process, which is formula-driven, based on objective criteria, and subject to federal oversight. Therefore, she personally could not have affected Hoboken’s Sandy aid allocations at all. Moreover, even though the Rockefeller Group project did not “move ahead,”¹¹⁴ Hoboken nevertheless then got all of the CDGB funding it applied for (\$200,000),¹¹⁵ and its allocation for hazard mitigation funding is roughly equivalent to what other applying municipalities received (\$142,080),¹¹⁶ and is likely to change when all the grant applications are rescored.¹¹⁷

Both the Lieutenant Governor and Governor deny Mayor Zimmer's allegations. And the Lieutenant Governor's account of what transpired is corroborated by hard evidence, contemporaneous with the events in question. Mayor Zimmer's isn't.

b. Mayor Zimmer's Exchange With DCA Commissioner Constable

Mayor Zimmer has alleged that, just three days after she claimed the Lieutenant Governor delivered this "direct message from the governor,"¹¹⁸ Commissioner Constable delivered the same message as they were both about to appear on a PBS television panel discussing Sandy's aftermath on May 16, 2013.

According to Mayor Zimmer's account: "We are mic'd up w/other panelists all around us – + probably the sound team listening + he [Commissioner Constable] says – I hear you are against the R project[.] I reply – I am not against the Rockefeller p – in fact I want more commercial dev. in Hob."¹¹⁹ To which Constable purportedly replied that "everyone in the statehouse believes u r against it," and then said: "[I]f you move that forward the \$ would start flowing to u."¹²⁰ From that, Mayor Zimmer surmised: "it is pretty clear what he means by '\$ will flow.' Nice to know there is a direct connection b/t the Rockefeller p & Sandy funding."¹²¹ In other words, to credit Mayor Zimmer's account, one would have to believe that Constable, who is also a former federal prosecutor and registered Democrat, was part of this conspiracy to deliver this "direct message"¹²² from the Governor to Mayor Zimmer, that he managed to place himself in a position to do so, and then proceeded to threaten Mayor Zimmer, while "mic'd up"¹²³ in a public setting surrounded by other panelists as they were just about to go live on the air.

Our investigation found that, in material respects, Mayor Zimmer's account of this exchange is demonstrably false:

(i) Constable did not seek out Mayor Zimmer to deliver any message from the Governor, nor did he have any message to deliver. Rather, the panelists were assigned their seats at the time they arrived for the broadcast. And Constable had not spoken to the Governor or Lieutenant Governor beforehand about this event, did not attend the Governor’s senior staff retreat (as he was not part of the Governor’s senior staff), and did not work in the “statehouse.”¹²⁴

(ii) An independent witness, Belmar Mayor Matthew Doherty, a Democrat, who was seated next to Mayor Zimmer, reported that Constable never said anything to the effect of, “If you move forward” with that private development project, “the money would start flowing to you.” In fact, Doherty said he did not hear any quid pro quos discussed or threats made that evening.

(iii) Real time photographs of Constable and Mayor Zimmer talking as they were “mic’d up” on the eve of the broadcast show Mayor Zimmer starting the conversation and doing most of the talking during it, yawning about midway through, and then smiling at the end—hardly the demeanor one would expect of someone who had just been threatened.¹²⁵

(iv) Mayor Zimmer is right that Constable used the words, “move forward,” and “money” will “start flowing,” that evening. But not in his pre-show conversation with Mayor Zimmer. He said them on the air during the broadcast: “[W]e’re *starting* to get the federal monies to *flow*. . . . You’re going to see businesses with capital *start to move forward*.”¹²⁶

(v) As DCA Commissioner, Constable has no responsibility for advancing commercial real estate developments unless they have an affordable housing component, which the Rockefeller Group’s project doesn’t. Therefore, he would have had no reason to raise the Rockefeller Group’s project with Mayor Zimmer in the first instance.

(vi) Even though the Rockefeller Group’s project did not “move forward,” Hoboken still got the entire amount it sought in CDGB funding—\$200,000¹²⁷—which was the only Sandy aid program administered at the time that directly provided funding to municipalities. In other words, Constable, having supposedly threatened Mayor Zimmer to no avail, then nevertheless gave her the entire amount he could of Sandy aid requested by Hoboken from the CDGB program.

Both Commissioner Constable and the Governor deny Mayor Zimmer’s allegations. And Commissioner Constable’s account of what transpired is corroborated by hard evidence, contemporaneous with the events in question, and an independent witness’s account. Mayor Zimmer’s is not.

c. Mayor Zimmer’s Exchange With GORR Executive Director Ferzan

Mayor Zimmer has further claimed that, “a month ago,” in December 2013, before she made these allegations, she met with GORR Executive Director Marc Ferzan, who oversees the State’s Sandy rebuilding effort, and asked him to “put some support” behind Hoboken’s “Rebuild by Design” proposal to HUD.¹²⁸ According to Mayor Zimmer, Ferzan replied: “[Y]ou need to let me know how much development you’re willing to do.”¹²⁹ She considered this to be another example of the “pressure” the Christie Administration was placing on her to support private development in exchange for Sandy aid.¹³⁰ In other words, to credit Mayor Zimmer’s account, one would have to believe that Ferzan, another former federal prosecutor and registered Independent who left a lucrative private sector job at PricewaterhouseCoopers to do this public service, joined in the conspiracy to threaten Mayor Zimmer and then made these statements to her in furtherance of the conspiracy.

Our investigation found that, in material respects, Mayor Zimmer’s account of this exchange is demonstrably false:

(i) Mayor Zimmer last met with Ferzan not “a month ago,” but rather, on November 25, 2013, at a briefing attended by many other mayors, staffers and State officials.¹³¹ In other words, Ferzan made whatever statements he did to Mayor Zimmer in a public setting in a room crowded with other people.

(ii) It was not Mayor Zimmer who brought up “Rebuild by Design.” It was Ferzan, without tying it in any way to support for private economic development, as contemporaneous documents show. Indeed, a State official kept copious notes of that briefing and captured, in words or substance, Ferzan’s exchange with Mayor Zimmer that day: “Hoboken Mayor Zimmer asked how the State is going to help urban areas with the second tranche of CDGB-DR funds. . . . She said . . . the city needs some help for things like elevating utilities and elevators. Marc Ferzan said the State asked [FEMA] about raising utilities and [it] said no. He said Rebuild by Design is one avenue to consider.”¹³²

(iii) By that time, Hoboken was already one of 10 finalists (three of which were from New Jersey) in HUD’s “Rebuild by Design” competition, likely worth many millions of dollars in federal Sandy aid to the eventual winner.¹³³ And Mayor Zimmer should have known that HUD was using an expert jury to pick the winner, that New Jersey officials are not on that jury, and that there was therefore no real value in New Jersey officials “support[ing]” Hoboken alone,¹³⁴ as opposed to continuing to facilitate all three New Jersey contenders, which earned them “thanks” from HUD for “extraordinary cooperation”¹³⁵ “digging in with the RDB teams.”¹³⁶ Yet that misconception seems to be motivating Mayor Zimmer’s allegations now. Indeed, she told a national news show on January 19, 2014, of her “concern” that “the governor

ultimately will not support” Hoboken’s “Rebuild by Design” proposal, and “if I don’t have his support on this plan, then we’re not in a good position to win this competition.”¹³⁷

(iv) As Mayor Zimmer also should have known, HUD’s “Rebuild by Design” competition has expressly encouraged public-private partnerships, advising competitors it would “implement selected proposals with both public and private funding dedicated to this effort.”¹³⁸ Indeed, the President’s Hurricane Rebuilding Task Force, on whose advisory group Mayor Zimmer serves, expressly provides in its rebuilding strategy for “using public-private partnerships to lower project costs” and “leverage Federal funding.”¹³⁹ Thus, even had Ferzan mentioned private development in this context, Mayor Zimmer should have realized that would have been perfectly appropriate and consistent with the “Rebuild by Design” competition’s mandate.

(v) Mayor Zimmer never mentioned Ferzan’s supposed role in this conspiracy before January 20, 2014, and only did so that day *after* Ferzan held a morning press call describing the State’s “objective process,” calling Mayor Zimmer’s claim of unfair treatment for Hoboken a “mischaracterization,” and saying “I’m scratching my head a little bit about any community that’s getting the short end of the stick.”¹⁴⁰ Only later that day did Mayor Zimmer go on a national cable news program and name Ferzan as a co-conspirator for the first time.¹⁴¹

(vi) A central premise of Mayor Zimmer’s conspiracy theory is that Hoboken’s Sandy aid has been “held hostage.”¹⁴² But in reality, as dozens of witnesses from State government familiar with the Sandy aid decision-making process confirmed, there has been no politicization of that process whatsoever. Not with regard to Hoboken or anyone else. Decisions are made on the merits, formula-driven, and based on objective criteria, under federal oversight.¹⁴³ And while the Rockefeller Group project remains stalled, Hoboken has received multiple Sandy aid

allocations in recent months and stands to get many millions of dollars more if it wins the “Rebuild by Design” competition.¹⁴⁴ Moreover, Hoboken-affiliated parties have thus far collectively received nearly \$70 million in Sandy funding.

Both Ferzan and the Governor deny Mayor Zimmer’s allegations. And Ferzan’s account is corroborated by hard evidence, contemporaneous with the events in question, and many other witnesses’ accounts. Mayor Zimmer’s isn’t.

2. Other Factors Bearing On Mayor Zimmer’s Allegations

There are other factors considered during our investigation that inform our conclusions, including but not limited to the following:

a. Scope Of The Conspiracy Alleged And Inability To Carry It Out

The conspiracy that Mayor Zimmer has alleged would necessarily have had to include many actors within various departments of the Christie Administration. That is because she has claimed that Hoboken’s Sandy aid was being affected by this conspiracy. In order for that to have happened, the many individuals responsible for the management and execution of Sandy aid programs would necessarily have had to become involved in this alleged plot. The top aides to the Governor, Lieutenant Governor, DCA Commissioner, and GORR Executive Director—who include other former federal prosecutors, a former State Deputy Attorney General, a former senior counsel in the State Attorney General’s Office, private sector lawyers recruited to help administer the program, and even an out-of-stater recruited because of her extensive experience in helping New Orleans in the aftermath of Hurricane Katrina—would have had to know if such a thing ever happened. And to a person, they all say, “No, it didn’t happen.”

Nor could it have. Our investigation found that the Christie Administration has implemented an objective and transparent process for allocating Sandy aid. It is formula-driven.¹⁴⁵ And it is subject to federal oversight.¹⁴⁶ Moreover, our investigation found that

Hoboken has been treated fairly, compared to other New Jersey municipalities, given the scarce resources available. Indeed, even Mayor Zimmer's press secretary has conceded "the fact that Hoboken is about on par with other towns in getting a modest amount of aid from state-run programs," saying only that it "deserves" more.¹⁴⁷ In other words, the threats that Mayor Zimmer has alleged were neither carried out, nor could they have been.

b. Mayor Zimmer's Changing Account Over Time

Mayor Zimmer's story is also suspect because it keeps changing. By her own account, she sat on these allegations for more than eight months (despite her public duty to remedy them),¹⁴⁸ continued to praise the Governor publicly in the interim,¹⁴⁹ and then, chose to air them publicly for the first time on a national cable news program, rather than timely report them to law enforcement authorities.¹⁵⁰ Then, over three successive days of television interviews in January 2014, she altered her story each time she retold it. For example, at first, she said this message came from the "Christie Administration,"¹⁵¹ but then, the next day, called it a "direct message from the governor."¹⁵² And she never mentioned Marc Ferzan until after he publicly questioned her accusations,¹⁵³ at which point she then named him as a co-conspirator.¹⁵⁴ In essence, her allegations have been a moving target.

c. Mayor Zimmer's Mischaracterization Of The Rockefeller Group's Role

Mayor Zimmer now casts the Rockefeller Group in a negative light, but that appears to be revisionist history on her part. A year ago, she was "thank[ing]" the Rockefeller Group in her "State of the City" speech for designing Hoboken's flood mitigation plan.¹⁵⁵ She embraced that plan and tried to convince State officials to fund its implementation.¹⁵⁶ But the Rockefeller Group's development project was a different story. She is now essentially claiming that the Rockefeller Group, through its lawyer-lobbyists at Wolff & Samson, unduly influenced the

Christie Administration. Our investigation found no evidence of anything untoward in those dealings. For example, Mayor Zimmer appears to have mischaracterized a May 9, 2013 meeting with Christie Administration officials, to which Hoboken officials were invited by Wolff & Samson, as being about the Rockefeller Group's development project,¹⁵⁷ when contemporaneous documents show that meeting was really about Hoboken's flood mitigation plan—the one supported by Mayor Zimmer and designed by the Rockefeller Group's engineers.¹⁵⁸ Moreover, contemporaneous documents show that the Port Authority's decision to fund an economic development study of Hoboken's North End in 2010 actually came about at Mayor Zimmer's request before Wolff & Samson partner and Christie appointee David Samson even began serving as the Port Authority's Chair.¹⁵⁹ Hence, Mayor Zimmer's mischaracterization of the Rockefeller Group's role further undermines her allegations.

d. Lack Of Substantiation For Mayor Zimmer's Claims

We were unable to substantiate Mayor Zimmer's allegations during our investigation. Through counsel retained for her after she had already gone public with her accusations and spoken with investigators, Mayor Zimmer declined our request for an interview. Other Hoboken officials similarly declined our requests for interviews, although we were able to obtain Hoboken documents through a formal public records request. Nevertheless, even without Mayor Zimmer's cooperation, we have had the benefit of reviewing her several lengthy television interviews, and were also able to obtain from media websites copies of handwritten notebook entries that she provided the press. As a result, we are aware of her account and what she has claimed corroborates it.

Mayor Zimmer's handwritten notebook, offered as corroboration for her account, is suspect. It is not a contemporaneously written document. Rather, on its face, and by Mayor Zimmer's own admission, it was written "a few days" after the events it purports to chronicle.¹⁶⁰

And its most inflammatory statements appear to have been added even later, written across the top and down the side of pages.¹⁶¹ Even crediting this notebook's contents as genuine, however, they are only as accurate as the perceptions of the writer. And based on the hard evidence, Mayor Zimmer's perceptions have not proven to be accurate. Therefore, what other witnesses say she then told them is not corroboration either because it is as unreliable as the perceptions she recounts in her handwritten notebook. All of this proffered "corroboration" is, in reality, hearsay, from which no credible conclusions can be drawn.

3. Conclusion

In sum, our investigation has concluded that Mayor Zimmer's allegations are unsubstantiated and, in material respects, demonstrably false. Whatever subjective perceptions she may have do not match objective reality, as reflected in the hard evidence uncovered during our investigation. Moreover, her allegations are contradicted by contemporaneous documents, other witnesses' accounts, and her own prior statements. Mayor Zimmer herself has called the sequence of events that she has alleged "unbelievable."¹⁶² Based on our investigation, we would have to agree.

C. Recommendations

The George Washington Bridge toll lane realignment and the ensuing gridlock resulting from it, while the actions of a few, are simply unacceptable. Whether in their implementation, their motivation, or both, they amounted to a breach of public trust that never should have happened. And never should happen again. With that aim in mind, we make these recommendations.

1. Governor's Office

Within the Governor's Office, we recommend the following:

(a) Restrict the Use Of Personal Email Accounts For Conducting Official State Business

– The individuals responsible for these acts used their personal email accounts to communicate about this plan. That practice has to end. Absent extraordinary circumstances, public employees working in trusted positions should use their official state email accounts when conducting state business. As a matter of transparency, accountability, and public access, that is the prudent and responsible thing to do. The Governor's Office should also make State employees aware of the implications, pursuant to public record disclosure and retention requirements, of text messaging to conduct official state business. This will further promote transparency, accountability and public access.

(b) Eliminate IGA – This is the office that Bridget Kelly ran as the Governor's Deputy Chief of Staff, and Bill Stepien ran before her. Its primary function is constituent service and intergovernmental affairs, liaising and responding to elected officials and others as problem solvers and troubleshooters for constituents and local officials alike. It appeared to have functioned very effectively during the first three years of the Governor's first term, both in terms of responsiveness and non-partisanship. But then, during the Governor's re-election year, under Kelly's stewardship, there was aberrational behavior at Kelly's direction. While this aberrational conduct was isolated, it has led to misunderstandings that have created appearance issues for IGA going forward. We therefore recommend disbanding IGA and reorganizing its functions within a new and expanded Governor's Office of Constituent and Legislative Services, combining the current IGA and Constituent Relations functions. And the mission of that office should be made crystal clear: responsiveness in a non-partisan manner that makes it a model for good government, responsive to all.

(c) **Appoint An Ombudsperson Within The Governor’s Office Who Would Report Directly To The Governor And Issue Periodic Public Reports** – While what occurred here were the actions of a few and not reflective of the whole, it is nevertheless concerning that they occurred at all. To assist the Governor’s Office going forward, and to restore public trust in the many honorable, dedicated public servants who work there, we propose that the Governor appoint an Ombudsperson—a senior statesperson of unquestioned integrity and independence—to serve as a sounding board and resource readily available for receiving complaints within the Governor’s Office and seeing that they get appropriately responded to. We envision that this Ombudsperson would report directly to the Governor and issue periodic public reports, at least annually, on his or her activities. We would also expect the Ombudsperson to help establish the duties and responsibilities of the new Chief Ethics Officer, described below, who would report to both the Ombudsperson and the Chief Counsel.

(d) **Appoint A Chief Ethics Officer Responsible For Ethics Enforcement, Conflicts And Training Within the Governor’s Office** – As a prophylactic measure going forward, the Governor should appoint a Chief Ethics Officer for the Office of the Governor dedicated to (i) addressing any ethics or conflicts issues as they arise, and (ii) overseeing training within that office to ensure that all who work there are aware of and sensitive to their obligations. The Chief Ethics Officer would report to the Chief Counsel, also report to and work closely with the Ombudsperson, and have direct access to the Governor.

2. Port Authority

Regarding the Port Authority, we recommend the following:

(a) **Coordinate With New York’s Governor To Restructure the Port Authority By Appointing A Bi-State Commission To Recommend Reforms** – This Bi-State Commission should be tasked to formulate a reform agenda to restructure the Port Authority to ensure its

independence and professionalism going forward. As the George Washington Bridge incident demonstrates, divisions between the Port Authority's New Jersey and New York counterparts have historically resulted in communication failures, rivalries, and duplication. And the current appointments structure—whereby one Governor appoints the Chair (and Deputy Executive Director) and the other Governor appoints the Executive Director (and Vice Chair)—only exacerbates that division and, at times, leads to dysfunction. In the first instance, this Bi-State Commission should address whether there should be a fundamental restructuring of the Port Authority, either by recognizing separate New York and New Jersey divisions going forward to permit each State to have primary responsibility for completing projects within their jurisdictions, or otherwise reorganizing to ensure independence and professionalism. Moreover, this Bi-State Commission should address, among other things, potential changes to the terms and method of appointment of top Port Authority officials. For example, set periods of tenure, staggered terms of more than four years, and joint approval by both Governors should all be considered for senior executive positions. This is not to say, however, that both States' Governors should necessarily have to await the Commission's recommendations. If the Governors were to reach agreement on fundamental changes, they could go to their respective State legislatures immediately to enact the same reform package.

We appreciate that the Port Authority has already taken the constructive step in response to recent events of establishing a special oversight committee within its own ranks, but an independent Bi-State Commission is the better vehicle for achieving long-term systemic reform. This Bi-State Commission should consist entirely of persons independent of the Port Authority; it should not include any current Port Authority Commissioners or executives. The reform agenda that it considers should address systemic operational, structural, and management issues

at the Port Authority that will ultimately require the approval of both States' legislatures, going well beyond internal matters within the current scope of its authority. And that is a reform agenda that should be set by an independent "blue-ribbon" panel or else the Governors themselves working together.

(b) Propose Legislative Reforms To Promote Transparency – There are legislative proposals pending, and may be more to come, that could advance reform, assuming both states' legislatures agreed. In 2012, both Governor Christie and the New Jersey Legislature advanced legislation pertaining to transparency, accountability, and oversight of New Jersey's public authorities; the Governor's legislation applied across the region's public authorities, while the Legislature's bill focused on the Port Authority. Neither of these reform efforts became law. We therefore recommend that the Governor's Office propose new or modified public authorities reform legislation now, in light of past and pending legislative proposals, and with the recognition that transparency provisions already enacted in New York would automatically apply to the Port Authority once passed in New Jersey.

3. Other Related Proposals

Finally, regarding both the George Washington Bridge toll lane realignment and Hoboken Mayor Zimmer's claims, there were private allegations, contemporaneous with or closer in time to the events, of violations of law that apparently went unreported to law enforcement authorities at the time. In particular, Mayor Zimmer has alleged that in May 2013 she was first threatened by the Christie Administration and wrote in her notebook she considered those threats to be "corrupt."¹⁶³ Yet her allegations were not reported at the time to law enforcement authorities. Instead, she waited until eight months later in January 2014 to first air them publicly on a national cable television broadcast.

The Governor should consider taking steps to require all State and local elected officials, and perhaps their most senior staffers or cabinet-level appointees, to timely report to law enforcement authorities, or the inspectors general or chief ethics officers responsible for such oversight, any conduct that they believe may constitute crimes being committed on their watch, and imposing appropriate remedies on those public officials who fail to timely report such allegations. This would ensure timely reporting and investigation of any such allegations. And it would address the questions that necessarily arise about the motivations and veracity behind allegations such as Mayor Zimmer's that are only first publicly made long after the fact.

II. SCOPE AND METHODOLOGY OF THE INVESTIGATION

Our mandate, and scope of work, has expanded as allegations asserted have evolved and multiplied. Below we briefly outline the issues at the heart of our investigation, as well as the retention of Gibson, Dunn & Crutcher LLP (“Gibson Dunn”) and a description of our key team members.

A. Issues

1. Allegations Regarding The George Washington Bridge Lane Realignment

From September 9 to 13, 2013, the access lanes leading to the eastbound toll lanes and booths on the George Washington Bridge from Fort Lee, New Jersey, were realigned by the Port Authority of New York and New Jersey (the “Port Authority”). This lane realignment caused significant traffic delays in Fort Lee. Specifically, the three Fort Lee access lanes were realigned to feed into one toll booth—the southernmost tollbooth— rather than the three southernmost toll booths previously dedicated to the Fort Lee access lanes.

In the morning hours of September 13, 2013, Port Authority Executive Director Patrick Foye directed Port Authority managers, engineering staff, and other executives, by internal email, to immediately reverse the lane realignment and restore the prior alignment of the three access lanes from Fort Lee.¹⁶⁴ That day, *The Bergen Record*, a New Jersey newspaper, published a column titled “Closed tollbooths a commuting disaster,” which reported on the lane realignment and quoted a Port Authority spokesman’s explanation that the lane realignment was the result of a “review[] [of] traffic safety patterns” at the Bridge.¹⁶⁵ The column criticized the Port Authority’s leadership for not having warned motorists about the study, quoted the Fort Lee police chief stating that Fort Lee officials had not gotten “any answers” from the Port Authority, and stated that the publication had received numerous phone calls speculating that the traffic was some form of political retribution.¹⁶⁶ This theory was repeated in a September 17, 2013 *Wall*

Street Journal article, which reported “speculation that the closures could be retribution for Mr. Sokolich’s decision not to endorse Mr. Christie in his re-election bid in November.”¹⁶⁷ The *Wall Street Journal* article also reported, however, that Mayor Sokolich disputed this speculation, stating: “I’ve always been incredibly supportive of Gov. Christie even in the face of people criticizing me for it. I find it incomprehensible that there’s any truth whatsoever to these rumors.”¹⁶⁸

On October 1, 2013, *The Wall Street Journal* published an article discussing and also making available a leaked copy of Foye’s September 13, 2013 internal Port Authority email.¹⁶⁹ The article again cited speculation that the lane realignment was “seen . . . as retribution from surrogates of Republican Gov. Chris Christie . . . at Fort Lee Mayor Mark Sokolich, a Democrat who hasn’t endorsed Mr. Christie for re-election,” and again noted that Mayor Sokolich himself rejected any such “rumors” and “said he was a supporter of many of Mr. Christie’s policies.”¹⁷⁰

a. Inquiries Concerning The Bridge Lane Realignment

The Bridge lane realignment and ensuing media attention prompted legislative inquiries. On September 19, 2013, New Jersey State Senator Loretta Weinberg (D-Bergen) wrote a letter to the Port Authority criticizing its decision to realign the Fort Lee access lanes for causing significant traffic congestion and inconveniencing area residents.¹⁷¹ Two weeks later, on October 2, 2013, New Jersey Assemblyman John S. Wisniewski (D-Middlesex) announced that the New Jersey Assembly Transportation, Public Works, and Independent Authorities Committee (the “Assembly Transportation Committee”)—which was empowered in March 2012 to investigate “all aspects” of the Port Authority’s finances¹⁷²—would convene a hearing to investigate who ordered the lane realignment, and whether it was politically motivated.¹⁷³ At two different hearings, the Assembly Transportation Committee received testimony from four Port Authority employees: William Baroni, on November 25, 2013,¹⁷⁴ and Cedrick Fulton,¹⁷⁵

Robert Durando,¹⁷⁶ and Patrick Foye on December 9, 2013.¹⁷⁷ On or about December 12, 2013, the Assembly Transportation Committee issued subpoenas to seven Port Authority employees for documents relating to the Bridge lane realignment.¹⁷⁸

On January 8, 2014, news organizations obtained certain documents produced by those Port Authority employees pursuant to those subpoenas.¹⁷⁹ On January 9, 2014, the Assembly Transportation Committee made available on its website more than 2,000 pages of documents that it obtained in response to its subpoenas to Port Authority employees;¹⁸⁰ a number of media organizations subsequently reported on the documents and disclosed them to the public.¹⁸¹ The Assembly Transportation Committee's authority under Assembly Resolution 91, which continued the Committee's operation and subpoena power, expired at noon on January 14, 2014.¹⁸²

b. Creation Of The New Jersey Select Committees Of Investigation

In January 2014, the New Jersey Legislature formed three new Select Committees to investigate the lane realignment, empowering each to hold hearings, to interview witnesses, to take testimony, to exercise all other investigative powers conferred under state law, and to "report possible violations of any law, rule, regulation, or code to appropriate federal, State, or local authorities."¹⁸³

First, on January 16, 2014, the General Assembly passed Resolution 10, continuing the Assembly Transportation Committee's mandate, and forming the Assembly Select Committee on Investigation.¹⁸⁴ Comprised of 12 members, this Committee was empowered with a broad mandate: to "investigate all aspects of the finances, operations, and management of the Port Authority . . . and any other matter raising concerns about abuse of government power or an attempt to conceal an abuse of government power including, but not limited to, the reassignment of access lanes in Fort Lee, New Jersey to the George Washington Bridge."¹⁸⁵ Assemblyman

Wisniewski was named chairperson of the Assembly Select Committee.¹⁸⁶ As authorized by Assembly Resolution 10, eight members of the Assembly Select Committee were Democrats and four were Republicans.¹⁸⁷

That same day, Chairman Wisniewski issued a statement that the Select Committee had issued 20 subpoenas.¹⁸⁸ The media reported that 11 of these subpoenas were issued to the Office of the Governor or its current or former employees.¹⁸⁹ The return date for the subpoenas was February 3, 2014, 12 business days later.¹⁹⁰

Second, also on January 16, 2014, the New Jersey Senate passed Resolution 1, creating the Senate Select Committee on Investigation.¹⁹¹ That committee was comprised of seven members, four Democrats and three Republicans.¹⁹² The Senate Select Committee's mandate was as broad as the Assembly Select Committee's mandate.¹⁹³ The appointed chairperson of the Senate Select Committee was Senator Loretta Weinberg, who also announced the issuance of subpoenas.¹⁹⁴

Third, on January 27, 2014, the New Jersey Assembly passed Assembly Concurrent Resolution 10 and the New Jersey Senate passed Concurrent Resolution 49, which together dissolved the Assembly and Senate Select Committees of Investigation and formed the twelve-member joint Special Committee of Investigation (the "SCI").¹⁹⁵ Of those twelve members, eight are from the Assembly and four are from the Senate; eight are Democrats and four are Republicans.¹⁹⁶ The mandate of the SCI is substantially similar to that of the dissolved Assembly Select Committee.¹⁹⁷ Senator Weinberg and Assemblyman Wisniewski serve as Co-Chairs of the SCI.¹⁹⁸

That same day, Chairman Wisniewski announced that the SCI had issued the same 20 subpoenas previously issued by the Assembly Select Committee, with the same return date of

February 3, 2014, five business days later.¹⁹⁹ These subpoenas were all focused on the lane realignment.²⁰⁰

c. The U.S. Attorney's Office For The District Of New Jersey

On January 8, 2014, in response to press inquiries about whether it had opened an investigation into the Bridge lane realignment, the U.S. Attorney's Office for the District of New Jersey (the "U.S. Attorney's Office") provided a statement to reporters: "It is the policy of our office to neither confirm nor deny the existence of investigations."²⁰¹ The following day, in response to the same or similar questions, a spokesperson for the U.S. Attorney's Office confirmed publicly that the Inspector General for the Port Authority "has referred the matter to us, and our office is reviewing the matter to determine whether a federal law was implicated."²⁰²

The U.S. Attorney's Office has since subpoenaed the Governor's Office regarding the lane realignment.²⁰³

2. Mayor Dawn Zimmer's Allegations Regarding Superstorm Sandy Aid For Hoboken, New Jersey

In the wake of media coverage regarding the Bridge lane realignment and beginning on January 18, 2014, Hoboken Mayor Dawn Zimmer made several media appearances in which she accused the Christie Administration of conspiring at the highest levels to coerce her into advancing a stalled development project in exchange for Sandy relief aid. Specifically, Mayor Zimmer alleged that, starting in May 2013, three senior officials—Lieutenant Governor Kimberly Guadagno, Executive Director of GORR Marc Ferzan, and Commissioner of DCA Richard Constable—linked Hoboken's receipt of Superstorm Sandy aid to the approval of a commercial development in Hoboken's North End sponsored by the Rockefeller Group, a private real estate investment management corporation. Beginning on January 18, 2014, Mayor Zimmer released copies of her notebook in which she claimed she entered contemporaneous

memorializations of her assertions. Incomplete copies of this notebook were released to the public through the media. In addition, Mayor Zimmer appeared in television interviews over the next three days with MSNBC's Steve Kornacki,²⁰⁴ CNN's Candy Crowley,²⁰⁵ and CNN's Anderson Cooper,²⁰⁶ asserting these allegations to the media and public. Mayor Zimmer's allegations were repeated in numerous news reports,²⁰⁷ and are discussed in greater detail in Section V.

On January 19, 2014, one day after she first aired her allegations, Mayor Zimmer released a statement saying: "This afternoon I met with the U.S. Attorney's Office for several hours at their request and provided them with my journal and other documents."²⁰⁸ A few days later, Mayor Zimmer released a letter stating, once again, that she had "met with and spoken at length with the U.S. Attorney's office regarding this situation," and that the U.S. Attorney's Office had requested that she not speak publicly about the matter any further.²⁰⁹ On January 31, 2014, Mayor Zimmer's Office issued a statement confirming that "[t]he City of Hoboken has received a subpoena for documents" from the U.S. Attorney's Office.²¹⁰

B. Retention Of Gibson, Dunn & Crutcher LLP

1. Purpose And Scope

On January 16, 2014, the Office of the Governor retained the law firm of Gibson Dunn to facilitate cooperation with the U.S. Attorney's Office's investigation and other relevant inquiries, conduct an internal investigation of the George Washington Bridge lane realignment allegations, and advise the Governor's Office on best practices and make recommendations for improvements going forward.²¹¹ Two days later, on January 18, 2014, Mayor Zimmer made public allegations regarding Superstorm Sandy aid,²¹² which resulted in an expansion of the scope of Gibson Dunn's retention to investigate Mayor Zimmer's allegations as well.

Gibson Dunn's representation of the Governor's Office has specifically included: (1) the review and production of documents in connection with the U.S. Attorney's Office's and New Jersey Legislature's inquiries; (2) a thorough investigation of the facts relating to both the George Washington Bridge lane realignment and Mayor Zimmer's allegations regarding Superstorm Sandy relief; and (3) the preparation of a report discussing our findings and recommendations. Our report was provided to the U.S. Attorney's Office on {March 26}, 2014, consistent with our mandate to facilitate cooperation with that Office's investigation. Indeed, we have periodically briefed the U.S. Attorney's Office on our findings as our review progressed.

The principal objective of Gibson Dunn's investigation has been to determine the facts regarding both the Bridge lane realignment and Mayor Zimmer's allegations regarding Superstorm Sandy aid. In pursuit of that objective, we have interviewed more than 70 witnesses and reviewed more than 250,000 documents. We received the full and voluntary cooperation of the Governor and everyone currently in the Governor's Office. Our access to these witnesses was unfettered: we were able to interview whomever we wanted as often as we wanted, including the Governor and the Lieutenant Governor. We were also permitted access to personal emails, and texts, including those of the Governor and Lieutenant Governor, as well as personal phone records.

We also received cooperation from former members of the Governor's Office and many independent witnesses as well. Many of those individuals provided documents from both their work and personal email accounts. We have also reviewed internal Port Authority documents voluntarily produced to us, which included relevant documents from numerous employees' files, including Wildstein and Baroni. And we had the benefit of several Port Authority officials' sworn testimony before the Assembly Transportation Committee. Moreover, we requested and

received responsive documents from Fort Lee and Hoboken, pursuant to the New Jersey Open Public Records Act (“OPRA”).

To be sure, we did not have access to every potentially relevant witness and document, but we did have ample evidence—documentary and testimonial, direct and circumstantial—from which to draw the findings set forth in this report. We analyzed each piece of evidence alongside all other direct and circumstantial proof of knowledge and intent—including the participants’ outward manifestations, words, actions, conduct, and all the surrounding circumstances disclosed by the evidence. Based upon our experience and common sense, we then drew logical inferences from the available evidence, as is commonly done to establish the ultimate facts of knowledge and intent.

Although the four figures central to the lane realignment allegations declined to cooperate with our investigation, we had access to documents that Wildstein and Baroni produced to the legislative committees—and that the legislative committees then publicly released—from both their cell phones and email accounts. Moreover, those documents produced by Wildstein and Baroni included emails and text message exchanges with Stepien and Kelly as well, thus providing additional evidence of their respective knowledge of or involvement in the lane realignment. These and the many other documents we were able to review provide ample basis to thoroughly investigate these allegations, notwithstanding our inability to determine conclusively these individuals’ subjective motivations. And where we are unable to draw inferences and conclusions from the evidence presented, we have endeavored to say so here, noting plausible theories and alternative explanations as appropriate.

Needless to say, we would have preferred to interview Wildstein, Kelly, Stepien, and Baroni, had we been afforded that opportunity, along with the more than 70 other witnesses we

were able to interview. Three of those individuals have asserted their Fifth Amendment rights and, therefore, are refusing to answer anyone's questions at present. There may come a time when they choose to come forward, for whatever reason. Of course, any subsequent claims they may make will have to be evaluated in light of the extensive evidentiary record from which we draw our conclusions. It is that hard evidence—contemporaneous emails and text message exchanges harvested from both the Governor's Office and personal email accounts and devices, including many from these four central figures—on which we primarily rely, and which assures the reliability of our investigation.

Similarly, although Mayor Zimmer declined to cooperate with our investigation,²¹³ we obtained records from her office, and various departments within the City of Hoboken, such as the Hoboken Planning Board. We also already had the benefit of Mayor Zimmer's national television interviews, as well as copies of her handwritten notebook entries she distributed to the press, recounting her allegations. Along with the extensive additional evidence that we independently gathered during our investigation, these materials enabled us to thoroughly investigate Mayor Zimmer's allegations. In short, all of our findings are amply supported by the evidence available to us, and all common-sense inferences to be drawn from them.

2. Work Performed

Since Gibson Dunn's retention on January 16, 2014, we have conducted more than 70 interviews, the substantial majority in person. Interviewees included current and former employees of the Governor's Office, the Lieutenant Governor's Office, and GORR—the executive-branch entity within the Administration responsible for the distribution of Superstorm Sandy relief aid—as well as commissioners and employees in several state agencies. We interviewed, among many others, Charles McKenna, the Governor's then-Chief Counsel; Kevin O'Dowd, the Governor's Chief of Staff; Regina Egea, Director of the Authorities Unit; GORR

Executive Director Marc Ferzan; Lieutenant Governor Kimberly Guadagno; and Governor Christopher J. Christie.

Our review of hard-copy and electronic materials was similarly comprehensive. We reviewed hundreds of thousands of emails collected from both the Office and individual employees—both work and personal webmail accounts. We reviewed electronic documents collected from employees’ local hard drives, the Office’s central server, user directories, and shared drives, as well as hard copy documents collected from individual employees of the Office. We reviewed text and chat messages harvested from both work and personal mobile phones. Our review of electronic items included users’ mailboxes, sent mail, draft messages, and deleted files. We reviewed employees’ phone records and electronic calendars, as well as the State House’s visitor logs.

C. Key Members Of Gibson Dunn’s Investigation Team

The Gibson Dunn investigation team has included five former federal prosecutors with distinguished careers in public service.

Randy M. Mastro is a Partner in Gibson Dunn’s New York Office and Co-Chair of the Firm’s Litigation Practice and Crisis Management Groups. Mr. Mastro is one of the nation’s leading litigators. Last year, the *National Law Journal* named him among “The 100 Most Influential Lawyers in America.” He has tried dozens of cases and argued more than 100 appeals in federal and state appellate courts throughout the country. His practice includes complex civil and transnational litigation, government-related and internal investigations, and white collar matters. From 1994 to 1998, Mr. Mastro served as Chief of Staff to Mayor Rudolph Giuliani and then as New York City’s Deputy Mayor for Operations. From 1985 to 1989, Mr. Mastro served as an Assistant U.S. Attorney for the Southern District of New York, where he focused on organized crime racketeering cases. He also served as Deputy Chief of the Civil

Division in that U.S. Attorney's Office. Mr. Mastro is an Adjunct Professor at the University of Pennsylvania Law School, and he formerly taught complex civil litigation at Fordham Law School. He received his J.D. from the University of Pennsylvania Law School and his B.A. from Yale University. He served as a Law Clerk to Justice Alan B. Handler of the New Jersey Supreme Court.

Debra Wong Yang is a Partner in Gibson Dunn's Los Angeles Office and Co-Chair of the Firm's White Collar Defense and Investigations, Information Technology and Data Privacy, and Crisis Management Practice Groups. Her practice focuses on corporate crime and compliance, with a particular emphasis on internal investigations. Last year, Ethisphere Institute named her one of the "Top Guns" among "Attorneys Who Matter." She has led teams of attorneys conducting internal investigations and reviewing compliance programs across a variety of industries. From 2002 to 2006, Ms. Yang served as the U.S. Attorney for the Central District of California, the largest U.S. Attorney's Office outside Washington, D.C. She also served as an Assistant U.S. Attorney for seven years, investigating and prosecuting white-collar and computer crimes. From 1997 to 2002, Ms. Yang served as a California State Judge on the Los Angeles Superior and Municipal Courts. In 2009, Ms. Yang was selected by Los Angeles Mayor Antonio Villaraigosa to serve on the Los Angeles Police Commission, part of the civilian oversight committee of the Los Angeles Police Department. Ms. Yang is an Adjunct Professor at the University of Southern California School of Law. She received her J.D. from Boston College Law School and her B.A. from Pitzer College. She served as a Law Clerk to U.S. District Judge Ronald S.W. Lew of the Central District of California.

Alexander H. Southwell is a Partner in Gibson Dunn's New York Office. His practice focuses on white collar and regulatory defense, internal investigations, compliance monitoring,

and complex civil litigation. From 2001 to 2007, Mr. Southwell served as an Assistant U.S. Attorney for the Southern District of New York, where he focused on public corruption cases, securities and commodities fraud matters, and computer hacking and intellectual property crimes. Mr. Southwell is an Adjunct Professor at Fordham University School of Law where he teaches a seminar on cyber-crimes, the Fourth Amendment, and information security. He received his J.D. from New York University School of Law and his B.A. from Princeton University. He served as a Law Clerk for U.S. District Judge Naomi Reice Buchwald of the Southern District of New York.

Reed Brodsky is a Partner in Gibson Dunn's New York Office. From 2004 to 2013, Mr. Brodsky served as an Assistant U.S. Attorney for the Southern District of New York where he successfully served as lead trial counsel for two of that office's most high-profile white collar criminal prosecutions: *United States v. Raj Rajaratnam* and *United States v. Rajat Gupta*. Mr. Brodsky received his J.D. from Vanderbilt University School of Law and his B.A. from Duke University. He served as a Law Clerk for U.S. District Judge Hector M. Laffitte of the District of Puerto Rico.

Avi Weitzman is Of Counsel in Gibson Dunn's New York Office. From 2005 to 2012, Mr. Weitzman served as an Assistant U.S. Attorney for the Southern District of New York, where he focused on complex white collar crime cases, securities fraud cases, and international and domestic organized crime prosecutions. Mr. Weitzman received his J.D. from Harvard Law School and his B.A. from the University of Kentucky. He served as a Law Clerk for Justice Dalia Dorner of the Israeli Supreme Court and U.S. District Judge Shira A. Scheindlin of the Southern District of New York.²¹⁴

III. OVERVIEW OF THE OFFICE OF THE GOVERNOR

On January 19, 2010, following popular election, Christopher J. Christie was sworn into office as the Governor of New Jersey. From 2002 through 2008, Governor Christie served as the U.S. Attorney for the District of New Jersey—the chief federal law enforcement officer in the State. In that position, Governor Christie earned praise from both Republicans and Democrats and earned a national reputation as a tough and fair-minded prosecutor battling political corruption, corporate crime, gang, and terrorism cases.²¹⁵ Under his leadership, the U.S. Attorney’s Office amassed a record of 130 convictions of public officials without losing a single case.²¹⁶

Alongside Governor Christie, Kimberly Guadagno, Governor Christie’s running mate, was sworn in as the State’s first Lieutenant Governor. She also serves concurrently as the Secretary of State of New Jersey. Prior to her election, Lieutenant Governor Guadagno served as an Assistant U.S. Attorney for both the Eastern District of New York and the District of New Jersey, and she served as Deputy Chief of the Public Corruption Unit for the U.S. Attorney’s Office for the District of New Jersey.²¹⁷ Lieutenant Governor Guadagno also previously served as an Assistant Attorney General in New Jersey, and was elected the Monmouth County Sheriff in 2007.²¹⁸

The Office of the Governor of New Jersey is currently composed of the following key departments that assist in the Office’s implementation of state laws, oversight of the state executive branch, and execution of the Governor’s policy objectives on behalf of the people of New Jersey.

A. Chief Of Staff

The Chief of Staff oversees the following direct reports: the Governor’s Deputy Chief of Staff, Deputy Chief of Staff for Policy and Cabinet Liaison, Deputy Chief of Staff for

Communications and Planning, and Deputy Chief of Staff for Legislative and Intergovernmental Affairs.²¹⁹ Until recently, Planning was part of the Policy Office; it is now part of the Communications Office.²²⁰

B. Counsel's Office

The Office of Counsel to the Governor (“Counsel’s Office”) is led by the Chief Counsel.²²¹ The Chief Counsel oversees the following direct reports: the Deputy Chief Counsel, Director of the Authorities Unit, and the Appointments Director.²²² The Authorities Unit—which oversees state commissions and authorities and monitors the respective action items for legal appropriateness and consistency with the Governor’s Office’s policies—reports to the Chief Counsel. The Counsel’s Office also includes a Deputy Chief Counsel and Senior and Assistant Counsels.²²³ The Counsel’s Office is authorized by N.J.S.A. § 52:15-8, which broadly empowers the Chief Counsel to act as legal advisor to the Governor.²²⁴

C. Office Of Legislative And Intergovernmental Affairs

The Office of Legislative and Intergovernmental Affairs (“IGA”) is responsible for building and strengthening nonpartisan relationships with local elected officials and communities on behalf of the Executive Branch, including all state departments.²²⁵ The senior employee within IGA is the Deputy Chief of Staff for Legislative and Intergovernmental Affairs (“IGA Deputy Chief of Staff”), who reports to the Governor’s Chief of Staff.²²⁶ Reporting to the IGA Deputy Chief of Staff are the Director of Intergovernmental Affairs (“Director of IGA”), Director of Constituencies, and Director of Legislative & Departmental Relations. On the ground, IGA employs regional directors as liaisons between local officials and the Executive Branch.

IGA staffers facilitate communication between mayors, commissioners, and officials within the Governor’s Office, thereby ensuring that the Executive Branch remains apprised of

issues of local concern. After Superstorm Sandy, IGA restructured its regional outreach by creating a team of specialized regional directors focused on the sixteen municipalities most severely affected by the storm. These “Sandy regional directors” facilitate communication and liaise between local municipalities and the Governor’s Office of Recovery and Rebuilding. The Director of IGA previously managed one team of regional directors. Around June 2013, Sandy regional directors were added to the Director of IGA’s oversight responsibilities. Both teams of regional staffers travel to meet with local elected officials and constituencies and then briefing IGA senior staff.

Governor Christie’s former campaign manager Bill Stepien served as IGA Deputy Chief of Staff for the majority of the Governor’s first term in office.²²⁷ Bridget Kelly joined the Governor’s Office in 2010 as Director of Legislative Relations.²²⁸ Kelly then served as Director of IGA under Stepien. After Stepien left the Governor’s Office in late April 2013 to manage Governor Christie’s re-election campaign, Kelly was promoted to IGA Deputy Chief of Staff.²²⁹

D. Governor’s Office Of Recovery And Rebuilding

Shortly after Superstorm Sandy hit, Governor Christie initiated a comprehensive recovery effort to rebuild New Jersey’s communities. To that end, Governor Christie created the Governor’s Office of Recovery and Rebuilding (“GORR”), which was tasked with coordinating the recovery activities of New Jersey State departments and agencies and interacting with the various federal agencies that control federal aid.²³⁰ On November 28, 2012, Governor Christie appointed Marc Ferzan to manage the Office of the Governor’s Superstorm Sandy recovery efforts. Ferzan, Executive Director of GORR, assembled a team with different focus areas, such as energy infrastructure restoration and resiliency, recovery assistance for disaster-affected homeowners, and social services program support.

IV. FINDINGS OF FACT: THE GEORGE WASHINGTON BRIDGE LANE REALIGNMENT

Based on our review and analysis of numerous documents collected from multiple sources and extensive witness interviews, we provide below our factual findings concerning the George Washington Bridge lane realignment. Our factual findings are presented in four sections: first, we present background information on the George Washington Bridge and the Port Authority of New York and New Jersey; second, we provide background on the Governor's campaign for re-election; third, we detail our findings in chronological fashion; and fourth, we provide an analysis of our findings. We have sought interviews and documents from additional sources regarding the Bridge lane realignment. To obtain additional information, we requested documents from Fort Lee pursuant to OPRA, and received certain documents in response thereto. We also requested interviews with Bridget Kelly, David Wildstein, Bill Stepien, Bill Baroni, and Fort Lee Mayor Mark Sokolich, as well as documents related to the lane realignment from each of these five individuals. Through counsel, all five have declined to cooperate with our investigation.²³¹

Our findings are based on all information currently available and the witnesses' best recollections at the time of their interviews. Those individuals and entities who have not cooperated with our requests may or may not possess relevant information and materials, which we have not had the benefit of reviewing. Accordingly, our findings are subject to change if further information is made available to us.

A. Background On The George Washington Bridge And The Port Authority Of New York And New Jersey

The George Washington Bridge is operated and maintained by the Port Authority.²³² The Port Authority was established in 1921 by a compact between New York and New Jersey, as consented to by Congress, in order to promote the economic growth and trade and transportation

network within the Port of New York District, which includes New York Harbor and parts of New York and New Jersey.²³³ In addition to operating the George Washington Bridge, the Port Authority operates three other bridges (Bayonne, Goethals, and Outerbridge Crossing), two vehicular tunnels (Holland and Lincoln), the Port Authority Trans-Hudson or PATH rail system, three bus terminals, the Trans-Hudson Ferry Services, marine terminals and ports, the region's airport system (John F. Kennedy International Airport, LaGuardia Airport, Newark Liberty International Airport, Stewart International Airport, and Teterboro Airport), and the World Trade Center.²³⁴

The Port Authority was conceived as a financially independent entity; its funds derive primarily from private investors and from tolls and fees collected.²³⁵ The Port Authority does not receive tax revenue from either New York or New Jersey or from any local jurisdiction, and it has no power to tax.²³⁶

A twelve-member Board of Commissioners governs the Port Authority; each Governor appoints six Commissioners.²³⁷ Since 1995, the Governor of New York has appointed the Executive Director and the Governor of New Jersey has appointed the Chairman and the Deputy Executive Director.²³⁸ By statute, the Governors of New York and New Jersey have the right to veto the actions of the Commissioners from their respective states.²³⁹ The power-sharing arrangement between the two states has long been criticized as inefficient and dysfunctional—criticisms which are compounded by Governors from both states reportedly appointing political loyalists to the Port Authority's leadership.²⁴⁰

The George Washington Bridge, construction of which began in 1927, connects the borough of Manhattan, New York, and the City of Fort Lee, New Jersey, over the Hudson River.²⁴¹ The Bridge is part of Interstate 95 and U.S. Route 1/9, and it is one of three trans-

Hudson vehicular crossings connecting New York and New Jersey.²⁴² Upon completion in 1931, the Bridge was the longest suspension bridge in the world.²⁴³ To this day, the Bridge is one of the most celebrated, well-recognized, and iconic bridges in the world. In its first year of operation, the Bridge offered six lanes of traffic and carried approximately 5.5 million vehicles.²⁴⁴ As of 2013, the Bridge, which now contains 14 lanes (eight on the upper level and six on the lower) carried more than 102 million vehicles a year, making it the busiest bridge in the world.²⁴⁵ During a typical morning rush hour, over 37,000 cars and trucks pass through the Bridge toll plaza traveling east from New Jersey to New York, and drivers spend an estimated six days in traffic on the bridge each year.²⁴⁶

From Fort Lee, the Bridge can be accessed via local approach roads, including Martha Washington Way (recently renamed Park Avenue) and Bruce Reynolds Boulevard.²⁴⁷ During peak morning hours, three of the twelve total upper level toll lanes and booths are typically reserved for local traffic originating from these Fort Lee approach roads by using traffic cones to segregate these dedicated traffic lanes.²⁴⁸ The exact date of origin of this practice is unclear; during his testimony before the Assembly Committee, Bridge General Manager Durando estimated that the dedicated Fort Lee lanes were first implemented 30-35 years ago.²⁴⁹

An image of the dedicated Fort Lee local access roads, appears below:

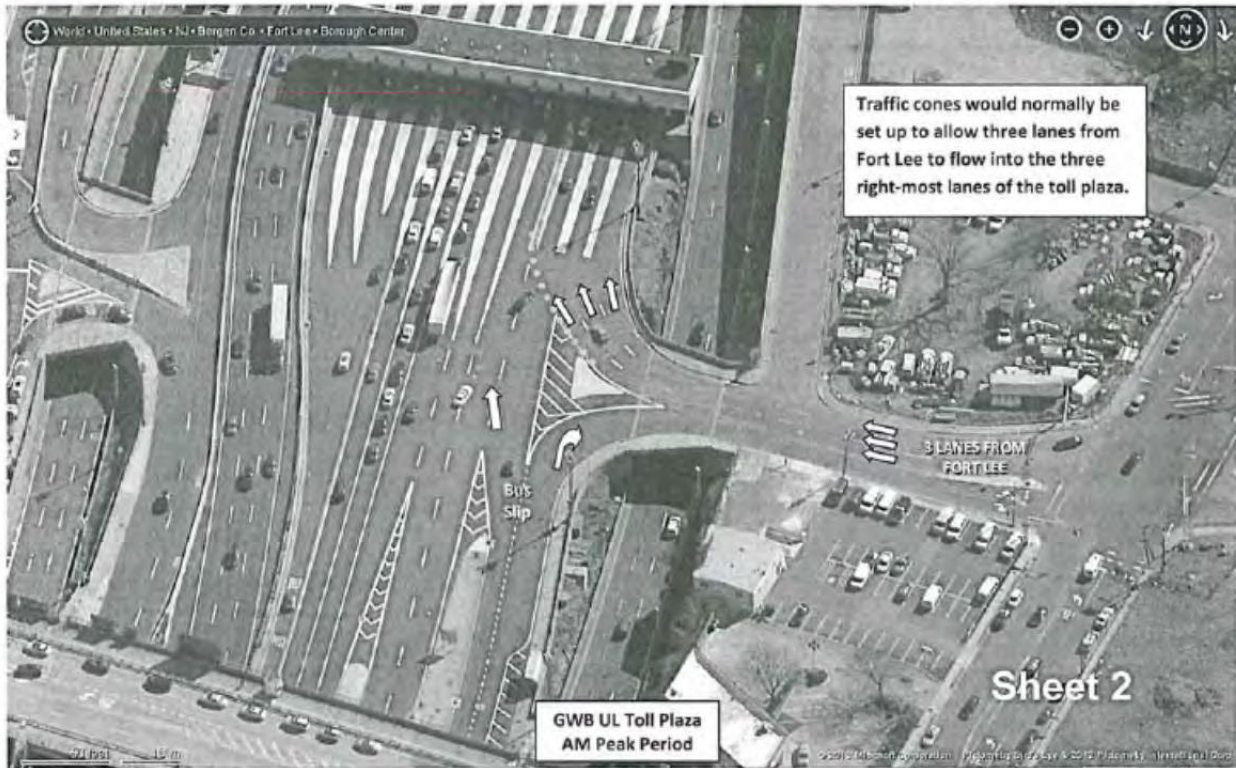


FIGURE 1.²⁵⁰

These dedicated local access lanes increase congestion in the other nine toll lanes, through which the substantial majority of the Bridge's eastbound traffic from Interstate 95 flows.²⁵¹ Additionally, the dedicated local access lanes in Fort Lee are a known short-cut to avoid eastbound traffic back-ups emanating from the toll plaza.²⁵² This short-cut, in turn, increases traffic congestion on local roads and traffic-related concerns for the communities around the Bridge, including Fort Lee, Leonia, Edgewater, and Englewood Cliffs. Fort Lee officials themselves have consistently raised concerns regarding public safety and additional expenses for Fort Lee and local communities—including police, courts, emergency services, and local road maintenance and clean-up expenses—resulting from the proximity of the Bridge and the existence of the access lanes. Fort Lee officials also appear to have a history of considering

and attempting traffic pattern modifications to mitigate these concerns several years before the Port Authority realigned the Fort Lee access lanes.

For example, during the administration of Fort Lee Mayor Jack Alter from 1992 to 2007, Fort Lee challenged the Bridge's tax-exempt status and set up roadblocks on local streets.²⁵³ According to a July 1997 *New York Times* account, Fort Lee police had “standing orders to set up roadblocks at Fort Lee's borders when traffic back-ups on the bridge created absolute gridlock on local streets”—a tactic that Fort Lee officials had used at least twice before between 1994 and 1997.²⁵⁴ In 2003, the Port Authority and Fort Lee—under the leadership of then-Mayor Alter, then-Governor James E. McGreevey, and then-Port Authority Chairman Anthony R. Coscia—agreed to commit \$30 million to alleviate congestion around the Bridge for the benefit of Fort Lee residents and the commuting public through various roadway improvement projects.²⁵⁵

Similarly, in September 2010, Mayor Sokolich met with Bill Baroni to discuss traffic congestion in Fort Lee resulting from the Bridge.²⁵⁶ Addressing that “crippling traffic gridlock” in a follow-up November 9, 2010 letter, Mayor Sokolich explained that “Fort Lee has always had to deal with the extraordinary traffic burdens caused by the George Washington Bridge” and that on approximately “20 occasions over the last forty days, our Borough has been completely gridlocked.”²⁵⁷ Mayor Sokolich identified as one of the causes of this “regular” traffic gridlock the fact that “many vehicles exit the major approach roads and utilize [Fort Lee's] local thoroughfares as a ‘short-cut’ in search of available toll booths,” particularly on weekends when there are fewer available toll booths open.²⁵⁸ “Absent some form of relief” from the Port Authority, Mayor Sokolich concluded: “[W]e find ourselves with no other alternative other than to direct the Chief of Police to completely close off our local roads . . . and thereby require all

vehicles to remain on the major approach thoroughfares (*i.e.*, Route 46, Route 4, Route 80, I-95, etc.) and not otherwise meander through our local thoroughfares which causes safety concerns (especially for children) and complete traffic shut-down for all of our residents.”²⁵⁹

B. Background On The Christie Re-Election Campaign, IGA, And Mayor Sokolich’s March 2013 Decision Not To Endorse Governor Christie

On November 26, 2012, Governor Christie announced his re-election bid for Governor.²⁶⁰

At the time, Bill Stepien, who had managed the Governor’s first gubernatorial election campaign, was serving as the IGA Deputy Chief of Staff, a position he had held for the majority of the Governor’s first term in office.²⁶¹ In late April 2013, Stepien resigned from his IGA position to manage the Governor’s re-election campaign.²⁶² Upon Stepien’s departure from the Governor’s Office, Bridget Kelly—then Director of IGA under Stepien—was elevated to IGA Deputy Chief of Staff, though she lacked Stepien’s expertise and background.²⁶³

Part of the re-election campaign’s strategy was to leverage and showcase Governor Christie’s “crossover appeal”—that is, his widely recognized reputation for working with Democrats and Republicans alike. Specifically, Governor Christie’s re-election campaign aimed to obtain broad support from Democrats and Independents, with a special focus on endorsements from New Jersey Democratic Mayors.

There were IGA regional directors who volunteered during their personal time to help Governor Christie’s re-election campaign. These regional directors typically worked as campaign volunteers during off-hours: in the morning before work, in the evening after work, and during weekends. The general practice was to use personal rather than government email accounts for campaign work.²⁶⁴

* * * * *

While the Governor was running for re-election in 2013, Mayor Sokolich had two principal points of contact within the Governor's Office: Matt Mowers and Evan Ridley. Initially, Mowers was the IGA Regional Director responsible for Bergen County, which includes Fort Lee. When Mowers left the Governor's Office to work for the re-election campaign full-time on April 19, 2013, Ridley took over his responsibilities for Bergen County. Both Mowers and Ridley thus had periodic communication with Mayor Sokolich during the period when a potential endorsement would have been discussed (January through November 2013).

In January 2013, Mayor Sokolich's name appeared on a list of 21 Democratic Mayors from whom the re-election campaign intended to seek endorsements.²⁶⁵ According to Mayor Sokolich, neither Mowers nor Ridley ever "asked directly" for Sokolich to endorse Governor Christie.²⁶⁶ In fact, the first time that Mowers and Mayor Sokolich discussed a potential endorsement, in February 2013, it was Sokolich, not Mowers, who raised the possibility.²⁶⁷ Subsequently, in March 2013, Mowers and Mayor Sokolich casually discussed other Democrats who had recently endorsed Governor Christie; in that context, according to Mayor Sokolich, Mowers would reportedly ask, "[w]hat's on your mind?" or "[i]s that something, you, mayor, would consider?"²⁶⁸

Consistent with Mayor Sokolich's recollection, according to Mowers, he and Sokolich generally discussed a potential endorsement of Governor Christie on two occasions. First, on February 5, 2013, Mowers met with Mayor Sokolich; during that lunch meeting, Sokolich first brought up the possibility that he might endorse Governor Christie. Indeed, in a contemporaneous email summary of the meeting sent to Sheridan, Mowers wrote that "the topic of endorsement" was "one he [Sokolich] raised."²⁶⁹

Second, on March 26, 2013, Mowers had dinner with Mayor Sokolich in Fort Lee, at which time Mowers and Sokolich again discussed a potential endorsement. Mowers recalled that Mayor Sokolich said he was supportive of Governor Christie, but could not publicly endorse the Governor because it might jeopardize his private law practice and ongoing business relationships with local Democratic municipalities. Specifically, Mayor Sokolich suggested that those municipalities—governed by Democrats who would object to his endorsing a Republican—might retaliate against him by withdrawing their business, were he to endorse Governor Christie. That night, Mowers confirmed Mayor Sokolich’s decision not to endorse in writing, texting Sheridan that Mayor Sokolich “is going to be a no. It’s a shame too-I really like the guy[.]”²⁷⁰

When Mayor Sokolich decided not to endorse, his name was removed from the Christie re-election campaign’s internal target list. Mayor Sokolich’s name did not appear on several internal endorsement status memoranda prepared by Sheridan and Renna in April and June, 2013. And Ridley’s contemporaneous summaries of his meetings with Mayor Sokolich confirm that Mayor Sokolich’s position on endorsement did not change throughout that summer.

Mayor Sokolich’s decision not to publicly endorse Governor Christie, conveyed to Mowers on March 26, 2013, does not appear to have affected Mayor Sokolich’s standing with respect to the Administration. To the contrary, Mayor Sokolich was included on an appointment list of Mayors considered for potential appointments. And more broadly, numerous other Democratic municipal officials whose endorsement the campaign targeted ultimately declined to endorse Governor Christie publicly,²⁷¹ yet were typically treated no differently.

C. In-Depth Fact Chronology

The central focus of our investigation was to determine who at the Office of the Governor may have had knowledge of, or involvement in, the Bridge lane realignment. We describe below the available materials concerning the Port Authority’s preparation for the lane realignment, the

implementation of the lane realignment, and the events that followed the reversal of the lane realignment.

1. July–September 2013: Events Preceding The Lane Realignment

a. Summer 2013: Port Authority Preparation For The Lane Realignment

According to former Port Authority Deputy Executive Director Bill Baroni’s November 25, 2013 testimony before the Assembly Committee, in late July 2013, the Port Authority Police Department approached David Wildstein, then-Director of Interstate Capital Projects at the Port Authority, about the Bridge’s traffic lanes and conditions.²⁷² Wildstein appears to have had a prior interest in studying the optimal alignment of these toll lanes. Fulton and Durando testified that Wildstein had inquired about the cone line for the Fort Lee entrance when he and Baroni had visited the Bridge in late 2010 or 2011.²⁷³ After being “told that it was long-time practice based on [an] old agreement with the Mayor of Ft. Lee,” Wildstein reportedly commented to Durando that “‘he wasn’t crazy about the favoritism’ for certain commuters, ‘including lots of New York plates’ as a result of the cone line.”²⁷⁴ Wildstein had also communicated this perception of unfairness about Fort Lee’s dedicated toll lanes to at least one IGA staffer, who recounted a meeting with Wildstein at the Port Authority in May or June 2011, during which Wildstein referred to Fort Lee’s three dedicated access lanes as the unnecessary result of a “political deal.”

According to Baroni’s testimony, in early August 2013, Wildstein met with Port Authority staff in Engineering, Traffic Engineering, and the Department of Tunnels, Bridges, and Terminals (“TBT”) to review traffic conditions on the Bridge.²⁷⁵ Following these meetings, Wildstein reportedly asked the Office of the Chief Engineer “to formulate options to determine whether the Fort Lee lanes were causing a clear and marked increase in Bridge traffic for the 95 percent of drivers who live in other areas of the Bergen and Passaic counties, and across the

state.”²⁷⁶ Durando testified that he had a conversation with Wildstein on August 21, 2013, during which Wildstein asked whether there was any documentation in place, such as a memorandum of understanding, with the Borough of Fort Lee creating the dedicated access lanes.²⁷⁷ Durando later stated that, at that meeting, Wildstein told him that “he’d like to run a test of reducing the number of lanes to the GWB at the Ft. Lee entrance.”²⁷⁸ After Durando warned Wildstein of “severe traffic consequences,” Wildstein responded, in sum or substance, “that’s why you run a test.”²⁷⁹

On August 28 and 29, 2013, in response to Wildstein’s request, Port Authority traffic engineers Jose Rivera and Peter Zipf emailed Wildstein four potential scenarios for modification of the Bridge’s upper level toll plazas.²⁸⁰ Scenario 4 involved restricting Fort Lee traffic “to two lanes then merged into one lane to feed the right-most lane of the toll plaza.”²⁸¹

b. August 2013: Wildstein And Kelly Communicate About The Lane Realignment

On August 12, 2013, Kelly and Wildstein exchanged emails regarding New Jersey ferry service for family members of victims of the September 11 terrorist attacks.²⁸² At 5:25 p.m. on August 12, 2013, Kelly told Wildstein to call her in “15 minutes,” at approximately 5:40 p.m.²⁸³

On the evening of August 12, 2013, between 7:00 and 7:30 p.m., Kelly called Mowers, who was with Peter Sheridan at a diner in Jersey City, about the status of Mayor Sokolich’s potential endorsement. Kelly asked whether Mayor Sokolich was going to endorse Governor Christie, and Mowers responded that he was not. Kelly responded, in sum or substance, that that was all she needed to know.

On August 13, 2013, at 7:34 a.m., Kelly, from her personal email account, wrote to Wildstein, on his personal email account: “Time for some traffic problems in Fort Lee.”²⁸⁴ One

minute later, Wildstein responded: “Got it.”²⁸⁵ An image of this email, produced by Wildstein to the Assembly Transportation Committee, appears below:

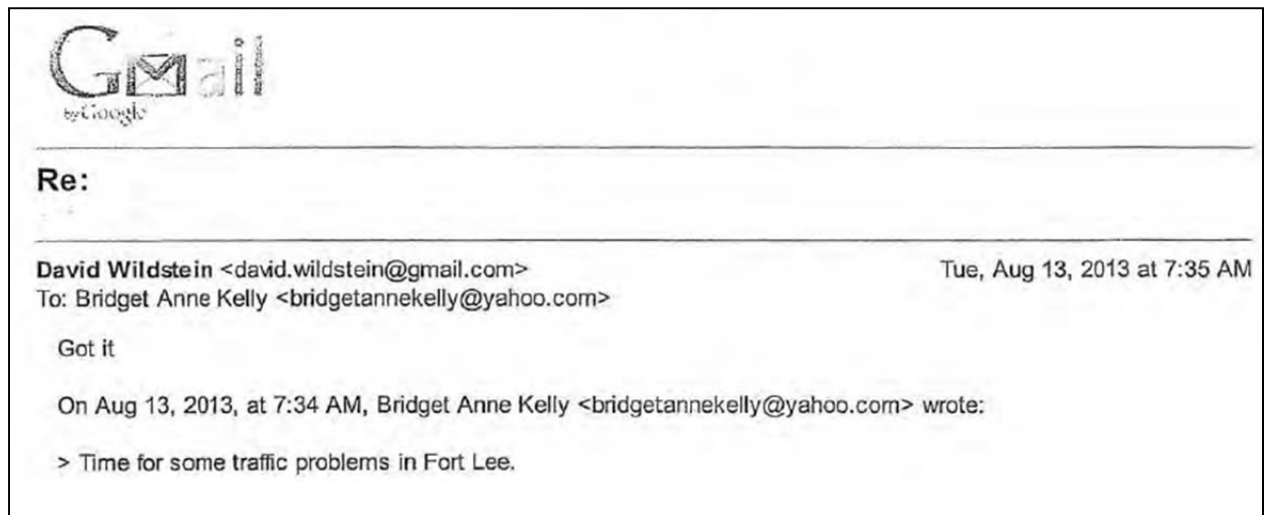


FIGURE 2.²⁸⁶

With causing “traffic problems” apparently still on their minds, on August 19, 2013, Wildstein texted Kelly a photograph of Rabbi Mendy Carlebach, a Port Authority chaplain and Orthodox rabbi, with U.S. House Speaker John Boehner.²⁸⁷ Kelly responded: “I think this qualifies as some sort of stalking[.] You are too much[.]”²⁸⁸ Wildstein responded: “He is Jewish Cid Wilson[.]”²⁸⁹ referring to “a leader in the state’s Afro-Latino community and a Democrat who twice considered running for the state Assembly.”²⁹⁰ Kelly responded: “You are really so funny[.] He is. No doubt[.]”²⁹¹ After Wildstein told Kelly that “he”—referring to Rabbi Carlebach—“has officially pissed me off[.]”²⁹² Kelly wrote, “We cannot cause traffic problems in front of his house, can we?”²⁹³ Wildstein responded: “Flights to Tel Aviv all mysteriously delayed.”²⁹⁴ Kelly responded: “Perfect[.]”²⁹⁵

Around this same time, Kelly became aware that Ridley had apparently met with Mayor Sokolich, on August 16, 2013. Kelly wrote to Renna that same day, asking, “why did he [Ridley] think it was ok to meet with Sokolich?”²⁹⁶ Kelly—who described herself as “irate” and

“on fire”—wrote that Ridley “should not have met with Fort Lee without approval . . . I’m really upset with him.”²⁹⁷ Days later, on or about August 21, 2013, Kelly confronted Ridley and told him that they would need to talk. Ridley followed up with an email later that afternoon to ask Kelly when they should meet and Kelly responded “[t]omorrow.”²⁹⁸ But for reasons unknown, that meeting never occurred. And neither Renna nor Ridley fully knew why Kelly was so angry about Ridley’s reported meeting with Mayor Sokolich.

On August 22, 2013, Renna received an invitation for Lieutenant Governor Guadagno to address the Fort Lee Regional Chamber of Commerce later that October.²⁹⁹ Renna then forwarded the invitation to Kelly.³⁰⁰ Kelly then asked: “Should we do this in light of the Mayor?”³⁰¹ Renna responded: “I guess not. It’s a good Chamber, though.”³⁰² Kelly asked: “I assume the Mayor would go, no?”³⁰³ Renna responded: “Not necessarily if we don’t tell him. He works [at a private law practice], right?”³⁰⁴ Kelly agreed with Renna’s suggestion—“Correct. Good call”—and ultimately confirmed the Lieutenant Governor’s participation in the event.³⁰⁵

On August 28, 2013, Wildstein, using his personal email account, emailed Kelly’s personal email account: “Call when you have a chance re: Ft. Lee – can wait for tomorrow[.]”³⁰⁶ At the time, Kelly was on vacation with her family. Wildstein informed her that it was important that they talk by Tuesday, September 3, 2013.³⁰⁷

c. September 6–8, 2013: Weekend Before The Lane Realignment

On Friday, September 6, 2013, Wildstein directed the Bridge lane realignment to occur the following Monday morning.³⁰⁸ Specifically, Wildstein instructed Durando to reduce the number of toll lanes and booths dedicated to the Fort Lee local access lanes from three to one, effective at 6:00 a.m. on Monday morning, September 9, 2013, thereby increasing the number of toll lanes and booths accessible to mainline eastbound commuters.³⁰⁹ Durando relayed

Wildstein's directive to his "chain of command": to Cedrick Fulton, TBT Director; Durando's operations and maintenance staff; and the Port Authority Police Department Police Captain.³¹⁰

Indeed, Darcy Licorish, Deputy Inspector for the Port Authority Police Department, wrote to then-PAPD Inspector Norma Hardy later that day, September 6, 2013:

On this date the undersigned was informed by the general manager Robert Durando that he was instructed by Wildstein to change the traffic pattern entering upper toll plaza specifically involving toll lanes 20, 22 and 24. Currently these toll lanes are set up to accommodate traffic from Fort Lee streets at Martha Washington way and Bruce Reynolds Blvd. The new pattern will only allow one toll lane #24 to accept that traffic from the local streets. Just to give you an idea which toll lane [is] being referenced, it is the extreme right toll lane of the upper plaza. This measure could impact the volume of traffic from the local streets. I was informed that Mr. Wildstein is scheduled to visit the facility on the initiating date 9/9/13.³¹¹

Durando later testified that he did not inform anyone outside the Port Authority, including the Office of the Governor, and that Wildstein directed him "not to speak to anyone in Fort Lee" during the course of the operation because it would purportedly "impact the study."³¹²

According to Fulton, Fulton asked Wildstein "whether or not he had communicated his intent to the Executive Director [Foye]."³¹³ Wildstein's response, according to Fulton, was: "Don't worry about that. We will take care of it."³¹⁴

Following Wildstein's directive, Port Authority analysts began preparations to assess the traffic impact of the lane realignment. On September 6, 2013, Mark Muriello, Assistant TBT Director, forwarded the August 28 to 29, 2013 lane modification scenarios designed by Port Authority traffic engineers to his team—Jacobs, Chung, and Quelch—and informed them that they would be implementing Scenario 4: a two-lane reduction of the Fort Lee access lanes from three to one.³¹⁵ He enlisted their assistance in assessing the impact of the lane realignment, stating: "Cedrick [Fulton] will be looking for us to do a quick assessment on Fort Lee impacts to be used for a discussion with the Fort Lee Mayor next week. I think what we need is an analysis

of traffic by toll by hour for this past week, and some estimates of what we think might be likely next week with the new toll plaza configuration that is planned.”³¹⁶ It is unknown what “discussion with the Fort Lee Mayor” Muriello anticipated. Muriello further explained: “Presumably[,] the impact [of the lane realignment] may be having more people stay on the main I80/95 approach rather than getting off and find[ing] their way into Fort Lee. However, there are likely to be increased delays and queuing on the local approach roads.”³¹⁷ The team discussed examining recent traffic counts, “Skycomp” base conditions, and turning movements on approach roads.³¹⁸ Muriello noted that the change would significantly affect the peak hour traffic and the local approach from Fort Lee.³¹⁹

There was some concern within the Port Authority about the anticipated effects of the traffic study. Quelch, in a September 6, 2013 email, asked “what is driving” the reduction to one access lane, noting: “A single toll lane operation invites potential disaster. Even with a three lane operation, motorists experience 5–10 min each morning. It seems like we are punishing all for the sake of a few. Very confused.”³²⁰ And two days later, on September 8, 2013, Lieutenant Thomas “Chip” Michaels, a police lieutenant assigned to the George Washington Bridge, asked Licorish whether the new traffic pattern would “affect our normal rush hour operation?”³²¹ Licorish responded: “Most likely. Concerns were made to no avail [sic] locally.”³²²

On Saturday, September 7, 2013 at 9:43 a.m., Wildstein emailed Kelly through their personal accounts: “I will call you Monday A.M. to let you know how Fort Lee goes.”³²³ Kelly responded: “Great. I called you yesterday to talk PATH.”³²⁴ Wildstein responded that he would call Kelly in five minutes.³²⁵

On Sunday, September 8, 2013, the day before the planned lane realignment, Wildstein emailed Durando to let him know that Wildstein would be at the bridge early on September 9,

2013, to observe the lane realignment.³²⁶ Durando confirmed that he too would be at the Bridge and that “[p]olice are aware that they will be controlling traffic in the intersections for the extended rush.”³²⁷ Durando further informed Wildstein that “[w]e’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 needs a personal. See you in the morning.”³²⁸ Wildstein forwarded this response to Baroni.³²⁹ In a separate chain, Durando forwarded to Fulton his prior response to Wildstein, commenting: “Took a shot. He didn’t bite.”³³⁰

2. September 9–13, 2013: Implementation Of The Lane Realignment

a. Day One: Monday, September 9, 2013

On Monday, September 9, 2013, the Port Authority reduced from three to one the number of lanes and booths at the Bridge toll plaza available to those accessing the Bridge from Fort Lee access roads.³³¹ Specifically, the three Fort Lee access lanes were realigned to feed into the one southernmost toll booth—a Cash and E-Z Pass lane—rather than the three southernmost toll booths that had been previously dedicated to traffic from the Fort Lee access lanes, which included one E-Z Pass only lane. The cones effectuating the lane realignment were put into place overnight and were effective at approximately 6:00 a.m., the typical start of morning rush hour traffic on the Bridge.³³²

Wildstein planned to arrive at the Bridge at approximately 6:00 a.m.³³³ and confirmed to Durando at approximately 7:28 a.m. that he was “[g]oing to take a ride” and “see how it looks.”³³⁴ Wildstein “stood at the communications desk for a little while—it’s an area with cameras to look out at the various roadways—limited view, albeit.”³³⁵ Wildstein then “left the communications desk with [Michaels],³³⁶ to ride around the facility for some period of time to see the impact on traffic.”³³⁷ Specifically, at 7:09 a.m., Michaels texted Wildstein: “Want me to pik u [sic] up? Its fkd [sic] up here.”³³⁸ Wildstein responded: “Around 7:30.”³³⁹ At 8:46 a.m.,

Michaels texted Wildstein: “I may hav idea to mak ths beter [sic].”³⁴⁰ At 9:33 a.m., Michaels then texted Fort Lee Police Chief Bendul, proposing a modification to local traffic patterns in order to mitigate congestion. Bendul responded: “Can’t center ave[nue] gridlocked. Suggestion open up 3 toll lanes.”³⁴¹

Slightly before 9:10 a.m., Police Chief Bendul called the Port Authority to express his serious concerns about the lane realignment.³⁴² Durando emailed Wildstein, noting complaints from Bendul:

Just got off the phone with the FLPD Chief who’s 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.³⁴³

Bendul also apparently met with Fulton around 10:30 a.m. or 11:00 a.m., “angrily demand[ing] to know why Port Authority has changed traffic pattern and caused gridlock in Ft. Lee.”³⁴⁴

Around 9:29 a.m., Mayor Sokolich called Baroni to discuss the lane realignment. Baroni apparently did not speak with Sokolich when he called, and Baroni received an email message whose subject line stated: “Phone call: Mayor Sokolich [] re: urgent matter of public safety in Fort Lee.”³⁴⁵ Baroni forwarded the message from his iPhone to Wildstein at his personal email address.³⁴⁶ Wildstein responded: “radio silence.”³⁴⁷ Baroni apparently did not return Mayor Sokolich’s phone call.

From his personal email account, Wildstein re-forwarded Baroni’s forwarded email to Kelly at her personal email address.³⁴⁸ Kelly asked: “Did [Baroni] call him back?”³⁴⁹ Wildstein responded: “Radio silence. His name comes right after mayor Fulop”—an apparent reference to Jersey City Mayor Steven Fulop, whose meetings with Christie Administration officials were

cancelled by Kelly months before. Kelly responded: “Ty.”³⁵⁰ We did not identify any other communications between Kelly and Wildstein in this chain or any evidence that these emails were received by others.

At 11:24 a.m., Tina Lado, the Port Authority’s New Jersey Director of Government and Community Relations,³⁵¹ emailed Baroni, Wildstein, and Fulton to inform them of a phone call from Peggy Thomas, Fort Lee Borough Administrator.³⁵² Thomas called the Port Authority “regarding the increased volume and congestion of AM rush traffic throughout the Borough as a result of the GWB toll lanes adjustment that occurred.”³⁵³ Lado stated that Thomas informed the Port Authority 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.”³⁵⁴ Lado also informed Baroni that Mayor Sokolich had placed calls to his office.³⁵⁵

By approximately 11:45 a.m., traffic had cleared in Fort Lee.³⁵⁶ On the first day of the Bridge lane realignment, traffic lasted a total of three hours longer than traffic prior to the lane realignment.³⁵⁷ Frustrated and angry commuters called the Port Authority with complaints throughout the day. Some of these complaints were forwarded to Fulton, Muriello, and others at the Port Authority.³⁵⁸ Traffic congestion was exacerbated by an accident on the Cross Bronx Expressway—an accident which, according to the Port Authority, undermined the utility of the traffic data collected that day.³⁵⁹

At 1:13 p.m., Durando emailed Fulton about the “plan for tomorrow.”³⁶⁰ He noted:

DW [Wildstein] is supposed to call [m]e later today to discuss. Mark and his staff are working on comparative look at traffic numbers. I was advised that . . . the FLPD Chief would be calling Bill Baroni to discuss today’s operation. Specifically, traffic conditions required Ft Lee officers to remain out on corners, managing traffic instead of attending to public safety issues. He also expressed

grave concern about the inability of emergency response vehicles, ambulance, FLFD to traverse the borough while responding to emergencies.³⁶¹

At 1:50 p.m., Kelly emailed the IGA staffer who covered Northern New Jersey, Ridley, copying Renna: “Have you spoken to the Fort Lee Mayor?”³⁶² Ridley responded: “No, not in a while.”³⁶³ At 1:56 p.m., Kelly sent a similar inquiry to Mowers, the former IGA staffer who had Ridley’s territory before moving to the campaign: “Have you heard from Sokolich in a while,” to which Mowers responded, “I haven’t.”³⁶⁴

At around 2:00 p.m., Fulton called Wildstein to reiterate his reservations about the lane realignment, saying, in sum or substance, “this can’t end well.”³⁶⁵ In response to Fulton’s concerns about Fort Lee’s response to the lane realignment, Wildstein directed Fulton to “go silent on Ft. Lee” and that “Bill Baroni will talk to Pat Foye,” according to Fulton.³⁶⁶

At 2:05 p.m., Durando informed Fulton and Muriello that Wildstein had told him “that Mayor Sokolich called Baroni. BB [Baroni] will get back to the Mayor ‘at some point.’ I’ve been directed by DW [Wildstein] to continue the operation so that we can make a business decision with regard to how to proceed. Mark’s folks are looking at numbers.”³⁶⁷ Durando later informed Rivera that, per Wildstein’s directive, the operation would continue “through tomorrow at a minimum.”³⁶⁸

At 5:24 p.m., Durando asked Fulton if Wildstein had advised Fort Lee that the lane realignment would continue on September 10, 2013.³⁶⁹ Fulton responded that Durando should make “the necessary notifications . . . just to [Durando’s] staff.”³⁷⁰

At 8:46 p.m., Wildstein texted Baroni: “911[.] Call me.”³⁷¹

b. Day Two: Tuesday, September 10, 2013

On Tuesday, September 10, 2013, the lane realignment continued, beginning again at approximately 6:00 a.m.³⁷² According to Durando, traffic was “[a] little better than [September

9] but still not good. I-95 approaches were free and clear by 0830 and the Ft lee approaches were packed.”³⁷³

At 8:04 a.m., Wildstein forwarded to Kelly a text message apparently sent by Mayor Sokolich to Baroni, which stated: “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.”³⁷⁴ Kelly and Wildstein then exchanged the following text messages:

Bridget Kelly: Is it wrong that I am smiling?

David Wildstein: No

Bridget Kelly: I feel badly about the kids
I guess

David Wildstein: They are the children of Buono voters
Bottom line is he didn’t say safety³⁷⁵

[Intervening Text Redacted by Wildstein]

David Wildstein: So I-95 traffic broke about 5 minutes ago, about 45 minutes earlier than usual, because there are 2 additional lanes to handle morning rush.

Bridget Kelly: That is good, no?

David Wildstein: Very good

Bridget Kelly: Small favors³⁷⁶

At 8:39 a.m., Michaels texted Wildstein: “Local ft lee traf[f]ic disaster.”³⁷⁷

At 11:25 a.m., Durando emailed Fulton and informed him that Wildstein would “like to continue the test of tl [toll lane] 24 through tomorrow.”³⁷⁸

That morning, Mayor Sokolich again attempted to contact Baroni.³⁷⁹ At 11:30 a.m., Lado relayed a message from Mayor Sokolich to Baroni via email. She wrote:

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 the 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.³⁸⁰

c. Day Three: Wednesday, September 11, 2013

The lane realignment remained in place on Wednesday, September 11, 2013 for a third consecutive day. According to Durando, the traffic congestion in Fort Lee was the “[s]ame as the last two days. The mainline on I-95 is running very well. The borough continues to be congested, but it is [8:00 a.m.]”³⁸¹ According to analysis by the Port Authority’s Traffic Engineering group, on this date, traffic originating on the I-95 Express Lanes experienced an average reduction of 4.12 minutes in travel time and traffic originating on the I-95 Local Lanes experienced an average reduction of 2.72 minutes.³⁸²

On September 11, 2013, Governor Christie—along with his wife and approximately 4,000 others, including New York Governor Andrew Cuomo, then-New York City Mayor Michael Bloomberg, then-Mayoral candidate and now New York City Mayor Bill de Blasio, former Mayor Rudolph Giuliani, and FBI Director James Comey—attended a 9/11 Memorial event at the World Trade Center in Lower Manhattan to honor the fallen heroes of 9/11 and commemorate the 12th anniversary of the terrorist attacks.³⁸³ As reflected in a series of photographs, Governor Christie met with dozens of politicians, dignitaries, and victims’ families that day. Governor Christie, Baroni, Wildstein, and others from the Port Authority, according to Governor Christie, exchanged pleasantries at the 9/11 Memorial event.³⁸⁴ Dozens of people approached the Governor to shake his hand and take photographs with him.³⁸⁵

Following the 9/11 Memorial event, Governor Christie took a helicopter from the West 30th Street Heliport in Manhattan and headed south directly to Trenton, New Jersey.³⁸⁶

d. Day Four: Thursday, September 12, 2013

The lane realignment remained in place on the morning of Thursday, September 12, 2013, but there had not yet been any press inquiries about it. That same day, at approximately 2:30 p.m., a fire broke out on the boardwalk in Seaside Park, New Jersey, ultimately engulfing the boardwalk rebuilt there after Superstorm Sandy and destroying more than 50 businesses.³⁸⁷ In response to that disaster, Governor Christie immediately traveled to Seaside Park, arriving around 5:30 p.m.; by 7:00 p.m., he had declared a state of emergency and addressed the Seaside Park community.³⁸⁸ Governor Christie brought a number of cabinet officials and senior staff with him to Seaside Park, including Kelly, who was there to liaise with local elected officials.³⁸⁹ Throughout this period, Governor Christie did not have any discussions with Kelly regarding Mayor Sokolich or the Bridge lane realignment.

As the lane realignment continued to cause significant traffic congestion in Fort Lee, Mayor Sokolich again contacted Baroni—this time, by emailed letter.³⁹⁰ At 12:44 p.m., Mayor Sokolich sent a letter to Baroni “in the hopes that a recent decision by the Port Authority will be reversed quietly, uneventfully and without political fanfare.”³⁹¹ Mayor Sokolich stated that the Port Authority’s decision to reduce available toll booths for traffic flowing through Fort Lee from three to one had “wreaked havoc upon [the Fort Lee] community during the morning rush hour” and “negatively impacted public safety here in Fort Lee.”³⁹² Mayor Sokolich noted that “members of the public” had stated “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.”³⁹³ Mayor Sokolich emphasized that he had “incessantly attempted to contact Port Authority representatives to no avail” and requested that someone from the Port Authority call him or Fort Lee Police Chief Bendul to resolve the issue.³⁹⁴

Three minutes later, at 12:47 p.m., Baroni forwarded Mayor Sokolich's letter from his work email address to Wildstein at his personal email address.³⁹⁵ At 12:52 p.m., Wildstein forwarded the letter to both Stepien and Kelly at their personal email addresses.³⁹⁶ At 12:53 p.m., Baroni forwarded the letter from his personal email address to Stepien at his personal email address with a note: "Following up."³⁹⁷ Nineteen minutes later, Stepien responded to Baroni: "Thanks."³⁹⁸ We have not identified any written response from Kelly to Baroni. Later that evening, at 6:03 p.m., Baroni texted Wildstein a message he received from "Serbia," referring to Mayor Sokolich.³⁹⁹ In the message to Baroni, Mayor Sokolich stated: "My frustration is now trying to figure out who is mad at me."⁴⁰⁰

On the afternoon of September 12, 2013, Mayor Sokolich attempted to reach his primary contact in the Governor's Office, Evan Ridley.⁴⁰¹ At the time, Ridley was at a meeting outside the office and returned Mayor Sokolich's call from Ridley's car following his meeting. During their call, Mayor Sokolich complained about the lane realignment and stated that members of the Hoboken City Council had suggested that it could have been retaliatory. Following their conversation, Ridley returned to the State House, where he reported the substance of the call to his superior, Renna. During their conversation, Ridley asked Renna about Mayor Sokolich's speculation that the Office of the Governor might have had involvement in the lane realignment; Renna responded that she did not know one way or the other. Then, at 3:36 p.m., after unsuccessfully trying to speak to Kelly in person, Renna emailed Kelly, through their personal email accounts, summarizing Ridley's report of his phone call with Mayor Sokolich. Renna explained:

The Mayor is extremely upset about the reduction of toll lanes from 3 to 1. Not only is [it] 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 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 can't understand why that would be the case, however, because he has always been so supportive of the Governor. [. . .] Evan told the fine Mayor he was unaware that the toll lanes were closed, but he would see what he could find out.⁴⁰²

Ten minutes later, Kelly forwarded Renna's email to Wildstein, through their personal email accounts.⁴⁰³ Earlier in the day, Wildstein had asked Kelly to call him; she said she would call him later because she was en route to Seaside.⁴⁰⁴ Eight hours after Renna's initial email, at 11:44 p.m., Kelly responded to Renna: "Good."⁴⁰⁵

At 5:14 p.m., consistent with Muriello's September 6, 2013 request for "a quick assessment on Fort Lee [traffic] impacts to be used for a discussion with the Fort Lee Mayor,"⁴⁰⁶ Jacobs emailed Muriello a PowerPoint document entitled "Reallocation of Toll Lanes at the GWB: An EARLY assessment of the benefits of the trial."⁴⁰⁷ The document outlined the Port Authority's preliminary analyses of the lane realignment and explained that the "trial result[ed] in a trade-off between travel time savings for mainline traffic and substantial delays for 'local' traffic."⁴⁰⁸

e. Night Four And Into Day Five: Friday, September 13, 2013 – Foye Reverses Lane Realignment

The Port Authority received its first known press inquiry regarding the lane realignment at approximately 1:17 p.m. on September 12, 2013. John Cichowski, a journalist for *The Bergen Record*, *Herald News*, and *NorthJersey.com*, and author of the "Road Warrior" column in *The Bergen Record*, emailed Chris Valens of the Port Authority Media Relations Department, requesting responses to complaints and questions about the lane realignment.⁴⁰⁹ Cichowski's email included a message from one of his readers, and was accompanied by a letter, postdated September 13, 2013, from U.S. Congressman Bill Pascrell, Jr., to Baroni, requesting information and assistance regarding the lane realignment.⁴¹⁰ Cichowski's email was then forwarded to

various Port Authority personnel, including Durando, Ramirez, Fulton, Lado, Baroni, and Wildstein.⁴¹¹ Wildstein separately forwarded Cichowski’s email from his personal email address to Kelly at her personal email address and to Drewniak, whose press responsibilities typically included matters involving the Port Authority, at his work email address.⁴¹² We have not identified any written response from Kelly or Drewniak to Wildstein.

At 3:18 p.m., Wildstein sent Kelly and Drewniak, at her personal email address and at his work email address, the following draft press response: “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 throughout this transition.”⁴¹³

At 6:27 p.m., Port Authority Assistant Director of Media Relations Ron Marsico circulated a “Port Authority Nightly Media Activity Report” listing various press inquiries—commonly known as “media pendings”—for September 12, 2013.⁴¹⁴ This report was sent to various Port Authority personnel on the New York and New Jersey “sides,” including Baroni, Wildstein, Lado, and Vice Chairman Scott Rechler, as well as Drewniak.⁴¹⁵ Marsico’s email listed seven press inquiries that Port Authority had received on September 12, 2013, and the Port Authority’s response to each inquiry.⁴¹⁶ It noted specifically: “John Cichowski of the Bergen Record inquired about a change in the amount of toll lanes available to Ft. Lee residents at the GWB. We told the reporter that the Port Authority is reviewing traffic safety patterns at the GWB and that PAPD has been in contact with Fort Lee PD throughout the transition”—a statement essentially identical to the draft press response sent by Wildstein to Kelly and Drewniak three hours earlier.⁴¹⁷

Marsico’s circulation of the media pendings prompted an immediate response from Port Authority officials. At 8:39 p.m., Rechler forwarded Marsico’s email to Foye and David Garten,

stating: “We need to get to the bottom of this.”⁴¹⁸ Foye responded three minutes later: “Agree. Very troubling.”⁴¹⁹ The following morning, September 13, 2013, at 6:01 a.m., Foye asked Durando to call him.⁴²⁰ Three minutes later, at 6:04 a.m., Durando forwarded Foye’s message to Wildstein, who requested a post-call update.⁴²¹

Durando and Foye spoke at some time between 6:04 a.m. and 6:47 a.m.⁴²² According to Durando’s December 9, 2013 testimony to the Assembly Transportation Committee, Foye asked Durando if he “was told not to tell” Foye about the lane realignment, and Durando told Foye that he had been.⁴²³ Durando then reported the substance of his call with Foye to Wildstein, writing that Foye “asked about the test” and “why he wasn’t told.”⁴²⁴ Wildstein responded to Durando: “His staff knows, but bb [Baroni] will to [sic] him.”⁴²⁵

Around this time, at 6:33 a.m., Kelly emailed Wildstein: “Let’s talk on my way in,” to which Wildstein responded “Ok” eight minutes later.⁴²⁶

At 7:14 a.m., Foye wrote again to Rechler, expressing his concerns: “Scott I have inquired about this and what I have been told is very troubling. I will keep you posted. Given possible loss of life from delay of emergency vehicles and other factors I am reversing this immediately.”⁴²⁷

At 7:44 a.m., Foye ordered the reversal of the lane realignment.⁴²⁸ Foye’s directive was sent by email to Fulton and Durando, copying Baroni, Rechler, and others.⁴²⁹ Foye wrote: “I am appalled by the lack of process, failure to inform our customers and Fort Lee[,] and most of all by the dangers created to the public interest, so I am reversing this decision now effective as soon as TBT and PAPD tell me it is safe to do so today.”⁴³⁰ Foye further explained that he would “get to the bottom of this abusive decision which violates everything this agency stands for,” and that he intended “to learn how PA process was wrongfully subverted and the public

interest damaged to say nothing of the credibility of this agency.”⁴³¹ Foye asserted that the lane realignment, which he repeatedly characterized as “hasty and ill-advised,” “violates Federal Laws and the laws of both States.”⁴³² In separate emails, Baroni forwarded Foye’s directive to Wildstein at his personal email address, as well as to Regina Egea, Director of the Authorities Unit, which works with and monitors the State’s public authorities.⁴³³ Egea later forwarded the email to Nicole Crifo, then-Senior Counsel in the Authorities Unit, at 11:07 a.m.⁴³⁴ Foye later forwarded the email to New York Director of State Operations Howard Glaser, at 12:20 p.m.⁴³⁵

At 8:04 a.m., the Bridge’s toll lanes were realigned and the three toll lanes and booths formerly dedicated for Fort Lee traffic were restored.⁴³⁶ Foye emailed Baroni and Lisa MacSpadden soon after, asking how the Port Authority could publicize the lane restoration.⁴³⁷

The following email conversation between Baroni and Foye ensued:

Bill Baroni: Pat we need to discuss prior to any communications.

Pat Foye: Bill we are going to fix this fiasco.

Bill Baroni: I am on my way to office to discuss. There can be no public discourse.

Pat Foye: Bill that’s precisely the problem: there has been no public discourse on this.⁴³⁸

A few hours later, around 10:30 a.m., Governor Christie, having returned to Seaside, New Jersey, held a media briefing regarding the Seaside Boardwalk fire.⁴³⁹

At 11:44 a.m., in response to the news of the lane restoration, Wildstein emailed Kelly on their personal email accounts: “The New York side gave Fort Lee back all three lanes this morning. We are appropriately going nuts. Samson helping us to retaliate.”⁴⁴⁰ Kelly responded: “What??”⁴⁴¹ Wildstein responded: “Yes, unreal. Fixed now.”⁴⁴²

In response to press inquiries, the Port Authority released the following comment, provided by Baroni and approved by Foye: “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.”⁴⁴³

As Baroni had already forwarded Foye’s email to Egea by 10:44 a.m. on September 13, 2013,⁴⁴⁴ Egea and Baroni spoke that day by phone about Foye’s email. During their phone conversation, Egea asked Baroni about Foye’s email. In response, Baroni explained to Egea that the Port Authority was simply doing a traffic study to investigate potential inefficiencies in the current lane alignment. Because Foye’s email was laced with accusations, Egea asked if the Port Authority had done anything wrong, and Baroni responded that nothing inappropriate had occurred. Egea was reassured by Baroni’s explanation.

At or around this time, Jeanne Ashmore, Director of Constituent Relations in the Governor’s Office, recalled speaking with Wildstein and Crifo by phone to discuss various constituent complaints the Office had received regarding the lane realignment and resulting traffic congestion.⁴⁴⁵ When asked about the traffic congestion, Wildstein told Ashmore, in sum or substance, that this was not an issue concerning the Governor’s Office.

3. September 14, 2013–January 8, 2014: Aftermath Of The Lane Realignment

a. September 14–19, 2013: Outside Scrutiny And Communications With Mayor Sokolich

At 8:42 a.m., on September 14, 2013, the lane realignment—specifically, Cichowski’s September 13, 2013 “Road Warrior” column, “Closed tollbooths a commuting disaster”—was mentioned for the first time in the Office’s “Must Reads,” daily press clips circulated throughout the Office.⁴⁴⁶ Earlier that morning, at 8:18 a.m., Kelly wrote to Wildstein through their personal email accounts: “Check out the Road Warrior. I’m confused.”⁴⁴⁷ Meanwhile, having cancelled

a planned trip to Florida with his wife for her birthday, Governor Christie returned to Seaside Park, New Jersey, to meet with business owners affected by the boardwalk fire.⁴⁴⁸

On September 16, 2013, *Wall Street Journal* reporter Ted Mann called Port Authority media relations “looking to do a story on the Fort Lee toll booth issue.”⁴⁴⁹ Mann’s inquiry was reported to Foye, Baroni, Wildstein, and others.⁴⁵⁰ Wildstein then emailed Baroni at his personal email account: “I call bullshit on this.”⁴⁵¹

One day later, at 2:16 p.m. on September 17, 2013, in connection with the same story, *Wall Street Journal* reporter Heather Haddon emailed Drewniak and Colin Reed, Deputy Communications Director at the Governor’s Office, requesting comment on the lane realignment.⁴⁵² At 4:03 p.m., Drewniak forwarded Haddon’s inquiry to Kelly: “Coming to chat.”⁴⁵³ At 4:08 p.m., Kelly asked Drewniak to “[c]ome soon[.] Have to go get my kids.”⁴⁵⁴ Twenty-six minutes later, at 4:34 p.m., Drewniak responded to Haddon:

Pardon? It’s an independent agency, and I’ll refer you to the Port Authority. Traffic studies or pilots are done all the time. They’re temporary, and if they’re not done, how can the effectiveness of a new approach be tested? (Between you and me, please: I could be wrong, but I think they don’t warn of traffic studies in advance because it would ruin the data. I heard that somewhere – in [sic] think when DOT did something similar in Princeton. But I’m not sure on this).⁴⁵⁵

At 5:13 p.m., Kelly texted Wildstein: “I spoke to Mike.”⁴⁵⁶ At 11:12 p.m., *The Wall Street Journal* published its first article regarding the lane realignment, “Bridge Jam’s Cause a Mystery.”⁴⁵⁷

Very early the next morning, on September 18, 2013, Wildstein had separate email exchanges about the *Wall Street Journal* article with Stepien and Drewniak. At 4:54 a.m., Wildstein forwarded the article to Stepien’s personal email account.⁴⁵⁸ At 5:16 a.m., Stepien responded: “It’s fine. The mayor is an idiot, though. When [sic] some, lose some.”⁴⁵⁹ At 5:30

a.m., Wildstein responded to Stepien: “I had empty boxes ready to take to work today, just in case. It will be a tough November for this little Serbian.”⁴⁶⁰

Separately, also at 4:54 a.m., Wildstein forwarded the article to Drewniak’s work email.⁴⁶¹ At 7:35 a.m., Drewniak responded: “Not so bad. At least it doesn’t run wild with that crazy allegation it was done as political retaliation. That was a nutty suggestion.”⁴⁶² At 9:24 a.m., Wildstein responded: “I was unusually nervous over this one.”⁴⁶³

The *Wall Street Journal* article appears to have provoked conflict within the Port Authority. The night before the article’s publication, at 8:02 p.m. on September 17, 2013, Samson wrote Rechler: “I am told the ED [Foye] leaked to the WSJ his story about Fort Lee issues—very unfortunate for NY/NJ relations.”⁴⁶⁴ Rechler responded: “After my initial calls I don’t think this is correct. I also called Baroni who didn’t think this was the case.”⁴⁶⁵ Samson forwarded this email chain to Baroni, who responded: “General, I shall again make my concern known to the vice chairman.”⁴⁶⁶

Samson then wrote to Rechler: “For whatever reason, he’s [Baroni] not telling you the facts.”⁴⁶⁷ Rechler responded: “Seems strange based on my inquiries.”⁴⁶⁸ After the *Wall Street Journal* article was published, at 5:34 a.m. on September 18, 2013, Samson, apparently believing Foye responsible for instigating, responded: “More evidence of reckless, counter-productive behavior.”⁴⁶⁹ Rechler responded: “Again . . . I don’t think Pat spoke to anyone at the WSJ particularly after reading the article this morning.”⁴⁷⁰ Samson responded: “I just read it and it confirms evidence of Foye’s being the leak, stirring up trouble—this is yet another example of a story, we’ve seen it before, where he distances himself from an issue in the press and rides in on a white horse to save the day . . . [I]n this case, he’s playing in traffic, made a big mistake.”⁴⁷¹ Rechler told Samson that he did not “agree with your assessment of Pat’s involvement . . . Let’s

not escalate this unless there is clear evidence that he truly spoke to the WSJ.”⁴⁷² Samson then forwarded this email chain to Baroni.⁴⁷³

* * * * *

During this same period, Mayor Sokolich continued to try to communicate with Baroni. On September 17, 2013, at 1:33 p.m., Baroni forwarded Wildstein a message from Mayor Sokolich, and the following text messages ensued:

Bill Baroni: From Serbia

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

[. . .]

Serbia???

David Wildstein: Have not heard back fr Bridget

Bill Baroni: Fck

David Wildstein: Bridget; Just finishing a meeting
So we will speak soon.

Bill Baroni: We could sched a meeting to stave off reporters then pull a faps

David Wildstein: Like for Monday?

Bill Baroni: Too cute. Tuesday or later next week.

David Wildstein: Ok

[. . .]

Ted Mann just called my cell

Bill Baroni: Jesus.
Call Drewniak.

David Wildstein: Can you step put [sic], I'll meet you in board room.⁴⁷⁴

Wildstein then sent to Kelly, by text message, Mayor Sokolich's message to Baroni, and asked her to "[p]lease let me know instructions."⁴⁷⁵ Wildstein informed Kelly that Baroni was "crazed"; Wildstein also noted that *The Wall Street Journal* had just called his cell phone, "so I need to speak with you."⁴⁷⁶ At 2:42 p.m., Kelly texted Wildstein: "I am calling your office. No answer."⁴⁷⁷ At 5:13 p.m., Kelly texted Wildstein: "I spoke to Mike."⁴⁷⁸

On September 23, 2013, Ashmore received a letter from Senator Weinberg, dated September 19, 2013, to Port Authority Commissioner William "Pat" Schuber regarding the lane realignment.⁴⁷⁹ Senator Weinberg expressed her "loss for words regarding the Authority's sudden change in the traffic flow pattern," which "caused a significant hardship for many in the area."⁴⁸⁰ That same day, Ashmore forwarded Senator Weinberg's letter to Kelly and Crifo.⁴⁸¹ Kelly forwarded the letter to her personal email account and then re-forwarded the letter to Wildstein on his personal email account.⁴⁸² Six minutes later, Wildstein responded: "Call me during your drive home."⁴⁸³

b. October 1, 2013: Second *Wall Street Journal* Article

On October 1, 2013, *Wall Street Journal* reporter Ted Mann was working on a second article about the lane realignment. That afternoon, Mann called the Port Authority press office "questioning [Port Authority's] prior statement on this issue that said the toll lanes were closed because of a test when he [Mann] has a copy of an email that Pat sent at 7:44 a.m. on September 13 . . . that says otherwise."⁴⁸⁴ Wildstein received a report of Mann's inquiry at 1:12 p.m., which Wildstein then forwarded to Drewniak at 1:19 p.m.⁴⁸⁵

Two minutes later, at 1:21 p.m., Mann emailed Drewniak directly to request comment.⁴⁸⁶ Mann wrote: “We’ve confirmed that many of the stakeholders were not told this was being done, including police, local officials and the Port Authority’s executive director.”⁴⁸⁷ Requesting comment, Mann asked “whether these closures were in some way intended as retribution for Mayor Sokolich’s failure to endorse Gov. Christie’s re-election bid.”⁴⁸⁸

At 1:40 p.m., Drewniak forwarded Mann’s inquiry to his supervisor, Deputy Chief of Staff for Communications and Planning Maria Comella, copying Reed, and wrote: “I think we should talk about this below from Ted Mann, WSJ. I will forward you an earlier email I had sent to Heather when they did their first story on this.”⁴⁸⁹ Two minutes later, at 1:42 p.m., Drewniak forwarded Comella and Reed a copy of his September 17, 2013 email to Haddon regarding the first *Wall Street Journal* article about the lane realignment.⁴⁹⁰ At 1:45 p.m., Wildstein forwarded to Drewniak Foye’s September 13, 2013 email reversing the lane realignment; Drewniak then forwarded Foye’s email to Comella; Comella forwarded it to Reed.⁴⁹¹

About an hour later, at 2:49 p.m., Drewniak provided a response to Mann: “I answered this a couple of weeks ago. The Port Authority is an independent agency, and I would refer you there about its traffic studies.”⁴⁹²

At 5:48 p.m., Stepien texted Wildstein: “Holy shit, who does he think he is, Capt. America?”, apparently referring to Foye.⁴⁹³ Wildstein responded: “Bad guy. Welcome to our world[.]”⁴⁹⁴

At 10:40 p.m., *The Wall Street Journal* published its second article regarding the lane realignment, “Port Chief Fumed Over Bridge Jam.” That article was based on Foye’s September 13, 2013 email, which was leaked to the *Journal* and reproduced at the time.⁴⁹⁵

Early the next morning, at 7:11 a.m. on October 2, 2013, Wildstein forwarded the *Wall Street Journal* article to Stepien.⁴⁹⁶ At 7:15 a.m., Stepien responded: “I saw. Ultimately, not an awful story. Whatever.”⁴⁹⁷ At 7:36 a.m., Wildstein replied:

Yeah, but we need to address leaks from Foye and his messing with us 5 weeks before election. Baroni and I are at statehouse this afternoon – need to be sure all understand that a trash train bringing NYC garbage by rail through Westfield, east Brunswick, etc is a very bad idea – and will talk to Drewniak and Bridget while there. I feel terrible that I’m causing you so much stress this close to November.⁴⁹⁸

At 7:43 a.m., Stepien responded: “For what it’s worth, I like you more on October 2, 2013 than I did on October 2, 2009.”⁴⁹⁹ At that latter time, Wildstein was an anonymous political blogger.

That afternoon, Wildstein and Baroni visited the State House in Trenton, New Jersey. It appears that they were scheduled to meet with Egea and Crifo at 3:00 p.m., but Egea had to cancel the meeting because another more significant meeting about pending legislation arose.⁵⁰⁰ Wildstein and Baroni met with Kelly and possibly Drewniak at around 3:15 p.m.⁵⁰¹

At 3:45 p.m., Baroni texted Wildstein: “Comella didn’t think much of the story. Said nobody paying attention.”⁵⁰² Wildstein responded: “Bridget same. What did general want?”⁵⁰³ Later that night, Wildstein asked Baroni by email: “Did you hear from Charlie?”⁵⁰⁴

The October 1, 2013 *Wall Street Journal* article prompted a number of conversations within the Office of the Governor. At around this time, Crifo spoke to Wildstein regarding Foye’s September 13, 2013 email. In that conversation, Wildstein told her—as he had others at the Port Authority and within IGA years earlier—that it had “always bothered us” that Fort Lee had three dedicated lanes and that the traffic study was designed to determine the effect of a realignment of those lanes.

The day after the October 1, 2013 *Wall Street Journal* article, Drewniak spoke to Kelly about it. Drewniak went to Kelly because of Kelly’s position dealing with local elected officials

and also her inclusion on the September 12, 2013 email from Wildstein. Drewniak recalled that when he asked Kelly about the October 1, 2013 *Wall Street Journal* article, Kelly brushed off the inquiry, rolling her eyes, and did not acknowledge knowing anything about the lane realignment.

Finally, the Governor recalled seeing an article about the internal Foye email—in all likelihood, the October 1, 2013 *Wall Street Journal* article—and the email itself. The accusations there concerned the Governor: he wanted to know what really happened, particularly because the Foye email claimed violations of law. The Governor recalled McKenna thereafter telling him that McKenna had spoken with Baroni, who told McKenna that the Port Authority was simply doing a traffic study and that Foye was making a big deal about nothing.

c. October–November 2013: Ongoing Legislative And Media Inquiries

On the very next day after this second *Wall Street Journal* article, October 2, 2013, in the month prior to the election, Assemblyman Wisniewski announced that he would convene a hearing to determine who ordered the lane realignment and if they were politically motivated.⁵⁰⁵ During the next few days, Wildstein and Kelly continued to communicate by private text and email, forwarding one another articles about the lane realignment and commenting on the articles.⁵⁰⁶ On October 3, 2013, for example, Kelly texted Wildstein that Mayor Sokolich had referred to the lane realignment as a “dumb mistake” in an October 2, 2013 *Bergen Record* article.⁵⁰⁷ That article also referenced Mayor Sokolich’s statement that “he doesn’t believe the closures had anything to do with him.”⁵⁰⁸

In early October, Senator Weinberg asked the Port Authority that she be afforded the opportunity to make a statement at a Port Authority Governance and Ethics Committee meeting scheduled for October 7, 2013.⁵⁰⁹ Baroni contacted Egea to discuss Senator Weinberg’s request as public comments are generally only allowed during Port Authority Board meetings, not

Committee meetings. Egea discussed the issue with Crifo and concluded that there was no guidance one way or another as to whether allowing public comment was required or permissible. Egea therefore deferred to McKenna to advise Baroni. On October 5, 2013, McKenna advised Baroni that because Senator Weinberg was a sitting legislator, she should be afforded the courtesy of addressing the Committee meeting.⁵¹⁰ One day later, October 6, 2013, Kelly forwarded to Wildstein an article regarding Senator Weinberg's upcoming appearance at the Port Authority committee meeting.⁵¹¹ Wildstein responded: "Baroni spoke to McKenna over weekend, Loretta will speak at start of committee meeting (even though there is no public comment at this meeting) and Schuber is chairing."⁵¹² After Weinberg had addressed the committee, on the afternoon of October 7, 2013, Steve Strunsky of *The Star-Ledger* sought comment from Drewniak, asking "whether Port Authority 'Frat Boys' had orchestrated the closures as retrobution [sic] for Mayor Sokolich's refusal to endorse Gov. Christie."⁵¹³ Drewniak then forwarded Strunsky's inquiry to O'Dowd.⁵¹⁴

On October 16, 2013, the Port Authority held a monthly board meeting, after which Foye announced that the Port Authority was conducting an internal review to determine why the lanes were realigned and whether proper procedures were followed.⁵¹⁵ Senator Weinberg attended the Port Authority meeting and announced her intent to introduce a Senate resolution to grant subpoena power to a special committee to investigate the Bridge lane realignment.⁵¹⁶ Afterward, Egea sent O'Dowd, McKenna, and Drewniak a report on the meeting:

Sen Weinberg attended bd mtg but did not speak. Had a hallway conv w Strunsky and Ted Mann before bd mtg. After Bd mtg, she was admitted into ante room where the press gaggle is held. Typically only press and PANYNJ exec team. Questions ensued on ft lee but holding to script of "all under review." She held post interview in hallway.⁵¹⁷

On October 17, 2013, at 7:53 p.m., Wildstein forwarded Drewniak an email chain regarding a press inquiry from *Wall Street Journal* reporter Ted Mann.⁵¹⁸ In this email chain,

Coleman forwarded a summary of Mann’s inquiry to Foye, Baroni, Wildstein, and others, stating that: “Ted said he was told by sources that David [Wildstein] was in Fort Lee directing the lane closure operation on Sept 9 and Ted is asking why he was there. He plans to include this information in his story tomorrow.”⁵¹⁹ To Coleman’s summary, Foye responded: “Defer to Bill.”⁵²⁰ While forwarding this email chain to Drewniak, Wildstein commented: “DIRECTING lane closures would be grossly inaccurate. Foye is a piece of crap.”⁵²¹ Two hours later, at 9:48 p.m., Drewniak, using his personal cellphone, texted O’Dowd on his personal cellphone: “A new high level of shit is hitting the fan tonight on the Ft Lee/GWB issue. Maybe you should know about it.”⁵²² *The Wall Street Journal* did not publish an article on the lane realignment on October 18, 2013.

Twelve days later, on October 28, 2013, Strunsky of *The Star-Ledger* emailed Drewniak to inquire about the lane realignment.⁵²³ Strunsky cited Mayor Sokolich’s September 12, 2013 letter to Baroni, as well as speculation that Mayor Sokolich’s decision not to endorse Governor Christie for re-election was the reason for the lane realignment.⁵²⁴ Specifically, Strunsky asked whether the Governor was aware of any plan “to close GWB access lanes in retrobution [sic] for Mayor Sokolich’s failure to endorse the governor for re-election.”⁵²⁵ Drewniak responded: “No, for goodness sake. The Governor of the State of New Jersey does not involve himself in traffic studies.”⁵²⁶

Eight days after the *Star-Ledger* inquiry, on November 6, 2013, *Wall Street Journal* reporter Mann emailed Drewniak again to ask about the lane realignment.⁵²⁷ Drewniak forwarded Mann’s inquiry to Reed and Comella, commenting: “It’s back.”⁵²⁸ He also forwarded the email to his personal email account and re-forwarded it to Wildstein at his personal email address; they agreed to speak “within the next hour.”⁵²⁹ That afternoon, Drewniak responded to

Mann’s email: “For goodness sake, the Governor of the State of New Jersey does not involve himself in traffic surveys.”⁵³⁰ The following day, on November 7, 2013, *The Wall Street Journal* identified Wildstein as having “called two bridge officials and [having] ordered them to shut off two local access toll lanes for drivers headed across the bridge from Fort Lee, N.J., into New York City . . . without notice to police, emergency officials or officials on the New York side of the Port Authority’s leadership.”⁵³¹

On November 7, 2013, New Jersey State Senators Weinberg and Raymond J. Lesniak introduced New Jersey Senate Resolution 127—which would have constituted the Senate State Government, Wagering, Tourism, and Historic Preservation Committee (the “Senate State Government Committee”) as a special committee of the New Jersey Senate—to “investigate all aspects of lane closures implemented by the Port Authority of New York and New Jersey, including, but not limited to, the recent closure of two access lanes from Fort Lee to the George Washington Bridge, the internal process followed by the Port Authority in implementing lane closures, and the use of lane closures as a tool to conduct traffic safety studies.”⁵³² For these purposes, Resolution 127 would have granted subpoena power to the Senate State Government Committee.⁵³³ Lado forwarded Resolution 127 to Samson, Baroni, and Wildstein.⁵³⁴

At 7:24 p.m. on November 12, 2013, Baroni texted Wildstein: “Are we being fired?”⁵³⁵ The following day, November 13, 2013, there was a Port Authority Board meeting in Jersey City, which Baroni and Wildstein attended. That morning, Baroni texted Wildstein: “He really wants to intro gov first[.] Wisniewski coming to board[.] Another reason nj meetings are great[.]”⁵³⁶ Wildstein responded: “Yep.”⁵³⁷ Wildstein responded: “Update on tomorr[o]w??”⁵³⁸ At 12:03 p.m., Wildstein texted Baroni: “Instructions for gaggle . . . Do we let Weinberg and wiz attend? Can we stop them?”⁵³⁹ Baroni responded: “How do we stop them? It just creates

an issue[.]”⁵⁴⁰ Wildstein responded: “I don’t see how but need to ask you[.]”⁵⁴¹ Baroni responded: “Yeah they will beat us up either way.”⁵⁴²

That same day, November 13, 2013, *The Star-Ledger* published an article about the lane realignment, “Fort Lee mayor asserts GWB bridge closures had ‘punitive overtones,’” which suggested that the lane realignment “might have had to do with the mayor’s failure to support Gov. Chris Christie’s re-election campaign.”⁵⁴³ In response, Mayor Sokolich wrote a letter to the editor, stating that he had read the article “with disappointment” and that the article’s suggestion “is simply not true.”⁵⁴⁴ Mayor Sokolich wrote: “I have consistently and without deviation stated on the record that in no way do I believe that these lane closures are a result of my refusal to support the governor. In fact, I advised you that I was never asked to either support or endorse the governor.”⁵⁴⁵

Also on November 13, 2013, Senator Weinberg filed a public records request with the Port Authority seeking information and documents relating to the lane realignment.⁵⁴⁶ Weinberg followed up a few days later with an open letter to the Port Authority asking if the lane realignment was “someone’s idea of a really bad joke or for some petty political payback.”⁵⁴⁷

d. November 25, 2013: Baroni Testifies Before The Assembly Committee

On November 20, 2013, the Assembly Transportation Committee invited Baroni to testify on November 25, 2013, at 10:00 a.m.⁵⁴⁸ Leading up to the hearing, a draft of Baroni’s opening statement was provided to Egea and Crifo for review because of the Authorities Unit’s role in monitoring the Port Authority. They reviewed a draft of his opening statement and provided comments, primarily in a November 19, 2013 conference call among Egea, Crifo, Baroni, Wildstein, and Philippe Danielides, Senior Advisor to Port Authority Chairman David Samson. The comments, conveyed by Egea, mainly suggested that Baroni’s opening statement

be shorter and simpler, and that he should confine his remarks to the portions of his draft statement focused on how the Port Authority was studying optimization of traffic through the realignment of a set number of toll lanes. Egea also suggested that Baroni focus on the traffic study results, which were in the prepared opening statement that Egea had reviewed; Egea recalled the traffic study results for Tuesday and Wednesday, September 10 and 11, 2013, showed improvements in I-95 traffic flow. Egea also encouraged Baroni to acknowledge error in failing to follow the Port Authority's normal protocols for communicating the Port Authority's operational decisions.⁵⁴⁹

Crifo also participated in reviewing Baroni's draft opening statement. Crifo shared Egea's view that Baroni's testimony should focus on the concrete underlying facts as Egea and Crifo understood them from what Wildstein and Baroni had told them: that the Port Authority had conducted a poorly communicated traffic study. In addition, Crifo understood it would have been counterintuitive for the Port Authority to tell people about the study beforehand because it might have skewed the data.

Egea advised McKenna that Baroni would be testifying, as she would normally do whenever any senior official was addressing a legislative committee, and that she was advising him to be clearer and more concise in his opening statement.⁵⁵⁰ McKenna also spoke to Baroni about his testimony. After Baroni provided McKenna with a brief report on his intended testimony, McKenna made two recommendations to Baroni: first, not to be combative with the Committee; and second, to apologize to the people of Fort Lee who were stuck in traffic, regardless of the merits of the traffic study. Around this time, the Governor heard that there was an issue as to whether Baroni should appear before the Committee without a subpoena; the Governor's reaction was that Baroni should appear and testify before the committee.

On November 21, 2013, Baroni asked Wildstein to provide the “exact upper level number of lanes from tomorrow” [sic].⁵⁵¹ Wildstein responded: “Will take gw bridge to work.”⁵⁵² On the morning of November 25, 2013, Wildstein sent Kelly, through their personal email accounts, E-Z Pass Registration statistics for eastbound traffic on the George Washington Bridge, which stated that 4.5 percent of eastbound vehicles were registered from Fort Lee.⁵⁵³ Wildstein also wrote that committing “25% of all lanes (3 of 12) out of circulation for Fort Lee backs up truck traffic from Route 4, 46, 80 and 95, causing delays.”⁵⁵⁴

On November 25, 2013, Baroni addressed the Assembly Transportation Committee.⁵⁵⁵ Given the increased media and legislative scrutiny of the lane realignment, certain employees of the Governor’s Office listened to Baroni’s November 25 testimony. For example, Egea and Crifo listened to the testimony live-streamed through their computers, while McKenna had the testimony streaming in the background.

According to Egea, Baroni’s opening remarks diverged from the remarks he had earlier drafted and he did not follow Egea’s advice. In his testimony, Baroni provided traffic statistics and explained that Wildstein requested the lane realignment as part of a traffic study “to determine whether the Fort Lee lanes were causing a clear and marked increase in Bridge traffic for the 95 percent of drivers who” do not reside in Fort Lee.⁵⁵⁶ Baroni stated that Wildstein had been approached by Port Authority Police in late July 2013 and met with Port Authority officials in the TBT and Traffic Engineering Departments in August 2013 to review information relating to the Fort Lee access lanes.⁵⁵⁷ This was the first time that a Port Authority representative publicly held Wildstein responsible for having ordered the lane realignment. Baroni further stated that “[a]t all times during the week of the study, the Port Authority Police Department monitored traffic on the George Washington Bridge. They were alert for emergency vehicles in

the area, and prepared to further alter traffic patterns in the event of an emergency.”⁵⁵⁸ Baroni acknowledged that the Port Authority’s communication with Fort Lee officials with respect to the lane realignment had been flawed: “[T]he Port Authority did not provide timely notice of the lane closure to the Fort Lee Police Department, nor secure the complete buy-in from the entire agency before proceeding. These communications breakdowns are not consistent with the Port Authority’s commitment to transparency, and we must—and we will—do better.”⁵⁵⁹ Baroni also proposed policy changes to the Port Authority to ensure that traffic studies and other non-emergency changes are properly reviewed and that proper notice is provided prior to implementation.⁵⁶⁰

At 12:45 p.m., based on reading real-time news reports, Drewniak sent Wildstein an email with subject line: “Seems to be going okay overall.” In the email, Drewniak wrote: “With the question raised: how to justify 3 lanes for a relatively small number of commuters. Even [Wisniewski] had to acknowledge that, right?”⁵⁶¹ Fifteen minutes later, Wildstein responded: “Most importantly Gov was not brought in to this.”⁵⁶²

After the hearing, Baroni asked Wildstein for feedback.⁵⁶³ Wildstein responded: “PAPD said all was fine[.] You did great[.]” Baroni asked, “Trenton feedback”? Wildstein responded: “Good[.] O’Toole statement ready.” Baroni responded: “Just good? Shit.” Wildstein responded: “I have only texted brudget [sic] and Nicole they were VERY happy. . . . Both said you are doing great[.] Charlie said you did GREAT[.]”⁵⁶⁴ Crifo told Wildstein she thought Baroni’s testimony went well, but in fact, she was frustrated that Baroni had not said that the purpose of a traffic study is to assess the actual impact on existing traffic flows, and that publicizing the traffic study beforehand might have skewed the data. The Governor asked McKenna how the testimony went and McKenna told the Governor that it went fine. McKenna

advised the Governor that Baroni shared the evidence of the traffic study and apologized for not having discussed the plan with Foye. Contrary to what Wildstein reported to Baroni, though, McKenna did not tell Wildstein or anyone else that Baroni did “great.” In fact, McKenna thought Baroni was too combative.

On November 26, 2013, at 9:15 a.m., Stepien texted Baroni: “Hey, great job yesterday. I know it’s not a fun topic, and not nearly as fun as beating up on [the late U.S. Senator] Frank Lautenberg, but you did great, and I wanted to thank you.”⁵⁶⁵ Thirty-six minutes later, Baroni responded: “Thanks William. Loretta and wis will keep their nonsense but at least we have explained the counter narrative.”⁵⁶⁶

Two days after Baroni’s testimony, on November 27, 2013, Assemblyman Wisniewski described Baroni’s testimony as “unprofessional” and having “created many more unanswered questions.”⁵⁶⁷ The Assembly Transportation Committee then subpoenaed Foye to testify at a special hearing scheduled for December 9, 2013.⁵⁶⁸

e. December 2, 2013: Governor’s First Press Conference

On December 2, 2013, Governor Christie held a press conference to nominate O’Dowd as the State’s next Attorney General and to appoint Egea as his next Chief of Staff to replace O’Dowd.⁵⁶⁹ During the Q&A at the press conference, the Governor was asked about the lane realignment and, consistent with his understanding at the time that this was an insignificant and irrelevant event, he joked: “Unbeknownst to everybody. . . I actually was the guy working the cones out there.”⁵⁷⁰ Later in his response, the Governor stated: “I didn’t work the cones, just so we’re clear on that. That was sarcastic.”⁵⁷¹ He also stated that he did not know that three toll lanes were dedicated to local traffic from Fort Lee “until all this stuff happened” and that he would encourage the Port Authority to review that policy.⁵⁷² With respect to Mayor Sokolich, Governor Christie commented: “To the best of my knowledge I don’t know if I’ve ever met the

mayor of Fort Lee. I may have met him once. So the fact that he didn't endorse me came as no, you know, wild shock to me."⁵⁷³

The December 2, 2013 press conference occasioned increased media attention. For example, in a December 4, 2013 *Associated Press* report, the head of the Port Authority police union, Nunziato, commented to the press that "he [had] suggested to David Wildstein . . . that traffic patterns at the bridge be studied. He characterized as 'a load of garbage' an internal email from [Foye] . . . in which Foye harshly criticized the closures."⁵⁷⁴ Nunziato stated that there was no "ambulance delay" or "police service delay," and that the Port Authority had not, in his 26 years' experience, "communicate[d] to Fort Lee what we do up there."⁵⁷⁵

Following a Port Authority board meeting on December 4, 2013 Crifo met with Samson, Foye, Baroni, and Danielides. Samson confirmed that Foye would testify at the December 9 Assembly Committee hearing.

f. December 4, 2013: Wildstein And Drewniak Have Dinner

On December 3, 2013, at 10:51 p.m., Wildstein, who was socially friendly with Drewniak, wrote Drewniak that he needed "to talk to you soon, in person, once you get caught up and have some time."⁵⁷⁶ The following morning, at 8:15 a.m. on December 4, 2013, Drewniak asked Wildstein if he wanted to meet for dinner that evening in New Brunswick, New Jersey. Wildstein and Drewniak agreed to meet that evening.⁵⁷⁷

McKenna recalled Drewniak telling him about this planned dinner later that day. Specifically, McKenna recalled that Drewniak sought McKenna's guidance as to how Drewniak should approach the subject of Wildstein's continued employment. By that time, it was apparent Wildstein would be asked to step down at the Port Authority. It had already been contemplated by the Christie Administration that the Governor would replace his team for his second term, and the lane realignment issue, for which Wildstein was admittedly responsible, simply accelerated

that time table. McKenna counseled Drewniak to use his best judgment and, if appropriate, preview that Wildstein would likely be asked to resign his employment.

Drewniak and Wildstein had dinner on the night of December 4, 2013. The majority of the dinner was social, with discussion focusing on family and politics. Wildstein expressed his concerns about his future, his position at the Port Authority, and how he was viewed in the Governor's Office (something with which Wildstein was preoccupied). Drewniak believed that Wildstein would not remain in his role for much longer, and he endeavored to primarily listen to Wildstein. Drewniak observed that Wildstein seemed anxious during the dinner. During the dinner, Wildstein repeated to Drewniak that Kelly and Stepien had some knowledge of the traffic study, and, for the first time, Wildstein claimed that he had mentioned the traffic study to the Governor at a public event during the period of the lane realignment. Wildstein said this as he reiterated that the lane realignment was his idea and a legitimate traffic study, and he never admitted or even suggested to Drewniak that he or anyone else had any ulterior motive.

Toward the end of the dinner, Wildstein took out a packet of papers, said that these papers were the "traffic study," and described them. Drewniak listened to Wildstein but did not ask questions about the study or review the documents Wildstein displayed. Drewniak did not recall providing any particular advice to Wildstein that night, other than to sit tight and wait for things to play out. Drewniak tried to keep the conversation light because he believed that Wildstein would soon be asked to resign and that nothing that Wildstein said about the lane realignment could change that.

The following morning, on December 5, 2013, at 8:26 a.m., Wildstein emailed Drewniak to thank him for "all of your sound advice last night. I always appreciate your friendship. Spoke with O'Toole this morning and he will talk with you later today."⁵⁷⁸

g. December 5–6, 2013: Wildstein’s Resignation

Later that same day, December 5, 2013, Drewniak recalled going to O’Dowd’s office where the two of them discussed the Governor’s second term and their futures in the Administration. The conversation then moved to Drewniak’s dinner with Wildstein from the night before. At around this point, the Governor entered O’Dowd’s office, as he often would. Drewniak informed O’Dowd and the Governor that Wildstein claimed he mentioned the traffic issue to the Governor at a public event during the period of the lane realignment. The Governor responded that he did not recall any such comment. Drewniak asked about Stepien and Kelly. The Governor responded that he wondered whether Stepien had disclosed everything he knew about the lane realignment. As the conversation continued, Drewniak recalled that Governor Christie said that Wildstein and Baroni “had to go,” and would be asked to resign soon. According to Drewniak, the Governor also said that Gramiccioni would be replacing Baroni at the Port Authority and that McKenna would set up meetings with Baroni and Wildstein to inform them of their resignations. O’Dowd recalled a similar conversation at around the same time, although he cannot recall the specific date. O’Dowd recalled Drewniak conveying some vague information that Wildstein had told him about mentioning a traffic issue to the Governor at the 9/11 Memorial event. O’Dowd recalled the Governor acknowledging that he spoke briefly with Wildstein at the event, but did not recall any mention of a traffic study, lane realignment, or traffic problems. O’Dowd also recalled Drewniak commenting that Wildstein said he also told Stepien and Kelly about this supposed exchange. The Governor recalled speaking briefly with O’Dowd and Drewniak about Drewniak’s dinner with Wildstein, which the Governor found surprising because he had not realized that Drewniak and Wildstein socialized in that manner.

Thereafter, also on December 5, 2013, Drewniak was informed that McKenna would be seeking Wildstein’s resignation the next day. At 8:00 p.m. on December 5, 2013, Drewniak

texted McKenna: “Charlie, it’s Mike. Did you make the calls with Wildstein and Baroni? I was with the Gov and discussing around 5.”⁵⁷⁹ At 9:25 p.m., McKenna responded: “I will talk to Wildstein tomorrow morning and Bill next week.”⁵⁸⁰

On December 6, 2013, McKenna drove to the Governor’s Office in Newark, New Jersey, to meet with Wildstein at 10:00 a.m. At the beginning of the meeting, McKenna told Wildstein, “You know where this is going,” and that he had until 2:00 p.m. to resign. Wildstein did not seem surprised by the news. Wildstein told McKenna that the lane realignment was his “idea.”

On the afternoon of December 6, 2013, Drewniak sent Wildstein two versions of a draft statement from the Governor’s Office regarding Wildstein’s resignation.⁵⁸¹ Drewniak explained that he was “trying to balance interests here and the fact that Maria and Charlie gave approval to the earlier one. I don’t intend to bring it back to them, so I can’t go much further.”⁵⁸² Drewniak forwarded a draft statement to Governor Christie; at 3:51 p.m., Governor Christie sent a slightly revised statement back to Drewniak, adding a phrase thanking Wildstein for his service.⁵⁸³ At 5:14 p.m., Drewniak sent *Bergen Record* reporter Shawn Boburg a revised statement, “attributable to me.” Drewniak then forwarded his email to Boburg to Drewniak’s own personal email account, and then re-forwarded the email to Wildstein, explaining “[t]his was my revised – which I sent to the Gov and he approved (no Maria or Charlie).”⁵⁸⁴

In his December 6, 2013 resignation letter to Baroni, Wildstein wrote: “My plan was to leave the agency at some point next year, but the Fort Lee issue has been a distraction, and I think it’s better to move on earlier.”⁵⁸⁵ At this time, Wildstein’s resignation was to be effective on or about December 31, 2013.

h. December 9, 2013: Foye And Other Port Authority Officials Testify Before The Assembly Committee

On December 9, 2013, Fulton, Durando, and Foye testified at a special hearing before the Assembly Transportation Committee.⁵⁸⁶ Individuals in the Governor's Office were aware of the scheduled testimony, and a number listened to the hearing, in whole or in part. Egea and Crifo listened to most of the hearing; Gramiccioni and McKenna listened to portions of the testimony, as did the Governor while eating lunch.

Fulton, Director of Tunnels, Bridges, and Terminals, testified that Wildstein informed him on the morning of September 6, 2013, by telephone that Wildstein had given Durando a "directive" to commence a traffic "study" and "implement the closure" on Monday, September 9, 2013.⁵⁸⁷ Asked whether such a directive was "unprecedented," Fulton responded: "I've never participated in a process like that before."⁵⁸⁸ Fulton testified that he urged Wildstein to tell Foye and Fort Lee officials about the lane realignment on September 6, 2013, and again on September 9, 2013.⁵⁸⁹ Regarding notification to Foye, Fulton stated that Wildstein told him: "Don't worry about it; we'll take care of that"; regarding notification to Mayor Sokolich and Fort Lee Police Chief Bendul, Fulton stated that Wildstein told him "[n]ot to worry about that."⁵⁹⁰ Fulton testified that he told Wildstein in a second telephone conversation on September 6, 2013, that the lane realignment "will not end well" because of likely traffic congestion, to which Wildstein responded that it was appropriate to conduct a "test to understand" the potential benefits to all motorists from the realignment.⁵⁹¹

Durando, General Manager of the George Washington Bridge, testified that Wildstein called him on the morning of September 6, 2013, to direct the lane realignment, which Wildstein presented as a "traffic study."⁵⁹² Durando said that Wildstein instructed him not to "speak to anyone in Fort Lee" because it would ostensibly "impact the study," and that he complied with

this directive because he was “concerned about . . . Mr. Wildstein’s reaction.”⁵⁹³ Durando testified that if there was a traffic study, it had not resulted in any report of which he was aware.⁵⁹⁴

Foye testified that he deemed the lane realignment “an ill-advised operation” that did not meet the “standards we employ when a traffic alteration is contemplated at any of our facilities,” and “bypassed normal operating procedures, without proper transparency and openness.”⁵⁹⁵ Foye testified that Wildstein “made the decision on or about September 5” to realign the Fort Lee access lanes, but “failed to provide notice” to Port Authority leadership or Fort Lee officials.⁵⁹⁶ Foye testified that he was “not aware of any traffic study” and did not know “why” the lane realignment “was done.”⁵⁹⁷ Foye also noted that “procedures have been put in place to prevent future solitary employees making arbitrary decisions. . . . I am confident that what occurred that week cannot recur.”⁵⁹⁸ Foye did not identify specific procedural safeguards that have since been implemented.⁵⁹⁹

i. The Week Of December 9–13, 2013: Investigations Of The Lane Realignment Expand

On December 10, 2013, Port Authority Inspector General Robert Van Etten commenced an investigation of the lane realignment at the letter request of New Jersey State Senator Richard Codey, dated November 27, 2013.⁶⁰⁰ Foye forwarded Senator Codey’s letter to Governor Cuomo’s Director of Operations Howard Glaser, Governor Cuomo’s Chief of Staff Joshua Vlasto, and Governor Cuomo’s Communications Director Melissa DeRosa; Glaser then forwarded the letter to Larry Schwartz, Secretary to Governor Cuomo.⁶⁰¹

On December 12, 2013, the Assembly Transportation Committee issued seven additional subpoenas requesting documents and communications from the following Port Authority officials: Baroni, Foye, Wildstein, Fulton, Durando, Licorish, and Nunziato.⁶⁰²

In addition, at some point between December 9 and 11, 2013, the Governor spoke on the telephone to Michael DuHaime, a political consultant who worked on the re-election campaign, about the growing controversy surrounding the lane realignment issue. DuHaime mentioned that he had recently spoken to Wildstein, who told him that the traffic study was Wildstein's idea and that Wildstein would take responsibility for it. Wildstein also told DuHaime that Wildstein would not have proceeded with this traffic study without approval, and that Kelly and Stepien had known about it. DuHaime, who had no prior knowledge or involvement in this lane realignment decision, found what Wildstein said to be surprising. In response, the Governor told DuHaime that he would talk to Stepien.

j. December 12, 2013: Gramiccioni Communicates With Baroni

In the days leading up to December 12, 2013, Gramiccioni was in regular contact with Baroni in order to prepare for her transition to the Port Authority. Although not yet publicly announced, Gramiccioni had been asked by Governor Christie just after Election Day, November 5, 2013, to replace Baroni as Deputy Executive Director of the Port Authority for the second term. Because Gramiccioni was friendly with Baroni since their days as law students together at the University of Virginia Law School, she advised him late in November that she would be replacing him at the Port Authority. In one of their conversations about her transition, on or shortly before December 12, 2013, Baroni mentioned the Fort Lee traffic issue as one Gramiccioni would inherit when she succeeded Baroni. During that conversation, Baroni told Gramiccioni that Kelly might be on emails reflecting knowledge of the lane realignment, although Baroni had not seen the emails. Gramiccioni understood, based on her conversation with Baroni, that the knowledge about the lane realignment Baroni referenced was in connection with a traffic study, not political retribution or any other ulterior motive for the lane realignment. Gramiccioni told Baroni that he should convey this information directly to O'Dowd and

McKenna. After her conversation with Baroni, Gramiccioni conveyed what Baroni had told her to O'Dowd, McKenna, and Comella.

k. December 12, 2013: The Governor And O'Dowd Make Further Inquiries

On the morning of December 12, 2013, Governor Christie hosted a breakfast for New Jersey labor leaders and members of the Port Authority police union at Drumthwacket; four representatives from the Port Authority police union attended the breakfast, at which Kelly was the assigned staffer and Stepien was also present. During the breakfast meeting, the Governor did not discuss issues relating to the lane realignment with Kelly, Stepien, or any other person attending the breakfast.

The Governor asked Stepien to meet with him after the breakfast to discuss a few issues, and they met in the dining room following breakfast. During that meeting, Governor Christie asked Stepien what, if anything, he knew about the lane realignment. Stepien denied having any involvement in the lane realignment decision or its implementation. Rather, Stepien told the Governor that Wildstein would come to him with "50 crazy ideas a week," and that Stepien would remind Wildstein that Stepien was not in the Governor's Office anymore, so Wildstein would have to run his ideas through the normal channels at the Governor's Office.

As the Governor was finishing his meeting with Stepien in the dining room, O'Dowd arrived at Drumthwacket for a meeting with the Governor on issues unrelated to the lane realignment. O'Dowd entered the dining room while Stepien was still there, at which point the Governor raised the press focus on the lane realignment. The Governor commented that the issues had been a distraction and asked O'Dowd to talk to Kelly to determine whether she had any knowledge of the lane realignment. O'Dowd then went upstairs and, at some point outside of Stepien's presence, the Governor told O'Dowd that he had been questioning Stepien about his

involvement in the lane realignment decision, and that Stepien explicitly denied any such involvement. After their meeting, the Governor and O'Dowd each returned to the State House.

Back at the State House in Trenton, O'Dowd tried to meet with Kelly in person in order to talk to her. He learned that she was out of the office with a hospitalized family member.⁶⁰³ Later that day, O'Dowd and McKenna were detailed by the Governor to meet with Baroni in the Governor's Newark office to discuss his departure from the Port Authority. On the way, O'Dowd called Kelly. After friendly preliminaries, O'Dowd asked Kelly if she knew anything about the lane realignment before it went into effect. Kelly unequivocally denied any contemporaneous knowledge of the lane realignment. Kelly also asked O'Dowd why he was asking. O'Dowd responded that the Governor had directed him to talk to her. O'Dowd inquired further whether she had any text messages or emails on the subject, and Kelly responded that she did not think so. Nonetheless, O'Dowd directed Kelly to review her text messages and emails and check if she had any evidence on the question. O'Dowd further instructed Kelly that she should let him know right away if she found anything. O'Dowd then informed Governor Christie of Kelly's denial of any contemporaneous knowledge of the lane realignment.

After arriving at the Governor's Office in Newark, O'Dowd and McKenna met with Baroni. At the outset of the meeting, O'Dowd informed Baroni that he had to resign the following day, December 13, 2013, and that Gramiccioni would be replacing him. Baroni apologized that the traffic study had become such a distraction. Baroni reiterated that his testimony before the Assembly Transportation Committee was truthful and that the traffic study was legitimate, but acknowledged that mistakes were made in its implementation.

At the end of the meeting, McKenna asked Baroni to send in Wildstein, who had also been asked to meet with McKenna and O'Dowd in the Governor's Newark Office. While

Wildstein was entering the room, O’Dowd stepped out and called the Governor to confirm the conversation with Baroni. O’Dowd rejoined the meeting with Wildstein and McKenna, introducing himself to Wildstein, whom O’Dowd did not believe he had previously met. McKenna and O’Dowd then informed Wildstein that his resignation, which had been announced on December 6, 2013 and at that time was to be effective at year’s end, would be accelerated to the following day, December 13, 2013.

In the late-afternoon or early-evening hours of December 12, 2013, Gramiccioni saw the Governor at the State House and advised the Governor of the information that Baroni had conveyed to her—specifically, that Baroni had referenced the existence of emails reflecting knowledge by Kelly of the lane realignment.

After her exchange with the Governor, Gramiccioni called O’Dowd while driving home to advise him about the conversation. Gramiccioni informed O’Dowd that she had told the Governor about Baroni’s comment to her. O’Dowd confirmed that he had spoken to Baroni, who had denied having seen any emails reflecting senior staff knowledge of the lane realignment.

I. December 12, 2013: Kelly Calls Renna And Asks Her To Delete A Relevant Email

On the evening of December 12, 2013, while driving home from dinner with her family, Renna received a call from Kelly on her cell phone. Kelly started the call by asking Renna to walk Kelly through the timeline of the Fort Lee traffic events, specifically asking Renna about the timing of Mowers’s request for Sokolich’s endorsement. When Renna responded that Mowers’s request would have been made in the spring of 2013, Kelly said something to the effect of that timing not making sense with respect to the lane realignment. Renna commented to Kelly that Ridley continued to have a great relationship with Mayor Sokolich, which was also

inconsistent with allegations of political retribution. Kelly told Renna that she had conveyed similar thoughts to O'Dowd earlier that day, and that she had told O'Dowd that she had no contemporaneous knowledge of the lane realignment. In response, Renna reminded Kelly that she had known about Mayor Sokolich's angry call to Ridley during the period when the lanes were realigned. At that point, Kelly immediately changed her tone on the call and responded, in sum or substance: "Oh right, the email you sent me that I responded to with 'good.' Do me a favor and get rid of that." The cell phone call then dropped.

When Kelly called back a moment later, she explained to Renna that O'Dowd had "grilled" her earlier that day about Wildstein and her knowledge of the lane realignment. Kelly paused, then said, in sum or substance: "You know Christina, if someone tells me something is okay, who am I to question them?" Renna started to say that if "David" or "Bill" [Stepien] told Kelly something, it was understandable for Kelly to listen to them, but Kelly summarily cut off Renna in the middle of her sentence, saying that she did not need Renna's "vindication." Kelly then concluded the call by saying, in sum or substance: "All I know is that if David said there was a traffic study, I have no doubt there was a traffic study."

On the morning of December 13, 2013, Renna forwarded the September 12, 2013 email chain containing Kelly's response ("Good.") to a different personal email account in order to preserve it.⁶⁰⁴ She then deleted it from the Gmail account to which it had originally been sent.

m. December 13, 2013: The Governor Convenes A Special Morning Senior Staff Meeting

Early on the morning of December 13, 2013, Governor Christie called Gramiccioni to tell her that she would be announced as Baroni's successor later that day at a press conference. When arriving at the office, Gramiccioni and O'Dowd talked briefly and Gramiccioni mentioned that Baroni had told her that there were emails that might show Kelly had knowledge of the lane

realignment beforehand. At some point that morning, the Governor instructed O'Dowd to convene a senior staff meeting for 10:00 a.m., which O'Dowd did.⁶⁰⁵ The Governor planned to address his concern that senior staff was suffering from "senioritis" following the election, and planned to demand straight answers regarding the lane realignment, which he believed he would be questioned about when he announced Baroni's resignation at the upcoming press conference.

The meeting occurred in the Governor's personal office, where the senior staff were seated around and adjacent to the Governor's conference table, with O'Dowd sitting on one side of the Governor and McKenna sitting on the other. Attendees included O'Dowd, McKenna, Gramiccioni, Egea, Comella, Kelly, Deputy Chief Counsel Paul Matey, Appointments Director Matt McDermott, Deputy Chief of Staff Louis Goetting, Director of Operations Rosemary Iannacone, and the Lieutenant Governor's Chief of Staff Melissa Orsen. Although not a member of senior staff, Drewniak was also invited to and attended the meeting, in light of the subsequent press conference and its press implications.

Governor Christie began the meeting by entering his office, slamming the door, and then standing at the head of the table. The Governor was visibly upset. He told the group that he was displeased with his staff's performance since the election and felt the group was not working hard enough or responding well to issues, essentially suffering from "senioritis." By way of example, the Governor criticized recent responses to the press and the handling of several recent matters. The Governor warned that the national attention the Administration was receiving was a double-edged sword and that the "spotlight" could quickly turn into a "searchlight."

The Governor pivoted to address the "Port Authority issue." He said he thought he had put the lane realignment story "to bed" after addressing it on December 2, 2013, but that the controversy remained a "mess" that he was now going to have to "clean up" in a press

conference he would be holding later that day. Before doing so, the Governor demanded to know from each of his senior staff if there was any additional information he needed to know about the lane realignment. “The confessionals are open,” he said. The Governor directed each employee present at that meeting to immediately disclose any knowledge of the lane realignment to him, O’Dowd, or McKenna. The Governor told his staff that they had until the press conference to come forward with any information they had about the lane realignment, and now was the time to speak up if they had anything to say. The Governor said he would state publicly whatever the facts were and wanted to make sure he was right.

Members of senior staff separately recalled that, when Governor Christie delivered this instruction, he slowly scanned the room, making eye contact with each person, in order to convey the gravity of his direction. Some of the attendees noted that this was the first time the Governor had ever questioned his staff about whether any information was being withheld from him. The Governor spent substantial time reiterating that if anyone in the room had knowledge of the lane realignment or the reasons for it, they needed to come forward immediately. No one responded. As they exited quietly, everyone appeared to be shocked by what had just happened.

Members of senior staff commented that it seemed clear from the Governor’s words and demeanor that he had no involvement in or knowledge of the lane realignment. Senior staff observed that the Governor wanted to know whether anyone in his Administration might have had involvement in the situation, and he wanted to confirm this one way or the other before the press conference. During the senior staff meeting, most attendees looked only at the Governor or down; they did not observe other attendees’ demeanor. Orsen was sitting directly next to Kelly in the back of the room, however, and observed that Kelly seemed emotional during the meeting.

Following the meeting, McKenna went to Egea's office to ask if she knew anything more about the lane realignment; Egea told McKenna she did not. McKenna then returned to his office. Drewniak recalled asking McKenna whether "everyone," including Stepien and Kelly, had been spoken with, and McKenna stating that they had been.

Shortly after the senior staff meeting, O'Dowd went to Kelly's office and asked whether she had reviewed her Office and personal email and texts, as they had discussed the prior day. Kelly responded that she had, but that she found only one email about the lane realignment—specifically, the September 12, 2013 email report of the Ridley-Sokolich phone call from Renna to Kelly and then forwarded by Kelly to Wildstein, but not Kelly's later separate response to Renna ("Good."). Kelly further explained to O'Dowd that it was typical for her to relay such messages about a local official to the appropriate individual or entity involved within the Administration, and that Wildstein was the appropriate contact in that instance. Kelly had a hard-copy of the email and O'Dowd recalled focusing on the fact that it showed Kelly had been informed of the lane realignment while it was occurring, but did not show any advance knowledge or role in the planning. O'Dowd asked if Kelly had any other knowledge about, or involvement in, the lane realignment beforehand, and Kelly responded that she did not. Before leaving, O'Dowd instructed Kelly to continue looking through her emails and informed her that he would be in his office if she had anything further to tell him. O'Dowd observed that Kelly seemed nervous during the meeting. Stepien may have also been present in or around Kelly's office for some portion of O'Dowd's meeting with Kelly. At around that time, Stepien called DuHaime to ask what, if anything, Wildstein had told him about Kelly's knowledge of the lane realignment, and whether Wildstein had emails reflecting her knowledge. DuHaime then called

Wildstein, who confirmed that he was certain Kelly had prior knowledge and that there were emails to prove it. DuHaime recalls calling Stepien back to confirm this information.⁶⁰⁶

A short while after this meeting, Kelly came to O’Dowd’s office. Kelly said she was concerned about what the Governor thought of her and asked O’Dowd whether the Governor had lost confidence in her. She asked O’Dowd if she needed to talk to the Governor. O’Dowd responded that it was her decision—a response prompted, in part, by the fact that Kelly was habitually concerned about how she was perceived by the Governor and O’Dowd was anticipating soon leaving the Governor’s Office.

Other than Kelly, no one else approached O’Dowd following the Governor’s senior staff meeting. Before the press conference, O’Dowd reported to the Governor that no one had disclosed any prior knowledge regarding the lane realignment. O’Dowd told the Governor about his discussions with Kelly, said that she appeared nervous but denied any prior involvement, and showed the Governor the sole September 12, 2013 email that Kelly had turned over. McKenna also reported to the Governor that no one had disclosed any knowledge of or involvement with the lane realignment. Having had O’Dowd and McKenna look into the issue and having heard nothing to the contrary after his earlier directive, the Governor concluded that no one on senior staff had any prior knowledge or involvement with the lane realignment.

n. December 13, 2013: Governor Christie’s Press Conference

Starting around or a little after 11:00 a.m., on December 13, 2013, Governor Christie held his press conference.⁶⁰⁷ He announced Baroni’s resignation and Gramiccioni’s appointment as the Deputy Executive Director of the Port Authority. During the Q&A session, the Governor was asked whether anyone on his staff or in his Administration had participated in the lane realignment “for political retribution.”⁶⁰⁸ The Governor explained that he had “made it very clear to everybody on my senior staff that if anyone had any knowledge about this that they

needed to come forward to me and tell me about it and they've all assured me that they don't."⁶⁰⁹

Asked about Stepien, the Governor stated that he had spoken to Stepien and that Stepien had "assured" him "the same thing."⁶¹⁰ The press conference lasted approximately one hour.

Shortly after the press conference, Gramiccioni passed by Kelly's office and noticed that Kelly was seated alone and looked as if she had been crying. Gramiccioni entered Kelly's office and asked her what was wrong. Kelly said she had spent the morning going through her emails for O'Dowd, was unable to find any emails discussing the lane realignment, and did not remember whether she had any emails relevant to the lane realignment issue. Gramiccioni asked Kelly how she could not remember whether she had any such emails, to which Kelly responded that her practice was to delete her emails to prevent her children from reading any communications she had with her ex-husband. Gramiccioni recalled thinking that this was an odd, non-responsive answer. Gramiccioni then advised Kelly that if she had anything else to share, she needed to talk to O'Dowd again or else she would be in serious trouble. Gramiccioni told O'Dowd about her conversation with Kelly, noting that Kelly had looked upset and had continued to deny having any emails reflecting her knowledge of the lane realignment.

Around this point, Kelly went to O'Dowd's office. She gave O'Dowd one additional email that she said she had uncovered: a September 23, 2013 email from Ashmore to Kelly and Crifo attaching Senator Weinberg's September 19, 2013 letter to Commissioner Schuber, which Kelly had forwarded to Wildstein.⁶¹¹ Although this email also did not show any advance knowledge by Kelly, O'Dowd expressed frustration with Kelly for only now providing it, asking aloud how she was not able to locate it earlier. O'Dowd again asked Kelly whether she had any involvement in, or knowledge of, the lane realignment. Kelly said again that she did not. O'Dowd noted that, during this exchange, Kelly seemed even more upset than she had been

during their meeting earlier that morning. She specifically expressed concern that O’Dowd did not believe her.⁶¹²

Both Crifo and Orsen recalled seeing Kelly looking upset as she left O’Dowd’s office at some point during the afternoon of December 13, 2013, after the press conference.

o. January 8, 2014: Revelation Of Kelly’s Involvement

On December 31, 2013, the Assembly Transportation Committee subpoenaed Wildstein to produce documents and to testify at a hearing scheduled for January 9, 2014, five days before the Committee’s authority was scheduled to end pursuant to Resolution 91.⁶¹³

One day before the scheduled hearing, on January 8, 2014, several newspapers, including *The Bergen Record* and *The New York Times*, published emails produced to the Assembly Transportation Committee demonstrating that Kelly was aware of the lane realignment and its potential traffic impacts as early as August 2013.⁶¹⁴ Among others, the media published the August 13, 2013 email from Kelly to Wildstein, using their personal email accounts: “Time for some traffic problems in Fort Lee.”⁶¹⁵

In response to the documents being made public, Governor Christie issued a statement saying he had been misled by a member of his staff and that he had no prior knowledge of the lane realignment.⁶¹⁶

Starting around mid-day on January 8, 2014, the Governor gathered at Drumthwacket with senior staff and other advisors (but not Kelly or Stepien). The Governor was emotional and, with tears in his eyes, he asked if any other of his senior staff had anything to do with the lane realignment; each reassured the Governor that they did not. Together, the group reviewed the information that had been released in the press and tried to understand what it meant and how to respond. Ultimately, the Governor decided that Kelly would be fired and that Stepien would not serve as the State’s Republican Party Chair or as a consultant for the Republican Governors

Association. The Governor also decided to hold a press conference the following day, and he worked with his advisors and staff to prepare for the press conference.

DuHaime was among the senior advisors who gathered at Drumthwacket that afternoon. The Governor, prepared to sever ties with Stepien in light of the newly disclosed emails, asked DuHaime to meet with Stepien. DuHaime considered the newly disclosed emails to be consistent with what Stepien had told him earlier: that Stepien had sidestepped the traffic study issue when Wildstein first mentioned it. When DuHaime later met with Stepien, DuHaime communicated the gravity of the situation. Stepien reiterated to DuHaime what he had previously told him: he had not been involved in the decision to realign the lanes. To the extent he used loose language in emails after the lane realignment, Stepien explained to DuHaime that he was only trying to comfort his friend, Wildstein. Stepien stated that he had not done anything wrong and was upset to be thrown under the bus, but understood the gravity of the situation and would accept the consequences.

p. January 9, 2014: Governor Christie's Press Conference

On the morning of January 9, 2014, the Governor's Office terminated Kelly's employment. Later that morning, Governor Christie held a press conference lasting nearly two hours.⁶¹⁷ He apologized to Fort Lee and reiterated that he did not authorize or know about the lane realignment until it was publicly reported.⁶¹⁸ The Governor announced that he would be traveling to Fort Lee later that day to apologize personally to Mayor Sokolich and the people of Fort Lee. He announced that Kelly had been fired. Specifically, he stated: "This morning I've terminated the employment of Bridget Kelly, effective immediately. I've terminated her employment because she lied to me."⁶¹⁹ The Governor also announced that Stepien would not serve as the state's Republican Party Chair or as a consultant for the Republican Governors Association.⁶²⁰ In contrast to Kelly, the Governor made clear that the severance of his

relationship with Stepien was not based on whether Stepien was involved in this lane realignment decision; rather, it was “the tone and behavior and attitude of callous indifference that was displayed” in Stepien’s emails “after the fact” that made the Governor “lose [his] confidence in Bill’s judgment.”⁶²¹ Governor Christie pledged that his staff would cooperate with all appropriate investigations.⁶²²

That same day, the U.S. Attorney’s Office for the District of New Jersey announced that the Port Authority Office of Inspector General had “referred the matter to us, and our office is reviewing it to determine whether a federal law was implicated.”⁶²³

q. January 9, 2014: Wildstein’s Testimony

At the scheduled Assembly Transportation Committee hearing on the afternoon of January 9, 2014, Wildstein asserted his Fifth Amendment right to remain silent and refused to answer questions from the Committee.⁶²⁴

D. Factual Analysis of the Bridge Lane Realignment: Findings Regarding Participation, Knowledge, and Motive

The evidence shows that this lane realignment plan was ordered by Wildstein, with the knowledge, consent, and authorization of Kelly, and that these individuals tried to cover up the operation after the fact. The evidence with respect to Stepien and Baroni is inconclusive: we found no evidence that they were aware of any ulterior motive behind the decision to effectuate the lane realignment, but they engaged in conduct during or after the lane realignment that is concerning. Finally, we found no evidence that anyone else in the Office of the Governor, besides Kelly, had any advance knowledge of the lane realignment or was otherwise involved in orchestrating or approving it. And the participants in this plan were not authorized by Governor Christie or anyone else in the Office of the Governor to realign or alter the George Washington Bridge Fort Lee access lanes.

Why did these individuals effectuate and attempt to conceal the lane realignment? The speculation most common in the media has been that that the Bridge lane realignment was politically motivated retaliation against Mayor Sokolich for not endorsing Governor Christie's re-election.⁶²⁵ Of course, any inquiry of subjective motive is always challenging. It is even more so here because key individuals whose motives are being examined—Wildstein, Kelly, and Stepien—have asserted their Fifth Amendment rights and refused to cooperate with our investigation. Moreover, from our review of both government and personal email accounts, Wildstein, Kelly, and Stepien often communicated about the lane realignment using their personal email accounts and sometimes in a cryptic fashion, exacerbating the difficulty of determining those individuals' true motives for the lane realignment.

That said, there are persuasive reasons to believe that the lane realignment was, in fact, motivated to target Mayor Sokolich for some reason. The specific reason or reasons that Wildstein and Kelly wanted to target him—whether Sokolich's unwillingness to endorse or some other conduct that they found objectionable—is, however, more difficult to determine. The evidence we have seen does not establish that this was an act of political retaliation motivated by Mayor Sokolich's decision not to endorse the Governor's re-election. Rather, there are other credible theories that this could have been motivated, in part, by other personal or political animus, unrelated to the Governor or his re-election. But this is a question we are unable to answer, even after a thorough investigation. Nor is the validity of the traffic study conducted by the Port Authority central to our findings. There was likely some studying of traffic patterns being conducted here. But that is almost beside the point because even a "legitimate" traffic study done for ulterior motives and intended to inflict damage on blameless commuters would

unquestionably constitute an abuse of public trust, in violation of, among other things, the Office of the Governor and Port Authority policies.⁶²⁶

The evidence supporting our findings with respect to Wildstein, Kelly, Stepien, and Baroni's conduct, knowledge, and motives is presented in greater detail below. We also address our findings regarding the contemporaneous conduct and knowledge of employees within the Office of the Governor. Finally, we review the evidence establishing that Governor Christie did not authorize or know about the lane realignment before it was implemented. Nor did he come to know that Kelly was involved in the lane realignment decision until January 2014. When, in December 2013, he heard of speculation that Kelly may have been involved, the Governor made further inquiries and personally directed his entire senior staff to come forward immediately if any of them had any prior knowledge of the lane realignment. But instead of coming forward, Kelly lied and continued to cover up her role, only to be caught later when private emails and texts she had sent to and received from Wildstein were released to the public in January 2014.

1. Individuals Involved In The Lane Realignment: Wildstein, Kelly, Stepien, And Baroni

a. Wildstein's Conduct, Knowledge, And Motive

The evidence establishes that David Wildstein originated, effectuated, and oversaw the September 2013 George Washington Bridge lane realignment operation. The Port Authority itself has acknowledged that Wildstein "directed" each and every aspect of the lane realignment, including his preparatory communications with Durando and Port Authority traffic engineers in August 2013, his instruction to Durando to reduce the Fort Lee access lanes on September 9, 2013, and his continuing oversight and direction of the lane realignment operation "on a daily basis" through September 13, 2013.⁶²⁷ Indeed, although Wildstein refused to cooperate with our

investigation and has asserted his Fifth Amendment rights, he admitted to McKenna and others that the lane realignment was his “idea.”

Our review of the evidence is consistent with the Port Authority’s conclusion and Wildstein’s admissions. For example, on September 9, 2013—after Wildstein arrived at the George Washington Bridge in the early morning hours to observe the lane realignment—Durando advised Fulton that he had been “directed by DW [Wildstein] to continue the operation.”⁶²⁸ The evidence also reflects that Wildstein—the second-ranking official on the New Jersey “side” of the Port Authority⁶²⁹—was perceived by Port Authority personnel to have control of both the lane realignment operation and communications with other public officials, both within and outside the Port Authority.⁶³⁰ According to Fulton, Wildstein even “directed that calls regarding the [lane realignment] coming into TB&T and GWB staff be directed to the Port Authority’s general” phone number, in order to restrict information flow.⁶³¹

Additionally, Wildstein had been focused for some time on studying the dedicated access lanes from Fort Lee to the Bridge toll plaza as a matter of traffic policy. Wildstein mentioned to several Governor’s Office employees his perception of the “unfairness” regarding the three dedicated Fort Lee access lanes. Moreover, two Port Authority witnesses, Fulton and Durando, testified that Wildstein had communicated his desire to study and potentially modify the Fort Lee access lanes as early as 2010.⁶³² Indeed, when Baroni and Wildstein visited the Bridge in 2011, they apparently were “told that it was long-time practice based on old agreement with the Mayor of Ft. Lee. David Wildstein made comments at that time about ‘he wasn’t crazy about the favoritism’ for certain commuters, ‘including lots of New York plates’ as a result of the cone line.”⁶³³ Finally, Nunziato claimed to have discussed with Wildstein, in the summer of 2013, the possibility of the Port Authority studying the proper allocation of approach lanes. Wildstein’s

longstanding attention to the Fort Lee access lanes—corroborated by the sworn testimony of two Port Authority career employees—reinforces our conclusion that he had primary operational and decisional responsibility for the lane realignment.

Wildstein’s conception and direction of the lane realignment operation, then, appears to have reflected, at least in part, his genuine policy reservations regarding giving Fort Lee three dedicated access lanes. But he also appears to have had an ulterior motive for targeting Mayor Sokolich. That motive is not yet clear, and without access to Wildstein or all of his communications, we are unable to reach clear conclusions about Wildstein’s ulterior motives.

Notwithstanding our inability to determine the specific proximate cause of Wildstein’s apparent animus toward Mayor Sokolich, the evidence that he acted for some ulterior motive in targeting Sokolich is considerable. First, Wildstein came to the Port Authority with a deep background in state and municipal politics. Wildstein had previously served as Mayor of Livingston, New Jersey, and as a political strategist. And for years leading into 2010, he anonymously authored a popular political blog, PolitickerNJ (formerly, PoliticsNJ), under the pseudonym “Wally Edge.”⁶³⁴ During that period, Wildstein cultivated close working relationships with political operatives and state employees, including Kelly, Stepien, and Baroni.

Moreover, during and after the lane realignment, many of Wildstein’s communications with both Stepien—the Governor’s campaign manager at the time and a close friend of Wildstein’s⁶³⁵—and Kelly were overtly political in nature. Whether expressing disdain for Fort Lee school kids as the “children of Buono voters,”⁶³⁶ suggesting that Mayor Sokolich’s name came “right after mayor Fulop,”⁶³⁷ or apologizing to Stepien for causing him and the campaign “so much stress this close to November,”⁶³⁸ Wildstein appears to have acted, at least in part, for ulterior motives. Indeed, on September 13, 2013, after Foye reversed the lane realignment,

Wildstein emailed Kelly about “going nuts” as a result of the reversal and wanting “to retaliate.”⁶³⁹ And after *The Wall Street Journal* reported on the lane realignment as a potential act of political retaliation against Mayor Sokolich, Wildstein wrote in a September 18, 2013 email that “[i]t will be a tough November for this little Serbian.”⁶⁴⁰

Finally, Wildstein’s Fifth Amendment invocation and refusal to answer relevant questions regarding his motivation for directing the lane realignment⁶⁴¹ leads to a reasonable inference that his motives and actions were, in whole or in part, improper—an inference that corroborates the substantial evidence discussed above.⁶⁴²

Thus, the evidence shows that Wildstein directed the lane realignment. And it shows that Wildstein acted, at least in part, for ulterior motives yet to be determined, to target Mayor Sokolich.

b. Kelly’s Conduct, Knowledge, And Motive

Like Wildstein, Bridget Kelly appears to have had a central role in carrying out this lane realignment plan. To be sure, Kelly, unlike Wildstein, did not have any operational responsibilities at the Port Authority. But it was Kelly whom Wildstein called for her buy-in on this operation. In other words, Wildstein appears to have proposed this lane realignment, and then Kelly appears to have blessed it. Without the ability to interview Wildstein or Kelly, however, we are unable to determine conclusively what the ulterior motive was that compelled the operation.

Wildstein and Kelly communicated about the lane realignment in writing on August 13, 2013—Kelly’s “Time for some traffic problems in Fort Lee” message, to which Wildstein responded, “Got it”⁶⁴³—showing Kelly approving the operation and apparently aware of the ulterior motive behind this plan.

After that first known communication, Wildstein kept Kelly informed throughout the operational planning of the lane realignment. For example, he asked her to call “re: Ft. Lee” on August 28, 2013⁶⁴⁴—the same day on which Wildstein received suggested modifications to the access lanes from Port Authority traffic engineers⁶⁴⁵—and wrote her on September 7, 2013, that he would call on “Monday AM to let you know how Fort Lee goes.”⁶⁴⁶ And after the lane realignment was terminated, Wildstein wrote Kelly on September 17, 2013, seeking her “instructions” on how Baroni should respond to Mayor Sokolich.⁶⁴⁷ In short, the evidence shows that Wildstein effectuated and oversaw the lane realignment with Kelly’s knowledge, consent, and approval.

Kelly’s participation in the lane realignment operation appears to have been motivated primarily by a desire to send some sort of message to Mayor Sokolich. The precise reason for either Kelly’s or Wildstein’s animus toward Mayor Sokolich, however, remains unclear.

Some have speculated that the ulterior motive here was to punish Mayor Sokolich for not endorsing Governor Christie.⁶⁴⁸ It is true that Kelly was focused in part, in August 2013, on determining the status of Mayor Sokolich’s potential endorsement. Importantly, the night before Kelly sent Wildstein her infamous August 13, 2013 email, Kelly called Mowers, who was working at the Christie campaign at the time, to ask him about the state of Mayor Sokolich’s potential endorsement. After Mowers reconfirmed to Kelly that it was still the case that Sokolich would not be endorsing the Governor, Kelly responded, in sum or substance, that that was all she needed to know. The timing and substance of this communication between Kelly and Mowers—corroborated by another campaign staffer, who was with Mowers at the time—might suggest that the lane realignment could have been motivated, at least in part, by Mayor Sokolich’s unwillingness to endorse Governor Christie’s re-election.

On the other hand, campaign staff appear to have known for several months, since the spring of 2013, that Sokolich would not be endorsing the Governor for re-election. Indeed, by March 26, 2013, Mayor Sokolich had already conveyed to Mowers, then at IGA, that while Mayor Sokolich supported the Governor, he could not publicly endorse the Governor's re-election, which Mowers confirmed in writing to Sheridan.⁶⁴⁹ Thus, although Mayor Sokolich's name appeared on a list of "target" Democratic endorsements prepared by Sheridan on January 24, 2013, it did not appear on similar lists prepared by Sheridan and Renna thereafter. And, in May 2013, Sokolich remained on a list of Mayors considered to receive potential appointments by the Governor.

Indeed, it seems unlikely that political retaliation for Sokolich's unwillingness to endorse could have been the true objective of the lane realignment. After all, Mayor Sokolich made that decision known five months earlier—without any apparent effect on his working relationship with the Governor's Office thereafter. And, engineered traffic congestion fewer than two months before the November election was likely to be blamed on the Governor himself, not Mayor Sokolich. In fact, the lane realignment burdened thousands of commuters far beyond Fort Lee. Similarly, it seems unlikely that Mayor Sokolich would have been specifically targeted for political retaliation at this late date when he was not expected to endorse the Governor anyway and his endorsement was inconsequential at the time, given the Governor's 24-point lead in the polls and dozens of Democratic elected officials' endorsements.⁶⁵⁰ Finally, many other Democratic officials declined to endorse Governor Christie's re-election yet continued to enjoy constructive working relationships with the Governor's Office afterward.

Other evidence also reflects a focus and animus toward Sokolich at the time that was not explicitly tied to his decision not to endorse the Governor. For example, on August 16, 2013,

after Kelly learned that Ridley had met with Sokolich, an “irate” Kelly wrote Renna, “why did he [Ridley] think it was ok to meet with Sokolich?”⁶⁵¹ She added that Ridley “should not have met with Fort Lee without approval . . . I’m really upset with him.”⁶⁵² On August 22, 2013, Kelly asked Renna whether the Lieutenant Governor should accept an invitation to address the Fort Lee Regional Chamber of Commerce “in light of the Mayor.”⁶⁵³ After Renna suggested that they need not inform Mayor Sokolich about the event, noting that he works as a practicing lawyer, Kelly responded, “Correct. Good call.”⁶⁵⁴ Ultimately, the Lieutenant Governor participated in the event.⁶⁵⁵ And on September 9, 2013, about eight hours after the lane realignment began, Kelly separately emailed both Ridley and Mowers to ask whether either had communicated with Mayor Sokolich.⁶⁵⁶ These contemporaneous communications show that Kelly was focused on Mayor Sokolich, but not the reasons for her attention.

Accordingly, we are able to conclude only that Kelly’s participation in the lane realignment was likely borne out of some ulterior motive to target Mayor Sokolich. In addition to the strong evidence of an ulterior motive reflected in these contemporaneous emails, Kelly’s subsequent cover-up and lies reinforce that conclusion. Indeed, if this were simply a legitimate Port Authority traffic study, Kelly would have had no reason to lie about her role in it. Moreover, during the lane realignment itself, Kelly was fully aware that key individuals at the Port Authority, including Baroni and Wildstein, were not responding to Mayor Sokolich’s concerns. On the morning of September 9, 2013, after she learned of Mayor Sokolich’s outreach to Baroni regarding an “urgent matter of public safety in Fort Lee,” Kelly asked only whether Baroni had “call[ed] him back?”⁶⁵⁷ Wildstein responded: “Radio silence[.] His name comes right after [M]ayor Fulop.”⁶⁵⁸ On September 10, 2013, the second day of the lane realignment, Kelly responded to Sokolich’s report about problems “getting kids to school” by asking, “Is it

wrong that I am smiling?”⁶⁵⁹ And when informed by Renna two days later on September 12, 2013, that an “extremely upset” Mayor Sokolich had informed Ridley of “horrendous traffic” causing problems for “First Responders,” Kelly later responded to Renna: “Good.”⁶⁶⁰

Indeed, it was this very email that Kelly asked Renna to delete three months later on December 12, 2013, just after being “grilled” by O’Dowd about what she knew at the time of the lane realignment. Kelly’s request that her subordinate, Renna, delete evidence—in particular, an email reflecting Kelly’s contemporaneous knowledge of the lane realignment—at a time of increasing media and internal scrutiny constitutes significant evidence of Kelly’s consciousness of guilt.⁶⁶¹ Indeed, Kelly’s deletion request to Renna came in the middle of a phone conversation in which Kelly was effectively testing whether Renna had a recollection that would potentially expose Kelly’s false account to O’Dowd. Moreover, on December 12 and 13, 2013, Kelly was twice asked directly by O’Dowd whether she had any knowledge of or involvement in the lane realignment, and twice, she lied to him. On December 13, 2013, Kelly also deceived Gramiccioni, claiming that she could not recall whether she had received any email about the lane realignment because, Kelly said, she generally deleted most of her email for personal reasons. That explanation was evasive and implausible.

Like the others involved in the lane realignment, events in Kelly’s personal life may have had some bearing on her subjective motivations and state of mind. Her deletion request to Renna and her denial to O’Dowd on December 12, 2013, for example, occurred on a date when Kelly was out of the office attending to a hospitalized family member. And her first known communication to Wildstein about the lane realignment in mid-August 2013, for example, occurred around the time that her personal relationship with Stepien had cooled, apparently at Stepien’s behest and Stepien and Kelly had largely stopped speaking. Indeed, that fact may have

affected how Kelly and Stepien conducted themselves and whether they communicated about the lane realignment. Finally, Kelly's invocation of the Fifth Amendment rights in refusing to provide documents in response to a lawfully issued subpoena leads to a reasonable inference that her motives and actions here were, in whole or in part, improper.⁶⁶² Such an inference corroborates the significant evidence described above.

In sum, we find that Kelly approved the lane realignment plan, stayed involved throughout, and then participated in a cover up of it afterward. Mayor Sokolich also appears to have been targeted for some reason yet to be determined. Whether Kelly had her own ulterior motive for doing so or was simply supporting her friend, Wildstein, is also yet to be determined. Furthermore, we find that Kelly deliberately deceived Governor Christie and the rest of the Governor's Office senior staff about her participation in this plan.

c. Stepien's Conduct, Knowledge, And Motive

We conclude that Stepien had prior knowledge of Wildstein's idea to do a traffic study, but we found no conclusive evidence that he knew of any ulterior motive for it. And unlike Wildstein or Kelly, he does not appear to have been involved in the decision to implement it. We did not have access to Stepien's personal email from the relevant time period. He left the Governor's Office in April 2013 to join the re-election campaign,⁶⁶³ and he has since asserted a Fifth Amendment defense to producing documents in response to a lawfully issued subpoena.⁶⁶⁴ Therefore, our findings with respect to his conduct, knowledge, and motives are based on all the surrounding circumstances and the documents produced by others in which he is conversing with them about this subject. All that said, while our investigation did not uncover evidence of Stepien's direct participation in the decision to close these lanes, his email communications during and after the lane realignment are concerning.

First of all, Stepien had prior knowledge of the lane realignment idea before it was implemented by Wildstein and Kelly. To be clear, the precise nature of Stepien's prior knowledge is undetermined. Wildstein communicated the concept of a traffic study, which Stepien apparently dismissed as one of Wildstein's "50 crazy ideas." We found no evidence that Stepien was apprised of any ulterior motives underlying Wildstein's traffic study idea, nor any specifics, though Stepien's prior knowledge must be viewed alongside his subsequent communications with Wildstein, Kelly, and Baroni during and after the lane realignment.

During the lane realignment, Stepien was in communication with Wildstein, Kelly, and Baroni. On the fourth day of the lane realignment, September 12, 2013, Stepien was forwarded a letter sent by Mayor Sokolich to Baroni, which stated that the lane realignment had "negatively impacted public safety here in Fort Lee" and had "punitive overtones."⁶⁶⁵ Baroni received the letter from Sokolich's office at 12:44 p.m. and then forwarded it to Wildstein's personal email account three minutes later at 12:47 p.m.⁶⁶⁶ Stepien and Kelly then received the letter from Wildstein on their personal emails accounts five minutes later at 12:52 p.m.⁶⁶⁷ Separately, one minute later at 12:53 p.m., Stepien received the letter from Baroni, who had forwarded the letter to his own personal email account before sending it to Stepien's personal email account.⁶⁶⁸ Baroni's message to Stepien, "Following up," suggests a prior telephone call or other communication with Stepien.⁶⁶⁹ The close sequence and absence of any express messages explaining the communication suggests familiarity with the lane realignment.

Wildstein next contemporaneously forwarded to Stepien's personal email account without comment the September 17, 2013 *Wall Street Journal* article about the lane realignment⁶⁷⁰—again, suggesting familiarity. Stepien then responded to Wildstein about the article: "It's fine. The mayor is an idiot, though. W[i]n some, lose some."⁶⁷¹ And Wildstein

replied: “I had empty boxes ready to take to work today, just in case.”⁶⁷² In other words, Wildstein was likely acknowledging to Stepien that he knew he could get fired over what occurred here. And Wildstein again referenced Sokolich: “It will be a tough November for this little Serbian.”⁶⁷³

Next, on the late afternoon of October 1, 2013, apparently aware of Foye’s September 13, 2013 email leaked to *The Wall Street Journal*, Stepien texted Wildstein: “Holy shit, who does he [Foye] think he is, Capt. America?”⁶⁷⁴ The next morning, Wildstein sent Stepien that *Wall Street Journal* article, to which Stepien replied: “For what it’s worth, I like you more on October 2, 2013 than I did on October 2, 2009.”⁶⁷⁵ In other words, Stepien was likely expressing support for Wildstein as a political ally and friend, as compared to what Wildstein was doing four years earlier as a political blogger.

The morning after Baroni’s testimony before the Assembly Transportation Committee on November 25, 2013, Stepien texted his appreciation to Baroni: “Hey, great job yesterday. I know it’s not a fun topic, and not nearly as fun as beating up on [the late U.S. Senator] Frank Lautenberg, but you did great, and I wanted to thank you.”⁶⁷⁶ This exchange—which occurred three weeks after the Governor’s successful re-election, and, therefore, after Stepien’s role as campaign manager had ended—reflects a supportive tone on Stepien’s part, but it is not clear why Stepien would be “thanking” Baroni at that point.

Given that Stepien’s personal relationship with Kelly had apparently cooled by early August 2013, that turn of events may have affected the extent and content of their communications throughout the relevant time period. Stepien, Wildstein, and Baroni enjoyed a longstanding friendship, dating back to their work together on the 2000 Franks campaign for U.S. Senate.⁶⁷⁷ And Stepien also managed Baroni’s successful 2003 campaign for State

Assembly.⁶⁷⁸ These personal relationships may account for the apparent familiarity reflected in these communications.

Finally, Stepien's invocation of his Fifth Amendment rights in refusing to provide documents in response to a lawfully issued subpoena permits an adverse inference to be drawn against him.⁶⁷⁹ Nevertheless, while we find Stepien engaged in conduct regarding this lane realignment that is concerning, warranting further investigation, we have not found conclusive evidence that he knew of any ulterior motive here or was otherwise involved in the decision to realign these lanes.

d. Baroni's Conduct, Knowledge, And Motive

We also find the evidence relating to Baroni's role to be inconclusive. Baroni, a lawyer, law professor, and former New Jersey State Senator,⁶⁸⁰ was the Christie Administration's highest-ranking Port Authority executive at the time of this incident. He has acknowledged that he received prior notice of the lane realignment operation, but we saw no conclusive evidence that he actually knew of any ulterior motive behind it. According to Baroni, he first learned "at some point th[e] weekend" prior, on September 7 or 8, 2013, that there would be such a lane realignment.⁶⁸¹ Once Baroni first learned of the lane realignment plan, he apparently did not inform anyone within the Port Authority or any Fort Lee officials about it.⁶⁸²

Throughout the lane realignment, between September 9 and 13, 2013, Baroni refused to respond to persistent communications from Fort Lee officials, including Mayor Sokolich, Police Chief Bendul, and Borough Administrator Thomas. Those communications—telephone calls, emails, and letters sent directly to Baroni's attention—described the severity of the traffic impacts and asserted that the matter was an "urgent" one of "public safety."⁶⁸³ Yet for several days, Baroni apparently did not answer any of these entreaties for assistance, all the while

texting, calling, and emailing Wildstein, Kelly, and Stepien, who were all within the same circle of friends.⁶⁸⁴

Baroni's failure to respond to Fort Lee officials was surprising, given his self-described "good relationship with Mark" Sokolich and his typical accessibility to Mayor Sokolich.⁶⁸⁵ Indeed, Baroni and Mayor Sokolich had met in person three years earlier, in September 2010, to "discuss various issues regarding the Port Authority, the Borough of Fort Lee and the promotion of an open-line communication."⁶⁸⁶ And in October 2012, Sokolich called Baroni to request the "favor" of a "personal tour" of the 9/11 Memorial Plaza for visiting family—a tour led a few days later by Wildstein.⁶⁸⁷ Indeed, in early June 2013, Mayor Sokolich described his good working relationship with Baroni to an IGA contact; Mayor Sokolich said that Baroni had helped Sokolich obtain crank radios for Hoboken residents at Sokolich's request. Moreover, it was surprising that Baroni apparently referred to Mayor Sokolich as "Serbia" in some of his contemporaneous communications at the time of the lane realignment.⁶⁸⁸

During and after the lane realignment, Baroni also expressed concerns about public disclosure. After Foye reversed the lane realignment on the early morning of September 13, 2013, Baroni's immediate concern was to request "no public discourse."⁶⁸⁹ And on September 17, 2013, when *The Wall Street Journal* was inquiring in advance of its first article about the lane realignment, Baroni suggested to Wildstein that they "sched[ule] a meeting to stave off reporters."⁶⁹⁰

Unlike Wildstein, Kelly, and Stepien, however, Baroni did not communicate in an overtly partisan or political manner regarding the lane realignment.⁶⁹¹ Moreover, Baroni's desire to restrict communications may have reflected his basic desire to avoid outside scrutiny of a humiliating operational "fiasco" directed by Wildstein and known to Baroni, the two highest-

ranking officials on the New Jersey “side” of the Port Authority,⁶⁹² and to avoid embarrassment with their New York counterparts at the Port Authority. Even Baroni’s New York counterpart, Foye, who was openly critical of the manner in which the lane realignment was implemented, declined to criticize Baroni for those failures. Repeatedly questioned by the Assembly Transportation Committee about Baroni’s role in the lane realignment, Foye explained that, with respect to Baroni, “there had been a communication failure” that was “an aberration.”⁶⁹³ Foye said he had previously worked with Baroni “together closely, collaboratively, and well on [several] projects” without incident.⁶⁹⁴ He concluded: “There is no question . . . that David Wildstein was the culprit” for the lane realignment plan, not Baroni.⁶⁹⁵

In sum, we did not uncover evidence that Baroni was the driving force behind this decision to realign these Fort Lee lanes or aware of any ulterior motives for it. Indeed, he gave testimony before the Assembly Transportation Committee in late November 2013—for which he appears to have relied on Wildstein to help prepare him—vehemently defending this Port Authority action as a legitimate traffic study.⁶⁹⁶ And while we find that Baroni engaged in conduct regarding the lane realignment that is concerning, warranting further investigation, we have not found conclusive evidence that he knew of any ulterior motive for it.

2. No One In The Office Of The Governor Other Than Kelly Had Any Advance Knowledge Of The Lane Realignment Or Was Otherwise Involved In Approving It

a. Before September 9, 2013, No One Else In The Governor’s Office Besides Kelly Knew About the Lane Realignment

We interviewed dozens of witnesses inside and outside the Governor’s Office, and reviewed hundreds of thousands of documents, including personal emails, calendar entries, hard-copy documents, business and personal telephone records, and personal text and chat messages to investigate who knew what and when within the Governor’s Office about this lane

realignment plan. After thorough investigation, we have not found any evidence that anyone in the Governor's Office, besides Kelly, approved of or had any other advance knowledge of the lane realignment before it was implemented on the morning of September 9, 2013.

b. Between September 9 And 13, 2013, Some Governor's Office Employees Became Aware Of The Lane Realignment But Understood It To Be A Port Authority Traffic Study

Between September 9 and 13, 2013, some employees in the Governor's Office became aware that the Port Authority had realigned the Fort Lee access lanes to the George Washington Bridge. These employees learned about the lane realignment in the ordinary course of their duties, which involved external communication with constituents, elected officials, and the media—in other words, through outside third-parties. All of these employees understood the lane realignment to be a Port Authority traffic study for which the Port Authority held operational and communications responsibility. None of these employees understood the situation as requiring involvement or intervention from the Office of the Governor. None of these employees had any awareness of Kelly's prior involvement in the lane realignment or any ulterior motive behind the operation.

During the week of September 9 to 13, 2013, the Governor's Office of Constituent Relations received a handful of constituent complaints about the traffic congestion resulting from the lane realignment. In response, Ashmore and Crifo contacted Wildstein, Crifo's regular contact at the Port Authority.⁶⁹⁷ Wildstein's response—"this isn't the Governor's problem"—reinforced Ashmore and Crifo's understanding that the lane realignment was a matter for the Port Authority to handle.

Wildstein's communications with the Governor's Office's Press Secretary Michael Drewniak similarly presented the lane realignment as a straightforward Port Authority operation. On the afternoon of September 12, 2013, Wildstein forwarded to Drewniak—a personal friend of

Wildstein's whose portfolio included Port Authority matters—a media inquiry from *The Bergen Record's* “Road Warrior” columnist, Cichowski, asking about “the Port Authority’s decision” to realign the Fort Lee access lanes;⁶⁹⁸ seven minutes later, Wildstein sent to Drewniak a draft press response from the Port Authority, stating that the “Port Authority is reviewing traffic safety patterns” and that the “PAPD has been in contact with Fort Lee police throughout this transition.”⁶⁹⁹ Both of Wildstein’s emails to Drewniak, as well as the Media Activity Report sent by Marsico later that night, were received by Drewniak in the ordinary course of his employment,⁷⁰⁰ and did not contain any indication that the lane realignment might have involved others beyond the Port Authority. Drewniak did not review Wildstein’s emails that day, as he was preoccupied with the Seaside Park fire. But when Drewniak reviewed these emails the following day, he considered the issue to be so insignificant that he did not even bother to inform his supervisor, Comella, about the lane realignment press inquiry.

Also on the afternoon of September 12, 2013, Mayor Sokolich called his primary contact in the Governor’s Office, Ridley, who promptly reported the substance of that call to his supervisor Renna.⁷⁰¹ Renna’s written summary of the Sokolich-Ridley call, emailed to Kelly shortly afterward, reflects Mayor Sokolich’s questions about “why [the] Port Authority decided to do this” and Ridley’s “unaware[ness] that the toll lanes were closed.”⁷⁰² Kelly sent a one-word response to Renna—“Good.”—close to midnight eight hours later.⁷⁰³ While incriminating in hindsight—especially since Kelly later asked Renna to delete it—at the time, Kelly’s one-word response could also have been interpreted as meaning she thought Ridley had handled the phone call properly or that Kelly appreciated Renna keeping her apprised.

Egea became aware of the issue by week’s end. On September 13, 2013, Baroni forwarded to Egea, without comment, Foye’s September 13, 2013 email reversing the lane

realignment.⁷⁰⁴ When Egea spoke to Baroni about Foye’s email shortly thereafter, Baroni explicitly told her that the Port Authority was conducting a “traffic study” to analyze inefficiencies in the existing lane alignment. Baroni’s explanation, as well as his assurance that the Port Authority had acted appropriately at all times before and during the lane realignment, led Egea to view Foye’s email as the product of recurring tensions between New York and New Jersey Port Authority officials. She also came away believing the lane realignment to be an internal Port Authority matter that did not necessitate intervention by the Office of the Governor. Egea therefore did not mention Foye’s email to the Governor, McKenna, or O’Dowd.

c. After September 13, 2013, Governor’s Office Employees Continued To Understand The Lane Realignment To Be A Port Authority Traffic Study

When the Governor’s Office began to receive direct media requests for comment, Drewniak’s official responses reflected his contemporaneous understanding of the lane realignment as a legitimate Port Authority traffic study. On September 17, 2013, Drewniak declined to provide a formal statement on behalf of the Governor’s Office, instead referring a *Wall Street Journal* reporter to the Port Authority as “an independent agency.”⁷⁰⁵ Though Drewniak was aware of speculation that the lane realignment had been some form of political retaliation, he described those allegations in an email to Wildstein at the time as “crazy.”⁷⁰⁶ Drewniak handled *The Wall Street Journal*’s October 1, 2013 inquiry in similar fashion, again referring the reporter to the Port Authority as “an independent agency” about “its traffic studies.”⁷⁰⁷ That said, by this time, Drewniak appreciated that the lane realignment was attracting increased press attention, and he therefore elevated the issue to Comella.⁷⁰⁸ And as the Governor’s Office received more press inquiries throughout October and November 2013, Drewniak’s responses emphasized that the Governor had no involvement in the Port Authority’s “traffic studies” in Fort Lee.⁷⁰⁹ In sum, all of Drewniak’s official and off-the-record responses to

press inquiries reflected his understanding of the lane realignment as a Port Authority traffic study independent of the Governor's Office.

Furthermore, throughout this period, Wildstein and Baroni continued to reassure Governor's Office employees—McKenna, Crifo, and Drewniak, in particular—that the lane realignment had been a legitimate and long-planned Port Authority traffic study. After the publication of the October 1 *Wall Street Journal* article, at the Governor's direction, McKenna questioned Baroni, who assured McKenna that the lane realignment had been a legitimate Port Authority traffic study; McKenna communicated Baroni's assurances to the Governor. In addition, Wildstein reiterated to Crifo that the lane realignment had been designed to study potential modification of the three Fort Lee access lanes—an arrangement that Wildstein claimed had “always bothered us.” After the November 13, 2013 Port Authority Board of Commissioners monthly meeting, Baroni told Crifo that there was nothing else she “needed to know” about the lane realignment, which he reiterated had been a legitimate Port Authority traffic study. Neither Crifo nor Drewniak had any reason to doubt Wildstein and Baroni's consistent refrain.

In November 2013, Egea and Crifo reviewed Baroni's draft testimony before the Assembly Transportation Committee. Their review of Baroni's draft testimony demonstrates that they genuinely believed what Wildstein and Baroni had been telling them—namely, that the lane realignment had been a legitimate Port Authority traffic study to re-evaluate a policy (related to the three Fort Lee access lanes) that had long warranted scrutiny. Egea encouraged Baroni to focus his testimony on the reasons for the traffic study and the data collected from the study, and to acknowledge the Port Authority's communication failures. Her specific suggested revisions—most of which consisted of removing extraneous detail—sought to streamline and

clarify Baroni's testimony. In short, Egea and Crifo's comments on Baroni's draft testimony reflect their understanding of the lane realignment as a flawed but legitimate Port Authority operation—an understanding shaped by Wildstein and Baroni and, at that time, shared by everyone in the Governor's Office, except for Kelly.

d. By Early December 2013, Some Learned Of Rumors That Kelly And Stepien May Have Known About The Lane Realignment

Rather than heed Egea's advice to provide a simple and straightforward account of the lane realignment and related communication failures, Baroni repeatedly argued to the Assembly Transportation Committee about the merits of the existing Fort Lee access lanes.⁷¹⁰ While certain employees in the Governor's Office politely said Baroni did well, they privately agreed with the public assessment that his testimony was too argumentative and left "more questions than answers."⁷¹¹

Baroni's appearance marked the first time that a Port Authority representative publicly held Wildstein responsible for having ordered the lane realignment, and it intensified public scrutiny of both men. By early December 2013, Wildstein and Baroni were under mounting pressure to answer for the failed Port Authority operation. It was at that point that Wildstein began to allege that individuals within the Governor's Office knew about the lane realignment.

Specifically, around this time, Wildstein alleged to Drewniak that Kelly and Stepien had known about the lane realignment. Although this allegation was vague and Wildstein never suggested to Drewniak that the lane realignment was anything other than a traffic study or done for any retaliatory or other ulterior motive, Drewniak believed that, soon thereafter, he conveyed this allegation to McKenna.⁷¹² Subsequently, on December 4, 2013, Wildstein repeated his allegation to Drewniak and, for the first time, alleged that Wildstein had mentioned the Fort Lee traffic study to the Governor at a public event during the lane realignment.

The following day, Drewniak mentioned Wildstein’s allegations regarding Kelly, Stepien, and the Governor to O’Dowd and the Governor. These allegations are described and assessed in greater detail below. Follow-up inquiries were then made. On December 12, 2013, the Governor spoke personally with Stepien. And on the morning of December 13, 2013, the Governor called a special meeting of his senior staff and personally directed every one of them to disclose immediately any knowledge they had of the lane realignment. No one came forward. At that time Bridget Kelly was specifically questioned by O’Dowd at the Governor’s direction and denied any involvement, which turned out to be a lie.

* * * * *

The Governor held a press conference later on December 13, 2013. At the press conference, the Governor, having been “assured” that his senior staff and Stepien had no involvement, told the press that day that none of them had any prior knowledge of the lane realignment.⁷¹³ The Governor and his senior staff accepted Kelly’s and Stepien’s assurances, which were later revealed to be false.

The question of the Governor’s specific knowledge before, during, and after the lane realignment is one we have examined particularly closely. We now turn to examine the evidence related to this question.

3. The Governor Did Not Know In Advance And Was Not Involved In This Bridge Lane Realignment Decision

a. Before September 9, 2013, The Governor Had No Knowledge Of The Bridge Lane Realignment

We reviewed electronic records from the Office of the Governor, including Kelly’s and Stepien’s emails while they were employed in the Governor’s Office, as well as the personal emails, phone records, and text messages of Governor Christie himself and others in the Governor’s Office. From our examination of these records, other available documents, and our

interviews of Governor Christie and others who corroborated his account, we conclude that Governor Christie had no knowledge of the lane realignment before September 9, 2013, and no role in the lane realignment decision. Indeed, in our comprehensive examination of hundreds of thousands of documents and dozens of interviews, we have not found any evidence suggesting otherwise.

From what we reviewed, there were no emails or phone calls between Governor Christie and Wildstein in the month preceding the lane realignment. The visitor logs do not indicate any visits from Wildstein to the Governor's Office during August and September 2013. Of course, the Governor spoke regularly with Stepien as his campaign manager, and less frequently with Kelly and Baroni, during August and September 2013, but the Governor stated that he does not recall ever discussing the lane realignment, the Port Authority, or Mayor Sokolich during any of these conversations, and there is no evidence to the contrary. Indeed, the Governor was traveling or out of the office during key periods of time preceding and during the lane realignment, including on August 2 to 4, August 5 to 11, August 24 and 25, September 8 to 9, and September 12 to 13, 2013.

b. From September 9–13, 2013, The Governor Had No Knowledge Of The Bridge Lane Realignment's Implementation

Nor did we find any credible evidence that the Governor had knowledge of the lane realignment while it was occurring from September 9 to 13, 2013. The Governor has stated that, at the time of the lane realignment, he has no recollection of being aware of the Fort Lee traffic caused by the lane realignment. This response is not surprising, given the otherwise routine nature of traffic problems in and around the region's bridges and tunnels and the Governor's full schedule during that week, which included out-of-state and in-state travel on September 8 to 9 (Texas) and September 12 to 14 (Seaside Park, New Jersey), to respond to a fire that devastated

the Seaside Park community.⁷¹⁴ Our examination of emails, text messages, phone records, and other documents found no evidence that the Governor had knowledge of the lane realignment during its implementation. Indeed, the lane realignment was not even included in the weekly list of “top incoming issues” compiled by the Governor’s Office of Constituent Relations for the period of September 6 to 12, 2013.⁷¹⁵

We are aware that Wildstein’s counsel alleged in a January 31, 2014 letter seeking indemnification from the Port Authority for attorney’s fees that “evidence exists . . . tying Mr. Christie to having knowledge of the lane closures, during the period when the lanes were closed.”⁷¹⁶ In other words, Wildstein’s lawyer is acknowledging his client has no evidence that Governor Christie knew of this lane realignment beforehand but claims “evidence exists . . . tying Mr. Christie to having knowledge of the lane closures, during the period when the lanes were closed.”⁷¹⁷ Wildstein’s counsel’s letter, thus, refers to evidence “tying” Governor Christie to “knowledge” rather than establishing knowledge, and he has yet to identify what that “evidence” supposedly is, although presumably his client has already produced any relevant documents that he may have in response to the Assembly Transportation Committee’s earlier subpoena covering this subject matter.

We are also aware that Drewniak recalled Wildstein claiming he mentioned a traffic issue to the Governor at a public event during the lane realignment. Because there are photographs establishing that both Wildstein and the Governor attended the 9/11 Memorial event on September 11, 2013,⁷¹⁸ it appears that Wildstein must have been referring to an exchange between Wildstein and the Governor at that event. There is, however, no evidence we have seen that the Governor and Wildstein actually had any substantive discussion of the Fort Lee lane realignment at that public event.

To begin with, it seems incredible that, in a public setting leading up to a 9/11 Memorial event, surrounded by other government officials and scores of constituents seeking photographs and handshakes, anything substantive or inculpatory would have been discussed. Moreover, the context of Wildstein’s counsel’s claim that “evidence exists” of the Governor’s alleged knowledge of the lane realignment is critically important. First, it is a tacit admission that the Governor did not know of the lane realignment decision beforehand, and Wildstein apparently claims no such evidence. Second, Wildstein’s counsel made that claim in a letter to the Port Authority seeking indemnification for counsel’s legal fees, and only after he publicly requested immunity for his client.⁷¹⁹ In other words, Wildstein’s counsel’s letter was a not-too-subtle attempt to press the Port Authority into granting Wildstein indemnification while, at the same time, to induce federal authorities to grant Wildstein immunity in exchange for Wildstein’s information here. Either way, such an account by Wildstein would not prove the Governor had any substantive knowledge, awareness and involvement in the lane realignment at the time.

In any event, even if credited, any passing reference by Wildstein—made in a social, public setting at the time of a public 9/11 Memorial event—to a traffic issue in Fort Lee would not have been meaningful or memorable to the Governor. Indeed, it seems highly unlikely such a brief mention, even if made by Wildstein to the Governor, would have registered with the Governor at all. Only a more substantive conversation about the ulterior motive behind the Port Authority’s traffic study would have registered, and in that public setting, any claim that such a conversation occurred would lack credibility. In any event, the Governor recalls no such exchange.

c. After Learning In December 2013 Of Kelly's And Stepien's Potential Involvement In The Lane Realignment, The Governor Personally Directed An Inquiry And Full Disclosure By Senior Staff

When the Governor first learned of Foye's September 13, 2013 email in or around October 2013, he raised the issue with senior staff. The Governor recalled McKenna thereafter telling him that he spoke to Baroni, who assured McKenna that the lane realignment was a legitimate Port Authority traffic study and that Foye was being contentious, as he often was with his New Jersey counterparts. During his December 2, 2013 press conference, the Governor was asked one question about the lane realignment, which he answered in an irreverent manner, consistent with his view at the time that the lane realignment was a legitimate traffic study within the province of the Port Authority.⁷²⁰

Later, in early December 2013, the Governor first heard rumors that Wildstein was claiming Kelly and Stepien had knowledge of the lane realignment. The information was speculative, vague, and hearsay: it was unclear exactly what Kelly and Stepien "knew" about the lane realignment or when they allegedly knew it. Moreover, all reports of Kelly's and Stepien's alleged knowledge at the time were consistent with the Governor's Office's prior understanding that the lane realignment was a legitimate, though flawed, Port Authority traffic study. And when confronted later in December 2013, both Kelly and Stepien denied any involvement. This is what the Governor has consistently stated, to the public and to us, and we credit the Governor's account. It is corroborated by multiple other witnesses, and it is consistent with the way the Governor carried himself.

Nevertheless, the Governor appreciated that the allegations were sufficiently serious to warrant follow-up. Thus, in the days that followed, the Governor directed Kevin O'Dowd, his Chief of Staff and a former federal prosecutor, to question Kelly. The Governor himself also

questioned Stepien. Then, on December 13, 2013, the Governor personally convened a special morning meeting of his senior staff and directed them to immediately disclose any knowledge of or involvement any of them had in the lane realignment. The many witnesses to the meeting whom we interviewed were unanimous: the Governor was upset and concerned that the issue had become a distraction; and he insisted that anyone with any knowledge about the lane realignment or the traffic study come forward and report that information to the Governor, O'Dowd, or McKenna immediately.

The Governor's reactions at various points during this period of intensified media scrutiny, from December 2013 through January 2014, reflect the words and actions of someone telling the truth.

- When asked about the lane realignment in his December 2, 2013 press conference, Governor Christie found the subject so ludicrous that he joked that he “was . . . the guy working the cones out there.”⁷²¹
- During the December 13, 2013 senior staff meeting, as all who attended described, the Governor ordered his staff in a heartfelt, emotional and, at times, agitated manner to come forward with any information about the lane realignment.
- During the press conference that followed later that day on December 13, 2013, having been “assured” that none of his senior staff and Stepien were involved, Governor Christie committed to the public he was confident that no Governor's Office employee played any role in the lane realignment.⁷²²
- On January 8, 2014, when documents were publicly released reflecting Kelly's involvement in the lane realignment and Stepien's apparent awareness, Governor Christie called together top aides and, in an emotional session, directed Kelly's immediate firing for lying to him and decided to sever ties with Stepien.
- On January 9, 2014, Governor Christie held a lengthy, two-hour press conference, during which he apologized to Fort Lee, announced that he had fired Kelly and severed ties with Stepien, reiterated that he did not know of or authorize the lane realignment in advance, and following that, answered press questions.⁷²³

- On January 16, 2014, the Governor’s Office hired Gibson Dunn to facilitate full cooperation with the U.S. Attorney’s Office’s investigation and other appropriate inquiries, conduct an internal investigation of the lane realignment allegations (and later, the Hoboken allegations too), and make recommendations to the Governor’s Office on best practices. And the Governor’s Office has since given us unfettered access to documents, witnesses, and to the Governor himself.
- On February 3, 2014, Governor Christie appeared on his radio show on NJ 101.5 FM and reiterated that he did not know about Kelly’s involvement in the lane realignment: “The answer is unequivocally ‘no.’” The Governor also reaffirmed the Office’s commitment to a full and transparent investigation.⁷²⁴

The course of conduct by Governor Christie is consistent with how someone would have been expected to act who was unaware of Kelly’s and Stepien’s knowledge or involvement in the lane realignment. Indeed, when he finally learned the truth, Governor Christie was genuinely shocked and disappointed—welling up with emotion—as numerous members of his senior staff have confirmed. And he then immediately decided to fire Kelly and sever ties with Stepien. Moreover, by all accounts, the Governor appeared genuinely saddened and remorseful at his January 9, 2014 press conference. In short, we find this course of conduct further corroborates our findings.

Furthermore, the Office of the Governor, with the Governor’s support, retained Gibson Dunn to conduct a thorough internal investigation to determine what occurred. This course of conduct similarly corroborates our findings.

E. Other Allegations And Issues

As stated above, the principal objective of our investigation was to determine the facts regarding both the Bridge lane realignment allegations and Mayor Zimmer’s allegations regarding Superstorm Sandy aid. With respect to the lane realignment, we focused on who knew what and when within the Governor’s Office. The lane realignment allegations, however, have

snowballed to include additional allegations and issues, some tangential. Here, we address four of these issues, about which we had ample evidence to draw conclusions.

1. There Is No Evidence Of Any Cover-Up Within The Governor's Office

Our investigation has concluded that no one in the Governor's Office, besides Kelly, was involved in the planning or execution of the lane realignment. Indeed, Kelly repeatedly deceived Governor Christie, his senior staff, and her own staff. And the Governor fired her immediately upon discovering her involvement in this matter.

While Kelly's motives are not entirely clear, what is clear is that her actions were unauthorized and improper. Still, Kelly's conduct, including a request to a staffer to delete an email that she realized would prove incriminating, inevitably leads to the question: Did any other member of the Governor's Office, besides Kelly, knowingly attempt to conceal, destroy, or otherwise cover up evidence relevant to the lane realignment? We find no such evidence. To the contrary, when, by early December 2013, allegations of Kelly's involvement surfaced—however vague and speculative those allegations were at the time—the Governor personally had further inquiry made and demanded full disclosure by his senior staff.

Under all of the surrounding circumstances, the Governor's Office understandably accepted the explanation given to them by their Port Authority representatives (Wildstein and Baroni) that this was a legitimate traffic study, even if flawed in its execution. And they then trusted their colleague, Kelly, when she told them that she had no prior knowledge and involvement, giving her the benefit of the doubt. And of course, the evidence of her participation in this plan was not to be found in government files; it was kept hidden in private text messages and personal email accounts to cover up her communications, making it difficult to uncover in any event.

2. Accusations That The Governor Created A “Culture” That Encouraged Aides To Target Political Enemies Are Not Substantiated

Following the lane realignment, several New Jersey legislators have claimed that Governor Christie created a “culture” of “abuse of power” condoning retaliation against political adversaries.⁷²⁵ Specifically, Senator Weinberg has made this accusation: “No matter what we find in terms of Chris Christie’s knowledge or lack of knowledge before or after, he set the atmosphere that this kind of behavior is acceptable.”⁷²⁶

In response to these allegations, we have endeavored to determine whether or not Governor Christie condoned, encouraged, or directed those working in his Office to engage in partisan retaliation. Our investigation found such speculation to be unsubstantiated.

First, we interviewed dozens of former and current staff members of the Office of the Governor. No one said that Governor Christie created or encouraged a culture of partisan retaliation. Indeed, many of them commented that they had never even been asked about their political affiliation.

Second, in the course of investigating the Bridge lane realignment and the Hoboken allegations, we reviewed more than 250,000 documents. During the course of this review, we found no pattern or practice of partisan retaliation.

Third, we assessed the allegations of some New Jersey legislators that Democratic Mayors who declined to endorse the Governor were then “punished.”⁷²⁷ Our investigation found that allegation to be unsubstantiated. In fact, the majority of the Democratic Mayors whose endorsements were sought starting in January 2013 ended up never endorsing Governor Christie’s re-election campaign⁷²⁸—including Democratic Mayors from municipalities much larger than Fort Lee. Yet they typically perceived no difference in their treatment by the Christie Administration afterward.⁷²⁹

Indeed, the only serious allegation of partisan retaliation that has been raised is this George Washington Bridge incident involving Mayor Sokolich.⁷³⁰ Of course, soon after the lane realignment, Mayor Sokolich told the press that he found it “incomprehensible” that the lane alignment could have been an act of political retaliation, given the “good relationship” he continued to have with the Christie Administration.⁷³¹ And on November 14, 2013, in response to an article in *The Star-Ledger* on the issue, Mayor Sokolich submitted a letter to the editor complaining: “I have read with disappointment your article . . . indicat[ing] that I stated that the lane closures are the result of ‘punishment for refusal to support Governor Christie’s re-election campaign.’ This is simply not true. I have consistently and without deviation stated on the record that in no way do I believe that these lane closures are a result of my refusal to support the governor. In fact, I advised you that I was never asked to either support or endorse the Governor.”⁷³²

Fourth, we recognize that, over the course of his first term, Governor Christie has been criticized for being blunt. Some have even gone so far to use the term “bully.”⁷³³ Frankness alone, however, does not equate to encouraging acts of political retaliation. And we found no evidence to support such a leap.

During our investigation, we also examined Governor Christie’s track record in office to see if there was any other evidence of political retaliation as a modus operandi of his Administration. What we found was to the contrary. From the outset, Governor Christie emphasized that “partisanship and acrimony ha[ve] not served the people well” and that he would be pursuing bipartisan outreach and alliances across party lines.⁷³⁴ While bipartisanship alone does not eliminate the possibility of a retaliatory culture, it indicates how the Governor, a Republican, committed himself publicly, and indeed had to build working relationships with

Democratic elected officials to govern in a state dominated by Democrats—even when at a cost within his own party.⁷³⁵ How successful he has been in that regard is a matter for others to debate. But that he pledged to pursue bipartisanship is clear from the public record, and it would be antithetical to that approach to engage in systematic retaliation.

Thus, based on our examination of the record, we find that allegations accusing Governor Christie of creating a “culture” of political retaliation are unsubstantiated and, indeed, contradicted by substantial other evidence.

3. The Governor’s Helicopter Travel During The Week Of September 9–13, 2013

On Monday, February 10, 2014, it was reported that the Joint Committee was preparing to vote to issue later that day a subpoena for State Police aviation records, called “Aviation Unit Activity Reports.”⁷³⁶ The subpoena was supposedly being issued to determine whether Governor Christie flew over the George Washington Bridge and Fort Lee areas during the period when the lanes were realigned from September 9 to 13, 2013.⁷³⁷ There was no witness, no document, and no evidence to even suggest that the Governor engaged in any such fly-over. To the contrary, it was already a matter of public record that the Governor traveled by helicopter on September 11, 2013 from the 9/11 Memorial in downtown Manhattan to Trenton,⁷³⁸ which is south of the 9/11 Memorial, via a 30th Street helipad. Hence, there was no reason to believe that he would have gone out of his way to fly north of 30th Street in Manhattan over the Fort Lee and George Washington Bridge areas on his way south to Trenton.

The reality is that the Governor did not fly over the Fort Lee and George Washington Bridge areas on that day or any other day that week. Indeed, on February 11, 2014, the New Jersey State Police confirmed in a public statement that “[n]one of the three flights transporting the governor during that week [of September 8, 2013] flew over, or close to either the George

Washington Bridge or Fort Lee, including the flight on 9/11.”⁷³⁹ The Governor’s Office has since released records, which we have reviewed, confirming his helicopter travel that week.⁷⁴⁰

4. No Evidence Of Death Or Bodily Injury Resulting From Fort Lee Traffic

The SCI’s authorizing resolution asserted that the lane realignment “impaired public safety,” and that this was a basis for its investigation.⁷⁴¹ Politicians and the press have continued to repeat that claim.⁷⁴² To be sure, the lane realignment caused significant traffic delays that inconvenienced commuters and emergency services alike.⁷⁴³

There is no credible evidence that anyone suffered any bodily injury as a result of the increased traffic congestion. The *Associated Press* conducted its own independent study of 911 records to determine whether there is any truth to these allegations.⁷⁴⁴ Over the course of several weeks, the *Associated Press* obtained records through public records requests, examined over five hours of emergency dispatch audio, conducted interviews, and reviewed dozens of pages of call logs to identify any emergency situations within a roughly 5-mile radius of the Bridge, focusing on any situation where a person’s life or urgent medical care appeared to have been directly implicated as a result of the Fort Lee traffic congestion.⁷⁴⁵ On February 14, 2014, the *Associated Press* published its analysis confirming the absence of evidence of any physical harms resulting from the Bridge traffic congestion.⁷⁴⁶ As the *Associated Press*’s analysis concluded, the “gridlock” from the lane realignment “appeared not to lead to anyone’s death or seriously compromise their medical care.”⁷⁴⁷ While the *Associated Press* noted that “police and emergency medical workers warned of ‘total gridlock’ and pleaded for patience responding to 911 calls around Fort Lee,” there was nothing to suggest that medical care was compromised or anyone harmed as a result.⁷⁴⁸

V. FACTUAL FINDINGS: MAYOR DAWN ZIMMER'S ALLEGATIONS CONCERNING SUPERSTORM SANDY AID TO HOBOKEN

We now turn to address the allegations by Hoboken Mayor Dawn Zimmer regarding Superstorm Sandy aid to Hoboken. The principal objective of our investigation was to determine the facts regarding both the Bridge lane realignment and Mayor Zimmer's allegations concerning Superstorm Sandy aid. We note, however, that these two investigative tasks are considerably different in kind. With respect to the lane realignment, we endeavored to determine who ordered, participated in, or had knowledge of the plan, and whether there were any ulterior motives for the act. We accordingly developed a detailed factual chronology and drew conclusions from the substantial evidence available to us. In contrast, Mayor Zimmer's allegations are more pointed in detail and direction. We approached our investigation—and this section of the report—in a manner directly responsive to the specific allegations.

Starting on January 10, 2014—the day after Governor Christie's press conference regarding the George Washington Bridge lane realignment—and continuing for the next ten days, until January 20, 2014, Mayor Zimmer conducted a series of media interviews complaining about Hoboken's Sandy aid allocations and attributing the blame to several Christie Administration officials by name. The crux of Mayor Zimmer's shifting allegations are that Lieutenant Governor Kimberly Guadagno, Commissioner Richard Constable of the New Jersey Department of Community Affairs ("DCA"), and Marc Ferzan, Executive Director of the Governor's Office of Recovery and Rebuilding, conspired to threaten and directly threatened her with holding back Sandy aid for Hoboken unless she supported the Rockefeller Group's private development project, and that these individuals were delivering a "direct message from the governor."⁷⁴⁹ These allegations were made eight months after the events in question, their

breadth expanded from two to four individuals, and they involved a purported chronicling of public events in a personal notebook.

In response to Mayor Zimmer's allegations, we interviewed Lieutenant Governor Guadagno, Commissioner Constable, and Ferzan, dozens of others involved in making Sandy aid determinations within the Christie Administration, and Governor Christie. We also reviewed reams of documents, including personal emails and texts. We also interviewed, and reviewed documents from, the senior staff for Governor Christie, Lieutenant Governor Guadagno, Commissioner Constable, and Ferzan, all of whom cooperated with our investigation. We have also sought interviews and documents from Mayor Zimmer; Mayor Zimmer's Chief of Staff Daniel Bryan; Hoboken Communications Director Juan Melli; Hoboken Councilmen David Mello and Ravi Bhalla; Rockefeller Group executives involved in the Hoboken development; and partners at the law firm of Wolff & Samson PC, former counsel for the Rockefeller Group, involved in that representation. Counsel for Mayor Zimmer, Bryan, Mello, Bhalla, and Melli collectively declined our invitation to cooperate with this investigation or provide us with any documents relating to Mayor Zimmer's allegations, although she has given several media interviews about her allegations and turned over to the press pages from her handwritten notebook. Hoboken officials to whom she allegedly told her story after the fact also declined our invitation to cooperate with this investigation. Despite non-cooperation from Mayor Zimmer and other Hoboken officials, we were able to obtain documents from Mayor Zimmer's office, pursuant to New Jersey's Open Public Records Act ("OPRA"), including documents she and her staff released to the media during the relevant time period. From Mayor Zimmer's many statements to the media, we have been able to determine the substance and nature of her allegations, and we have been able to obtain copies of her handwritten notebook pages that she

gave to the media. The Rockefeller Group and Wolff & Samson declined our request for interviews and documents.

Our factual findings regarding Mayor Zimmer’s allegations concerning Sandy aid to Hoboken are presented in four sections: first, we outline Mayor Zimmer’s allegations; second, we provide background information regarding Sandy funding and the context of Mayor Zimmer’s allegations; third, we detail our findings in a chronological fashion; and fourth, we provide an analysis of our factual findings and, based on the ample evidence examined, we expressly address each of Mayor Zimmer’s allegations.

A. Mayor Zimmer’s Allegations

From January 10 to January 20, 2014, Mayor Zimmer’s statements wound their way from: (1) saying that she “hope[d]” that the amount Sandy aid Hoboken received did not reflect “retribution” for her decision not to endorse Governor Christie;⁷⁵⁰ to (2) affirming that “I don’t think it was retaliation and I don’t have any reason to think it’s retaliation;”⁷⁵¹ to (3) asserting that the Lieutenant Governor (a former federal prosecutor) “created”⁷⁵² a joint public appearance with her in May 2013 at a ShopRite store for the purpose of “pull[ing]” her “aside” afterward to deliver “a direct message” from the Governor to Mayor Zimmer tying Hoboken’s receipt of Superstorm Sandy aid to Mayor Zimmer’s support for a private commercial development in Hoboken’s North End sponsored by the Rockefeller Group;⁷⁵³ to (4) claiming Commissioner Constable (also a former federal prosecutor) in May 2013 made a similar threat, telling Mayor Zimmer as they were both “mic’d up,” about to go live on a television panel discussion about post-Sandy recovery, that if the Rockefeller Group’s project “move[s] . . . forward,” Hoboken’s Sandy aid “will flow”;⁷⁵⁴ to (5) alleging Ferzan (also a former federal prosecutor) pressured her as well in late 2013 to support private development in exchange for Sandy aid—a charge she made for the first time hours after Ferzan gave a press conference refuting Mayor Zimmer’s

accusations.⁷⁵⁵ Mayor Zimmer also claimed that the Lieutenant Governor confessed at the time of their May 2013 encounter that “I know it’s not right. I know these things should not be connected, but they are and if you tell anyone, I’ll deny it.”⁷⁵⁶

Below, we outline Mayor Zimmer’s principal allegations regarding Sandy aid to Hoboken.

1. Mayor Zimmer Did Not Have “Any Reason” To Think “Retaliation” Played Any Role In Hoboken’s Sandy Aid Allocations

On January 10, 2014, in an interview with WNYC and New Jersey Public Radio, Mayor Zimmer said that Governor Christie had asked her to endorse him for re-election in the spring of 2013, and that she told him that she would remain neutral.⁷⁵⁷ Mayor Zimmer said that she had applied for \$100 million from the State in hazard mitigation grants—that is, federal funds administered by New Jersey’s DCA to prevent future flooding in Hoboken—but received only \$300,000.⁷⁵⁸ Mayor Zimmer then wondered aloud whether the reason Hoboken received only a fraction of the funds it requested was “retribution” for her not endorsing Governor Christie for re-election: “With 20/20 hindsight, in the context we’re in right now, we can always look back and say, ‘Okay, was it retribution? . . . I think probably all Mayors are reflecting right now and thinking about it, but I really hope that that’s not the case.’”⁷⁵⁹ Mayor Zimmer also stated that when she received “a lot less” than she had asked for in grants, she “was angry because [she] felt like the focus was on the [New Jersey] shore.”⁷⁶⁰

The next day, January 11, 2014, Mayor Zimmer told CNN that she did not think that Sandy aid was being withheld by Governor Christie as “retaliation.” She said: “I don’t think it was retaliation and I don’t have any reason to think it’s retaliation, but I’m not satisfied with the amount of money I’ve gotten so far.”⁷⁶¹

2. Mayor Zimmer's Allegations Regarding Lieutenant Governor Guadagno

Just one week later, however, starting on January 18, 2014, Mayor Zimmer made a series of allegations that, if true, are in direct conflict with her earlier statements that she did not have knowledge of any “retribution” or “retaliation” by the Christie Administration.

On the morning of January 18, 2014, Mayor Zimmer appeared on MSNBC's television program *Up with Steve Kornacki*, and alleged for the first time that, on May 13, 2013, Lieutenant Governor Guadagno sent her a “direct message” from the Christie Administration that Sandy funds were connected to her support for the Rockefeller Group's North End development project.⁷⁶² According to Mayor Zimmer, “the lieutenant governor came to Hoboken, she pulled me aside in the parking lot, and she said, ‘I know it's not right. I know these things should not be connected, but they are and if you tell anyone, I'll deny it.’”⁷⁶³ Mayor Zimmer alleged that the Lieutenant Governor had said “very clearly” that “[t]he Sandy funding, it's being held hostage for the city of Hoboken” and it was “connected to the Rockefeller Group project” and that if Mayor Zimmer did not “move ahead, we're not going to be able to help you.”⁷⁶⁴ Mayor Zimmer further alleged that she asked the Lieutenant Governor if “any other town [was] being required to do development in exchange for help of the flooding,” and that “her answer was, ‘well, the shore brings in \$38 billion in revenue.’”⁷⁶⁵ Mayor Zimmer asserted “that the Christie Administration is connecting the Sandy funds to this Rockefeller project,” and claimed that Hoboken had “barely gotten any money.”⁷⁶⁶

Later that same day, January 18, 2014, Mayor Zimmer was interviewed by the *Hoboken Reporter*.⁷⁶⁷ Mayor Zimmer speculated for the first time about whether Governor Christie was personally involved: “I went with the facts of what I experienced, and that was that [Lieutenant Governor Guadagno] pulled me aside in ShopRite and told me to move forward with [the

Rockefeller Group's] project. . . . I don't think she would have done that without the governor's approval, but I guess it's possible."⁷⁶⁸

On January 19, 2014, Mayor Zimmer appeared on CNN's *State of the Union* hosted by Candy Crowley.⁷⁶⁹ Mayor Zimmer again alleged that the Lieutenant Governor had pulled her aside and linked Sandy aid to the Rockefeller Group's project: "I think we really got shortchanged on the funding. We've been saying from the very start that we have severe needs and that we need to look at this comprehensively and we've been asking them again and again. Now the fact is that she came, lieutenant governor pulled me aside and said essentially, you got to move forward with the Rockefeller project."⁷⁷⁰ Although the previous day Mayor Zimmer claimed that she did not know whether the Lieutenant Governor was acting with the "governor's approval" and acknowledged it was "possible" she was not,⁷⁷¹ in her interview with Crowley, Mayor Zimmer claimed for the first time that the Lieutenant Governor was delivering a "direct message from the governor."⁷⁷² Mayor Zimmer claimed that the Lieutenant Governor stated "that she had been with him on Friday night and that this was a direct message from the governor" and that the "project is really important to the governor."⁷⁷³

The next day, January 20, 2014, Mayor Zimmer appeared on CNN's Anderson Cooper 360 Degrees.⁷⁷⁴ Mayor Zimmer reiterated her claim that the Lieutenant Governor had told her at the ShopRite that she had "to move ahead with the Rockefeller project" and again claimed in response to Mayor Zimmer's question whether "any other town [was] being asked to do development in exchange for help with the flooding," that the Lieutenant Governor stated, "the shore brings in \$38 billion."⁷⁷⁵ Mayor Zimmer then alleged for the first time that the ShopRite event was specifically "created" to allow the Lieutenant Governor to send "a very clear message" in response to a May 8, 2013 letter to Governor Christie about flooding in Hoboken and the need

for Sandy aid.⁷⁷⁶ According to Mayor Zimmer, “two days” after Mayor Zimmer sent that letter, the Governor’s “office calls Friday afternoon [May 10, 2013] and says, we want to do a Sandy business event on Monday” and that “the timing seemed a little bit strange.”⁷⁷⁷ When asked whether she believed that the Lieutenant Governor’s “coming down” was “specifically in response to this letter of May 8th,” Mayor Zimmer replied “I do believe it. It’s related. Yes. I do believe that it was related. I think that she – you know, that event was created so that she could come and have the opportunity to make a very clear message to me.”⁷⁷⁸

3. Mayor Zimmer’s Allegations Regarding DCA Commissioner Constable

Mayor Zimmer has alleged that on May 16, 2013, three days after the Lieutenant Governor purportedly delivered a message to her at the ShopRite event, Commissioner Constable, a registered Democrat,⁷⁷⁹ delivered the same message—that Mayor Zimmer had to go forward with the Rockefeller Group’s North End project if she wanted Sandy aid for Hoboken.⁷⁸⁰ Although Mayor Zimmer never expressly discussed this charge in any of her media interviews, she purported to memorialize it in handwritten notes she provided to the media.⁷⁸¹ Mayor Zimmer alleged that at a televised forum related to Superstorm Sandy, while wearing live microphones, with other panelists surrounding them, and with the sound team able to listen in as the show was about to start, Commissioner Constable delivered another similar message to her linking Sandy aid to the Rockefeller Group’s development project:

Then I go speak on a panel afterward again on tv w/ Comm. Constable (Richard) of the DCA. On that night) . . . We are mic’d up w/ other panelists all around us— + probably the sound team listening + he says—I hear you are against the R project[.] I reply—I am not against the Rockefeller p—in fact I want more commercial dev. in Hob—oh really—everyone in the statehouse believes u r against it—the buzz is that u r against it—‘if you move that forward the \$ would start flowing to u’ he tells me. he says—considering we r @ Sandy conference & I have been doing nothing but hounding the Gov. office for help) w/ grant \$—it is pretty clear what he means by ‘\$ will flow.’ [...] Nice to know there really is a direct connection b/t the Rockefeller p + Sandy funding.⁷⁸²

4. Mayor Zimmer's Allegations Regarding GORR Executive Director Ferzan

On the morning of January 20, 2014, GORR Executive Director Marc Ferzan, a registered Independent,⁷⁸³ held a press conference call refuting Mayor Zimmer's claims that Sandy aid was linked to the Rockefeller Group project.⁷⁸⁴ Ferzan's statements to the press refuting Mayor Zimmer's claims were reported publicly by approximately 10:20 a.m. that morning.⁷⁸⁵

Later that same day, Mayor Zimmer alleged for the first time that Ferzan was also part of the conspiracy to hold Hoboken's Sandy aid hostage.⁷⁸⁶ Towards the end of her January 20, 2014 evening appearance on CNN's Anderson Cooper 360 Degrees, Mayor Zimmer claimed for the first time that Ferzan had recently tied Sandy aid for Hoboken to private development:

ZIMMER: All I'm asking for Christie is for, one, support my Rebuild by Design competition, it's an excellent opportunity. I was down in a meeting a month ago, and I said to Mark Ferzan, they, you know, invited me down for a briefing, and I said, Mark, can you put some support for Rebuild by Design into the second tranche of funding? And he said, well, Mayor, you need to let me know how much development you're willing to do. That was the answer that I got back. So—I mean, that pressure is there. And the writing's on the wall, and that's part of my thinking of coming forward. It's like, you know, it's—that threat is there and we're not going to get more funding if I don't—you know, I'm really—

...

COOPER: So you're saying the head of the Sandy redevelopment process was also talking to you about development?

ZIMMER: I mean, he said that like a month ago. Right. So the lieutenant governor gave a message. I didn't do exactly what they want, you know, and so the pressure continues.⁷⁸⁷

* * * * *

Thus, Mayor Zimmer has publicly accused multiple Christie Administration officials of being part of a conspiracy to coerce her to approve the Rockefeller Group's development project in exchange for Hoboken receiving Sandy aid. Her alleged conspiracy is supposedly being

perpetrated by former federal prosecutors who have had distinguished careers in public service and some of whom left lucrative jobs in the private sector to help in the Sandy recovery effort. As described in detail below, Mayor Zimmer's latest allegations conflict with her own contemporaneous expressions of support for the Governor and thanks to the Christie Administration for its leadership and accomplishments on Sandy relief.⁷⁸⁸ Based on the contemporaneous hard evidence we have uncovered in our investigation, we find that Mayor Zimmer's allegations do not withstand scrutiny and that her subjective perceptions do not match objective reality.

B. Background On The Parties

The following section provides brief biographies of the parties implicated by Mayor Zimmer's allegations: Mayor Zimmer, Governor Christie, Lieutenant Governor Guadagno, DCA Commissioner Constable, and GORR Executive Director Ferzan.

Mayor Dawn Zimmer. In 1990, Mayor Zimmer graduated from the University of New Hampshire.⁷⁸⁹ From 1990 to 1993, Mayor Zimmer taught English in Japan.⁷⁹⁰ From approximately 1993 to 2001, she worked in communications at Sumitomo Corporation of America in Manhattan and then Edelman Public Relations Worldwide.⁷⁹¹ In or about 2006, Mayor Zimmer became involved in Hoboken civic life when she became a member of the steering Committee of the Southwest Parks Coalition. Around that same time, she was one of five named plaintiffs who successfully sued to block a redevelopment project in Southwest Hoboken that would have added high-rise condominium units to the area.⁷⁹² Prior to becoming Mayor, from approximately 2007 to 2009, Zimmer was Hoboken's Fourth Ward Councilwoman.⁷⁹³ In the summer of 2009, she became the Acting Mayor, and the first female Mayor, of Hoboken, when Mayor Peter Cammarano stepped down after his arrest on political corruption charges, caught in an undercover FBI bribery sting operation by someone pretending

to be a developer.⁷⁹⁴ Mayor Zimmer then won a full mayoral term in November 2009 and was re-elected in November 2013.⁷⁹⁵

Governor Christopher J. Christie. In 1984, Governor Christie graduated from the University of Delaware.⁷⁹⁶ In 1987, he obtained his J.D. from Seton Hall University School of Law.⁷⁹⁷ After graduating, he began practicing law for Dughi, Hewit & Palatucci, PC, a law firm in Cranford, New Jersey, where he ultimately became a partner in 1993.⁷⁹⁸ He remained at the firm through 2001; from 1999 to 2001, he worked as a registered lobbyist for the firm.⁷⁹⁹ In 1994, the Governor was elected a Freeholder in Morris County and served as Director of the Board in 1997.⁸⁰⁰ From 2002 to 2008, Governor Christie was the U.S. Attorney for the District of New Jersey.⁸⁰¹ During his tenure as U.S. Attorney, he oversaw the successful prosecutions of more than 130 public officials for corruption, among other notable accomplishments. On January 19, 2010, Governor Christie was sworn in as the Governor of New Jersey.⁸⁰²

Lieutenant Governor Kimberly Guadagno. In 1980, Lieutenant Governor Guadagno graduated from Ursinus College in Collegeville, Pennsylvania. In 1983, she received her J.D. from the American University Washington College of Law in Washington, D.C. From 1988 to 1991, the Lieutenant Governor served as an Assistant United States Attorney in the Eastern District of New York.⁸⁰³ From 1991 to 1998, the Lieutenant Governor served as an Assistant United States Attorney in the District of New Jersey, where, from 1994 to 1998, she was the Deputy Chief in the Special Prosecutions Division (prosecuting public corruption cases).⁸⁰⁴ Among other things, Lieutenant Governor Guadagno was awarded one of the U.S. Department of Justice's highest honors—the Director's Award—as well as the U.S. Attorney's Office Special Achievement Award, for two separate prosecutions of corrupt public officials.⁸⁰⁵ From 1998 to 2001, she served as Deputy Director of the Division of Criminal Justice in the New Jersey Office

of the Attorney General.⁸⁰⁶ From 2001 to 2007, she practiced law, taught at Rutgers University School of Law-Newark, served as an appointed member of the Monmouth Beach Planning Board, and was elected as a Monmouth Beach Commissioner.⁸⁰⁷ In 2007, the Lieutenant Governor was the first woman ever elected as the Sheriff of Monmouth County.⁸⁰⁸ As Sheriff, she managed a 650-member law enforcement agency.⁸⁰⁹ In November 2009, she was elected New Jersey's first Lieutenant Governor and was sworn into office on January 19, 2010.⁸¹⁰ In addition to serving as the Lieutenant Governor, she serves as the 33rd Secretary of State.⁸¹¹ As Lieutenant Governor and Secretary of State, she spearheads the Christie Administration's efforts to promote business and economic development.⁸¹² She also oversees the New Jersey Partnership for Action, including: (1) the Business Action Center, which reports directly to the Lieutenant Governor and serves as the point of contact for the business community; (2) the New Jersey Economic Development Authority, which serves as the State's "bank for business"; and (3) Choose New Jersey, an independently-funded and operated not-for-profit corporation that promotes economic growth in New Jersey.⁸¹³

DCA Commissioner Richard Constable. In 1994, Commissioner Constable graduated from the University of Michigan.⁸¹⁴ In 1997, he graduated with a J.D. and a Masters in Government Administration from the University of Pennsylvania (the Law School and the Fels Institute of Government, respectively), having completed both degrees in three years.⁸¹⁵ After graduating from the University of Pennsylvania, Commissioner Constable clerked for one year for Justice Alan C. Page of the Minnesota Supreme Court.⁸¹⁶ He then worked for four years as a litigation associate in the New York office of Sullivan & Cromwell LLP.⁸¹⁷ From 2002 to 2010, Commissioner Constable served as an Assistant United States Attorney in the District of New Jersey, working for four years in the Public Corruption Unit.⁸¹⁸ During his tenure in the U.S.

Attorney's Office, Commissioner Constable oversaw hundreds of investigations and tried ten cases, the last five of which were public corruption cases involving bribery and extortion. In 2010, Commissioner Constable became the Deputy Commissioner of the New Jersey Department of Labor and Workforce Development.⁸¹⁹ In January 2012, he became Commissioner of the DCA.⁸²⁰

As head of the DCA, Constable is in charge of DCA's programs to support local and county governments, to oversee municipal land use laws, to enforce building and fire safety code, to assist community planning and development, and to provide financial support and technical assistance to local governments, community development organizations, businesses, and individuals in New Jersey.⁸²¹ After Superstorm Sandy, at Governor Christie's request, Commissioner Constable led the DCA's efforts to assist displaced families in obtaining temporary and permanent housing.⁸²² Commissioner Constable also led DCA's administration of federal funds to rebuild homes, businesses, and infrastructure impacted by Superstorm Sandy.⁸²³ Finally, Commissioner Constable serves as the Chair of the New Jersey Housing and Mortgage Finance Agency, the New Jersey Redevelopment Authority, and the New Jersey Meadowlands Commission.⁸²⁴

GORR Executive Director Marc Ferzan. In 1989, Ferzan graduated from Rutgers College.⁸²⁵ In 1992, he received his J.D. from Fordham University School of Law.⁸²⁶ From 1992 to 1997, Ferzan served as a Staff Attorney, and ultimately Senior Counsel, in the Division of Enforcement at the United States Securities and Exchange Commission, working in both Los Angeles, California, and Washington, D.C. From 1997 to 2000, Ferzan was a Trial Attorney with the United States Department of Justice's Tax Division. From 2001 to 2010, Ferzan was an Assistant United States Attorney in the District of New Jersey,⁸²⁷ where he served under four

U.S. Attorneys. In his supervisory role there, he oversaw, among other things, public corruption cases. Ferzan held various leadership positions in the U.S. Attorney's Office, including Chief of the Commercial Crimes Unit, Deputy Chief of the Criminal Division, and Acting Deputy and Executive Assistant U.S. Attorney.⁸²⁸ Between January 2010 and June of 2012, Ferzan served as the Executive Assistant Attorney General in the New Jersey Office of the Attorney General.⁸²⁹ In that position, he was responsible for managing a staff of more than 8,000 employees and providing legal and policy guidance on a wide range of civil and regulatory matters to the Attorney General, the Governor, the Lieutenant Governor, and senior staff and executive-level members of all departments of the New Jersey State government.⁸³⁰ From July 2012 to November 2012, Ferzan worked for PricewaterhouseCoopers Advisory, where he was the Managing Director of the firm's investigative consulting practice.⁸³¹ In November 2012, Ferzan accepted Governor Christie's offer to lead New Jersey's Superstorm Sandy recovery efforts as the Executive Director of GORR. GORR is tasked with "overseeing and coordinating long-term recovery efforts for New Jersey in cooperation with all federal, state, local, private, and non-governmental partners."⁸³²

C. Background On The Christie Administration's Response To Superstorm Sandy And Overview Of Relevant Sandy Aid Programs

Mayor Zimmer's allegations here rest on certain assumptions relating to the allocation and distribution of Sandy aid to Hoboken. Her allegations assume that, among other things, Hoboken did not receive its fair share of Sandy aid; that the Governor, the Lieutenant Governor, Commissioner Constable, and Ferzan had the ability and discretion to alter the allocated funds to Hoboken; and that there was something improper about Hoboken's receipt of only "a fraction" of the \$100 million in grants Mayor Zimmer said she requested for her City. Here, for background

and context, we review the damage caused by Superstorm Sandy and the federal and New Jersey State responses.

1. Superstorm Sandy

Superstorm Sandy hit New Jersey on October 29, 2012. The storm originated as a tropical wave off the western coast of Africa on or about October 11, 2012.⁸³³ Sandy developed into a tropical storm in the Caribbean Sea on or about October 22, 2012, a category 1 hurricane on or about October 24, 2012, and a category 3 hurricane on or about October 25, 2012, tearing through Jamaica, Cuba, Haiti, and the Bahamas, before making its way north through the Atlantic Ocean and towards the coast of New Jersey.⁸³⁴ On October 29, 2012, Sandy hit landfall as a post-tropical cyclone outside of Atlantic City, New Jersey, bringing with it excessive rains, high-velocity winds, destructive waves, and a storm surge measuring over 8.5 feet, inundating the coast of New Jersey.⁸³⁵ Among other horrific consequences, rivers overflowed, towns were flooded, homes were destroyed and washed away, boardwalks were torn down, and fires started, causing unprecedented damage across the state, as well as in other states.⁸³⁶ On October 30, 2012, President Obama declared all 21 counties in New Jersey major disaster areas.⁸³⁷

2. Sandy's Devastating Financial Consequences

The destruction caused by Superstorm Sandy was catastrophic, causing at least approximately \$37 billion in damages and needs across the state of New Jersey to a maximum of approximately \$60 billion in damages and resiliency measures.⁸³⁸ Immediately after the storm, Governor Christie called the damage “incalculable.”⁸³⁹ Approximately five million residences in New Jersey lost power, many for several weeks; approximately 346,000 homes were damaged or destroyed; critical power and utility repairs were expected to cost approximately \$4 billion; and New Jersey businesses lost an estimated \$8.3 billion.⁸⁴⁰ According to the National Hurricane Center Sandy Tropical Cyclone Report, issued by the National Weather Service, and an

independent study conducted by the Rutgers School of Public Affairs and Communication, towns in Monmouth and Ocean counties were hit the hardest.⁸⁴¹

According to the Rutgers study, Hoboken, located in Hudson County, was the 131st hardest hit municipality in New Jersey, experiencing flooding in half the city and suffering over \$100 million in damages.⁸⁴² Due to its topology, Hoboken has historically experienced flooding from high intensity rainfall occurring during periods of high tide.⁸⁴³ But this was Hoboken's worst flooding in history due to the tidal surge entering from low lying areas in the North End and the South End of the City.⁸⁴⁴

3. President Obama's And Governor Christie's Responses To Superstorm Sandy

On January 29, 2013, President Obama signed into law the Disaster Relief Appropriations Act of 2013, providing approximately \$50.38 billion to assist areas impacted by Superstorm Sandy.⁸⁴⁵ Those areas included New York, New Jersey, Maryland, Delaware, Connecticut, Rhode Island, and Pennsylvania. The Disaster Relief Appropriations Act did not provide any funds directly to the New Jersey State government but, instead, allocated funds to more than ten different federal agencies and cabinet-level departments.⁸⁴⁶ In turn, those federal agencies were tasked with determining how much of the allocated money would go to New Jersey and other states, and the guidelines under which New Jersey and other states would be required to distribute the funds.⁸⁴⁷

Shortly after Superstorm Sandy hit, Governor Christie initiated a comprehensive recovery effort to rebuild New Jersey's communities. To that end, Governor Christie created GORR. GORR's principal function was to coordinate the recovery and rebuilding activities of New Jersey State agencies and to interact with the federal agencies controlling federal aid, as well as other local and private entities involved.⁸⁴⁸ GORR Executive Director Marc Ferzan, has

explained that, in coordinating the distribution of Sandy aid, the Christie Administration has “tried to have an objective process. [The Administration has] tried to design programs with application criteria that are objective, that prioritize the communities most in need with the least financial resources.”⁸⁴⁹

4. Sandy Aid Programs

Sandy aid programs are primarily funded with federal government funds and thus governed by federal regulations and federal oversight, with inherent limits as to how the funds can be distributed. The primary executive federal agencies disbursing the aid relevant to Mayor Zimmer’s allegations are the Federal Emergency Management Agency (“FEMA”) and the Department of Housing and Urban Development (“HUD”). All allocations of FEMA and HUD must satisfy these agencies’ strict requirements, including guidelines about what types of projects are eligible for funding.⁸⁵⁰

Every person we interviewed involved in allocating and administering Sandy aid programs confirmed that politics played no role whatsoever in the allocation of these funds, and that Sandy aid has never been tied to any political favor, such as an endorsement or support for a favored private development project. Rather, all involved have reported that Sandy aid has been based solely on objective criteria in a transparent process, and the evidences shows this has been the directive from Governor Christie himself.

Mayor Zimmer’s allegations are focused on Hoboken’s requests for funding from two federal programs—HUD’s Community Development Block Grant-Disaster Recovery Program and FEMA’s Hazard Mitigation Grant Program. Her allegations also concern HUD’s “Rebuild by Design” competition, which is related to the Community Development Block Grant-Disaster Recovery Program. These programs are discussed below.

5. HUD's Community Development Block Grant-Disaster Recovery Program

Through the Community Development Block Grant-Disaster Recovery Program (“CDBG-DR”), HUD provides “flexible grants” to aid recovery “from Presidentially declared disasters, especially in low-income areas.”⁸⁵¹ DCA is charged with administering the Sandy-related CDBG-DR funds that HUD has awarded to New Jersey.⁸⁵²

CDBG-DR funds are allocated to New Jersey in three tranches. On or about March 5, 2013, HUD posted a notice in the Federal Register making New Jersey eligible for the first tranche, totaling approximately \$1.83 billion in grants.⁸⁵³ Pursuant to HUD requirements, New Jersey submitted to HUD an Action Plan, developed by DCA, on or about March 27, 2013, that laid out how it planned to use the first tranche of CDBG-DR funds.⁸⁵⁴ Prior to submitting this Action Plan to HUD for final approval, DCA posted its proposed Action Plan for public comment.⁸⁵⁵ New Jersey prioritized assisting families with rebuilding their homes, helping small businesses to get back on their feet, and addressing the immediate needs of the community to finance and operate in the aftermath of Superstorm Sandy. Accordingly, the DCA's Action Plan for the first tranche of CDBG-DR funding was aimed at individuals and businesses.⁸⁵⁶

Commissioner Constable directed his staff to calculate funding based on the extent of the damages. For example, because at the time “affordable housing [was] the State's top priority,” the DCA allocated approximately \$1.2 billion, equal to around “66% of the programmatic funding from this initial tranche of CDBG-DR funds to housing programs.”⁸⁵⁷ Another \$460 million, the bulk of the remaining funds, were allocated to “economic revitalization activities” that were focused on “satisfying many of the unmet needs of the small business sector.”⁸⁵⁸

On April 29, 2013, HUD approved the DCA's proposed Action Plan, and on May 13, 2013, HUD signed a Funding Approval/Agreement, which made the first allotment of CDBG-

DR funding available to New Jersey.⁸⁵⁹ The Funding Approval/Agreement provides a high-level breakdown of how the funds must be spent, and Commissioner Constable certified that the DCA would comply with various federal rules and regulations when allocating the funds.⁸⁶⁰ As a result of the Action Plan and certification, the first tranche of CDBG-DR funds had to be spent as laid out in the HUD-approved Action Plan (and formal amendments thereafter), and neither the DCA nor Commissioner Constable had further flexibility with respect to allocation of those funds without seeking HUD approval. Only a small fraction of the money was allocated for distribution directly to governmental entities, including municipalities like Hoboken.⁸⁶¹ Municipalities were eligible for only six of the twenty-one programs funded by the first tranche of CDBG-DR funds.⁸⁶² And the first tranche programs focused on homeowners and businesses, rather than infrastructure projects. This is important because almost all of Mayor Zimmer's funding requests for Hoboken in 2013 were for infrastructure projects and thus, most of Mayor Zimmer's requests could not be funded with the first tranche of CDBG-DR funds.

HUD's Office of Inspector General has received approximately \$10 million in federal funds to conduct audits of New Jersey's distribution of CDBG-DR funds.⁸⁶³ In connection with the first tranche of CDBG-DR funding, the Office of Inspector General conducted on-site audits at the DCA in May 2013, September 2013, and November 2013.⁸⁶⁴ In addition, HUD conducted an on-site risk analysis monitoring visits at the DCA in July 2013 and, most recently, in March 2014.⁸⁶⁵

On October 28, 2013, HUD announced the availability of the second tranche of approximately \$1.4 billion in CDBG-DR funds for New Jersey.⁸⁶⁶ HUD stated that this "second round of recovery funds . . . will assist impacted communities to meet remaining housing, economic development and infrastructure needs" and will potentially fund "major infrastructure

projects.”⁸⁶⁷ The DCA posted its Action Plan for the second tranche for public comment in February 2014.⁸⁶⁸ The Action Plan emphasizes that “[s]ignificant needs remain unmet in all infrastructure sectors,” and proposes allocating \$535 million to infrastructure-related programs, including \$100 million specifically for a Flood Hazard Risk Reduction & Resiliency Measures Program that includes municipalities and other government agencies as eligible applicants.⁸⁶⁹

6. FEMA’s Hazard Mitigation Grant Program

FEMA’s Hazard Mitigation Grant Program (“HMGP”) “provides grants to states and local governments to implement long-term hazard mitigation measures after a major disaster declaration.”⁸⁷⁰ The program is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (codified at 42 U.S.C. § 5170C), and the amount of funds available under the program are limited by statute.⁸⁷¹ After Superstorm Sandy hit, FEMA determined the amount of available funds for New Jersey by applying a percentage set forth in the statute (7.5 percent) to the total estimated amount of disaster aid that New Jersey would receive through FEMA.⁸⁷² That calculation resulted in a cap of approximately \$290 million in HMGP funds for New Jersey.⁸⁷³

FEMA is the ultimate decision maker with respect to determining which projects are eligible for hazard mitigation funds and which projects will receive the funds. FEMA has final approval that the funds allocated to New Jersey are spent on projects that satisfy FEMA’s requirements. New Jersey determines where to invest the money within the confines of FEMA’s rules and regulations. FEMA will only reimburse New Jersey if the money is spent within those confines. In short, FEMA sets the rules, and the State helps applicants follow them. For example, the State has worked closely with municipalities on their applications to increase the chances that FEMA authorizes and funds the projects. Multiple New Jersey agencies, including the New Jersey Office of Emergency Management (“OEM”), the New Jersey Department of

Environmental Protection (“DEP”), the New Jersey Office of Homeland Security and Preparedness, the New Jersey Board of Public Utilities, and the New Jersey Economic Development Authority (“EDA”), have been charged with administering and distributing the Sandy-related HPMG funds from FEMA.⁸⁷⁴ GORR works closely with them to plan the Sandy aid policies and programs, but the agencies are responsible for implementing the programs and related operations.⁸⁷⁵

More than 500 municipalities and community organizations across New Jersey submitted more than 1,500 requests for hazard mitigation funding.⁸⁷⁶ The requests sought funding for projects totaling more than \$14 billion, and the median request sought approximately \$732,500 in hazard mitigation funding.⁸⁷⁷ Hoboken alone sought approximately \$95 million in HMGP funding. In short, with a cap of approximately \$290 million at the time, less than 2 percent of all funding requests could be satisfied. Indeed, this is a harsh example of the Christie Administration’s greatest challenge after Superstorm Sandy—namely, determining how to allocate a limited amount of federal money to damages that far exceed the amount of federal funds available. And, given that the needs of the many are so great as compared to what will be distributed, it is inevitable that there will be criticism and disappointment in the Administration’s allocation decisions.

Given the large disparity between the multi-billion dollar requests made and the multi-million dollar funds available, GORR worked with the relevant agencies to develop six programs that relied on objective criteria to determine how best to distribute New Jersey’s approximately \$290 million in HMGP funds at the time. These six programs are:

1. The HMGP Elevation Program: \$100 million was allocated directly to homeowners to elevate their homes in flood-prone areas.⁸⁷⁸

2. The HMGP Buyout Program: \$300 million was announced and the initial \$100 million was allocated directly to homeowners to buy out their properties in areas subject to repetitive flooding.⁸⁷⁹

3. The HMGP Local Resiliency Projects Program: \$50 million was allocated to counties to help them pursue regional and local resiliency projects to protect communities from future storms and disasters.⁸⁸⁰

4. The Planning Grant Program: \$2.8 million was allocated to county emergency management agencies to prepare comprehensive hazard mitigation plans.⁸⁸¹

5. The HMGP Liquid Fuel Resilience Program: \$7 million was allocated to support the purchase of generators for fuel stations located along key thoroughfares in the State.⁸⁸²

6. The HMGP Energy Allocation Initiative: \$25 million was allocated to municipalities, counties, and other governmental entities to pursue energy resiliency measures.⁸⁸³

The HMGP Energy Allocation Initiative was the only one that awarded funds directly to municipalities like Hoboken to date. A cross-agency working group, in conjunction with GORR, created this program in response to hundreds of hazard mitigation funding requests for emergency generators and other energy projects.⁸⁸⁴ The cross-agency working group calculated who received the awards and how much by applying objective criteria into a formula. That working group included representatives from OEM, DEP, the New Jersey Board of Public Utilities (“BPU”), and the New Jersey Office of Homeland Security and Preparedness. They evaluated proposed energy projects with a set of objective criteria, including population size, population density, indicators of risk (history of receiving aid under FEMA’s Public Assistance Grant Program and participation in the National Flood Insurance Program), and whether the project would benefit entities involved in life safety (*e.g.*, police departments, hospitals, and

shelters).⁸⁸⁵ The results were then ranked and scored based on the number of calculated points and those above a certain minimum threshold were allocated funds. For the above-the-threshold projects, applications must be submitted to FEMA for approval, and then, ultimately, OEM distributes the funds in accordance with FEMA's approvals. Ferzan and Commissioner Constable were not members of the cross-agency working group.⁸⁸⁶ In fact, no one from GORR or the DCA participated in the working group's deliberations or decisions.⁸⁸⁷

D. In-Depth Fact Chronology

1. Mayor Zimmer Adopted And Promoted The Rockefeller Group's Flood Mitigation Plan

Mayor Zimmer has alleged that, starting in May 2013, top Christie Administration officials threatened her to move forward with the Rockefeller Group's private development project in Hoboken. Accordingly, below, we outline the facts regarding how the Rockefeller Group came up in discussions between the Mayor and various officials in the Christie Administration between January 2013 and May 2013, and the nature of those discussions.

2. January–May 2013: Mayor Zimmer Introduced The Rockefeller Group's Flood Mitigation Plan To The Christie Administration

In January and February 2013, Mayor Zimmer introduced a flood mitigation plan to protect the entire city of Hoboken from future flooding. She got the plan for free from the Rockefeller Group, which presumably presented the plan to incentivize Mayor Zimmer and others to move forward with its private development project.

Before we discuss what the evidence shows as to when and how Mayor Zimmer introduced that plan to the Christie Administration, we pause briefly to discuss the context of the Rockefeller Group's involvement here. The Rockefeller Group is a private corporation focused on acquiring, developing, and managing urban and industrial properties.⁸⁸⁸ It owns commercial property that it wants to develop on the North End of Hoboken, and it has been attempting to

obtain the necessary approvals to develop that property for several years.⁸⁸⁹ To represent its interests, the Rockefeller Group hired lobbyists, others of whom are former members of Democratic administrations (*e.g.*, Kay LiCausi of the Hoboken Strategy Group, who formerly served as Vice Chair of the Hudson County Democratic Organization from 2002 to 2005 and as a staff member to then-Congressman Robert Menendez from 1998 to 2002),⁸⁹⁰ and others of whom are former members of the Christie Administration (*e.g.*, Lori Grifa of Wolff & Samson, who served as DCA Commissioner from 2010 to 2012).⁸⁹¹

During late 2011 and early 2012, before Superstorm Sandy, the Christie Administration offered assistance to Mayor Zimmer in facilitating dialogue concerning private development proposals in Hoboken. There were meetings with Mayor Zimmer and her staff, including a lunch meeting in February 2012 with the Lieutenant Governor when they may have discussed two proposals: (1) the Rockefeller Group's development project on the North End, and (2) a development project directly involving NJ Transit and its private development partner, LCOR, on the South End. After Superstorm Sandy, the Administration's focus shifted to the recovery effort, although it continued to try to advance the NJ Transit/LCOR project.

In early 2013, the Rockefeller Group and its engineers from Dresdner Robin proposed a flood mitigation plan intended to protect the entire city of Hoboken (the "Rockefeller Group's Flood Mitigation Plan").⁸⁹² Dresdner Robin started the plan as a "flood control application for a number of buildings for [its] client, The Rockefeller Group, [and] then the idea grew into a city-wide concept."⁸⁹³ This plan included flood walls on the North End and the South End of Hoboken, roadway flood gates, and additional pumps to drain water from any floods.⁸⁹⁴ The designers believed that the proposed dry flood walls, in combination with the city's natural topography and the roadway gates, would result in "protect[ing] the total of Hoboken residences

that may be subject to significant damage/isolation by flooding.”⁸⁹⁵ And the additional pumps would “allow streets to drain during periods of intense rainfall and high tide conditions.”⁸⁹⁶

Mayor Zimmer was so pleased with the Rockefeller Group’s Flood Mitigation Plan that she adopted it as her own, asked the Christie Administration to help her obtain federal funds for it, and promised her constituents that she would pursue it.

There is evidence that as early as January 29, 2013, Mayor Zimmer and her Chief of Staff Dan Bryan were seeking the Christie Administration’s support for the Rockefeller Group’s Flood Mitigation Plan. During a meeting that day to introduce Mayor Zimmer and her staff to IGA’s new Regional Director for Sandy recovery, Richard Rebisz,⁸⁹⁷ Mayor Zimmer herself raised this plan. Rebisz reported that Mayor Zimmer wanted “to lobby for a pumping system for the city as well as some sort of removable ‘sea wall’ to prevent water from inundating the city in the future.”⁸⁹⁸ Mayor Zimmer also said she wanted “to come up with a consensus between NJ Transit, the PANYNJ, the State of NJ, and the Federal Government on a flood mitigation plan to prevent future catastrophic flooding[.]”⁸⁹⁹

Two weeks later, on February 13, 2013, Mayor Zimmer announced her support for the Rockefeller Group’s Flood Mitigation Plan in her State of the City address and thanked the Rockefeller Group by name for their idea, stating: “[W]e must pursue a comprehensive, integrated approach to fully protect all of Hoboken. . . . The plan under consideration involves using Hoboken’s natural topography and elevation as a barrier to flooding. I want to thank the Rockefeller Group’s engineering team for introducing this simple design concept to me.”⁹⁰⁰ Mayor Zimmer also promised to seek “federal funding” for this plan.⁹⁰¹

Mayor Zimmer’s flood mitigation plan was not without its critics. For example, an editorial in the *NJ Spotlight* criticized the plan: “Even if these gates could protect Hoboken, they

will divert the storm surge to nearby unprotected communities. Hello Jersey City. Sorry about all that water, Weehawken.”⁹⁰² The editorial also said “rising sea levels caused by global warming may make sea walls obsolete before they can be built.”⁹⁰³ And NPR quoted Paul Gallay, the President of the conservation group Riverkeeper, making similar criticisms: “Trying to wall off storm surges in densely populated areas like Hoboken is not the way to go. In the short run, it pushes water off onto surrounding communities, like Weehawken, Jersey City, and of course, the river to Manhattan. And in the long run, you end up overwhelmed by ever-rising waters.”⁹⁰⁴

On the day of her State of the City address, Mayor Zimmer asked Rebisz for a meeting with Ferzan the next day “to discuss how to protect Hoboken from future flooding (sea walls, flood gates, etc.).”⁹⁰⁵ Mayor Zimmer was scheduled to attend a meeting with FEMA and other elected officials from various municipalities to discuss FEMA’s new Advisory Base Flood Elevation (“ABFE”) maps.⁹⁰⁶ Rebisz stated in an email that Mayor Zimmer and her staff would “also bring an engineer with them from the Rockefeller Group” and explained that the Rockefeller Group was “their consultant who developed ideas on how to protect the city from future flooding[.]”⁹⁰⁷

When Ferzan learned that Mayor Zimmer invited the Rockefeller Group to a meeting with him, FEMA, and representatives from other towns to discuss flood mitigation, he thought it was “odd”⁹⁰⁸ and “[w]eird”⁹⁰⁹ that Mayor Zimmer was bringing a private developer who was promoting its flood mitigation plans to this type of meeting. Grifa contacted Ferzan by email to let him know that Mayor Zimmer had “asked Rockefeller to accompany her to a mtg w/ you tomorrow.”⁹¹⁰ Grifa wrote that the Rockefeller Group’s senior vice president of business development (Clark Machemer), Dresdner Robin’s engineering consultant (Fred Worstell), and

Grifa would attend.⁹¹¹ Ferzan emailed back that, due to “the context” of the meeting, he thought their attendance “will be a bit odd,” noting that “the meeting includes FEMA and several towns (including Hoboken).”⁹¹² Grifa responded that she agreed that “[a] separate mtg is far more appropriate” and that she would “work on details” for that meeting with David Reiner, a Senior Policy Advisor in the Governor’s Office.⁹¹³

Within a week of her State of the City address, Mayor Zimmer was sitting down in a private one-on-one meeting with Governor Christie. Although Governor Christie rarely met one-on-one with Mayors, he agreed to meet with Mayor Zimmer because they had developed a good working relationship. The meeting was scheduled for one hour. During the meeting, Mayor Zimmer introduced and sought the Governor’s support for the Rockefeller Group’s Flood Mitigation Plan. Mayor Zimmer showed Governor Christie a presentation that outlined her plan for flood control for Hoboken, including rolling out large maps with proposed flood walls and pumps. Governor Christie “promised” Mayor Zimmer a “sit down with [DEP] Commissioner[] Martin⁹¹⁴ and [DCA Commissioner] Constable” to discuss the Rockefeller Group’s design.⁹¹⁵

a. Mayor Zimmer Asked Many Christie Administration Officials And State Agencies To Fund The Rockefeller Group’s Flood Mitigation Plan

The Christie Administration had multiple meetings with Mayor Zimmer and her staff in March and April 2013 relating to funding for the Rockefeller Group’s Flood Mitigation Plan. During this period, Mayor Zimmer met with both Commissioners Constable and Martin to discuss the Rockefeller Group’s Flood Mitigation Plan, and she wrote a letter to Governor Christie, complaining that “the solution to Hoboken’s flooding challenges cannot be dependent on future development.”⁹¹⁶ The Christie Administration responded with a series of meetings and steps to evaluate her plan. In her January 20, 2014 interview on Anderson Cooper 360, Mayor Zimmer described her meetings with the Christie Administration during this period. She said,

“there’s always a lot of discussion about development,” “there was not a direct connection made” between development and Sandy aid, but that “there was pressure.”⁹¹⁷

b. Mayor Zimmer’s March 5, 2013 Meeting With DEP And DCA

On March 5, 2013, as a result of Governor Christie’s directive, Commissioner Constable, Commissioner Martin, David Glass (DEP Deputy Chief of Staff), Cindy Randazzo (DEP Director of Local Government Assistance), and Matt Mowers (IGA Regional Director) met with Mayor Zimmer, Hoboken’s Planning Director and Division Chief (Stephen Marks), Hoboken’s City Engineer (Joseph Pomante), and the Assistant Project Director for North Hudson Sewerage Authority (“NHSA”)(Donald Conger) to learn about Mayor Zimmer’s Flood Mitigation Plan.⁹¹⁸

Mayor Zimmer presented the Rockefeller Group’s Flood Mitigation Plan at a cost of approximately \$90 million as her own: She discussed the plan’s design of flood walls and flood breaks, and she and her staff informed the Commissioners that the “Rockefeller Group, a developer in Hoboken, designed the plans in order to assist the city with its mitigation requests.”⁹¹⁹ Mayor Zimmer brought a large map of Hoboken to showcase the plan, and she brought up the Rockefeller Group’s development project. She said that the Rockefeller Group could potentially play a role investing money into the build out of the project as well. Mayor Zimmer wanted the Commissioners to support the project and the State’s assistance paying for it.

Commissioner Martin told Mayor Zimmer that there would be limited hazard mitigation funding available in the coming months. He knew at the time that there were letters of intent requesting a total of approximately \$14 billion in funds,⁹²⁰ but that the State would only have a small fraction of that amount available for hazard mitigation. Commissioner Martin and Mayor Zimmer discussed the possibility of Hoboken engaging the Army Corps of Engineers, and both Commissioners noted that Hoboken should consider applying for public assistance funding from

FEMA to assist with the project.⁹²¹ The Commissioners “agreed that the best route was to ‘package all the projects’ together from a variety of sources in order to potentially best suit the desire of the Mayor and the needs of the City.”⁹²²

Commissioner Martin told Mayor Zimmer that he wanted DEP’s engineers, headed by Dave Rosenblatt, to meet with her team and see whether the plan made sense. Mayor Zimmer agreed. Commissioner Martin also said he would be happy to work with the Mayor to try to find funding for the project. The Christie Administration’s takeaway was that, “[o]verall the Mayor was very pleased with the result of the meeting and appreciative, again, of the administration’s efforts.”⁹²³ All of the attendees with whom we spoke, including Commissioners Martin and Constable, stated that no one said, or even suggested, that Sandy aid was tied to private development. And we found no evidence that they were ever tied together at that meeting. Indeed, the meeting notes confirm that fact: they do not reflect any discussion of the Rockefeller Group’s North End project.⁹²⁴

Following the March 5, 2013 meeting, Commissioner Martin directed his engineers at the DEP to evaluate the design of the Rockefeller Group’s Flood Mitigation Plan from an engineering perspective. Commissioner Martin wanted his principal coastal engineer, Dave Rosenblatt, who worked at the DEP for approximately 35 years during the administrations of both Democratic and Republican governors alike, to evaluate the feasibility of the project. To that end, the DEP’s Chief of Staff, Magdalena Padilla, emailed Grifa that “Commissioner Martin requests that Dave Rosenblatt, from our Coastal Engineer program, meet with you and your client to discuss their proposal. Dave may be joined by other members of his team who are working on flood control issues concerning that area.”⁹²⁵ Padilla further stated that “[t]he Commissioner requests that this meeting take place next week.”⁹²⁶ Rosenblatt and his team of

DEP engineers wanted to speak with the engineers who designed the Rockefeller Group's Flood Mitigation Plan and did not think about inviting Mayor Zimmer and her staff. That meeting was postponed, Mayor Zimmer and her staff were then invited, and the meeting took place on May 9, 2013.⁹²⁷

c. March 11–19, 2013: Mayor Zimmer's Additional Meetings With The Christie Administration To Promote The Rockefeller Group Flood Mitigation Plan

On or about February 20, 2013, in the midst of Mayor Zimmer bringing in the Rockefeller Group and Dresdner Robin to push Hoboken's Flood Mitigation Plan, Lori Grifa from Wolff & Samson sought a meeting with the Governor's Office.⁹²⁸ That meeting took place on March 11, 2013.⁹²⁹ Reiner, a Senior Policy Advisor, informed colleagues in advance that this meeting "has to do with a development in north Hoboken being undertaken by the Rockefeller Group that may be able to assist with recovery related infrastructure improvements. I don't know much more than that, but it's probably worth hearing them out."⁹³⁰ Prior to the meeting, Grifa sent a letter to Reiner stating that "this letter [is] confirmation of" the meeting on March 11, 2013, and advising that she "will be accompanied by representatives from Rockefeller: Mr. Clark Macheimer, Vice President and Regional Director and Mr. Ronel Borner, Manager, Real Estate Development; as well as Mr. Fred Worstell, a professional engineering consultant to our client from the Dresdner Robin firm."⁹³¹ Reiner's notes from the meeting reflect that the Rockefeller Group's representatives discussed the North End development project in the context of anti-flood mitigation plans for all of Hoboken.⁹³²

On March 12, 2013, Mayor Zimmer, accompanied by other Hoboken officials, proposed her flood mitigation plan at another meeting with representatives of the Governor's Office, GORR, New Jersey Transit ("NJ Transit"), the New Jersey Turnpike, the New Jersey Department of Transportation, and the Port Authority.⁹³³ These stakeholders are the same ones

that Mayor Zimmer—in her January 22, 2013 letter to Governor Christie— had requested to meet.⁹³⁴ “The purpose . . . was to bring the various stakeholders in the region’s transportation infrastructure together in order to better understand current mitigation plans to prevent future flooding and damage in a similar way to what was experienced during Superstorm Sandy.”⁹³⁵ Mayor Zimmer “started the meeting by reviewing the plans proposed by the Rockefeller Group and noting that she would like to work with NJ Transit, PATH and other entities to develop a holistic flood prevention program that includes a variety of mitigation projects.”⁹³⁶ Witnesses recalled Mayor Zimmer presenting a map of Hoboken with the schematic drawing of sea walls and flood gates. Reiner’s contemporaneous handwritten notes of the meeting reflect that GORR’s Deputy Director, Terrence Brody, told Mayor Zimmer that he was “happy to work [with] you but there are many needs out there,” and that Mayor Zimmer consider FEMA’s Section 406 (“406”) grant program.⁹³⁷ Witnesses who attended the meeting said that no one ever stated, or even implied, that Sandy aid was tied to political affiliation, an endorsement of the Governor, or private development projects.

Although Mayor Zimmer spent a lot of time and energy advocating for funding for the Rockefeller Group’s Flood Mitigation Plan, she was sometimes lax about follow up. For example, she failed to return NJ Transit’s then-Executive Director Jim Weinstein’s call concerning the proposed redesign of the NJ Transit/LCOR development project in the South End of Hoboken that would cover a large portion of Mayor Zimmer’s flood wall design plans and “actually elevate the proposed buildings and include an 8 foot wall beneath the building along the southern end of Hoboken.”⁹³⁸ Members of Governor Christie’s staff were confused by Mayor Zimmer’s failure to respond.⁹³⁹

On March 19, 2013, IGA's Matt Mowers emailed Mayor Zimmer and her Chief of Staff, Dan Bryan, the contact information of a high-ranking official of the New Jersey State Police Office of Emergency Management in case Mayor Zimmer needed help with "any public assistance applications and any additional issues."⁹⁴⁰ The following week IGA met with Mayor Zimmer's Chief of Staff Bryan and Joel Mestre, the Deputy Coordinator of Hoboken's Office of Emergency Management, to discuss Hoboken's proposed portable flood wall project.

d. April 2013: More Meetings With The Christie Administration

On April 4, 2013, Mowers met with Mayor Zimmer. They discussed, among other things, that "the Rockefeller Group designed plans that the Mayor has advocated for in regards to flood mitigation."⁹⁴¹ Mowers "informed her that the Governor was supportive of the Army [C]orps conducting a study on the [flood mitigation] project and he has made that clear to the [C]orps."⁹⁴² Mayor Zimmer "appeared to be elated to hear" the news.⁹⁴³ Mowers reported that Mayor Zimmer was "very pleased with the administration and the Governor's commitment to assisting Hoboken in its numerous endeavors and issues."⁹⁴⁴

On April 9, 2013, Commissioner Martin spoke by phone with Mayor Zimmer for approximately 20 minutes, including about the DEP's process to evaluate the Rockefeller Group's Flood Mitigation Plan before discussions with the U.S. Army Corps of Engineers about an engineering study for the plan. During this call, Mayor Zimmer learned from Commissioner Martin of DEP's plans to meet with the Rockefeller Group the following week to discuss the plan. Commissioner Martin asked Mayor Zimmer for a point of contact so DEP could be sure that Hoboken was always kept apprised of developments. The meeting was originally scheduled for April 15, 2013, but Commissioner Martin then directed his staff at DEP to ensure that Hoboken was represented at the meeting.⁹⁴⁵ As a result, DEP rescheduled the meeting, Mayor Zimmer and her staff were invited, and the meeting occurred on May 9, 2013.⁹⁴⁶

e. April 23, 2013: Mayor Zimmer Wrote To The Christie Administration And Received A Response

On April 23, 2013, at 2:13 p.m., Juan Melli, the communications manager for the City of Hoboken, sent a letter from Mayor Zimmer by email to Commissioner Martin, Commissioner Constable, and Ferzan.⁹⁴⁷ Commissioner Martin’s executive secretary forwarded Mayor Zimmer’s letter to sixteen people at DEP. In the letter, Mayor Zimmer thanked Governor Christie for meeting with her “to discuss Hoboken’s severe flooding problems.”⁹⁴⁸ The letter addressed multiple issues relating to Superstorm Sandy: the devastation to Hoboken; the lack of insurance coverage for residents and businesses; the threat of further flooding; the “comprehensive plan . . . at a cost of \$22 million” to address Hoboken’s flood risks; Hoboken’s plans to purchase “new lands for parks” and “build underground detention systems” to collect rainwater; and “a conceptual plan for building a series of berms, flood walls, and implementing an innovative flood break system.”⁹⁴⁹

Mayor Zimmer seemed to believe there was some connection between obtaining funding for the flood mitigation plans and “future development.”⁹⁵⁰ She alluded to what was in her own mind when she wrote: “In the immediate term regarding funding for the pumps, Hoboken should receive unconditional support in the same manner as the rest of the State. . . . Just as shore towns are not being asked for development in exchange for protecting them from future storms, *the solution to Hoboken’s flooding challenges cannot be dependent on future development.*”⁹⁵¹

Mayor Zimmer was not claiming during this period that anyone in the Christie Administration with whom she discussed the Rockefeller Group’s Flood Mitigation Plan—including GORR, DEP, DCA, or the Governor—directly tied Sandy funding to a private development project.⁹⁵²

In her April 23, 2013 letter, Mayor Zimmer stated that she understood federal policies appeared to preclude her from getting federal funding to pay for the Rockefeller Group’s

mitigation plan. Mayor Zimmer wrote: “I have met with numerous members of your Administration to discuss these concerns including Marc Ferzan, Commissioner Martin, Commissioner Constable, and others. Unfortunately, federal policies, including FEMA regulations, are stacked against urban areas, and none of their suggestions have been possible to get help for Hoboken.”⁹⁵³ As a result, Mayor Zimmer asked the Christie Administration to fund her flood mitigation plan: “I hope your Administration will fully fund these incredibly important pumps since they are already fully designed and represent a shovel ready project that could immediately help to protect Hoboken.”⁹⁵⁴

Upon receipt of Mayor Zimmer’s letter, the Christie Administration held a cross-agency meeting that included DEP, BPU, DOT, NJ Transit, and GORR on April 25, 2013. The goal of this meeting was “to map critical infrastructure in the Hoboken are[a] and brainstorm synergies for energy resiliency” and “also discuss flood protection.”⁹⁵⁵

Afterward, also on April 25, 2013, Commissioner Martin emailed Mayor Zimmer a letter in response to her April 23, 2013 letter, copying Commissioner Constable and Ferzan. Commissioner Martin outlined steps that DEP was taking in response to her request.⁹⁵⁶ Those steps included: (1) a meeting, which took place on April 26, 2013,⁹⁵⁷ between Commissioner Martin’s Chief Advisor, Ray Cantor, the Assistant Commissioner for Land Use, Marilyn Lennon, and the Mayor of Jersey City “to discuss some of the challenges unique to urban areas;”⁹⁵⁸ (2) an invitation to Mayor Zimmer’s business administrator, Stephen Marks, to attend a meeting among DEP, the NHTSA, FEMA, and New Jersey Environmental Infrastructure Trust (“NJEIT”), “to discuss options to advance a flood mitigation project for Hoboken,”⁹⁵⁹ which took place on April 26, 2013;⁹⁶⁰ and (3) a meeting that Commissioner Martin and Ferzan had with the U.S. Army Corps of Engineers to include Hoboken’s proposed project in its North Coast Comprehensive

Study, which took place on April 22, 2013.⁹⁶¹ In addition, Commissioner Martin stated that “DEP’s Office of Engineering and Construction will meet with the Rockefeller Group to discuss Hoboken’s proposed long-term flood risk reduction project.”⁹⁶² Commissioner Martin stated that this meeting, initially scheduled for May 8, 2013, but moved to May 9, 2013,⁹⁶³ “with DEP engineers is in follow-up to your separate meetings with Governor Christie and with Commissioner Constable and myself” and that “Stephen Marks has been invited to this meeting as well.”⁹⁶⁴ Commissioner Martin concluded that “the State is equally committed to recovery and rebuilding in all areas of New Jersey that were affected by Superstorm Sandy, including Hoboken” and that “the Christie Administration . . . look[s] forward to continuing to work with [the Mayor] as we recover and rebuild New Jersey.”⁹⁶⁵

Less than two hours after Commissioner Martin emailed this April 25, 2013 letter, Mayor Zimmer emailed back: “Thank you for your prompt response to my letter. Stephen Marks will be representing me at the meeting tomorrow, as I want to make sure that I am here to meet Governor Christie for an event in Hoboken tomorrow afternoon.”⁹⁶⁶

f. Christie Administration Officials Searched For Funding For Mayor Zimmer’s Flood Mitigation Plan Designed By The Rockefeller Group

Below, we present the facts leading up to Mayor Zimmer’s allegations concerning the May 13, 2013 ShopRite event with Lieutenant Governor Guadagno. In particular, we discuss what steps the Christie Administration took to assist Mayor Zimmer in 2013 and the critical events that took place the week before the May 13, 2013 ShopRite event.

g. Late April/Early May 2013: Steps Taken To Assist Hoboken

Both GORR and DEP took steps to assist Hoboken in late April and early May 2013. For example, both Ferzan and his deputy, Terrence Brody, made efforts to help Hoboken pursue and

obtain federal funding from FEMA. On April 26, 2013, Ferzan emailed FEMA’s highest-ranking official responsible for Sandy recovery in New Jersey to thank her for “taking an aggressive look at” federal funding programs for Hoboken’s mitigation plan.⁹⁶⁷ A few days later, Brody emailed Mayor Zimmer to “encourage Hoboken to explore resiliency projects” using one of FEMA’s federal programs.⁹⁶⁸ Then, on May 2, 2013, DEP officials met with the NHSA—which was located on the North End of Hoboken—to “discuss funding options for Projects including stormwater pumping stations in Hoboken.”⁹⁶⁹

In addition, on or about May 3, 2013, Commissioner Martin and Ferzan submitted written comments to the U.S. Army Corps of Engineers regarding its Draft Project Management Plan and Draft Scope of Work for the North Atlantic Coast Comprehensive Study.⁹⁷⁰ Their comments were designed, in part, to ask the U.S. Army Corps to focus their efforts on identifying long-term mitigation measures to help urban communities like Hoboken. Commissioner Martin and Ferzan told the U.S. Army Corps that the State had been “engaged in extensive discussions with communities, environmental groups, and thought leaders in the State to identify short- and long-term measures to better protect repetitive loss areas in extreme weather events.”⁹⁷¹ And they explained that the State was “partnering with universities across the State to study potential mitigation measures in particularly vulnerable northern New Jersey communities such as Hoboken . . . and other coastal areas which lack existing Corps-built protective measures.”⁹⁷² They asked the U.S. Army Corps of Engineers to “incorporate a concrete process for the State to share its existing analyses and ongoing work product” with the Corps.⁹⁷³

h. May 8, 2013: Mayor Zimmer Wrote To Governor Christie Seeking Funds For Water Pumps For Hoboken

On May 8, 2013, Mayor Zimmer wrote to Governor Christie that Hoboken faced “severe flooding” that day due to a rain storm.⁹⁷⁴ Mayor Zimmer asked for the Governor’s help to fund

the building of three additional storm-water pumps.⁹⁷⁵ Among other things, Mayor Zimmer stated in her letter that she “was stunned to hear that ‘there will be no Hazard Mitigation funding for Hoboken’ and that the only assistance being provided for critical pump infrastructure is a low interest loan.”⁹⁷⁶ We have been unable to find any evidence of anyone in the Christie Administration telling Mayor Zimmer anything like that at this time, and her statement is inaccurate and inconsistent with the Administration’s subsequent communications.⁹⁷⁷

Upon receipt of Mayor Zimmer’s letter, the Christie Administration took additional actions to help her find funds for storm-water pumps and other aspects of her flood mitigation plan. For example, upon receipt of the letter by email, Michele N. Siekerka, the DEP’s Assistant Commissioner of Water Resource Management, informed DEP employees that the pumps Mayor Zimmer wrote about were “the topic of our meeting last week in addition to a flood wall,” that there would be a “more comprehensive meeting” with DEP engineers the next day to evaluate Mayor Zimmer’s Flood Mitigation Plan (with the Rockefeller Group’s engineers), that it would be “tough” and “probably impossible” to get federal funding from FEMA for the pumps and flood walls, but that they would look at other funding options.⁹⁷⁸ Despite these obstacles, Siekerka, GORR, and their colleagues brought creative proposals to FEMA in an effort to help Mayor Zimmer find the funds for her Flood Mitigation Plan.

3. May 8, 2013: Hoboken’s Planning Board Rejected The Rockefeller Group’s Request That Its Land Be Designated For “Redevelopment”

On May 8, 2013, Hoboken’s Planning Board, consisting of Mayor Zimmer’s appointees and supporters, voted down the Rockefeller Group’s application to have its North End property declared in need of “redevelopment.”⁹⁷⁹ At the Planning Board Committee meeting, a representative from Clarke Caton Hintz (“Clarke Caton”), an architecture, planning, and landscape firm based in Trenton, gave a presentation in favor of the Rockefeller Group’s

“redevelopment” application. In late 2010, at Mayor Zimmer’s request, the Port Authority paid Clarke Caton \$75,000 to conduct a study of the North End area. Clark Caton then found that, within the North End area, the Rockefeller Group’s property should be designated for “redevelopment.”⁹⁸⁰ During the meeting, Clarke Caton explained the circumstances under which a property warrants classification for “redevelopment” versus “rehabilitation.”⁹⁸¹ Redevelopment has much better tax consequences than rehabilitation.⁹⁸² Since Clarke Caton issued its study, however, the Rockefeller Group demolished certain buildings on its North End property, seemingly rendering two of the three Rockefeller Group blocks no longer eligible for “redevelopment” status.⁹⁸³ By a 4–3 vote, the Planning Board voted down the Rockefeller Group’s application, meaning it would not be receiving its desired “redevelopment” tax benefits.⁹⁸⁴

In Mayor Zimmer’s public allegations, she claimed that the Hoboken Planning Board meeting on May 8, 2013, led directly to Lieutenant Governor Guadagno’s threat days later at the ShopRite tour. We found no evidence, however, that there was any discussion, concern or knowledge within the Governor’s Office of the Hoboken Planning Board’s vote. And we found no evidence that the Planning Board’s decision had any impact whatsoever on the Christie Administration’s attempts to assist Mayor Zimmer in seeking funding for the Rockefeller Group’s Flood Mitigation Plan.

4. May 9–13, 2013: Additional Efforts To Assist Mayor Zimmer

On May 9, 2013, the meeting that Commissioner Martin had proposed between DEP’s engineers and the Rockefeller Group engineers who designed Mayor Zimmer’s flood mitigation plan took place at DEP.⁹⁸⁵ The meeting was attended by representatives from DEP (Linda Coles, Matthew Klewin, John Moyle, Michele Siekerka, David Rosenblatt, Michele Putnam, and Eugene Chebra), Mayor Zimmer, Joseph Maraziti (counsel for Hoboken), Fredrick Worstell of

Dresdner Robin, Clark Machemer of the Rockefeller Group, Lori Grifa of Wolff & Samson, and Kay LaCausi of Hoboken Strategy Group.⁹⁸⁶ All seven DEP representatives who attended this meeting recalled with certainty that no one from DEP proposed or suggested in any way that Sandy aid was tied to support for the Rockefeller Group's North End redevelopment project.

All seven DEP representatives who attended the meeting also said the meeting was about Hoboken's Flood Mitigation Plan, as promoted by Mayor Zimmer and designed by the Rockefeller Group and its engineers. It was not about the Rockefeller Group's development. While the Rockefeller Group representatives mentioned their property and their goal of finding solutions to the flooding problem in Hoboken,⁹⁸⁷ Mayor Zimmer took out a map of Hoboken to explain the Rockefeller Group's schematic design of sea walls and pumps. Mayor Zimmer said she wanted to discuss public-private partnerships to fund the flood mitigation plan. Although Mayor Zimmer's appointees had not supported the Rockefeller Group's attempt to get the most advantageous tax designation the day before, no one observed any tension between Mayor Zimmer, her staff, and the Rockefeller Group's representatives. They appeared to be a team working together to find a solution to the flooding problem. Contemporaneous handwritten notes by both Assistant Commissioners Siekerka and Putnam, the Director of the Division of Water Quality, reflect that sea walls, additional pumps, and funding for the Hoboken's Flood Mitigation Plan were the focus of the meeting.⁹⁸⁸ Following the meeting, Siekerka was tasked with looking for funding sources to pay for a comprehensive flood mitigation project in Hoboken.

That same day, on May 9, 2013, Ferzan met with Mayor Zimmer to "talk[] through some of the strategic alternatives that we've been working on to address repetitive flooding concerns in Hoboken."⁹⁸⁹ After the meeting, Ferzan emailed Mayor Zimmer and several members of her

staff to “let [them] know that [they] have requested that FEMA’s Federal Coordinating Officer . . . meet with all of [them] collectively” to further discuss the funding requests.⁹⁹⁰ The very next day, on May 10, 2013, Eric Daleo, a Special Advisor in GORR, met with NJ Transit’s then-Executive Director Weinstein to discuss, among other things, Mayor Zimmer’s proposal “to build 3 new pump stations for North Hudson Sewerage at a cost of \$29 million.”⁹⁹¹

Also on May 10, 2013, Mayor Zimmer emailed Ferzan under the subject heading, “Thank you/Important idea for discussion from Mayor Zimmer.”⁹⁹² Mayor Zimmer said that she wanted to let Ferzan know what she was “thinking as next steps for Hoboken,” and that she might be “making an announcement next week,” although she did not disclose those next steps.⁹⁹³ She further stated: “I understand I will be seeing the Lieutenant Governor on Monday, but it would be great to discuss my idea briefly with you if you have time.”⁹⁹⁴ Thus, it appears that Mayor Zimmer intended to speak with the Lieutenant Governor about the “important idea”—Hoboken’s Flood Mitigation Plan, designed by the Rockefeller Group—when the two were to be together on May 13, 2013.⁹⁹⁵ There is no evidence, however, that the Lieutenant Governor had any prior involvement with Hoboken’s plan or efforts to obtain funding for it.

In response to Mayor Zimmer’s May 10, 2013 letter, and at her invitation, Ferzan spoke by phone with Mayor Zimmer on Saturday, May 11, 2013, “for a good twenty minutes, or so.”⁹⁹⁶ Ferzan concluded that, “[i]t sounds like [Mayor Zimmer] will proceed with a plan to coordinate payment for 3 pumping stations with the local authority to combat short-term concerns over repetitive flooding through debt financing.”⁹⁹⁷ Ferzan wrote in an email dated May 12, 2013:

If FEMA approves pending project worksheets to cover these pump station costs -
- that would theoretically wipe out the debt obligations. (FYI -- we are arranging
to have FEMA leadership meet with her (and us) in the short term to advocate.)

If FEMA does not pick up the costs, we talked through other options, including
possible HMGP funding and/or CDBG dollars, as well as private developers

picking up some of the tab and/or other hazard mitigation projects in Hoboken. I assured her that we would continue to work with her to help find solutions.

I explained to her that we needed to be methodical in our approach, and our preference would be for FEMA to pay, but that we will simultaneously explore other alternatives with her.

She also had an ‘outside the box’ suggestion to combat repetitive flooding via the use [o]f Oyster beds based on a discussion she had with Stevens. . . .

She seemed appreciative.⁹⁹⁸

This conversation between Mayor Zimmer and Ferzan occurred two days before, according to Mayor Zimmer, the Lieutenant Governor allegedly delivered a message that Mayor Zimmer had to move forward with the Rockefeller Group’s private development project. Notably, the day after the Lieutenant Governor allegedly threatened her, in a May 14, 2013 email to a Stevens Institute of Technology professor in Hoboken, Mayor Zimmer did not mention that exchange and, instead, focused on Ferzan, describing him as someone “interested and open” to new strategies.⁹⁹⁹ And she stated that Ferzan “recognized that post-Sandy anything and everything has to be considered, even if it means changing policy and laws in order to move forward with innovative solutions.”¹⁰⁰⁰

5. May 13, 2013: What Occurred Before, During, And After The ShopRite Event

Mayor Zimmer has alleged that the Christie Administration directly linked Sandy aid to the Rockefeller Group’s private land development for the first time at the end of the ShopRite tour in Hoboken on May 13, 2013. Mayor Zimmer has alleged that this event was “created” so that the Lieutenant Governor could “pull [her] aside” to deliver a “direct message from the governor.”¹⁰⁰¹ This is an event of critical importance. For the reasons explained here, Mayor Zimmer’s account is demonstrably false in material respects.

a. The Event Was Part Of The Business Action Center’s “Open For Business” Tours

The May 13, 2013 ShopRite tour was not an event “created” at the last minute. It was part of a series of long-planned “Open for Business” events for the Lieutenant Governor. From January 2013 through May 2013, the Lieutenant Governor visited numerous businesses throughout New Jersey to draw public attention to those that had reopened in communities heavily impacted by Superstorm Sandy.

The State’s Business Action Center (“BAC”) organized and implemented the “Open for Business” tours. In or about August 2010, the Christie Administration formed the BAC to retain, expand, and create jobs in New Jersey. Under the BAC’s standard operating procedure, the BAC, in conjunction with others in the Christie Administration, identified businesses that were open following Superstorm Sandy and in “good standing,” *i.e.*, they had paid their taxes and otherwise complied with their legal and regulatory obligations. The BAC then prepared a tentative schedule of the tour and sought the consent and approval of the business owners. If the owners consented to host the event and have local elected officials in attendance, the BAC informed IGA personnel, who then invited the local mayor to attend. The BAC’s Director of State Marketing, Catherine Scangarella, who also worked in Governor Jon Corzine’s administration, said that the locations of “Open for Business” events had nothing to do with the political party or endorsement of the local mayors and the events occurred regardless of whether the local mayor supported or opposed the Christie Administration and regardless of whether the local mayor agreed to attend or declined.

b. April 23, 2013: The Hoboken ShopRite Makes The List For A Tour

The ShopRite tour was not “created” the Friday before the event, as Mayor Zimmer has alleged, but rather, proposed three weeks before the tour. On April 23, 2013, IGA’s Christina

Renna emailed the BAC a list of 17 businesses in five municipalities that had reopened after Sandy for potential tours by the Lieutenant Governor. Three businesses on the list were in Hoboken, including the ShopRite, which was described as a “huge relief to residents when it reopened.”¹⁰⁰² Rebisz put ShopRite on the list because of something that Mayor Zimmer’s Chief of Staff Bryan said that struck a chord with Rebisz during a tour in early 2013 of the devastation caused by Sandy to Hoboken. Bryan said Hoboken had suffered when the ShopRite store closed right after Sandy hit and the city’s residents had no place to go for basic groceries locally so they had to travel outside the city to get them. Bryan said it was a great relief to residents when the store reopened.

Once ShopRite was on the list, BAC followed its standard operating procedures in scheduling the Lieutenant Governor’s tour of ShopRite in Hoboken. The first step, of course, was to contact ShopRite’s owners. But the BAC had difficulty reaching them. On May 8, 2013, a BAC employee wrote Scangarella that she had spoken to a ShopRite manager, who then directed her to the corporate office, but she had not yet heard back from the corporate office.¹⁰⁰³ On May 9, 2013, the BAC employee updated Scangarella that she had not heard back from ShopRite and identified three additional potential businesses to visit if ShopRite did not work out.¹⁰⁰⁴ Concerned that they might not hear back from ShopRite in time for the scheduled date of the tour, Scangarella asked Melissa Orsen, the Lieutenant Governor’s Chief of Staff to contact the ShopRite corporate office, explaining that a call from the Lieutenant Governor’s office might result in a quicker response than a call from the BAC.

c. May 10, 2013: Mayor Zimmer Was Invited To Attend The ShopRite Tour Midday, *After* The ShopRite Venue Was Confirmed

It was not uncommon to confirm one of the Lieutenant Governor’s business tours within a few days of the scheduled event. As a result, it was not uncommon for the local elected official to be contacted once the venue was confirmed, and that is what happened in scheduling the ShopRite tour. On May 10, 2013, at 12:07 p.m.—approximately three days before the scheduled tour—a BAC employee emailed Bridget Kelly that they were “confirmed for the [Lieutenant Governor’s] visit to Shop Rite of Hoboken . . . on Monday from 12:00PM – 1:15PM.”¹⁰⁰⁵ Following standard protocols, BAC then asked IGA to find out whether the Mayor would attend.¹⁰⁰⁶ Within an hour, at 1:02 p.m., Renna emailed the BAC employee to inform her that IGA had reached out to Mayor Zimmer “to invite her, but it is currently unclear if she will attend.”¹⁰⁰⁷ At 2:26 p.m., Ridley emailed that “the mayor is on board for the [Lieutenant Governor’s] stop on Monday.”¹⁰⁰⁸

d. May 10–11, 2013: The Governor’s Senior Staff Retreat Began After Mayor Zimmer Was Invited To Attend the ShopRite Event

Starting on the afternoon of May 10, 2013, there was a senior staff “retreat” with the Governor at Drumthwacket. It started on the afternoon of May 10, 2013—after the decision to invite Mayor Zimmer to the ShopRite event had already been made—and ended on May 11, 2013, shortly before lunch. According to contemporaneous emails, the Governor’s senior staff retreat started at 12:30 p.m. on May 10, 2013—about a half hour after confirmation of the Hoboken ShopRite event to which Mayor Zimmer was then invited.¹⁰⁰⁹ During the retreat, Ferzan gave a 45-minute PowerPoint presentation entitled “New Jersey Recovery Strategies.”¹⁰¹⁰

The people who had some material involvement in identifying, scheduling, and communicating about the ShopRite tour did not attend the senior staff retreat. We have seen no

evidence that anyone at the senior staff retreat discussed or mentioned Mayor Zimmer, the Rockefeller Group, or the upcoming the ShopRite event. Indeed, the five attendees with whom we spoke—including the Governor and the Lieutenant Governor—do not recall discussing or mentioning any of these topics at all. The Governor did not recall having any substantive conversations with the Lieutenant Governor at the retreat.

Given Mayor Zimmer’s allegation that the Lieutenant Governor delivered a “direct message” from Governor Christie at the ShopRite tour, we briefly address what the Governor knew about the Rockefeller Group’s project in Hoboken, Mayor Zimmer’s view of the project, and Wolff & Samson’s relationship with the Rockefeller Group. Governor Christie said that he had only a very general awareness of the Rockefeller Group and that they were attempting to do some development in Hoboken. The Governor was aware of the Rockefeller Group from other projects around the State, including ground-breakings and ribbon cuttings that he recalled attending. Governor Christie said that he was not aware that Mayor Zimmer had taken a position adverse to the Rockefeller Group’s development project in Hoboken and did not know whether that was, in fact, the case. The Governor also stated that, prior to Mayor Zimmer’s allegations, he was not aware that Wolff & Samson represented the Rockefeller Group. The Governor has not met with Lori Grifa of Wolff & Samson since she left the DCA in 2012.

e. May 13, 2013: The ShopRite Event In Hoboken

Just as the agenda provided for the ShopRite event reflects, the Lieutenant Governor arrived at approximately noon, met and took photographs with the owners and other officials, viewed pictures of the damage to business from Superstorm Sandy, toured the business, and departed at approximately 1:15 p.m., when the event concluded.¹⁰¹¹ During the tour, the Lieutenant Governor was accompanied by her aide, Luciana DiMaggio, a staff member of the BAC, Anthony Szymelewicz, and IGA’s Ridley.¹⁰¹²

Mayor Zimmer and her Chief of Staff Bryan also attended this ShopRite event. Just prior to the start of the tour, at approximately 11:22 a.m., Kelly forwarded to Ridley the May 10, 2013 email from Mayor Zimmer to Ferzan, thanking Ferzan for taking time to meet with her, saying she had an “[i]mportant idea” to discuss, and stating that she understood that she would “be seeing the Lieutenant Governor on Monday, but it would be great to discuss my idea briefly with you if you have time.”¹⁰¹³ Ridley forwarded the email to DiMaggio at 12:02 p.m.¹⁰¹⁴

At some point prior to the start of the event, Bryan asked Ridley if Mayor Zimmer could speak with the Lieutenant Governor for a few minutes. In other words, it was not the Lieutenant Governor who wanted to meet with Mayor Zimmer, it was the other way around—Mayor Zimmer wanted to have this meeting. Ridley asked DiMaggio, and DiMaggio emailed Orsen at 12:06 p.m., that “[t]he mayor of hoboken wants a few min[utes] after the event about Sandy. Evan [Ridley] said she met with Marc [Ferzan] last week. What do you think? Should we grant the meeting?”¹⁰¹⁵ Orsen responded at 12:48 p.m.: “If LG [the Lieutenant Governor] wants to.”¹⁰¹⁶ Toward the end of the tour, Ridley followed up with an email at 1:01 p.m. with the subject heading “Meeting w/Zimmer”: “Any word on getting the mayor a few minutes after this meeting?”¹⁰¹⁷ DiMaggio later responded after the tour concluded at 1:19 p.m.: “Sorry. Melissa [Orsen] said it was up to the LG and she wanted to do it. All good.”¹⁰¹⁸

After the tour, Mayor Zimmer got the meeting that she requested with the Lieutenant Governor. They spoke outside the ShopRite store in a public parking lot as they walked towards the Lieutenant Governor’s vehicle. The Lieutenant Governor said that they met outside because she had to leave for a 2 p.m. meeting immediately thereafter. It was a private conversation, but it happened in public. Ridley and DiMaggio were standing on opposite sides of the vehicle,

approximately 15 to 20 feet away from the Lieutenant Governor and the Mayor. Others, including the press, were also nearby. Neither Ridley nor DiMaggio overheard the conversation.

The Lieutenant Governor and Mayor Zimmer have different recollections of their meeting. While Mayor Zimmer said the event was “created”¹⁰¹⁹ to deliver a message to her, the Lieutenant Governor said it was scheduled in the ordinary course of business and planned in advance of the senior staff retreat. While Mayor Zimmer said the Lieutenant Governor “pull[ed]” Mayor Zimmer “aside,”¹⁰²⁰ the Lieutenant Governor said it was Mayor Zimmer who asked the Lieutenant Governor for the meeting.¹⁰²¹ And while Mayor Zimmer said the Lieutenant Governor was given a “direct message from the governor” to deliver before inviting Mayor Zimmer to the event, the Lieutenant Governor said the decision to invite Mayor Zimmer was made before she even saw the Governor at the senior staff retreat.

As for the conversation itself, the Lieutenant Governor recalled that it was Mayor Zimmer, having requested the meeting, who launched into a discussion about wanting more Sandy aid for Hoboken and claimed that she was not getting the valves that she wanted for Hoboken because of stalled development in Hoboken. The Lieutenant Governor did not recall Mayor Zimmer specifically referring to the Rockefeller Group or its development project by name. The Lieutenant Governor stated that Mayor Zimmer was the one who connected Sandy aid to the development project. The Lieutenant Governor said in response that development and Sandy aid were not related and that, if Mayor Zimmer claimed that the Lieutenant Governor was connecting the two, Mayor Zimmer would be wrong and the Lieutenant Governor would say so. The Lieutenant Governor recalled saying that she had nothing to do with the allocation of Sandy aid, that Hoboken would receive Sandy aid when it was entitled to that aid, and that Mayor Zimmer should speak with Ferzan about such Sandy-related issues.¹⁰²² The Lieutenant Governor

said that she also reminded Mayor Zimmer that the Governor's Office had to address the post-Sandy needs of the entire State, not just Hoboken.

The Lieutenant Governor recalled that her conversation with Mayor Zimmer was tense. They had a good relationship before this exchange; the Lieutenant Governor even had a photo of herself with Mayor Zimmer in her office. But on this occasion, the Lieutenant Governor recalled having to be firm with Mayor Zimmer and being frustrated with Mayor Zimmer's single-minded focus on Hoboken, as Mayor Zimmer was failing to recognize the needs of the State as a whole, especially when many communities on the New Jersey shore (including Monmouth Beach, the Lieutenant Governor's own shore community home) had experienced immense destruction.

After this exchange, the Lieutenant Governor entered her SUV, as did Lucy DiMaggio. The Lieutenant Governor always sat in the front passenger seat of the car while DiMaggio sat in the back. The Lieutenant Governor did not recall what she said about her conversation with Mayor Zimmer upon getting into the vehicle but said the context would have been that Mayor Zimmer was not being a team player in failing to recognize the profound needs of the entire state. DiMaggio recalled observing that the Lieutenant Governor and Mayor Zimmer were having a serious conversation, and then when the Lieutenant Governor got into the vehicle, the Lieutenant Governor expressed her frustration with Mayor Zimmer. In general, she recalled the Lieutenant Governor saying words to the effect that Mayor Zimmer was not playing ball or playing well with others, the context of which DiMaggio did not understand.

The Lieutenant Governor denied Mayor Zimmer's allegation that she (the Lieutenant Governor) said, in words or in substance, "I know it's not right – these things should not be connected – but they [are]" and "if you tell anyone I said that I will deny it."¹⁰²³ The Lieutenant

Governor stated that she did not say—and, as a former federal prosecutor of public corruption cases, would not have said—what Mayor Zimmer claimed.

On May 13, 2013, at approximately 3:56 p.m., several hours after the ShopRite event, *The Jersey Journal* published an article by Charles Hack about that event.¹⁰²⁴ Hack paraphrased Mayor Zimmer’s remarks, and then quoted the statements that the Lieutenant Governor had made to the press during the ShopRite event, when she was touring the business.¹⁰²⁵ Hack stated that Mayor Zimmer said, among other things, that “an application has been made for \$29 million in flood mitigation funding to install three more pumps along the waterfront.”¹⁰²⁶ Hack further stated that “[t]he mayor said the pumps have been designed, are ready for construction and North Hudson Sewerage Authority is ready to build them as soon as funding has been approved.”¹⁰²⁷ Hack then quoted Lieutenant Governor Guadagno as saying: “To her credit, the mayor is a great advocate for Hoboken, but the governor has to be an advocate for the entire state We are trying to [do] the best we can with the resources we have.”¹⁰²⁸ In addition to saying this to the press during the ShopRite event, the Lieutenant Governor recalled reiterating the same point, in sum or in substance, to Mayor Zimmer during their meeting following the event.

6. May 16, 2013 Event: Commissioner Constable Appeared With Mayor Zimmer And Others On A Televised Broadcast Of A Town Hall Meeting

Mayor Zimmer has alleged that she was threatened again three days after the ShopRite event at a May 16, 2013 televised town hall broadcast. She asserts that Commissioner Constable delivered the same message—that Mayor Zimmer had to move forward with the Rockefeller Group’s private development project if she wanted Sandy money to flow to Hoboken.¹⁰²⁹ And she said that the message was delivered while she and Commissioner Constable were “mic’d up,” seated next to each other on stage, and waiting for the televised broadcast to begin. Given

the significance of the event as a result of Mayor Zimmer's allegations about it, we review it in detail.

On May 16, 2013, Commissioner Constable and Mayor Zimmer, along with seven other panelists comprised of government officials, corporate and non-profit executives, journalists, and professors, participated as panelists in a two-hour PBS-TV town hall discussion about Superstorm Sandy's aftermath.¹⁰³⁰ The discussion was broadcast live from two locations, the campus of Monmouth University in West Long Branch, New Jersey, and Lincoln Center Studios in New York City.¹⁰³¹

Commissioner Constable was accompanied to the town hall by his deputy chief of staff, Arif Welcher. When Constable arrived at Monmouth University, he recalled going to the "green room" where the panelists took turns having make-up applied. Constable did not recall Mayor Zimmer being present when he was in the green room, and we found no evidence that Mayor Zimmer was, in fact, there. After visiting the restroom to review his notes, Constable was ushered on stage to an assigned seat next to Mayor Zimmer. Constable and Mayor Zimmer were in the first row, surrounded by the other panelists.



FIGURE 3.¹⁰³²

Sitting inches away to Commissioner Constable’s right was Patrick Murphy, director of Monmouth University’s polling institute. Sitting to Mayor Zimmer’s immediate left was Mayor Matthew Doherty of Belmar, a Democrat. Sitting in the second row—also within a few feet of Commissioner Constable and Mayor Zimmer—were Nicole Gelinias (Searle Freedom Trust Fellow, Manhattan Institute); Peter Reinhart (Director, Kislak Real Estate Institute, Monmouth University); Bill Ulfelder (Executive Director, Nature Conservancy, New York); Ralph LaRossa (President & COO, Public Service Electric & Gas Co.); and Vivien Gornitz (Special Research Scientist, Columbia University). Each of the panelists—including Commissioner Constable and Mayor Zimmer—wore a live microphone, and there were dozens in the audience sitting nearby.

While seated next to each other and wearing live microphones, Commissioner Constable and Mayor Zimmer engaged in a brief conversation prior to the start of the town hall broadcast at 8:00 p.m. According to Commissioner Constable, this conversation lasted for a very brief period and the show then started within minutes. Commissioner Constable and Mayor Zimmer have

very different recollections of that conversation. Commissioner Constable recalled that the conversation began when he asked Mayor Zimmer how things were in Hoboken, but he did not recall the specific words he used. Commissioner Constable did not recall Mayor Zimmer's response but said he recalled, in general, her bringing up the Rockefeller Group project.

The conversation between Commissioner Constable and Mayor Zimmer occurred next to another panelist, Belmar Mayor Matthew Doherty, an independent witness who happens to be a Democrat. Mayor Doherty said that Commissioner Constable did not tie Sandy aid to a development project in his conversation with Mayor Zimmer or say anything like the words now being attributed to him by Mayor Zimmer: "if you move that forward, the \$ would start flowing to u."¹⁰³³ Mayor Doherty said there was no "quid pro quo" discussion or threats of any kind made that evening. He said Mayor Zimmer may have associated the two topics in her own mind, but Commissioner Constable did not tie them together.

Toward the end of the PBS-TV town hall broadcast, Commissioner Constable responded to a question asking "where do we go from here?" by stating "Yeah, I mean, we're at a good place now finally, in that we're starting to get the federal monies to flow. It's been too slow candidly but it's, the faucet's about to open so hopefully, in the next few weeks over the summer, you're going to see homes starting to be rebuilt. You're going to see businesses with capital to start to move forward."¹⁰³⁴

7. Post-May 13, 2013: Christie Administration Officials Continued To Help Mayor Zimmer And Hoboken Seek And Obtain Sandy Aid

In evaluating Mayor Zimmer's allegations, we reviewed Mayor Zimmer's interactions with the Christie Administration following the ShopRite tour on May 13, 2013, and looked for any evidence of how State officials responded to Mayor Zimmer's requests for assistance and Sandy aid funding after that. What we found was evidence that various officials in the Christie

Administration continued to try to help Mayor Zimmer and Hoboken. And we found that the Christie Administration was more responsive and proactive in trying to help Mayor Zimmer than the Mayor was in responding to those efforts.

**a. Immediate Aftermath Of The May 13, 2013 ShopRite Tour:
Seeking FEMA Funds For Mayor Zimmer’s Flood Mitigation Plan**

In the immediate aftermath of the May 13, 2013 ShopRite event, various officials in the Christie Administration were looking for sources of funding for Mayor Zimmer’s flood mitigation plan.

One potential source of funding was FEMA. On the evening of May 13, 2013, the same day of the ShopRite event, Ferzan was organizing “a meeting for Mayor Zimmer in Hoboken” to explore the possibility of obtaining public assistance and FEMA federal funds for her flood mitigation plan.¹⁰³⁵ On May 15, 2013, that meeting took place. And Mayor Zimmer and her staff met with Ferzan, Siekerka, FEMA’s highest ranking recovery official in New Jersey, and “key folks from her FEMA hazard mitigation team to further discuss the pending requests” to fund “the pump station costs.”¹⁰³⁶ GORR’s deputy director said that GORR and FEMA officials were excited and energized to find ways to help Hoboken with their mitigation plans and secure FEMA mitigation funding. Hoboken “verbally presented FEMA with a citywide protection mitigation plan” that “called for floodwalls to be placed at the north and south ends of the city at an estimated cost of \$50M [meaning \$50 million], and the installation of 3 storm-water pumping stations at a cost of \$30M [meaning \$30 million].”¹⁰³⁷ GORR’s Deputy Director said that they were hoping to expand FEMA’s mitigation funding to cover Mayor Zimmer’s plan.

Another possible source of funding was low-cost financing from the EIT. The NJEIT is an “independent State financing authority” that finances the “construction of environmental infrastructure projects that enhance and protect ground and surface water resources.”¹⁰³⁸ Every

year, the U.S. Environmental Protection Agency (“EPA”) allocates tens of millions of dollars to the DEP for the New Jersey Clean Water State Revolving Fund (“CWSRF”).¹⁰³⁹ The CWSRF awards low-interest loans, which is 0 percent on the DEP portion of the loan, to municipalities, counties, and utility authorities for water quality construction projects.¹⁰⁴⁰ To receive funding, however, local entities must submit a letter of intent, a subsequent application, and certain documents. If the DEP approves, it certifies the project and, after additional review by NJEIT, the proposed project is submitted to the New Jersey Legislature for consideration in that year’s CWSRF legislation. In addition, if the DEP approves, the municipality can apply to NJEIT for interim financing pending receipt of the CWSRF funds.

In the spring of 2013, DEP asked David Zimmer, NJEIT’s Executive Director, to determine whether NJEIT could assist Hoboken in connection with Mayor Zimmer’s flood mitigation plan. On May 15, 2013, David Zimmer spoke with the Mayor and Marks about low-interest financing for Hoboken’s flood pumps.¹⁰⁴¹ After the discussion, David Zimmer emailed the Mayor, Marks, and Fredric Pocci (Executive Director of the NHSA), and copied various representatives from the DEP, including Assistant Commissioner Siekerka.¹⁰⁴² David Zimmer wrote that they were ready to “break off into respective groups to start teeing up the necessary processes and information requirements in order to move on this loan/project request as soon as possible.”¹⁰⁴³

David Zimmer also stated that “[w]hether or not this is a project that might be available for a federal grant or reimbursement program[] is a question that needs to be explored and discussed internally first,” but noted that “at a minimum, it would appear that this project should qualify for a short-term bridge loan under the Disaster Emergency Financing (DEF) Program.”¹⁰⁴⁴ Shortly thereafter, DEP Assistant Commissioner Siekerka responded that she had

“a meeting at North Hudson [Sewerage Authority] tomorrow at 10am with FEMA mitigation experts for the express purpose of reviewing how the pumps could fit” under FEMA’s hazard mitigation funding program.¹⁰⁴⁵

The next day, May 16, 2013, Siekerka and FEMA officials met with the NHSA and then emailed Marks about the meeting.¹⁰⁴⁶ Their purpose was to see whether they could merge the NHSA’s need for hazard mitigation funds to protect its facility and Mayor Zimmer’s request for water pumps. Siekerka wrote that the meeting “went well” but that the Sewerage Authority “need[ed] to do some further homework to see if the pumps” could attach to a hazard mitigation application for FEMA funds and then submit a written proposal to FEMA’s 406 Hazard Mitigation Crew Leader (“Crew Leader”) for his review.¹⁰⁴⁷ Subsequently, NJEIT and David Zimmer reached out to and communicated with Mayor Zimmer and her staff on a number of occasions in 2013 regarding the financing of Hoboken’s proposed pump stations and other funding opportunities. David Zimmer said that Hoboken was frequently unresponsive to NJEIT’s and DEP’s inquiries and efforts. On multiple occasions, David Zimmer and/or the NJEIT and DEP employees obtained information for Hoboken, but the Mayor and her staff did not respond to their communications.

On or about May 31, 2013, Mayor Zimmer’s Administration submitted a Clean Water Sandy Pre-Letter of Intent to be included in the CWSRF legislation in 2014 for a wet weather pump station estimated to cost approximately \$11 million.¹⁰⁴⁸ However, the deadline had already passed to be considered for financing in fiscal year 2014, so Hoboken’s proposal could not be included in that fiscal year’s legislation.¹⁰⁴⁹ Subsequently, on or about October 7, 2013, Hoboken submitted a letter of intent for an H-5 wet weather pump station¹⁰⁵⁰ and then an application on or about March 4, 2014 for the CWSRF legislation for 2015. Only in March 2014

did Mayor Zimmer's Administration submit the required documentation for DEP and the NJEIT to consider Hoboken's submission for financing in fiscal year 2015. This review is ongoing, consistent with all other loan submissions and the agency's review processes.

b. June 2013: Continued Efforts To Obtain FEMA Funding For Mayor Zimmer's Flood Mitigation Plan

On June 11, 2013, after the NHTSA decided that it was not going to "pursu[e]" the pump stations as a mitigation measure,"¹⁰⁵¹ Siekerka emailed the Crew Leader at FEMA, regarding a "comprehensive" plan for Hoboken's flooding issues.¹⁰⁵² The Crew Leader had met with Mayor Zimmer's staff the prior week regarding their proposal for sea walls and was waiting to hear back from them.¹⁰⁵³ FEMA's Crew Leader responded to Siekerka that he did not know whether FEMA would "be able to move forward with the comprehensive plan at this point," but suggested that they could potentially "do something comprehensive . . . with the City of Hoboken" and noted that "the cost of the pumps would have to be added to their proposal for the floodwall."¹⁰⁵⁴ FEMA's Crew Leader stated that "[his is one of the challenges with trying to make these large scale mitigation efforts eligible with 406 funding – when the additional information starts to come in sometimes it just doesn't work."¹⁰⁵⁵

FEMA's Crew Leader then stated that he thought "that the Hoboken 'comprehensive' mitigation should be looked at by another group" and specifically mentioned "the FDRC [Federal Disaster Recovery Coordinator] folks" and copied a FEMA employee who was "more connected to them."¹⁰⁵⁶ Siekerka responded that she looked forward to a follow up from Foley and noted that it was one of the Governor's priorities.

That same day, Siekerka forwarded the Crew Leader's email to GORR's Eric Daleo and wrote "we need to catch up on this once I get some more info on a better path forward for a comprehensive plan for Hoboken."¹⁰⁵⁷ Three days later, on June 14, 2013, Siekerka emailed

Marks, copying David Zimmer and Assistant Commissioner Putnam, stating: “Steven – we should follow up this coming week. We need to also revisit the entire comprehensive plan for resiliency that was previously discussed and how FEMA funding works or not.”¹⁰⁵⁸

c. June 27, 2013: Commissioner Constable Visited Mayor Zimmer

On June 27, 2013, Commissioner Constable and Rebisz visited Mayor Zimmer and Bryan in Hoboken. Their purpose was to update Mayor Zimmer on DCA’s recovery programs. They asked Mayor Zimmer to encourage people in her community to apply for funds. Commissioner Constable made similar visits to other elected officials. Both Commissioner Constable and Rebisz described the meeting as friendly. Neither observed any tension with Mayor Zimmer. In a subsequent briefing a few weeks later, Rebisz wrote that “since February, there have been no issues to report in dealing with the Mayor or her staff.”¹⁰⁵⁹

d. July 2013: Mayor Zimmer Became Non-Responsive

On June 27, 2013—the same day that Commissioner Constable visited Mayor Zimmer—Siekerka emailed Mayor Zimmer and Marks under the subject heading “Hoboken Sandy Recovery,” copying representatives from FEMA (Michael Foley and Leroy Horwedel), GORR (Eric Daleo), the Environmental Trust (David Zimmer), and DEP (Cindy Randazzo and Michele Putnam).¹⁰⁶⁰ Siekerka wrote that she “would like to circle back for a discussion re Hoboken’s resiliency measures.”¹⁰⁶¹ Siekerka explained that “[a]fter some very in depth work, it was realized that attaching the pump stations to the project worksheets for NHSA would not be acceptable to FEMA” for funding and “[b]asically[,] the project cannot stand on its own as providing the most effective measure for protection to the facility.”¹⁰⁶² Siekerka stated that “we need to revisit our dialogue on a comprehensive plan for the City and how to incorporate the pump stations in a city project worksheet.”¹⁰⁶³ Siekerka added that “our next step is to regroup and include all projects such as NJT, NYNJPA, the City, NHSA and any others that we may

know about.”¹⁰⁶⁴ Siekerka concluded her email: “Perhaps you or Stephen [Marks] can give me a call to discuss further.”¹⁰⁶⁵

Neither Mayor Zimmer nor Marks called, emailed, or otherwise tried to contact Siekerka about her request to discuss Hoboken’s comprehensive flood mitigation plan. Siekerka said that Mayor Zimmer and Marks also did not respond to phone calls. Despite the lack of responsiveness, DEP and GORR continued to approach FEMA about obtaining public assistance for flood mitigation in Hoboken. For example, on July 2, 2013, Siekerka sent an email to FEMA’s Jack Malone and wrote that she “want[ed] to talk with” him about “[i]deas for Hoboken.”¹⁰⁶⁶ On July 17, 2013, Ferzan emailed Siekerka that he had just spoken by phone with FEMA’s Federal Coordinating Officer (Szczuch), who “raised some issues with respect to Hoboken’s responsiveness in connection with FEMA’s evaluation of potential [public assistance] projects.”¹⁰⁶⁷ Ferzan stated that the FEMA official was “very appreciative of all your efforts in facilitating, but thought you may be awaiting response as well.”¹⁰⁶⁸ Siekerka responded: “Correct Mark. Hoboken is non-responsive. Sent an email around June 23 [which was actually June 27] to both Mayor and BA [Stephen Marks]. No response.”¹⁰⁶⁹ As a result, on July 24, 2013, Ferzan spoke with Mayor Zimmer “about the need to be responsive to FEMA and the State.”¹⁰⁷⁰ Mayor Zimmer identified Marks as the point of contact and “assured he would be responsive.”¹⁰⁷¹ A few weeks later, Ferzan emailed Siekerka to “stay on top of Hoboken to be responsive” to FEMA.¹⁰⁷²

e. Late July 2013: FEMA Declined To Fund Mayor Zimmer’s Plan

In a July 18, 2013 memorandum, FEMA independently concluded that Mayor Zimmer’s flood mitigation proposal did not meet FEMA’s requirements for what is called Section 406 funding.¹⁰⁷³ “In order to use 406 funding for this mitigation it would have to be shown that the mitigation would protect public property with eligible disaster related damages from a future

event,” as per FEMA recovery policy.¹⁰⁷⁴ Mayor Zimmer’s proposal had two interconnected parts; the floodwalls at a cost of \$50 million, which the city of Hoboken would pursue, and three storm-water pumping stations at a cost of \$30 million, which the NHSA would pursue.¹⁰⁷⁵ However, the proposal for the pumping stations did not meet FEMA’s requirements because they would not withstand storm-water damage over the necessary period of time. As a result, NHSA modified its approach and sought funding for a different method to protect its facilities from future flooding.¹⁰⁷⁶ Therefore, FEMA concluded: “Due to this change in direction, the entire [\$80 million] for the proposed mitigation for the floodwalls and 3 storm-water pump stations is not being considered at this time.”¹⁰⁷⁷

Siekerka tried to go back to Marks to discuss other potential funding options for Hoboken’s Flood Mitigation Project. However, Marks did not respond. Eventually, Marks told Siekerka that, because Mayor Zimmer and her staff believed there was a one percent chance that the project would be funded by FEMA, they were going to have to find another way to get the money for the additional water pumps.

After FEMA denied funding for Mayor Zimmer’s flood mitigation measures, the Christie Administration took other steps to address the disaster recovery needs of Hoboken and other urban communities impacted by Sandy. In early August 2013, Rebisz informed Mayor Zimmer’s Chief of Staff, Dan Bryan, that the Christie Administration was in the process of retaining six universities at a cost of \$400,000, which would be paid entirely by the State, “to study the Hudson river area, including flood adaptation strategies and urban storm drainage systems.”¹⁰⁷⁸ Rebisz informed Bryan that “[t]he Stevens study will focus on modeling potential flood impacts and assessing alternatives for hard structures (gates, berms, etc.) to provide flood protection.”¹⁰⁷⁹ The Stevens study focused on Hoboken and addressed the very type of flood

mitigation plan that Mayor Zimmer had been advocating for with the Rockefeller Group's design. In October 2013, following up on DEP's advice during the May 9, 2013 meeting, Hoboken submitted a letter of intent seeking a loan for a wet weather pump station. Because DEP had designated Hoboken's flood mitigation plan as 1 of 17 projects "in dire need," DEP prioritized Hoboken's plan over others.¹⁰⁸⁰ Everyone with whom we spoke in the Christie Administration, including employees at GORR, DEP, DCA, and IGA, never stopped trying to assist Hoboken throughout 2013.

8. Hoboken Received Funding From Both The Community Development Block Grant-Disaster Recovery Program And The Hazard Mitigation Grant Program

In the Fall of 2013, Hoboken received funding from both the federal programs through which it had sought aid—HUD's Community Development Block Grant-Disaster Recovery Program and FEMA's Hazard Mitigation Grant Program. On September 19, 2013, Hoboken was awarded the entirety of the \$200,000 of CDBG-DR funding it requested.¹⁰⁸¹ On or about October 9, 2013, Hoboken was also allocated \$142,080 in funding through the HMGP Energy Allocation Initiative for emergency back-up generators or other energy resiliency projects—roughly the average allocated to applying municipalities throughout the State.¹⁰⁸²

9. By The Second Half Of 2013, Mayor Zimmer Shifted Her Focus To Winning HUD's "Rebuild by Design" Competition And Wanted The Christie Administration To Support Hoboken's Candidacy Alone To The Exclusion Of Other Finalists

Rebuild by Design ("RBD") is a federally funded competition arising out of the Presidential Hurricane Sandy Rebuilding Task Force (the "Presidential Task Force") led by HUD Secretary Shaun Donovan.¹⁰⁸³ The competition is "aimed at addressing structural and environmental vulnerabilities that Hurricane Sandy exposed in communities throughout the region and developing fundable solutions to better protect residents from future climate

events.”¹⁰⁸⁴ The competition’s goal “is two-fold: to promote innovation by developing regionally-scalable but locally-contextual solutions that increase resilience in the region, and to implement selected proposals with both public and private funding dedicated to this effort.”¹⁰⁸⁵ RBD encourages opportunities for public-private partnerships, and it requires teams to work collaboratively with all relevant stakeholders.

RBD consists of four stages, two of which have been completed. During Stage One, applicants submitted short proposals, and the Presidential Task Force selected those who were able to proceed to the next stage.¹⁰⁸⁶ During Stage Two, each team was given \$100,000 for research expenses and required to identify three to five design “opportunities,” or “projects that have the potential for maximum impact on the region’s strengths and vulnerabilities.”¹⁰⁸⁷ By the end of Stage Two, each design team had to select one design “opportunity” to develop assuming they got to Stage Three.¹⁰⁸⁸ In August 2013, the Presidential Task Force, in consultation with the “Competition Jury,” selected 10 finalists who made it to Stage Three.¹⁰⁸⁹ In the third stage, which is currently ongoing, each design team received an additional \$100,000 to design site-specific proposals for their chosen projects.¹⁰⁹⁰ The 10 teams have to “transform their chosen design opportunities to implementable and fundable design solutions.”¹⁰⁹¹ This phase requires community engagement and work with local political leadership.¹⁰⁹² Finally, in the third stage, the “Competition Jury” selects one or more winning designs, and the winners implement the projects in close collaboration with state and local government authorities in the final and fourth stage.¹⁰⁹³

No member of the Christie Administration—not the Governor, the Lieutenant Governor, Commissioner Constable, or Executive Director Ferzan—is a member of the “Competition Jury.”¹⁰⁹⁴ As a result, no one from the Christie Administration was involved in selecting the 10

finalists who made it to Stage Three, and none of them will be involved in determining the ultimate winning designs. Rather, the winners of the competition will be determined by the following people who make up the “Competition Jury”: HUD Secretary Shaun Donovan (Chair of the Jury), Henk Ovink (Co-Chair and former senior official in the Netherlands’ Ministry of Infrastructure & the Environment), Dr. Lauren Alexander Augustine (National Academy of Sciences), Julie Bargmann (Associate Professor at the University of Virginia School of Architecture), Ricky Burdett (Professor at the London School of Economics and Political Science), Dr. Susan Cutter (Professor at University of South Carolina), Jeanne Gang (Architect and Founder of Studio Gang Architects), Bruce Katz (Vice President and Director at The Brookings Institution), Eric Klinenberg (Director and Professor of Sociology of the Institute for Public Knowledge at New York University), Guy Nordenson (Structural Engineer and Professor of Architecture and Structural Engineering at Princeton University), Mitchell J. Silver (Chief Planning and Development Officer of City Planning in Raleigh, North Carolina), and Mark Tercek (President and CEO of The Nature Conservancy).¹⁰⁹⁵

Three of the 10 finalists that made it to Stage Three are New Jersey projects, and two of the 10 are regional projects that cover both New York and New Jersey.¹⁰⁹⁶ A flood mitigation project for Hoboken created by a design team known as OMA is one of the RBD finalists.¹⁰⁹⁷ Somewhat similar to the Rockefeller Group’s Flood Mitigation Plan, OMA’s approach to flood mitigation for Hoboken involves, among other things, the construction of flood walls and additional flood pumps.¹⁰⁹⁸ Even though there are similarities between OMA’s approach and the Rockefeller Group’s Flood Mitigation Plan, we found no evidence that Mayor Zimmer asked the Rockefeller Group for its assistance in the RBD competition.

In April 2014, a “Competition Jury” will evaluate the proposals and select the winners.¹⁰⁹⁹ There will be at least one winner.¹¹⁰⁰ The funding for any winning project is expected to come from the third tranche of CDBG funding, but HUD has not said how much money a winning project will receive.¹¹⁰¹

Mayor Zimmer strongly backs Hoboken’s RBD proposal and has asked the Christie Administration repeatedly to intercede and support its proposal alone over the other New Jersey and regional finalists. For example, on October 28, 2013, during an event at New York University in which the RBD finalists were announced, Mayor Zimmer approached GORR Deputy Executive Director Brody on the street outside of the meeting. Brody and others were present to show the Governor’s support for RBD. Mayor Zimmer was with Marks. The Mayor told Brody that she really wanted the Governor to endorse Hoboken’s RBD plan. Because GORR had only seen a one-paragraph synopsis of the plan and the Governor was not prepared to support any particular entrant in the competition over another, Brody responded that the teams were coming up with interesting concepts but they wanted to understand all of the implications before supporting any particular one. Brody started to explain that, although there were limited resources at the State’s disposal, GORR was committed to working with the Mayor on Hoboken’s flooding issues. At this point, Mayor Zimmer got very upset. She raised her voice and started yelling that she was not getting enough money for Sandy recovery. When Brody tried to respond, Mayor Zimmer walked away.

Initially, the Christie Administration had raised questions and concerns about RBD funding relative to the significant unmet needs identified throughout the State and limited available federal funds. Secretary Donovan, however, requested the Governor’s support, and Governor Christie then agreed to support the competition and facilitate assistance to participants.

Among other things, the Christie Administration facilitated assistance to the New Jersey participants in the competition, including Hoboken.¹¹⁰² The Christie Administration expressed positive views about Hoboken's RBD proposal as early as November 13, 2013, when the Governor requested that GORR's Ferzan and New Jersey Economic Development Authority CEO Michele Brown schedule a meeting with Mayor Zimmer to discuss the project.¹¹⁰³

Hoboken's design team, led by OMA, raised with GORR its need to partner with private developments. In response, David Morris, GORR's principal member responsible for providing assistance to RBD participants, provided them with contact information of at least two private developers who had expressed interest in pursuing public-private partnerships with Hoboken. On January 2, 2014, Morris suggested that LCOR connect with OMA to help Hoboken's team obtain the information necessary for the competition.¹¹⁰⁴ On January 13, 2014, Morris emailed OMA that he "tracked down some contact info[r]mation] for another developer working in Hoboken, the Rockefeller Group. I believe they are working near Weehawken Cove in the north, and may be another opportunity for collaboration with regard to your design."¹¹⁰⁵

Moreover, during discussions with Mayor Zimmer, GORR discussed generally that Hoboken could work with private developers and brought up LCOR's development project with NJ Transit in the South End of Hoboken. According to the people we spoke with, no pressure was imposed on Mayor Zimmer to move forward with any particular development and the subject of working with private developers was raised only in the context of maximizing the funds available to implement her Flood Mitigation Plan.

10. The Governor's Re-Election Campaign's And IGA's Responsiveness To Mayor Zimmer Months Before And After The Alleged First Threat On May 13, 2013

Throughout 2013, the Governor's campaign periodically sought Mayor Zimmer's endorsement of the Governor for re-election.¹¹⁰⁶ Moreover, IGA continued to respond promptly

to Mayor Zimmer's concerns.¹¹⁰⁷ Evidence that the Governor's campaign staff courted Mayor Zimmer through 2013, and that IGA responded to the Mayor's requests, is important in assessing the validity of Mayor Zimmer's allegations. Such evidence would make it less likely that top Christie Administration officials threatened her about a private development project, in the way she has alleged, starting in May 2013.

We found numerous examples of Mayor Zimmer receiving favorable treatment. One example is Mayor Zimmer's February 21, 2013 one-on-one private meeting with the Governor.¹¹⁰⁸ This was rare for mayors. During the meeting, the Governor had a brief discussion with Mayor Zimmer about a potential endorsement, but sensing her hesitation as a Democrat seeking re-election herself, he did not pursue the subject. Most of the meeting entailed the Mayor presenting her flood mitigation plan and seeking the Governor's assistance. In response, the Governor directed Commissioner Martin and Constable to meet with her about the Rockefeller Group's Flood Mitigation Plan, and this set in motion a series of meetings with the DEP to explore ways in which they could help Mayor Zimmer accomplish her goal of getting funds for that plan.¹¹⁰⁹

Moreover, within weeks of Mayor Zimmer seeking her January 22, 2013 written request for a joint meeting with the Port Authority of New York and New Jersey, New Jersey Transit, the New Jersey Turnpike Authority, and the New Jersey Department of Transportation, Kelly followed up. She forwarded the letter to Amy Cradic, then Senior Policy Advisor to the Governor, and said "[w]e'd like to accommodate and get this meeting done for the Mayor."¹¹¹⁰ And the joint transportation meeting was then arranged.¹¹¹¹

Likewise, on May 13, 2013—the very day Mayor Zimmer claimed she was supposedly first being threatened—Mayor Zimmer was included on an "Appointment Roster" of Mayors

considered to receive honorary appointments. And, two days later, on May 15, 2013, Renna recommended Hoboken as first on a list of non-shore towns to benefit from meetings to explain what mitigation resources were available to them.¹¹¹² (That meeting was ultimately held in Hoboken on August 1, 2013.¹¹¹³) And both Stepien and Kelly received regular updates about, among other things, meetings and assistance provided to Mayor Zimmer.

By July 2013, the Christie campaign decided to approach Mayor Zimmer again about potentially endorsing the Governor. On July 16, 2013, Stepien said “[w]e’re approaching a point in time where we have the ‘so what’s it gonna be?’ conversation with Zimmer and Fulop. Are you with us, or against us? We’re never going to be in a better position than right now to have that conversation.”¹¹¹⁴ On August 20, 2013, Mayor Zimmer and her Chief of Staff, Dan Bryan showed up unexpectedly at an event in Little Ferry.¹¹¹⁵ Rebisz and others were surprised because the event did not relate to Hoboken.¹¹¹⁶ During the event, Mayor Zimmer told a reporter with *The Star Ledger*, who then posted it on Twitter, that she was staying out of the gubernatorial election and did not “expect to be endorsing” anyone.¹¹¹⁷ That came as a surprise to Stepien.¹¹¹⁸ But that same day, Mayor Zimmer went out of her way to post messages of praise for the Governor, such as “I am very glad Governor Christie has been our Gov,” and Governor Christie has “done a great job for NJ & Hoboken.”¹¹¹⁹ Her Chief of Staff, Dan Bryan, then emailed the Christie campaign, stating that “[a]lthough she’s still not planning on endorsing, she’s trying to say and do what she can.”¹¹²⁰

On August 21, 2013, Mayor Zimmer asked if she could appear at the Governor’s campaign stop the next day at Hoboken’s Carlo’s Bakery.¹¹²¹ Mayor Zimmer stated: “I would be more than happy to come and say a quick hello and welcome to Governor Christie when he comes to Hoboken tomorrow.”¹¹²² Mayor Zimmer also told them that a reporter asked “why

Brick township is getting \$40 million for a temporary comprehensive steel wall to protect their community and Hoboken has not received any funding for comprehensive resiliency measures to protect our City. This particular reporter asked if this had anything to do with the fact that I have not endorsed.”¹¹²³ Mayor Zimmer said she “very clearly stated that it does not.”¹¹²⁴ Mayor Zimmer also stated that she was “going to try to reach out to the Governor’s office to try to understand the differences in the funding sources between Brick and Hoboken so that I can better respond going forward.”¹¹²⁵ The campaign declined Mayor Zimmer’s offer to appear at the event, deciding her appearance could be a “distraction.”¹¹²⁶ Because Mayor Zimmer kept publicly praising the Governor, the Christie campaign continued to hope that Mayor Zimmer might endorse the Governor at a later date.

By early October 2013, Mayor Zimmer, through her chief of staff, Dan Bryan, reached out to the Christie campaign by telephone, suggesting a statement to the press praising Governor Christie.¹¹²⁷ A draft of the statement that Mayor Zimmer proposed to make stated, in part:

*Over the past three and a half years, I have been proud to stand with Governor Christie and support him on important initiatives Here in Hoboken, Governor Christie was there for us when we needed him most, responding to the crisis of Superstorm Sandy and stepping up to work with us to save Hoboken University Medical Center – and its 1,300 jobs – from potential closure. I am truly grateful to have had the opportunity to serve alongside Governor Christie.*¹¹²⁸

The campaign considered Mayor Zimmer’s proposal “different from what the Mayor communicated” previously, in which “she stated her comfort with a statement of political support for the Governor’s re-election.”¹¹²⁹ As a result, the Christie campaign declined Mayor Zimmer’s offer, considering it a distraction to have an expression of support but not an endorsement at that late date.

11. November 25, 2013: Ferzan Introduced The Action Plan For The Second Tranche Of CDBG-DR Funds To Mayors, Including Mayor Zimmer

Mayor Zimmer's allegations against Ferzan appear to arise out of a November 25, 2013 "Stakeholder Meeting" at the State House in Trenton.¹¹³⁰ Mayor Zimmer attended the meeting with several North and Central New Jersey Mayors at which GORR Executive Director Marc Ferzan and others introduced New Jersey's proposed Action Plan for the second tranche of Sandy CDBG-DR funding.¹¹³¹ This meeting was held less than one month after HUD announced that New Jersey was eligible for approximately \$1.4 billion under the second tranche of CDBG-DR funding,¹¹³² in an effort to get feedback from mayors and stakeholders and to comply with HUD's requirement that the State hold outreach meetings. Ferzan and the other State officials wanted to give the Mayors a sense of what the second allotment of CDBG-DR funding would consist of and to solicit feedback from the Mayors on how to utilize the funds.

Along with Mayor Zimmer and Stephen Marks from Hoboken, Mayors and officials from Little Ferry, South Amboy, Lyndhurst, Old Bridge Township, South River, Sayreville, and Moonachie also attended that meeting.¹¹³³ Commissioner Constable and Commissioner Martin attended as well, as did DCA Director Lisa Ryan and DCA Assistant Commissioner Stacy Bonnaffons.¹¹³⁴ Approximately 20 to 30 people attended. Mayor Zimmer sat approximately four to five feet from Ferzan, who stood at the front of the room while he gave a PowerPoint presentation.

Ferzan's presentation covered New Jersey's application of CDBG-DR funds thus far, and the limitations on funding and substantial needs for future funding. According to Ryan's contemporaneous notes, "Mayor Zimmer asked how the State [was] going to help urban areas with the second tranche of CDBG-DR funds" and inquired about funding "for things like elevating utilities and elevators."¹¹³⁵ In response, Ferzan explained that HUD had already

determined the allocation of the second tranche of CDBG-DR funds that would benefit New Jersey. New Jersey recently posted for public comment its proposed Action Plan and was planning to file its Action Plan with HUD shortly for its consideration. In addition, Ferzan said the State had asked FEMA “about raising utilities” and they had said no, and that “Rebuild by Design is one avenue to consider.” Contrary to Mayor Zimmer’s claim to Anderson Cooper on CNN on January 20, 2014, Ferzan did not recall Mayor Zimmer raising RBD at the meeting, and he denies linking Sandy aid to private development. All of the people with whom we spoke to who attended this meeting said that Ferzan did not link Sandy aid to private development.¹¹³⁶

After the meeting, Commissioner Constable introduced Assistant Commissioner Bonnaffons to Mayor Zimmer, and they spoke briefly. Mayor Zimmer said Hoboken was not receiving enough funds, and mentioned HMGP funds. Bonnaffons responded that the DCA did not administer the HMGP program, but acknowledged Mayor Zimmer’s concerns. Among other things, Bonnaffons and Mayor Zimmer also discussed Bonnaffons’ experience working in Louisiana after Hurricane Katrina to elevate utilities. Bonnaffons invited Mayor Zimmer to contact her to explore ways in which she might assist the Mayor in connection with funding for the elevation of utilities, but Mayor Zimmer never followed up. Mayor Zimmer also spoke with Commissioner Martin and Assistant Commissioner Siekerka. Mayor Zimmer asked if Hoboken could get funding for water pumps from the NJEIT bridge loan program, and they told her that they would try to expedite the process. Assistant Commissioner Siekerka subsequently called David Zimmer to expedite the application process.

12. Christie Administration Officials Tried To Help Hoboken In Other Ways

Once again, in evaluating Mayor Zimmer’s allegations that the Christie Administration linked Sandy assistance to the Rockefeller Group’s private development, we analyzed whether the Administration provided assistance to Hoboken in general (and outside the strict confines of

Sandy aid programs) throughout 2013. We found several examples of Administration officials in various departments and agencies extending help to Mayor Zimmer and Hoboken. We have listed examples not mentioned in this Report in a chart as Appendix H.

Two examples stood out, and we discuss them briefly here. The first was David Zimmer's work in discovering and then facilitating a grant of several hundred thousand dollars to Hoboken. In early 2013, David Zimmer read that the Rockefeller Foundation (unrelated to the Rockefeller Group) created a \$3 million grant program to help U.S. cities finance and build storm-water infrastructure systems.¹¹³⁷ Under the program called the RE.invest Initiative ("RE"), the Rockefeller Foundation connects cities with engineering firms, law firms, and financial advisors who develop infrastructure plans at the foundation's expense.¹¹³⁸ The initiative facilitates public-private partnerships between cities and private firms to reduce the burden on governments, mobilize private investment, improve resiliency, and build integrated planning at the local level.¹¹³⁹ After reading about the program in early 2013, David Zimmer informed Mayor Zimmer and elected officials in several other New Jersey municipalities. With David Zimmer's assistance, Hoboken was one of eight cities in the U.S. awarded a portion of the \$3 million grant.¹¹⁴⁰

The second example related to efforts made by the Executive Director of the New Jersey Housing and Mortgage Finance Agency ("HMFA"), Anthony Marchetta, to assist Hoboken in obtaining Sandy aid for the construction of 44 affordable family housing units. On or about May 15, 2013, HMFA agreed to fund the Hoboken Housing Authority's \$3 million affordable housing project, subject to the condition that Hoboken submit a "Resolution of Need."¹¹⁴¹ On or about May 1, 2013, however, Mayor Zimmer submitted a letter to the Hoboken Housing Authority and HFMA opposing the project.¹¹⁴² She stated that the Authority's Executive Director, Carmelo

Garcia, had “failed to properly brief [her] Administration, the City Council or the public with respect to this project,” and listed specific reasons for opposing it.¹¹⁴³ Marchetta said that all of these issues were resolvable, but Mayor Zimmer nonetheless refused to support the project. Marchetta recalled that Mayor Zimmer contacted her from Europe in May 2013 to personally express her opposition to the project. Ultimately, on or about May 22 or 23, 2013, the Hoboken City Council failed to pass the Resolution of Need by a 4–4 vote, and the \$3 million in low-interest financing was never provided.

E. Factual Analysis: Mayor Zimmer’s Allegations Are Unsubstantiated And Contradicted By Contemporaneous Documentary Evidence

After interviewing dozens of witnesses inside and outside the Christie Administration, and reviewing reams of documents, we have found no support for Mayor Zimmer’s allegations. Indeed, Mayor Zimmer’s allegations are directly contradicted in material respects by contemporaneous documentary evidence, including emails, documents, photographs, eyewitness accounts, and publicly recorded statements. Whether intentional or not, it appears that Mayor Zimmer’s subjective perception of the events she has described do not reflect objective reality, and that she has drawn connections between Sandy aid and the Rockefeller Group project that simply do not exist.

1. Mayor Zimmer’s Allegations About The Lieutenant Governor Do Not Withstand Scrutiny

Mayor Zimmer’s televised interviews and her handwritten notes focused largely on her allegation that the Lieutenant Governor threatened to hold Hoboken’s Sandy aid hostage unless Mayor Zimmer moved forward with the Rockefeller Group’s private development project. But her account is demonstrably false in material respects. And her subjective perceptions do not match objective reality.

a. The ShopRite Tour Was Not A “Created” Event

Mayor Zimmer’s claim that the ShopRite tour was “created” on May 10, 2013, as a vehicle to give the Lieutenant Governor a forum to send “a direct message”¹¹⁴⁴ from the Governor to Mayor Zimmer is false. Contemporaneous emails demonstrate that ShopRite was added to the list of potential businesses to visit in Hoboken as part of the Lieutenant Governor’s post-Sandy “Open For Business” tour at least 21 days before the May 13, 2013 event.¹¹⁴⁵ Contemporaneous emails further demonstrate that the ShopRite location was not final until corporate headquarters consented to the tour on or about May 10, 2013.¹¹⁴⁶ Mayor Zimmer’s speculation, therefore, that the ShopRite tour was “created”¹¹⁴⁷ at the eleventh hour to deliver such a message to her is belied by the contemporaneous documents.

Indeed, there was nothing unusual about the Lieutenant Governor doing an event such as this one touring the Hoboken ShopRite. A significant part of the Lieutenant Governor’s job has been to retain, grow, and attract new business to New Jersey because jobs bring stability, growth, and prosperity. Since being sworn in as Lieutenant Governor in January 2010, she has toured hundreds of businesses to meet with their owners, managers, and workers, listen to their concerns and issues, and promote New Jersey business. In 2013 alone, the Lieutenant Governor toured nearly 100 businesses. After Superstorm Sandy, the Lieutenant Governor decided to tour businesses in those communities devastated by the storm to show people inside and outside New Jersey that businesses were reopening and ready for customers.¹¹⁴⁸ The ShopRite tour was “part of a series of visits to New Jersey businesses affected by Hurricane Sandy” that had been reopened to the public.¹¹⁴⁹

In addition, based on our interviews and review of relevant documents, Mayor Zimmer’s claim that the ShopRite tour was “created”¹¹⁵⁰ so that the Lieutenant Governor could deliver a message makes no sense. Lauren Moore, the Deputy Executive Director of the BAC who has

worked for business development in six administrations, and Catherine Scangarella, the Director of State Marketing for the BAC, described the hard work and resources that go into these business tours. And they described a process in which the Lieutenant Governor might not know about which business would be toured until the prior evening. Had the Lieutenant Governor wanted to deliver a message to Mayor Zimmer—and we found no evidence of that—there were far easier, less costly, and less challenging ways for the Lieutenant Governor to do so than taking the time and energy of multiple people to schedule a tour, obtain consent of the owners, contact Mayor Zimmer, and then organize and take the actual tour. Furthermore, pursuant to standard protocols, the tour was scheduled with the consent of the owner and would have proceeded even if Mayor Zimmer had subsequently decided not to attend.

b. Lieutenant Governor Guadagno’s ShopRite Tour Followed Standard Protocol, And Mayor Zimmer Should Have Known That

The BAC and IGA followed standard operating procedure when scheduling the ShopRite tour and communicating with Mayor Zimmer about it. Pursuant to that standard procedure, BAC staff first obtained the consent of ShopRite’s owners.¹¹⁵¹ BAC informed IGA of that consent on May 10, 2013 at 12:07 p.m.¹¹⁵² Pursuant to the standard protocol, that was the earliest point the local elected official—Mayor Zimmer—could be invited. Numerous witnesses said that other elected officials were invited to the Lieutenant Governor’s business tours at the last minute on multiple occasions. Based on the evidence, we find that there was nothing unusual or improper about the timing and manner of the BAC’s and IGA’s invitation to Mayor Zimmer to attend the ShopRite event.

Indeed, we found multiple instances when the same people at the BAC and the IGA followed the same procedure with other “Open for Business” events, including in Hoboken. The BAC obtained the consent of the business owners shortly before the scheduled business tour, the

BAC informed IGA, and IGA then invited the local elected official. We describe three additional examples, including two with Mayor Zimmer herself.

First, on January 16, 2013, BAC's Robertson emailed IGA's Kelly to inform her that they were able to confirm an "Open for Business" tour at a certain restaurant in Hoboken on January 17, 2013.¹¹⁵³ Kelly then emailed her IGA colleague, Mowers, asking him to find out if Mayor Zimmer was available to join the Lieutenant Governor.¹¹⁵⁴ And the Mayor agreed to attend and joined the Lieutenant Governor for the tour the next day. Here, the only difference with the ShopRite event is that Mayor Zimmer was invited to the January 2013 business tour less than thirty-six hours before the event whereas she was invited to the ShopRite tour three days before.

Second, during the same month as the ShopRite tour, the BAC first obtained the consent of the owners of a certain business in Moonachie for an "Open for Business" tour scheduled on May 7.¹¹⁵⁵ Only then did IGA then invite the mayor of Moonachie to join the Lieutenant Governor at the event.¹¹⁵⁶

Third, on August 9, 2013, at 3:35 p.m., BAC's Robertson emailed IGA's Kelly to inform her that the tour of Hoboken's Farmer's Market on August 13, 2013, was confirmed.¹¹⁵⁷ Kelly then emailed Renna to ask Rebisz to invite Mayor Zimmer to the event.¹¹⁵⁸ At 3:55 p.m., Rebisz emailed Bryan, stating that he had left a voicemail message, that the "LG will be in Hoboken this Tuesday, August 13th," and that the Lieutenant Governor "would love to have the Mayor to [sic] join her."¹¹⁵⁹ At 4:23 p.m., Bryan responded that "the Mayor is available" and asked the administrative assistant to add the event to the Mayor's calendar.¹¹⁶⁰

That Mayor Zimmer was aware that she was invited just days before two other tours with the Lieutenant Governor, just as she was for the Hoboken tour, undermines her claim that the timing of her invitation to the ShopRite tour was "created"¹¹⁶¹ to send a message. Mayor

Zimmer's subjective perception that there was something wrong with being invited the Friday before the ShopRite tour does not match her own experiences in January 2013 and August 2013.

c. The Lieutenant Governor Did Not “Pull Aside” Mayor Zimmer

Mayor Zimmer's claim that the Lieutenant Governor “pulled” her “aside”¹¹⁶² to send her a message from Governor Christie is demonstrably false. The contemporaneous documentary evidence shows that it was Mayor Zimmer who asked to speak privately one-on-one with the Lieutenant Governor after the ShopRite tour ended, not the other way around.

First, Mayor Zimmer's account is disproven by the email that DiMaggio sent to the Lieutenant Governor's Chief of Staff, Melissa Orsen, on May 13, 2013 at 12:06 p.m.¹¹⁶³ In that email, DiMaggio confirmed that Mayor Zimmer requested to speak with the Lieutenant Governor for a few minutes after the tour ended.¹¹⁶⁴ Second, the response from Orsen reflected that there was no agenda or expectation that the Lieutenant Governor would be meeting with Mayor Zimmer in a private meeting.¹¹⁶⁵ Third, less than an hour later, at 1:01 p.m., Ridley emailed DiMaggio asking whether there was “[a]ny word on getting the mayor a few minutes after this meeting?”¹¹⁶⁶ Finally, the BAC's agenda for the ShopRite tour made clear that there was no meeting envisioned between Mayor Zimmer and the Lieutenant Governor, and had there been a scheduled meeting between them, it would have been included within the BAC's agenda.

In addition to the contemporaneous records, the witness accounts of Ridley, DiMaggio, and Orsen substantiate the Lieutenant Governor's account, not Mayor Zimmer's claim that the Lieutenant Governor “pulled her aside” at the ShopRite tour. Ridley recalled that Mayor Zimmer's Chief of Staff, Dan Bryan, requested the private meeting with the Lieutenant Governor on Mayor Zimmer's behalf. Ridley recalled that he informed DiMaggio, learned that the Lieutenant Governor granted Mayor Zimmer's request, and observed them meeting at the end of the tour. DiMaggio recalled that, when the event ended, the Lieutenant Governor said to Mayor

Zimmer that she understood that Mayor Zimmer wanted to meet with her. Orsen said that the Lieutenant Governor's business tours are so common that there was no reason to remember the ShopRite tour. However, on Orsen's review of her email communications with DiMaggio, Orsen recalled that Mayor Zimmer had requested the private meeting with the Lieutenant Governor.¹¹⁶⁷

Once again, Mayor Zimmer's perception does not match the objective reality of the contemporaneous documents. That mistake calls into question the rest of Mayor Zimmer's account because it is premised on the notion that the Lieutenant Governor "created"¹¹⁶⁸ this event to ambush Mayor Zimmer by "pull[ing]" her "aside" to "deliver" a "direct message from the governor."¹¹⁶⁹ But no such thing happened.

d. The Lieutenant Governor Could Not Have "Created" This Event To Deliver A "Direct Message" from the Governor Because She Met With The Governor Only After Mayor Zimmer Was Invited To The Event

Mayor Zimmer's allegation that the ShopRite tour was "created"¹¹⁷⁰ to deliver a "direct message" from the Governor is belied by the fact that Mayor Zimmer herself was invited prior to the senior staff retreat when the Governor and the Lieutenant Governor saw each other. By 12:07 p.m. on May 10, 2013, the BAC had secured the consent of the ShopRite owners to proceed with the tour on May 13, 2013, and thus there was no turning back.¹¹⁷¹ The event was on schedule and going to take place, regardless of whether anyone was able to reach Mayor Zimmer to invite her and regardless of whether Mayor Zimmer agreed to attend. Moreover, the decision to invite Mayor Zimmer was, in fact, made prior to the senior staff retreat. That Mayor Zimmer did not accept the invitation until mid-afternoon does not alter that important fact.

e. It Was Mayor Zimmer Who Had The Rockefeller Group On Her Mind, Not the Lieutenant Governor

From the contemporaneous documents and interviews we conducted, it seems apparent that the Rockefeller Group's development project was on Mayor Zimmer's mind on May 13, 2013, not the Lieutenant Governor's. Therefore, it seems much more likely that Mayor Zimmer was the one who raised the Rockefeller Group's private development project and tied it to Sandy aid in her conversation with the Lieutenant Governor, not the other way around.

Mayor Zimmer likely associated private development in general as having the support of the Christie Administration. She knew that, prior to Superstorm Sandy in late 2011 and early 2012—officials in the Christie Administration had offered her assistance and encouraged her to advance the LCOR and Rockefeller Group projects. And while the Christie Administration continued to facilitate discussions about the NJ Transit/LCOR development project in Hoboken in 2013 (as opposed to the Rockefeller Group's project), Mayor Zimmer may not have recognized that distinction.

Then, during the first half of 2013, Mayor Zimmer advocated for the flood mitigation plan that the Rockefeller Group designed for Hoboken. That plan was clearly on her mind, as the evidence shows that she passionately believed in sea walls, flood gates, and water pumps called for in this plan to address Hoboken's continuing flood problems. From February 2013 through May 13, 2013, the date of the ShopRite tour, Mayor Zimmer showcased the Rockefeller Group's schematic drawings of its Flood Mitigation Plan to Christie Administration officials on multiple occasions, including in meetings with the Governor, Commissioner Constable, Commissioner Martin, Ferzan, and others. The first of those meetings was on the Hoboken Flood Mitigation Plan developed by the Rockefeller Group, not its North End development

project. Indeed, in her February 13, 2013 State of the City speech, Mayor Zimmer even thanked the Rockefeller Group for designing this flood mitigation plan.¹¹⁷²

Then, during April 2013, in the weeks leading up to the ShopRite tour, Mayor Zimmer and her staff viewed the Rockefeller Group as putting on “the full court press” to get meetings with Hoboken officials to permit its North End development project to move forward with advantageous tax benefits.¹¹⁷³ The Rockefeller Group’s representatives at the Wolff & Samson law firm, including Lori Grifa (the former DCA Commissioner in the Christie Administration), were lobbying Mayor Zimmer’s Office to transition from studying development on the North End of Hoboken to permitting them to move forward with their redevelopment project.¹¹⁷⁴ Furthermore, Mayor Zimmer may have been misattributing statements by Grifa as being from the Christie Administration, even though she had long since left the Administration.¹¹⁷⁵ This misimpression may have been further reinforced by the fact that David Samson, Governor Christie’s appointed Chairman of the Port Authority Board of Commissioners, was a named partner in Grifa’s law firm.¹¹⁷⁶ Grifa, however, did not work in the Christie Administration at the time and did not represent the Christie Administration.

Moreover, while Mayor Zimmer has claimed that the Lieutenant Governor was linking Sandy aid to the Rockefeller Group project, the evidence shows that Mayor Zimmer herself linked Sandy aid to private development in correspondence even before the ShopRite event. Just three weeks before on April 23, 2013, Mayor Zimmer wrote to Governor Christie that “[j]ust as shore towns are not being asked for development in exchange for protecting them from future storms, *the solution to Hoboken’s flooding challenges cannot be dependent on future development.*”¹¹⁷⁷ But we have found no evidence that anyone in the Christie Administration ever tied Sandy aid to private development. Indeed, with respect to the Rockefeller Group, we

found that it was Mayor Zimmer who introduced the Rockefeller Group’s Flood Mitigation Plan to the Christie Administration and invited the Rockefeller Group¹¹⁷⁸—to the surprise of Ferzan, who found it “odd”—to an initial meeting with other elected officials to discuss the proposed plan.¹¹⁷⁹ In addition, we found that it was Mayor Zimmer who told engineers and others at DEP on May 9, 2013, that she wanted a public-private partnership to obtain the funding for Hoboken to build the Rockefeller Group’s Flood Mitigation Plan.

Indeed, just five days before the ShopRite tour, on May 8, 2013, two events occurred that, although entirely unrelated, seem to have been connected in Mayor Zimmer’s mind. Mayor Zimmer’s allies on the Hoboken Planning Board, by a 4 to 3 vote, rejected the Rockefeller Group’s request for a recommendation that its properties should be designated as in need of “redevelopment,” which would have resulted in significant tax breaks.¹¹⁸⁰ Mayor Zimmer herself has acknowledged recently that the Planning Board’s decision was one of the “important things” that happened before the ShopRite tour.¹¹⁸¹ Mayor Zimmer apparently believed—incorrectly—that the Christie Administration cared about the Planning Board’s vote. And at the same time, Mayor Zimmer apparently believed—again, incorrectly—that “there will be no Hazard Mitigation funding for Hoboken.” Thus, in her own mind, Mayor Zimmer apparently misperceived that the Planning Board’s vote against the Rockefeller Group’s project and what she thought she had learned about there supposedly being no hazard mitigation funding in store for Hoboken were somehow linked. Finally, just four days before the ShopRite tour, Mayor Zimmer attended a meeting with the Rockefeller Group’s representatives at the DEP.¹¹⁸² Evidence suggests that Mayor Zimmer’s staff may have initially misperceived this meeting as being about the Rockefeller Group’s North End property, when, in reality, the DEP viewed it as a meeting to evaluate the Rockefeller Group’s Flood Mitigation Plan for Hoboken. But Mayor

Zimmer herself should not have misunderstood the purpose of this meeting. Commissioner Martin's April 25, 2013 letter to the Mayor described the purpose accurately as a meeting "with the Rockefeller Group to discuss Hoboken's proposed long-term flood risk reduction project."¹¹⁸³ We know that Mayor Zimmer read Commissioner Martin's April 25, 2013 letter because she thanked him in writing for sending it.¹¹⁸⁴ And based on her attendance at the May 9, 2013 meeting, Mayor Zimmer should have realized that the discussion centered on the feasibility of the Rockefeller Group's Flood Mitigation Plan for Hoboken and that the Rockefeller Group's private development was only mentioned in passing.

Nevertheless, whatever misperception occurred here seems to have simply been the result of a miscommunication. DEP engineers Rosenblatt and Moyle had originally scheduled the meeting with the Rockefeller Group and its engineers—without Mayor Zimmer or her staff—because they understood their mandate from Commissioner Martin was to evaluate the feasibility of the Flood Mitigation Plan and they wanted to speak engineer-to-engineer about it. Long-time engineers with decades of experience working at the DEP for both Democratic and Republic administrations, neither Rosenblatt nor Moyle were tying Sandy aid to anything other than an objective evaluation of the proposed plan from an engineering perspective. After Commissioner Martin directed Rosenblatt and Moyle not to proceed without Mayor Zimmer's participation, they left it to the Rockefeller Group's representatives at Wolff & Samson to invite Mayor Zimmer, instead of inviting her themselves.¹¹⁸⁵ And when Mayor Zimmer's Chief of Staff, Dan Bryan, inquired as to the purpose of the meeting, the Rockefeller Group's representatives at Wolff & Samson sent an agenda characterizing it as a "[r]eview of concepts for flood control measures at Rockefeller property in Hoboken previously presented to Governor's office."¹¹⁸⁶ Thus, Wolff & Samson's agenda may not have been as clearly written as it could have been, but

DEP, which had no role in drafting it, understood the meeting to be about Hoboken's Flood Mitigation Plan—the one designed by the Rockefeller Group.

As opposed to Mayor Zimmer, who clearly had the Rockefeller Group's North End development project on her mind in May 2013, we have seen no such evidence in the Lieutenant Governor's case. A key part of her job was generally to encourage business and economic development and public-private partnerships and, to that end, the Christie Administration offered Mayor Zimmer assistance in late 2011 and early 2012 to navigate economic development issues in connection with private development projects in Hoboken. Prior to Superstorm Sandy, LCOR and the Rockefeller Group representatives had complained separately to the then-Deputy Chief of Staff for Policy and Planning (Wayne Hasenbalg) and the Lieutenant Governor about Mayor Zimmer's disinterest and objections to their development projects in Hoboken.¹¹⁸⁷ And the Governor's Office of Policy and Planning met with Mayor Zimmer on several occasions during 2011 to try to facilitate a dialogue with LCOR and the Rockefeller Group on their respective projects. In or about January 2012, the Rockefeller Group executives and their then-representative, LiCausi (a Democrat) of the Hoboken Strategy Group, complained to Hasenbalg, the Lieutenant Governor, and others from the Christie Administration that they had been unable to get in touch with Mayor Zimmer for approximately two years to discuss their development project.¹¹⁸⁸ On or about February 7, 2012, the Lieutenant Governor had lunch with Mayor Zimmer and offered to work with her and her office to help mediate Hoboken's concerns about the LCOR and the Rockefeller Group development projects.¹¹⁸⁹ This appears to have been when the Lieutenant Governor discussed these projects with Mayor Zimmer, and the Governor's Office's principal concern was over the LCOR project, which was on a NJ Transit site. The Lieutenant Governor recalled telling Mayor Zimmer that Hoboken offered a lot of incentives to

attract developers and offered to help Mayor Zimmer find an economic development staff member to help her navigate the issues. But Mayor Zimmer did not take the Lieutenant Governor up on her offer.

The evidence shows that, after this lunch meeting with Mayor Zimmer, the Lieutenant Governor rejected multiple requests by the Rockefeller Group for her further assistance.¹¹⁹⁰ First, in May 2012, an Executive Vice President of the Rockefeller Group, Leslie Smith, approached the Lieutenant Governor at an event and pressed her to meet with him about its Hoboken project.¹¹⁹¹ The Lieutenant Governor rebuffed him, as documented by internal contemporaneous emails.¹¹⁹² Second, over a year later, in August 2013, the Rockefeller Group's representatives wrote the Lieutenant Governor asking her to appear in a video promoting their Hoboken project.¹¹⁹³ Once again, the Lieutenant Governor rebuffed the Rockefeller Group's request, declining to appear in the video.¹¹⁹⁴ Finally, in January 2014, prior to Mayor Zimmer's public allegations, the Lieutenant Governor turned down a request from the Chairman of the Morris County Republican Party to meet about the Rockefeller Group. Her Chief of Staff, Melissa Orsen, responded that the Morris County Chairman should deal with the Business Action Center, not the Lieutenant Governor. While the Lieutenant Governor knew generally about the Rockefeller Group's Hoboken project, as several witnesses observed, it was not something on the Lieutenant Governor's mind. Indeed, she even misidentified the company's name, calling it "Black Rock." Thus, given the Lieutenant Governor's lack of involvement with the Rockefeller Group since discussing the status of its project and LCOR's with Mayor Zimmer in early February 2012, it seems inconceivable that she went to that May 13, 2013 meeting with the Rockefeller Group on her mind.

f. Mayor Zimmer Tried To Connect Private Development With Sandy Aid, And The Lieutenant Governor Firmly Rejected That Contention

As for the substance of the conversation between Mayor Zimmer and the Lieutenant Governor, we find the Lieutenant Governor's account more credible and supported by contemporaneous evidence. The Lieutenant Governor has unequivocally denied Mayor Zimmer's account.¹¹⁹⁵ According to the Lieutenant Governor, it was Mayor Zimmer who brought up Sandy aid and flood mitigation funding, and tied it to the stalled Rockefeller Group's North End project, suggesting that was why she believed Hoboken had not gotten more Sandy aid.

The Lieutenant Governor's account is supported by contemporaneous statements she and Mayor Zimmer made to the media on May 13, 2013. Mayor Zimmer told the media covering the ShopRite tour that she was pushing for \$29 million in federal money for three additional storm-water pumps.¹¹⁹⁶ The Lieutenant Governor was reported afterward to have said: "To her credit, the mayor is a great advocate for Hoboken, but the governor has to be an advocate for the entire state. We are trying to [do] the best we can with the resources we have."¹¹⁹⁷ The Lieutenant Governor's pointed public comments to the media about Mayor Zimmer were consistent with what she recalls saying when she met privately with Mayor Zimmer.

The Lieutenant Governor's account is also corroborated by her aide's general impression that the Lieutenant Governor had a tense exchange with Mayor Zimmer and said something afterward to the effect of, Mayor Zimmer was not "playing ball" or "playing well with others." While DiMaggio did not recall the exact words the Lieutenant Governor used, DiMaggio's recollection is consistent with the Lieutenant Governor's recollection of pushing back against the Mayor's insistence on getting more Sandy aid for Hoboken without regard to the profound needs of the entire State.

g. The Lieutenant Governor Had No Decision-Making Role On Sandy Aid

Based on our interviews of the Lieutenant Governor, her Chief of Staff, GORR officials, and DCA officials, as well as our review of documents, we learned that the Lieutenant Governor did not have a decision-making role in evaluating applications for Sandy aid and allocating funds for Sandy-related projects. Accordingly, she was not in a position to make any funding decisions favorable or unfavorable to Hoboken. Moreover, we learned that, even though Mayor Zimmer did not move ahead with the Rockefeller Group's private development project, Hoboken's applications for Sandy aid were analyzed using objective criteria and that Hoboken received aid equivalent to what other applying municipalities received.

Finally, even though Mayor Zimmer did not take any steps to move forward with the Rockefeller Group's private development project, Hoboken did not suffer any negative consequences in Sandy aid outcomes. Hoboken applied for \$200,000 in CDBG-DR funds, and it received the entire \$200,000 it sought.¹¹⁹⁸ Hoboken also applied for HMGP funds in the amount of approximately \$95 million.¹¹⁹⁹ Municipalities collectively applied for approximately \$14 billion in HMGP funds. Only \$25 million was available for direct distribution to municipalities.¹²⁰⁰ Of the approximately 145 municipalities and entities initially allocated funds, Hoboken received \$142,080, which was roughly the average award per municipality.¹²⁰¹ And all applications are being recalculated statewide, with many municipalities, including Hoboken, poised to get even more money.

h. There Is No Evidence Of Any Discussion Of The Rockefeller Group's Development During The May 10–11, 2013 Senior Staff Retreat

After interviewing many people who attended the senior staff retreat and reviewing documents relating to the retreat on May 10 and 11, 2013, we found no evidence that the

Rockefeller Group's North End project was ever discussed during that retreat. All of those with whom we spoke who attended the retreat stated in unequivocal terms that they do not recall anyone discussing the Rockefeller Group, Hoboken, Mayor Zimmer, or Hoboken's Sandy aid. In addition, we found no contemporaneous documents relating to the retreat that mention any of these subjects. Moreover, Ferzan's 45-minute presentation relating to Sandy aid at the retreat was consistent with the Lieutenant Governor's public message on May 13, 2013, that the Governor's Office had to focus on the needs of the entire State and there was not enough funding to address all of the State's needs.¹²⁰² Indeed, his presentation explained that New Jersey's estimated share of disaster recovery funds fell short of the initial assessment of recovery needs by many billions of dollars.¹²⁰³

i. There Is No Evidence That The Lieutenant Governor Learned About, Attempted To Learn About, Or Followed Developments Relating To The Rockefeller Group's Hoboken Property

If Mayor Zimmer's account were to be credited, one would expect to see the Lieutenant Governor keeping track of developments relating to the Rockefeller Group's Hoboken property in order to follow through on her alleged Sandy aid threat to the Mayor. We have reviewed the Lieutenant Governor's personal and government email, text messages, and cell phone records, and we have found no such evidence. There are no emails or phone records suggesting that the Lieutenant Governor was communicating with the Rockefeller Group or Grifa about the North End development in 2013. Indeed, as previously explained, the Lieutenant Governor has denied requests from the Rockefeller Group.¹²⁰⁴

2. Mayor Zimmer's Allegations About Commissioner Constable Do Not Withstand Scrutiny

Mayor Zimmer's allegations regarding her discussion with Commissioner Constable, while "mic'd up"¹²⁰⁵ at a TV town hall event, surrounded by other panelists and just about to go

live on the air, are contradicted by documentary evidence and eyewitness accounts. Moreover, we have seen no evidence that Commissioner Constable went to the town hall meeting to deliver any kind of message from the Governor to Mayor Zimmer, that he had any such message to deliver to Mayor Zimmer, that he actually delivered any message to her, or that he knew enough about the Rockefeller Group's North End development project to deliver any message about it at all.

a. Commissioner Constable Did Not Seek Out Mayor Zimmer

The evidence shows that Commissioner Constable did not seek out Mayor Zimmer to deliver a message to her about private development. At the time of the TV town hall broadcast on May 16, 2013, Commissioner Constable, Mayor Zimmer, and the other invited speakers were assigned their seats on the stage. Commissioner Constable and Mayor Zimmer happened to be assigned seats next to each other in the first row. Commissioner Constable did not intentionally sit next to Mayor Zimmer or seek her out.

We did not find any evidence that the Governor, the Lieutenant Governor, or anyone in the Christie Administration asked Commissioner Constable to convey a message to Mayor Zimmer at the TV town hall broadcast. As Commissioner Constable was not a member of the Governor's senior staff, he did not attend the senior staff retreat on May 10 and 11, 2013. Commissioner Constable also did not work in the State House—he worked at DCA's headquarters in a different building in Trenton. And he did not have a relationship with the Rockefeller Group.

We further find that it strains credulity to think that a threat tying Sandy aid to a private development project would be made while on a public stage, “mic'd up”¹²⁰⁶ so that others could listen to the conversation, and surrounded by seven other people within a few feet. It makes even less sense that Commissioner Constable, a former federal prosecutor who successfully

prosecuted public corruption cases, would do so.¹²⁰⁷ There is simply no reason why he would send such a message to Mayor Zimmer in this public setting or any other.

b. An Independent Eyewitness Contradicts Mayor Zimmer's Account

Commissioner Constable's account is supported by an independent eyewitness, Mayor Matt Doherty of Belmar. Mayor Doherty was sitting to the left of Mayor Zimmer, and within a few feet of both Mayor Zimmer and Commissioner Constable.¹²⁰⁸ Mayor Doherty heard the conversation between Mayor Zimmer and Commissioner Constable and was with them on the stage both before the start of the show and throughout the broadcast. Mayor Doherty had spoken with both Commissioner Constable and Mayor Zimmer that evening. Photographic evidence shows that Mayor Zimmer and Mayor Doherty were speaking with each other while seated on the stage at approximately 7:30 p.m. before the show began while a member of the television crew "mic'd up" Commissioner Constable.¹²⁰⁹ Because Mayor Doherty was the last person seated on the first row, the only person he was sitting next to was Mayor Zimmer.¹²¹⁰ Photographic evidence further shows that Mayor Doherty was well-positioned to hear the conversation between Mayor Zimmer and Commissioner Constable—he was at the end of the first row and therefore not speaking with anyone else while Mayor Zimmer spoke with Commissioner Constable.¹²¹¹

Mayor Doherty said that he never heard Commissioner Constable say anything to Mayor Zimmer in words or substance along the lines of Mayor Zimmer's allegation: "If you move that [the Rockefeller Group's North End project] forward, the \$ would start flowing to u."¹²¹² Mayor Doherty said that he did not hear Commissioner Constable say anything about any quid pro quos or make any threats to anyone. Mayor Doherty observed that Mayor Zimmer may have been associating these subjects in her own mind, but that is not what Constable said. Mayor Doherty

also said that in all of his experiences working with the DCA, he always found Commissioner Constable to be positive and constructive. Mayor Doherty stated that he had never seen Commissioner Constable threaten anyone and, knowing him, did not believe that Commissioner Constable would ever threaten anyone.

We credit Mayor Doherty's account of the conversation between Commissioner Constable and Mayor Zimmer. Mayor Doherty is a Democrat.¹²¹³ He earned a Master's Degree in Public Policy and a Bachelor's Degree from Georgetown University.¹²¹⁴ He does not appear to have any motive to contradict Mayor Zimmer or to credit Commissioner Constable. Rather, he simply appears to be telling the truth, as he recalls it. And his recollection corroborates Commissioner Constable, not Mayor Zimmer.

c. Contemporaneous Photographs Capturing The Conversation Between Commissioner Constable And Mayor Zimmer Undermine Mayor Zimmer's Allegations

We have obtained 11 real-time photographs in sequence, covering a span of 46 seconds, of what appears to cover most, if not all, of the period of the conversation between Commissioner Constable and Mayor Zimmer while they were "mic'd up" waiting for the TV town hall event to begin.¹²¹⁵ The photos, taken at the time by Commissioner Constable's Chief of Staff, Arif Welcher, directly contradict Mayor Zimmer's allegations in three significant ways.

First, for most of the time depicted in the photographs, it appears that Mayor Zimmer was talking, and Commissioner Constable listening. That is not what Mayor Zimmer conveyed in her handwritten account of this conversation. This is the first photograph of their conversation at 7:36 p.m. and 58 seconds:



FIGURE 4.¹²¹⁶

It shows Mayor Zimmer with her mouth open, and her right hand is moving in a manner that reflects she is speaking.¹²¹⁷ Commissioner Constable, by contrast, appeared to be listening, with his mouth closed and his hands interlocked together.¹²¹⁸

The next photograph at 7:37 p.m. and one second is a little blurry but appears to show Mayor Zimmer talking with her mouth open and both of her hands lifted in the air.¹²¹⁹ The photograph at 7:37 p.m. and 15 seconds shows Commissioner Constable's mouth closed and his left hand reaching into his suit jacket for his cell phone, while Mayor Zimmer continues to speak.¹²²⁰ The photograph at 7:37 p.m. and 18 seconds shows Commissioner Constable looking down at his cell phone in his hands, while Mayor Zimmer continues to speak.¹²²¹ The

photographs at 7:37 p.m. and 24 seconds and 7:37 p.m. and 26 seconds both show Commissioner Constable's left hand touching his suit jacket again, while Mayor Zimmer continues to speak.¹²²² The photograph at 7:37 p.m. and 29 seconds shows Commissioner Constable's mouth open and him speaking for the first time while Mayor Zimmer listens.¹²²³ So for three-quarters or more of the period depicted in these photos, Mayor Zimmer is doing the talking, including at the outset. And, once again, the photographs show that the eyewitness Mayor Doherty sat silently next to Mayor Zimmer and was not talking to anyone.

Second, when Commissioner Constable finally started to speak, Mayor Zimmer did not appear upset, angry, or shocked by any part of the conversation at any time.¹²²⁴ If Mayor Zimmer's allegations are to be believed, she would surely have been shocked and outraged by Commissioner Constable's statements, which came just three days after what she now claims to have been a "direct threat" delivered by the Lieutenant Governor at the end of the ShopRite tour. These photographs, however, show that she did not appear to be shocked, outraged, or upset by anything that Commissioner Constable said to her. Accordingly, they directly undermine her claims.

Indeed, during the last 15 seconds of the conversation, Commissioner Constable appears to be talking, and Mayor Zimmer's expressions belie any claim of a threat or inappropriate conduct. In fact, six seconds after Commissioner Constable was talking, Mayor Zimmer started yawning:



FIGURE 5.¹²²⁵

A person does not normally yawn when being threatened, coerced, or spoken to improperly.

Finally, the very last photograph we have in the sequence at 7:37 and 44 seconds shows Mayor Zimmer actually smiling at Commissioner Constable:



FIGURE 6.¹²²⁶

Yawning during the middle of Commissioner Constable’s statements and then smiling toward the end of his statements is hardly the demeanor one would expect of someone who is actually being threatened.¹²²⁷

d. Mayor Zimmer Misattributed Commissioner Constable’s Public Statements To Her Private Conversation With Him

Our investigation found that while Mayor Zimmer has accurately recalled certain words said by Commissioner Constable that night, she is recalling words he said live on the air during the television broadcast. Mayor Zimmer’s handwritten notes reflect that Commissioner

Constable said, “if you move that forward, \$ would start flowing to u.”¹²²⁸ The key words—“move”, “forward”, “\$”, and “start flowing”—were certainly said by Commissioner Constable, but they were actually said on air during the town hall meeting itself. Asked by the moderator “where do we go from here,” Commissioner Constable responded:

Yeah, I mean, we’re at a good place now finally, in that we’re *starting* to get the federal *monies to flow*. It’s been too slow candidly but it’s, the faucet’s about to open so hopefully in the next few weeks over the summer, you’re going to see homes starting to be built. You’re going to see businesses with capital start to *move forward*¹²²⁹

Commissioner Constable said live on the air that “we’re starting to get the federal monies to flow” because he had submitted the necessary paperwork and was waiting for authorization to draw down on the federal funds in the near term.

Moreover, these were the last statements made by Commissioner Constable during the TV town hall broadcast, and he made them right at the tail end of the program.¹²³⁰ These would have been the last words that Mayor Zimmer heard from Commissioner Constable before she later wrote her handwritten notes. Given the similarity in words between what Mayor Zimmer has alleged and what Commissioner Constable stated publicly during the TV broadcast, we find that Mayor Zimmer likely misattributed Commissioner Constable’s public statements to her one-on-one conversation with him.

e. Commissioner Constable Would Not Have Raised Commercial Real Estate Development Because His Government Responsibilities Do Not Cover That Area

Mayor Zimmer’s allegation that Commissioner Constable tied the receipt of Sandy aid funds to the Rockefeller Group’s development project makes no sense given his role. As head of the DCA, Commissioner Constable is not responsible for real estate development without an affordable housing component. We found no evidence that the Rockefeller Group’s project on the North End of Hoboken had an affordable housing component. We also found no evidence

that Commissioner Constable had any role or interest in the Rockefeller Group's project. While Commissioner Constable heard Mayor Zimmer advocate for the Rockefeller Group's Flood Mitigation Plan at the March 5, 2013 meeting and mention the Rockefeller Group's development project,¹²³¹ Commissioner Constable did not take any further steps or participate in any further discussions about the Rockefeller Group's Flood Mitigation Plan or its development project. Contemporaneous notes of the March 5, 2013 meeting reflect that Commissioner Constable did not comment about the Rockefeller Group's project, but instead "noted that the state can advocate on behalf of the city to FEMA once the assistance requests are submitted."¹²³² Accordingly, we find that Commissioner Constable would have had no reason to raise the Rockefeller Group's development project with Mayor Zimmer. It is not something that would have been on the Commissioner's mind when speaking with Mayor Zimmer. However, as previously explained, it would have been on Mayor Zimmer's mind both because the Rockefeller Group was putting on a "full court press" to promote its development, and because it had just suffered a setback when the Hoboken Planning Board denied its request for a "redevelopment" designation.

f. The Spending Plan For The First Tranche Of CDBG-DR Funding Was Already Set Before The Town Hall Meeting

By the date of the town hall, May 16, 2013, New Jersey's Action Plan for allocating the first tranche of CDBG-DR funding from HUD was already finalized and was not subject to further modification.¹²³³ HUD had approved the Action Plan on April 29, 2013, and Commissioner Constable had certified to HUD on May 13, 2013, that the DCA would spend the CDBG-DR funding as described in the Action Plan.¹²³⁴ Thus, at the time when Mayor Zimmer claimed Commissioner Constable threatened to tie Sandy aid to the Rockefeller Group development, both he and the DCA lacked discretion to deviate from the HUD-approved Action

Plan. And it was not until October 28, 2013, that HUD began the process of awarding the second tranche of CDBG-DR funds to New Jersey—a process that continues to the present.¹²³⁵

g. Hoboken Received Every Dollar It Sought Under The CDBG-DR Program

We have also found no evidence that Commissioner Constable took any steps to deny aid to Hoboken, or that DCA denied any applications for Sandy aid from Hoboken, either prior to or after the May 16, 2013 town hall. On the contrary, Commissioner Constable sent a letter to Mayor Zimmer on September 19, 2013, informing her that Hoboken’s only request for grants under the first tranche of CDBG-DR funding—a \$200,000 grant from the Post-Sandy Planning Assistance Grant Program—had been granted in full.¹²³⁶

3. Mayor Zimmer’s Allegations About Executive Director Ferzan Do Not Withstand Scrutiny

Mayor Zimmer’s allegations of her discussion with Executive Director Ferzan, in which she has claimed that he linked Sandy aid and “Rebuild by Design” to “how much development [she was] willing to do,”¹²³⁷ are likewise unsupported by the contemporaneous documentary evidence and eyewitness accounts.

a. Mayor Zimmer’s Recollection Of The Timeline Is Inaccurate

Mayor Zimmer’s account of the timeline of her last conversation with Ferzan is inaccurate. Mayor Zimmer alleged to the media on January 20, 2014, that Ferzan’s comments were made during a meeting “a month ago.”¹²³⁸ However, documents reflect that the last time Ferzan and Mayor Zimmer had a meeting was on November 25, 2013.¹²³⁹ At that meeting, Ferzan briefed approximately 20 to 30 or more mayors and staffers simultaneously to inform them about the second allotment of CDBG-DR funds from HUD.¹²⁴⁰

Ferzan has unequivocally denied raising private development with Mayor Zimmer, or tying Sandy aid to anything other than the objective, transparent criteria. We have spoken with

at least 10 eyewitnesses to Ferzan’s briefing, and not one supported Mayor Zimmer’s account. In fact, all of them said that Ferzan never tied Sandy aid to private development or anything other than the objective criteria of the programs at the November 25, 2013 briefing, and has never done so at any other meeting he has held relating to Sandy aid programs.¹²⁴¹ Indeed, many witnesses that we spoke with in the Governor’s Office, the DEP, the DCA, and OEM said consistently and uniformly that Ferzan emphasized objectivity and transparency in allocating Sandy aid.

b. Ferzan Raised The “Rebuild By Design” Competition, Not Mayor Zimmer

Contemporaneous notes of the November 25, 2013 meeting by DCA Director of Communications for the Sandy Recovery Division Lisa Ryan also contradict Mayor Zimmer’s account. According to these notes, when Mayor Zimmer brought up the RBD competition, Ferzan did not mention private development, and Ferzan never told Mayor Zimmer that Sandy funding was tied to private development:

Hoboken Mayor Zimmer asked how the State is going to help urban areas with the second tranche of CDBG-DR funds. She estimates there are more than 1,700 severely damaged housing units in Hoboken and said Hoboken is very exposed to flooding from the Hudson River and from high tide. She said there are ways to protect the city that at the end of the day won’t cost a lot of money compared to disaster recovery costs, but that the city needs some help[] for things like elevating utilities and elevators.

Marc Ferzan said the State asked [FEMA] about raising utilities and [FEMA] said no. He said Rebuild by Design is one avenue to consider. . . .

Hoboken Mayor Zimmer said properties in the city cannot elevate on pilings, but the city is still beholden to the National Flood Insurance Program which will price people out of the market and put a halt on home sales in Hoboken.

Marc Ferzan said the State is approaching this issue by trying to come up with community fixes for urban communities such as Hoboken and Jersey City, and even Little Ferry and Moonachie.”¹²⁴²

Notably, when Mayor Zimmer focused on Hoboken's needs, Ferzan responded that the State was trying to find a solution for urban communities in general.¹²⁴³ Mayor Zimmer's questions and Ferzan's answers reflected their different perspectives. As the Mayor of Hoboken, Mayor Zimmer focused on Hoboken; as the head of GORR for the entire State, Ferzan focused on the entire State.

c. Mayor Zimmer's Perception That She Needs The Christie Administration's Backing To Win The "Rebuild By Design" Competition Is Inaccurate

Mayor Zimmer's perception that the Christie Administration has withheld its support for Hoboken's entry into the RBD competition because she has not moved forward with the Rockefeller Group's development project is flawed.

Based on her statements to the national television media, Mayor Zimmer appears to find it problematic that Governor Christie has not given "his support"¹²⁴⁴ for or "direct endorsement"¹²⁴⁵ of Hoboken's design plan in the RBD competition. To the extent Mayor Zimmer is speculating that the Christie Administration has not endorsed Hoboken's RBD candidacy because of the status of the Rockefeller Group's project, her speculation would be unwarranted for several reasons. First, the Christie Administration has no representative on the Competition Jury that will select the winner of the RBD competition.¹²⁴⁶ It does not have control over the funding for the competition.¹²⁴⁷ That alone is sufficient reason to find that it would be impossible for the Christie Administration to use the RBD competition as leverage to gain Mayor Zimmer's support for a private development. Second, the Christie Administration is providing help to all three finalists from New Jersey in the competition, not singling out one to the exclusion of the others. Although Mayor Zimmer is focused on Hoboken's submission, there are other submissions from New Jersey that the Governor of the State might reasonably conclude also merit his support.¹²⁴⁸ Indeed, the Competition Jury might select more than one winner.¹²⁴⁹

Third, we understand that the ten finalists in the competition, including Hoboken's project, have not submitted detailed engineering plans for their designs, or a cost analyses of the projects, including seeking additional sources of capital.¹²⁵⁰ Before making any decisions, it is entirely reasonable for the Christie Administration to wait until these designs and cost analyses are submitted.

Mayor Zimmer's criticism of the Christie Administration's lack of endorsement of the Hoboken entry in the competition must be contrasted with HUD's compliments. In a January 10, 2014, email from Marrion McFadden of HUD to David Morris, the member of the GORR team principally responsible for assisting and facilitating the entrants, McFadden said "thank[ed him] for digging in with the RBD teams."¹²⁵¹ In a January 16, 2014 email from a different HUD employee, HUD thanked Ferzan "for all the extraordinary cooperation that Dave [Morris] and your other State colleagues have provided to RBD. The presence of each State agency at yesterday's RBD workshop was greatly appreciated by the teams and they found the conversations hugely valuable. Thanks, in particular, to Dave. He has been great to work with and very responsive."¹²⁵² These compliments from the federal agency responsible for allocating the disaster relief funds for the competition are evidence that the Christie Administration has acted properly by not agreeing to Mayor Zimmer's request to endorse the Hoboken entry.

Finally, even though Governor Christie has not endorsed the Hoboken entry alone in the RBD competition, the evidence shows that (1) GORR emphasized to HUD the significance of designs focused on a regional solution to flooding problems in certain urban communities, drawing special attention to Hoboken, and (2) the Governor offered his Administration's assistance to Hoboken's design plan and directed GORR and EDA to meet with Mayor Zimmer to discuss the project in November 2013. For example, as part of the state-funded study by

Stevens University, GORR asked Stevens to assist OMA in preparing its designs for the RBD. That assistance is inconsistent with the proposition that Governor Christie was withholding support to Hoboken in the competition to extract Mayor Zimmer's support for the Rockefeller Group's development.

d. "Rebuild By Design" Encourages Public-Private Partnerships

GORR was backing and providing support for Hoboken's RBD project by attempting to get Hoboken additional private partnership funding. The evidence that GORR provided OMA, the engineers who designed Hoboken's entry in the RBD competition, with contact information of multiple private developers is consistent with the stated goals of the President's Hurricane Sandy Rebuilding Task Force and RBD, not unwarranted pressure on moving forward with the Rockefeller Group's private development.¹²⁵³

Multiple recommendations in the Presidential Task Force's rebuilding strategy emphasized public-private partnerships. Recommendation #12 stated, in relevant part: "The region, assisted by the Federal Government, will launch programs later this year using public-private partnerships to lower project costs and increase the value of energy resilient infrastructure."¹²⁵⁴ Recommendation #32 stated, in relevant part: "Help identify opportunities for State and local housing programs to leverage funds and create public-private partnerships."¹²⁵⁵ Recommendation #61 stated, in relevant part: "[D]evelop and disseminate guidance and sample public-private partnerships for state and local governments to leverage Federal funding"¹²⁵⁶ We find that Mayor Zimmer knew or should have known about these recommendations because she served on the Presidential Task Force's advisory group.¹²⁵⁷ Similarly, the RBD competition itself emphasizes the significance of public-private partnerships: "The goal of the competition is two-fold: to promote innovation by developing regionally-

scalable but locally-contextual solutions that increase resistance in the region, and to implement selected proposals with both public and private funding dedicated to this effort.”¹²⁵⁸

Given Mayor Zimmer’s statements supporting public-private partnerships, it could not have been a real surprise or raised any concerns to her that GORR, led by Ferzan, sought to similarly leverage such partnerships. In her February 2013 State of the City address, Mayor Zimmer stated: “I will advocate as hard as I can for the money and resources Hoboken needs to rebuild. But I know the federal government won’t be able to solve all our problems, so I am also working to help fill the gaps with private funds.”¹²⁵⁹ In May 2013, Mayor Zimmer announced that she was entering into two public-private partnerships.¹²⁶⁰ One of them was “with North Hudson Sewerage Authority (NHSA) to build Hoboken’s second wet weather flood pump in order to further alleviate Hoboken’s 200 year flooding problem.”¹²⁶¹ And, in July 2013, Mayor Zimmer wrote to GORR and posted the letter on her website stating that “we need to protect our communities comprehensively. . . . We have developed those plans and are pursuing all options[,] including FEMA grants, loans from the state, and public-private partnerships to implement these initiatives.”¹²⁶²

e. The Timing Of Mayor Zimmer’s Allegations Against Ferzan Raises Questions

Mayor Zimmer first alleged Ferzan’s involvement in holding Sandy aid hostage to the Rockefeller Group’s private development after Ferzan questioned the fairness and accuracy of Mayor Zimmer’s allegations. Her timing raises questions about whether she included Ferzan in alleged improper acts in direct response to Ferzan’s criticisms of her claims.

On January 18 and 19, 2014, Mayor Zimmer gave multiple national and local interviews about her allegations and never mentioned Ferzan.¹²⁶³ On January 20, 2014, Ferzan held a conference call with reporters during which he stated, in relevant part: “We’ve tried to have an

objective process. We've tried to design programs with application criteria that are objective, that prioritize the communities most in need with the least financial resources."¹²⁶⁴ Ferzan also labeled Mayor Zimmer's claims that Hoboken received less than its fair share of disaster aid a "mischaracterization" and said, "[i]f you look at our recovery programs in totality, I'm scratching my head a little bit about any community that's getting the short end of the stick."¹²⁶⁵

It was only after Ferzan made those statements that Mayor Zimmer later that same evening on CNN's "AC 360" with Anderson Cooper accused Ferzan for the first time of being involved in the alleged conspiracy.¹²⁶⁶ The timing of her allegations against Ferzan is telling. Having found no evidence to support her allegations against Ferzan—but, rather, evidence undermining them—we have serious questions about whether Mayor Zimmer raised these newfound allegations against Ferzan in an effort to try to shut down or retaliate against him for criticizing her Sandy aid claims.

4. Mayor Zimmer's Allegations That Hoboken Was Denied Sandy Aid Are Untrue And Likely Could Not Be True

Mayor Zimmer's claims that the Christie Administration threatened to deny Hoboken Sandy aid unless she supported a private development project is undermined for an additional, critical reason: the Christie Administration has not been singling out Hoboken to deprive it of Sandy aid to which it is entitled, and likely could not do so in any event.

First, the Governor, Lieutenant Governor Guadagno, Commissioner Constable, and Executive Director Ferzan could not unilaterally influence the distribution of Sandy aid to Hoboken's detriment. The evidence shows that Governor Christie made policy decisions relating to Sandy aid. GORR and senior department leadership conferred with the Governor concerning program design and allocations to programs, but the Governor did not make individual grant decisions for particular municipalities. Those determinations were the

responsibilities of the departments and agencies administering the programs. Lieutenant Governor Guadagno has no involvement whatsoever in the Sandy aid distribution process. And while Commissioner Constable is head of DCA, he was not involved in reviewing and awarding the CDBG grants. Furthermore, in connection with the \$95 million that Hoboken sought in HMGP funding from FEMA, Governor Christie, Lieutenant Governor Guadagno, Commissioner Constable, and Ferzan were not members of the cross-agency working group that evaluated Hoboken's submission; indeed, no one from GORR or DCA participated in working group deliberations or calculations of the score for each applicant. The \$142,080 in HMGP funding that was allocated to Hoboken was provided based on the application of a formula, without input from the Governor, the Lieutenant Governor, Commissioner Constable, or Ferzan.

Second, Sandy aid to municipalities is highly regulated and scrutinized by the federal government and often times formulaic, which would make it very difficult to intentionally discriminate against one municipality. For example, DCA submitted to HUD a lengthy action plan (over 100 pages long) describing how DCA would administer and distribute each tranche of CDBG funding.¹²⁶⁷ As a result of these action plans, CDBG funds had to be spent precisely as described in the HUD-approved action plan (and formal amendments), and DCA simply had no further flexibility to deviate from the plan.¹²⁶⁸ Indeed, any such deviation would have been captured in HUD's regular audits and monitoring visits,¹²⁶⁹ yet HUD never suggested that DCA ever deviated from its Action Plan.

Third, assuming Hoboken's \$95 million Hazard Mitigation application was meritorious, there was no Sandy aid program in the summer of 2013 that could have granted Hoboken such a substantial award. For example, the majority of the first tranche of CDBG-DR funding, approved by HUD in May 2013, was allocated for distribution to Sandy-impacted homeowners

and businesses, not to governmental entities.¹²⁷⁰ While there were approximately six programs in the first tranche of CDBG-DR funding that authorized some funding to municipalities (total allocable funding of approximately \$211 million), none of those programs authorized funding for infrastructure or hazard mitigation. And while the second tranche of CDBG-DR funding does contemplate funding major infrastructure projects, such funding has not yet been allocated to DCA and DCA's Action Plan and awaits submission and approval.¹²⁷¹ Furthermore, the only HMGP grant program available to municipalities around that time was the Energy Allocation Initiative,¹²⁷² which only had \$25 million for distribution throughout the State, and as explained below, Hoboken received its share from that program based on the application of objective criteria (although flawed) by the cross-agency working group.

In short, the fact that Hoboken did not receive the amount of hazard mitigation funding it sought in the Summer of 2013 has absolutely nothing to do with Lieutenant Governor Guadagno, Commissioner Constable, and Ferzan, and everything to do with the fact that there was no program at the time that could fund Mayor Zimmer's comprehensive flood mitigation proposal.

Mayor Zimmer's allegations centered on the disparity between a \$100 million figure she cites as Hoboken's requests for Sandy aid, and the \$342,000 in funding that Hoboken directly received from HUD's CDBG-DR and FEMA's HMGP.¹²⁷³ However, she overlooks the nature of those programs,¹²⁷⁴ and the full scope of Sandy aid received by Hoboken and its residents. Evidence shows that Hoboken received the entirety of its request for CDBG-DR funding, and received roughly the average amount given to other municipalities that were allocated HMGP funding (albeit the cross-agency working group is recalculating awards in an ongoing process).¹²⁷⁵ Moreover, both of these awards were made after the ShopRite meeting with the Lieutenant Governor in May 2013.¹²⁷⁶

In addition, the bulk of Hoboken's requests for Sandy aid were for infrastructure projects that are the focus of the second tranche of CDBG-DR, which has yet to be distributed.¹²⁷⁷ That New Jersey and the federal government prioritized assistance to individuals and small businesses in the aftermath of Superstorm Sandy, rather than municipal infrastructure projects, does not mean that Hoboken has been treated unfairly.

To the extent Mayor Zimmer has suggested that Hoboken has received very little Sandy aid, evidence shows that Hoboken and its residents have received nearly \$70 million in federal and state aid for post-Sandy recovery and rebuilding efforts, from a wide variety of sources, including novel funding streams obtained through the efforts of the Christie Administration.¹²⁷⁸

MONEY ALLOCATED OR RECEIVED BY HOBOKEN-RELATED PARTIES

Program	Description	Money Allocated
FEMA Public Assistance Grant	Provides funds to State and local governments and certain non-profit organizations for rebuilding efforts.	\$5,679,103 ¹²⁷⁹
Individual Assistance Grant Program	Provides funds to individual residents for home repair costs, rental assistance, and other needs.	\$6,130,281 ¹²⁸⁰
FEMA National Flood Insurance Program	Provides insurance funds to homeowners and businesses.	\$43,000,000 ¹²⁸¹
Small Business Administration Loans	Provides loans to home and business owners in New Jersey.	\$8,500,000 ¹²⁸²
Homeowner Resettlement Program (CDBG-DR)	Grants to residents who remain committed to living in the impacted communities.	\$1,650,000 ¹²⁸³
Stronger NJ Business Grant Program	Grants for small businesses or non-profit organizations that sustained physical damage.	\$145,850 ¹²⁸⁴
Federal Transit Administration Public Transportation Emergency Relief	Funding to assist NJ Transit’s comprehensive cleanup and recovery plan.	\$2,141,000 ¹²⁸⁵
HMGP Energy Allocation Initiative	Funds for municipalities, counties, and other governmental entities to pursue energy resiliency measures.	\$142,080 ¹²⁸⁶
Post-Sandy Planning Assistance Grant Program (CBDG-DR Funds)	Funds to assist counties and municipalities in hiring licensed planners to facilitate long-term planning and rebuilding efforts.	\$200,000 ¹²⁸⁷
Rehabilitation, Reconstruction, Elevation and Mitigation Program Grants (RREM)	Funds for primary home owners to aid with reconstruction, rehabilitation, elevation, and mitigation of damaged homes.	\$543,740 ¹²⁸⁸
TOTAL AMOUNT:		\$68,132,054

As reflected in Appendix C, the City of Hoboken itself received more than two-thirds—nearly \$4 million—of the \$5,679,103 awarded to Hoboken-related parties in FEMA Public Assistance (“PA”) funds.¹²⁸⁹ Of the 28 municipalities receiving more PA funds than Hoboken, 25 were towns located in counties on the shore in New Jersey, and/or farther south than Hudson

County, where Hoboken is located, in the areas hardest hit by Superstorm Sandy (“shore towns”).¹²⁹⁰ The other three municipalities that received more money were Newark, Jersey City, and Elizabeth, all of which are significantly larger municipalities than Hoboken. For example, Newark has a population of 277,727 people, as compared to Hoboken’s population of 52,034,¹²⁹¹ and Newark is approximately 12 times larger in terms of the area.¹²⁹² Yet, Newark is just one position ahead of Hoboken on the list of municipalities organized by grant amount.¹²⁹³ Additionally, three PA recipients receiving more funding than Hoboken were counties, rather than municipalities, including Ocean, Middlesex, and Monmouth counties, encompassing multiple municipalities and more property. Finally, Hoboken received more money than many shore towns, such as Longport and Monmouth Beach, other, larger cities such as Edison, whose population outnumbers Hoboken’s by approximately double, and counties, such as Essex and Bergen counties.¹²⁹⁴

Additionally, as reflected in Appendix D, renters in Hoboken received \$2,690,984 in FEMA Individual Assistance (“IA”) funds, which was the eighth-highest amount received as compared to the total IA funds distributed to renters in other municipalities. Six of the seven municipalities whose renters received more IA funds were shore towns located in the areas most impacted by Superstorm Sandy.¹²⁹⁵ The only non-shore town to receive more money was Jersey City, which is located on the water south of Hoboken and has five times the number of residents as Hoboken, explaining why the sum of its IA funding to residents was larger.¹²⁹⁶ In addition, Hoboken renters received more money than numerous shore towns, such as Ocean City and Sea Bright, as well as other, larger cities, including Newark, and renters in 237 municipalities received no IA funds whatsoever.

As reflected in Appendix E, Hoboken’s resident homeowners received \$3,439,297.00 in FEMA IA funds. Nearly all municipalities whose residents received more money than Hoboken’s residents were shore towns, including Toms River and Brick, which were completely devastated by Superstorm Sandy.¹²⁹⁷ Only four non-shore town municipalities received more IA funds for their residents than Hoboken, three of which were Moonachie, Little Ferry and Bayonne, which were also particularly hard-hit by the storm.¹²⁹⁸ And, Jersey City, the third municipality to receive more money for its residents, is located on the water south of Hoboken and has a substantially larger population, as mentioned above.¹²⁹⁹ Finally, as with IA funding for renters, Hoboken homeowners received more funding than the homeowners of a number of shore towns and larger cities, again including Newark, and the homeowners in 125 municipalities received no IA funds at all.¹³⁰⁰

In an interview with the media in January 2014, Mayor Zimmer’s own communications director, Juan Melli, acknowledged that the Sandy aid that Hoboken received was on par with what others have received from state-run programs, and claimed only that the programs did not make sense for urban areas like Hoboken: “We’re a densely populated urban environment. . . . (The programs) make sense in other places, but they don’t make much sense here.”¹³⁰¹

Even though Mayor Zimmer did not “move forward” with the Rockefeller Group’s project or take steps to advance it in any manner, Hoboken was not subsequently denied Sandy aid. On the contrary, contemporaneous evidence shows that many New Jersey government officials went out of their way to assist Hoboken and Mayor Zimmer in obtaining Sandy aid. For example, on May 13, 2013—the same day that Mayor Zimmer alleged that the Lieutenant Governor acted inappropriately—GORR Senior Policy Liaison Timothy Cunningham wrote to Mayor Zimmer about Governor Christie’s efforts to assist Hoboken:

At our meeting last Thursday, Marc [Ferzan] referenced legislation . . . that would delay the phase-in of flood insurance premium increases resulting from the Biggert-Waters Act. Attached, please find a copy of a letter that the Governor submitted to Congressional leadership supporting such legislation. Additionally, and likely of particular interest to Hoboken, the Governor's letter also asks that Congress consider legislative changes with respect to historic and urban properties. He acknowledges that many historical/urban properties cannot be elevated without compromising their structure or character. . . . Also, you had mentioned that you might have suggestions on how better [to] address insurance and/or codes & standards issues. Please feel free to send me any input that you'd like to share. I participate in internal working group meetings where such matters are discussed and would be happy to present your suggestions.¹³⁰²

Two days later, on May 15, 2013, a member of the Governor's staff emailed members of GORR to set up meetings with "non-shore towns" affected by Sandy to exchange ideas and explain what resources are available to them, and Hoboken is the first town recommended for these meetings.¹³⁰³ In addition, two DCA employees (Joyce Paul, Senior Policy Advisor, and Stacy Bonnaffons, Assistant Commissioner of the Department of Community Affairs) have said that Commissioner Constable directed both of them in the Fall 2013 to see whether federal funds could be used to help Hoboken, including whether the funds could be used to elevate utilities. And as discussed further above, various New Jersey government officials attempted to assist Mayor Zimmer obtain funding for her flood mitigation plan throughout 2013.

After Mayor Zimmer's allegation that Hoboken had not received its fair share of Sandy aid, GORR Executive Director Marc Ferzan labeled her claim a "mischaracterization"¹³⁰⁴ and explained that "[i]f you look at our recovery programs in totality, I'm scratching my head a little bit about any community that's [claiming they're] getting the short end of the stick," given the limited resources available.¹³⁰⁵ As explained below, Ferzan's assessment of the distribution of Sandy aid to Hoboken is confirmed by the facts.

a. Hoboken’s Sandy Aid From HUD’s Community Development Block Grant-Disaster Recovery Program

In June 2013, Hoboken submitted an application to DCA for a grant from the first tranche of CDBG-DR funding from HUD.¹³⁰⁶ Hoboken applied for a \$200,000 grant from the Post-Sandy Planning Assistance Grant Program, a CDBG-DR funded program, and Hoboken received exactly what it asked for: \$200,000.¹³⁰⁷ On September 19, 2013, Commissioner Constable wrote Mayor Zimmer that Hoboken had received grants “in the total amount not to exceed \$200,000.”¹³⁰⁸ This amount was the fourth highest award to a governmental entity under the Post-Sandy Planning Assistance Grant Program.¹³⁰⁹

b. Hoboken’s Sandy Aid From FEMA’s Hazard Mitigation Grant Program

On March 22, 2013, Hoboken submitted seven separate requests for hazard mitigation funding, seeking a combined total of approximately \$95 million in grants.¹³¹⁰ Hoboken sought funding for (1) the flood mitigation plan designed by the Rockefeller Group and Dresdner Robin (\$33.1 million), (2) acquiring and developing open space property to be utilized for parks and recreation, as well as flood reduction and storage (\$60 million), (3) emergency back-up generators (\$1.33 million), (4) flood-proofing the Hoboken public library (\$600,000), (5) a sustainable stormwater management system for Hoboken’s city hall (\$160,875), (6) an impending water warning system (\$93,975), and (7) a public awareness campaign regarding disaster mitigation (\$75,000).¹³¹¹ Of Hoboken’s seven funding requests, only one—its request for the funding of generators—fell within one of the available HMGP-funded programs (the Energy Allocation Initiative).¹³¹²

Hoboken’s proposed generator project was one of close to 800 projects seeking part of the \$25 million allocated to the Energy Allocation Initiative.¹³¹³ As noted above, a cross-agency working group evaluated and assigned each energy-related project a score based on objective

criteria.¹³¹⁴ Hoboken’s proposed project was assigned a score of 80, the minimum score necessary to receive funding.¹³¹⁵ Hoboken’s project was one of approximately 145 projects that achieved a score of 80 or higher and thus received funding under the Energy Allocation Initiative.¹³¹⁶ Based on this score, Hoboken was allocated \$142,080 in funding on or about October 9, 2013.¹³¹⁷ This amount was the maximum amount allocated to any project with a score of 80—in fact, more than 20 other projects also received exactly \$142,080 from the Energy Allocation Initiative.¹³¹⁸ Furthermore, over three-fourths of proposed projects received no funding at all, and of those projects that were allocated funds, the average allocation was approximately \$170,000.

In early February 2014, questions were raised regarding the HMGP scoring.¹³¹⁹ Any anomalies in the scoring were across the board and not isolated to Hoboken’s HMGP grant. As a result, GORR asked the cross-agency working group to reexamine the Energy Allocation initiative process and scores for all applicants. In connection with that review, the cross-agency working group notified all participants in the Hazard Mitigation Grant Program Energy Allocation Initiative, by letter, that it would “continu[e] to review each data point, confirm accuracy, make any needed adjustments, and ensure that the data is correct before finalizing and submitting project applications to FEMA (no projects have yet been submitted.”)¹³²⁰ That review remains ongoing. Continued review of these applications may result in changes to the Energy Allocation Initiative allocations to many municipalities, including Hoboken.

F. Mayor Zimmer’s Expressions Of Support For Governor Christie And Interactions With Those She Has Accused After The ShopRite Tour Are Inconsistent With Her Allegations

Mayor Zimmer’s allegations are centered on alleged threats from the Lieutenant Governor and Commissioner Constable in May 2013. But her conduct since May 2013 is inconsistent with those allegations. For months after May 13, 2013, Mayor Zimmer repeatedly

praised Governor Christie and his Administration, sometimes going out of her way to do so. Moreover, her subsequent interactions with both Lieutenant Governor Guadagno and Commissioner Constable were friendly.

1. Mayor Zimmer's Expressions of Support For Governor Christie

On May 24, 2013, less than two weeks after Mayor Zimmer alleged that the Lieutenant Governor “pulled her aside” to send her “a direct message” at the end of the ShopRite tour, Mayor Zimmer sent a letter to Governor Christie in which she wrote “[t]hank you for your continued advocacy for New Jersey and efforts to rebuild our communities.”¹³²¹ Mayor Zimmer also stated that she “would be honored” if Governor Christie were to attend “a signing ceremony with the U.S. Department of Energy Sandia National Labs, PSE&G and the City of Hoboken.”¹³²² The next month, on June 13, 2013, Mayor Zimmer gave a “huge thank you to Governor Christie” during this signing ceremony (which concerned a “smart grid” project that the Christie Administration supported).¹³²³

Two months later, on August 20, 2013, Mayor Zimmer stated publicly that she would not endorse Governor Christie for the November 2013 election. However, at the same time, she praised Governor Christie on Twitter, stating that “[h]e has done a great job for NJ & Hoboken.”¹³²⁴ Then, Mayor Zimmer added in a separate tweet: “To be clear I am very glad Governor Christie has been our Gov.”¹³²⁵

And in October 2013, right before the November election, Mayor Zimmer reached out to the Christie campaign about issuing a political statement in support of Governor Christie’s re-election.¹³²⁶ On October 2, 2013, Mayor Zimmer’s Chief of Staff, Daniel Bryan, circulated a statement of “support” that she was prepared to release jointly with Governor Christie.¹³²⁷ With respect to the Christie Administration’s post-Sandy relief efforts, the draft statement stated: “Over the past three and a half years, I have been proud to stand with Governor Christie and

support him on important initiatives Here in Hoboken, Governor Christie was there for us when we needed him the most, responding to the crises of Superstorm Sandy I am truly grateful to have had the opportunity to serve alongside Governor Christie.”¹³²⁸ Because Mayor Zimmer’s proposed statement of support did not expressly state that she was endorsing the Governor, the Christie campaign declined Mayor Zimmer’s offer to go public with a general statement of support.¹³²⁹

In a subsequent October 28, 2013 letter to Governor Christie, Mayor Zimmer stated: “I want to first thank you and your Administration for your support of Hoboken’s microgrid project. This support will be crucial to making this innovative energy resiliency project a success that can serve as a model for other communities across New Jersey.”¹³³⁰

Moreover, even in the midst of advancing her allegations, Mayor Zimmer praised the Christie Administration for saving Hoboken University Medical Center: “And his administration helped us tremendously with saving our hospital, Hoboken Medical Center. It was going bankrupt and the governor was there for us.”¹³³¹

Finally, when confronted with these inconsistencies, even Mayor Zimmer had to admit the allegations she is now making seem “unbelievable.”¹³³² In any event, they are hard to square with her repeated praise of the Governor and his administration after she was supposedly threatened.

2. Mayor Zimmer’s Subsequent Interactions With The Lieutenant Governor Are Inconsistent With Her Allegations

Mayor Zimmer’s subsequent interactions with the Lieutenant Governor are inconsistent with being threatened by her at the ShopRite. In August 2013, the Lieutenant Governor toured a farmer’s market in Hoboken.¹³³³ Mayor Zimmer was invited and attended this event. Photographs capture her smiling alongside the Lieutenant Governor.¹³³⁴ Richard Rebisz, who

attended this tour with the Lieutenant Governor and Mayor Zimmer, remembered that the Lieutenant Governor and Mayor Zimmer were friendly with each other. Rebisz did not detect or observe any tension or awkwardness in the relationship between the Lieutenant Governor and Mayor Zimmer. And neither did the Lieutenant Governor's aide who also attended this event in Hoboken. DiMaggio said that she did not observe any friction between the Lieutenant Governor and the Mayor. In fact, after the event was over, Lieutenant Governor Guadagno and Mayor Zimmer, along with the State's Secretary of Agriculture, made an impromptu stop at Carlo's Bakery in Hoboken to spend time together. The Lieutenant Governor and the Mayor were friendly and got along very well. Finally, the Lieutenant Governor's chief of staff, Melissa Orsen, said that the Lieutenant Governor's relationship with Mayor Zimmer remained friendly and did not change after the ShopRite event.

3. Mayor Zimmer's Subsequent Interactions With Commissioner Constable Are Inconsistent With Her Allegations

Mayor Zimmer's subsequent interactions with Commissioner Constable are inconsistent with being threatened by him at the May 16, 2013 town hall television broadcast. On June 14, 2013, Commissioner Constable and Mayor Zimmer stood together before the cameras to announce the DCA's opening of a housing recovery center in Hudson County.¹³³⁵ Both Mayor Zimmer and former Jersey City Mayor Jerramiah Healy were invited to attend the event, but only Mayor Zimmer attended. Commissioner Constable recalled that Mayor Zimmer was very friendly with him at the event, and the photographs of the event are consistent with his recollection. Mayor Zimmer said that she was happy that the Christie Administration was opening housing centers in the nine most impacted counties.

On June 27, 2013, Commissioner Constable visited Mayor Zimmer's office to encourage her to get out the word to Hoboken residents that they should apply for grants before the

approaching deadlines. Rebisz observed that the Commissioner and the Mayor engaged in lighthearted small talk and laughing together before the meeting started, and did not observe any tension between them during the discussion of Sandy aid. A few months later, on November 25, 2013, Commissioner Constable attended a briefing for Mayors, including Mayor Zimmer, about the next allotment of CDBG-DR funds.¹³³⁶ Based on our interviews of numerous attendees at these meetings, we found no evidence there was any discernible tension or awkwardness between Commissioner Constable and Mayor Zimmer. In fact, Assistant Commissioner Bonnaffons participated in a pleasant conversation with Commissioner Constable and Mayor Zimmer following the meeting. The fact that Mayor Zimmer did not avoid contact with Commissioner Constable after he allegedly threatened her on May 16, 2013, is evidence that her perceptions do not match objective reality.

G. Other Factors Bearing On The Validity Of Mayor Zimmer's Allegations

During our investigation, we found additional factors that informed our conclusion that Mayor Zimmer's allegations do not withstand scrutiny. Those additional factors include that Mayor Zimmer's allegations are against former federal prosecutors of distinguished backgrounds who investigated and charged numerous public corruption cases themselves; that the allegations would necessarily have had to include many other people in various departments and agencies within the Christie Administration, and it seems highly unlikely that such a vast conspiracy could take place without leaving a shred of documentary evidence to support it; that Mayor Zimmer's public accounts of her allegations have changed daily until she was told by the U.S. Attorney's Office to stop talking to the press; that Mayor Zimmer has mischaracterized the Rockefeller Group's role; that there is no evidentiary or eyewitness support for Mayor Zimmer's allegations; and that Mayor Zimmer's handwritten notes are not a contemporaneous account of events and raise serious questions about her credibility.

1. The Scope Of And Participants In The Alleged Conspiracy

It seems unlikely that the alleged conspiracy to hold Sandy aid hostage unless Mayor Zimmer moved forward with the Rockefeller Group's private development in Hoboken could have taken place without the participation of many other people in the Administration's management, execution, and allocation of Sandy aid programs. And it seems unlikely that so many former federal prosecutors who have spent most of their careers in law enforcement and public service would have been involved in the alleged conspiracy.

Lieutenant Governor Guadagno, Commissioner Constable, and Ferzan could not have pulled off their alleged threats, supposedly at the behest of the Governor, of withholding Sandy aid without the support of their top aides. The Governor's top aides, Chief of Staff Kevin O'Dowd and Chief Counsel Charles McKenna, are both former federal prosecutors.¹³³⁷ Both attended the weekly Sandy aid meetings overseen by the Governor and organized by Ferzan. The Lieutenant Governor's top aide during the relevant period, Orsen, previously an Assistant Attorney General in the New Jersey Attorney General's Office.¹³³⁸ She attended the Governor's weekly Sandy aid meetings more frequently than the Lieutenant Governor. Commissioner Constable's Assistant Commissioner in charge of CDBG-DR programs, Stacy Bonnaffons, is from New Orleans and joined the Christie Administration after Superstorm Sandy because of her extensive experience in helping the local New Orleans government post-Hurricane Katrina.¹³³⁹ Commissioner Constable's Senior Policy Advisor, Joyce Paul, has worked for the DCA during several administrations. It would have been nearly impossible for Commissioner Constable to effect CDBG-DR allocations arbitrarily without the support and assistance of Assistant Commissioner Bonnaffons and Paul. A number of the members of Ferzan's team in charge of the HMGP and CDBG-DR funds joined Ferzan from law firms in private practice.¹³⁴⁰ Without their support, it would have been nearly impossible for Ferzan to alter the objective criteria for

allocating HMGPs and CDBG-DR funds to municipalities. Finally, Commissioner Martin and his Assistant Commissioner of Water Conservation, Siekerka, played significant roles in evaluating hazard mitigation plans, including the Rockefeller Group's Flood Mitigation Plan. Without their involvement, it would have been nearly impossible to arbitrarily alter Sandy aid to Hoboken.

In addition, Mayor Zimmer's allegations take aim at three highly accomplished and dedicated former law enforcement officers and public servants. The backgrounds, achievements, and financial sacrifices that these individuals have made in the interests of serving the public must be taken into account in evaluating the Mayor's claims. All of them graduated from law school. All of them served for years as federal prosecutors. All of them prosecuted, or oversaw the prosecution of, public corruption cases while serving in the United States Attorney's Office for the District of New Jersey. All of them have made significant financial sacrifices to work as public servants. And all of them came from diverse political backgrounds, one Republican, one Democrat, and one Independent. Putting aside the strong evidence calling into question Mayor Zimmer's claims, it seems unlikely that these three individuals would have taken the actions that Mayor Zimmer has alleged.

2. Mayor Zimmer's Changing Account Over Time

Over a 10-day period from January 10 to 20, 2014, Mayor Zimmer's allegations changed repeatedly and significantly. Until she stopped speaking with the media, which she said was at the request of the United States Attorney's Office for the District of New Jersey,¹³⁴¹ Mayor Zimmer's statements about events which occurred eight months earlier changed on a daily, interview-by-interview basis. Her lack of a consistent recollection of relatively recent events raises questions about the clarity and precision of her recollection and her perception of past events.

Although there are many inconsistencies and contradictions in Mayor Zimmer's accounts, we focus on three of them here.

First, Mayor Zimmer initially claimed that she did not think the purportedly low Sandy aid amounts to Hoboken were the result of retaliation by the Christie Administration. On WNYC radio, on January 10, 2014, she said that Hoboken's receipt of "\$300,000" was a "fraction of one percent" of the "\$100 million in grants" requested, and that "[w]ith 20/20 hindsight," they could always look back and ask if it was retribution, "but [she] really hope[d] that that's not the case."¹³⁴² And on January 11, 2014, in an interview with CNN, Mayor Zimmer was even more certain that Sandy funds were not withheld as retaliation: "I don't think it was retaliation and I don't have any reason to think it's retaliation, but I'm not satisfied with the amount of money I've gotten so far."¹³⁴³ Yet, one week later, Mayor Zimmer said something very different. She claimed that Sandy funds were withheld as a result of retaliation for not moving forward with the Rockefeller Group's private development project.¹³⁴⁴ She claimed, "the bottom line is [the Lieutenant Governor] said, you know, basically, it's connected. The Sandy funding, it's being held hostage for the city of Hoboken. It's connected to the Rockefeller Group project."¹³⁴⁵

It is hard to comprehend how Mayor Zimmer went from voluntarily telling the media that she did not think that the purported lack of Sandy funds for Hoboken was the result of retaliation to claiming one week later that it was retaliation for her not moving the Rockefeller Group's development project forward. These seem to be irreconcilable positions.

Second, Mayor Zimmer contradicted herself about whether the Lieutenant Governor said her statements were a "direct message" from Governor Christie. On January 18, 2014, on MSNBC, Mayor Zimmer recounted what the Lieutenant Governor allegedly told her, and never

said that the Lieutenant Governor had said this was a message from the Governor.¹³⁴⁶ In another interview that day with the Hoboken Reporter, Mayor Zimmer speculated for the first time about Governor Christie’s personal involvement, but she admitted “it’s possible” he had none.¹³⁴⁷ She said: “I went with the facts of what I experienced, and that was that [Lieutenant Governor Guadagno] pulled me aside in ShopRite and told me to move forward with this project. I don’t think she would have done that without the governor’s approval, but I guess it’s possible.”¹³⁴⁸ Yet one day later, on January 19, 2014, Mayor Zimmer claimed that the Lieutenant Governor had said it was a “direct message” from the Governor.¹³⁴⁹ On CNN’s “State of the Union” with Candy Crowley, Mayor Zimmer said that the Lieutenant Governor told her: “This project is really important to the governor. And she said she had been with him on Friday night and that this is a direct message from the governor.”¹³⁵⁰ Therefore, her allegations appeared to have moved from initially stating that she did not know whether the Governor had directed the Lieutenant Governor to threaten her to recalling that the Lieutenant Governor told her it was a “direct message”¹³⁵¹ from the Governor.

Third, Mayor Zimmer did not accuse Ferzan of doing anything improper until after he publicly rejected her claim that Hoboken has been treated unfairly in terms of Sandy aid allocations.¹³⁵² If this were one interview, that would be one thing. But Mayor Zimmer gave several media interviews—some of them quite extensive—from January 18 through January 20, 2014, prior to her CNN interview that last day, and she never mentioned Ferzan in any of them. It was only after Ferzan questioned her claims that Mayor Zimmer accused him on national television of being part of a conspiracy to hold Hoboken’s Sandy aid hostage for a private development project.¹³⁵³ Moreover, given that she provided her handwritten notes to the media and none of those notes apparently mentioned Ferzan’s name, it seems unlikely that she ever

mentioned Ferzan in her notes. And if she never did after having written about the Lieutenant Governor and Commissioner Constable, it raises serious questions of why she did not write about Ferzan's alleged threat if it had actually occurred.

3. The Extensive Assistance That Christie Administration Officials Have Provided To Hoboken Throughout 2013 And In Early 2014

Christie Administration officials and State agencies, including the Governor's Office, assisted Hoboken recover from Superstorm Sandy in a variety of ways throughout 2013 and in early 2014. We have attached an appendix setting forth an extensive list of 28 examples of that assistance. Example after example of assistance to Hoboken suggests that there was no conspiracy at all. Given the totality of evidence, therefore, we find that the examples of assistance to Hoboken after the Lieutenant Governor's May 13, 2013 ShopRite event and Commissioner Constable's May 16, 2013 TV town hall appearance are further proof that no one in the Christie Administration actually tied Sandy aid to a private development project.

Moreover, we find Mayor Zimmer's allegations of threats in May 2013 at odds with the Christie campaign's interest in securing an endorsement from Mayor Zimmer. Indeed, the Christie campaign was going out of their way to court Mayor Zimmer from at least February 2013 through October 2013 in hopes that she would endorse the Governor. It would have made no sense to threaten Mayor Zimmer to move forward with a private development project while at the same time seeking her endorsement of the Governor.

4. Mayor Zimmer Has Omitted Significant Facts Relating To Her Relationship With The Rockefeller Group

Mayor Zimmer's allegations that the Christie Administration threatened her to support the Rockefeller Group's North End development do not square with the actual events from February 2013 through May 2013. Rather, Mayor Zimmer has omitted significant facts relating

to her relationship with the Rockefeller Group and its flood mitigation plan from her public accounts.

The Christie Administration did not bring the Rockefeller Group into the discussions about Mayor Zimmer's flood mitigation plan. Mayor Zimmer did. The Christie Administration did not adopt the Rockefeller Group's Flood Mitigation Plan, which included building sea walls on the North End of Hoboken where the Rockefeller Group wanted to develop its land. Mayor Zimmer did. The Christie Administration did not showcase a map of Hoboken containing engineering designs of the Rockefeller Group for sea walls, flood gates, and water pumps. Mayor Zimmer did. The Christie Administration did not invite the Rockefeller Group to the initial meeting requested by Mayor Zimmer to present her flood mitigation plan to Commissioner Martin and Commissioner Constable. Mayor Zimmer did.¹³⁵⁴

Having adopted the Rockefeller Group's Flood Mitigation Plan as her own, invited the Rockefeller Group into the meetings with the Governor's Office about the plan, and advocated repeatedly for funding for their plan, Mayor Zimmer has left out significant facts about her relationship with the Rockefeller Group. Those facts shed light on GORR's meeting with the Rockefeller Group and its representatives on March 11, 2013, the initial outreach by DEP engineers Rosenblatt and Moyle to the Rockefeller Group's representatives to discuss its flood mitigation plan without Mayor Zimmer's involvement, and questions at meetings about the Rockefeller Group's development in the larger context of discussing its flood mitigation plan. These additional facts suggest that Mayor Zimmer's portrayal of the relationship between the Governor's Office and the Rockefeller Group in the context of discussions relating to Sandy aid has been misleading.

5. The Lack Of Corroboration For Mayor Zimmer's Claims

While we were unable to interview Mayor Zimmer (or any of the Hoboken officials to whom she supposedly recounted her claims after the events in question), we have the benefit of her many media interviews recounting her allegations, pages from her handwritten notebook given to the media, and documents obtained from the City of Hoboken through public records disclosure requests. Moreover, the accounts of these other Hoboken witnesses depend entirely on the reliability of Mayor Zimmer herself because they are merely recounting what she told them after-the-fact. Hence, we have been able to understand and assess her allegations. We have interviewed dozens of witnesses and reviewed reams of documents relevant to them. Based on those interviews and documents, we have found no substantiation for Mayor Zimmer's claims in the media. We have found no documents or witnesses supporting her account of the May 13, 2013 ShopRite event exchange with the Lieutenant Governor, the May 16, 2013 pre-broadcast TV Town Hall exchange with Commissioner Constable, the November 25, 2013 exchange during Ferzan's briefing of Mayors, or many of the other events in-between that are inconsistent with her claim.

6. Mayor Zimmer's Handwritten Notes Raise Questions

Mayor Zimmer has provided a set of handwritten notes from a journal to the media. Although we have not been given access to the notes and thus have been unable to perform a full forensic and analytical examination of them, from what we have obtained through media reports, the notes appear to contain certain anomalies. And those anomalies raise questions.

According to Mayor Zimmer, she wrote the notes in a notebook "a few days later," after the May 13, 2013 ShopRite meeting. She told CNN that she was "very upset" about what the Lieutenant Governor told her and "I did a journal entry, you know, a few days later."¹³⁵⁵ Mayor Zimmer did not say exactly when she wrote them. And although the notes apparently purport to

document what Mayor Zimmer has claimed to be misconduct, they are not dated. Given that one would normally record the date on a journal entry, it raises questions about why there are no dates. From their content, it is apparent that they were written, at a minimum, several days after the May 16, 2013 television broadcast with Commissioner Constable and after Mayor Zimmer apparently took a long-distance airplane flight on which she watched a movie.¹³⁵⁶

Moreover, the most accusatory entries in the notebook may have been added after the fact. A glaring example is the addition of the words “but I was w/ the Gov on Friday night,” which appears in the unlined white space at top of the page where one would not normally take notes:

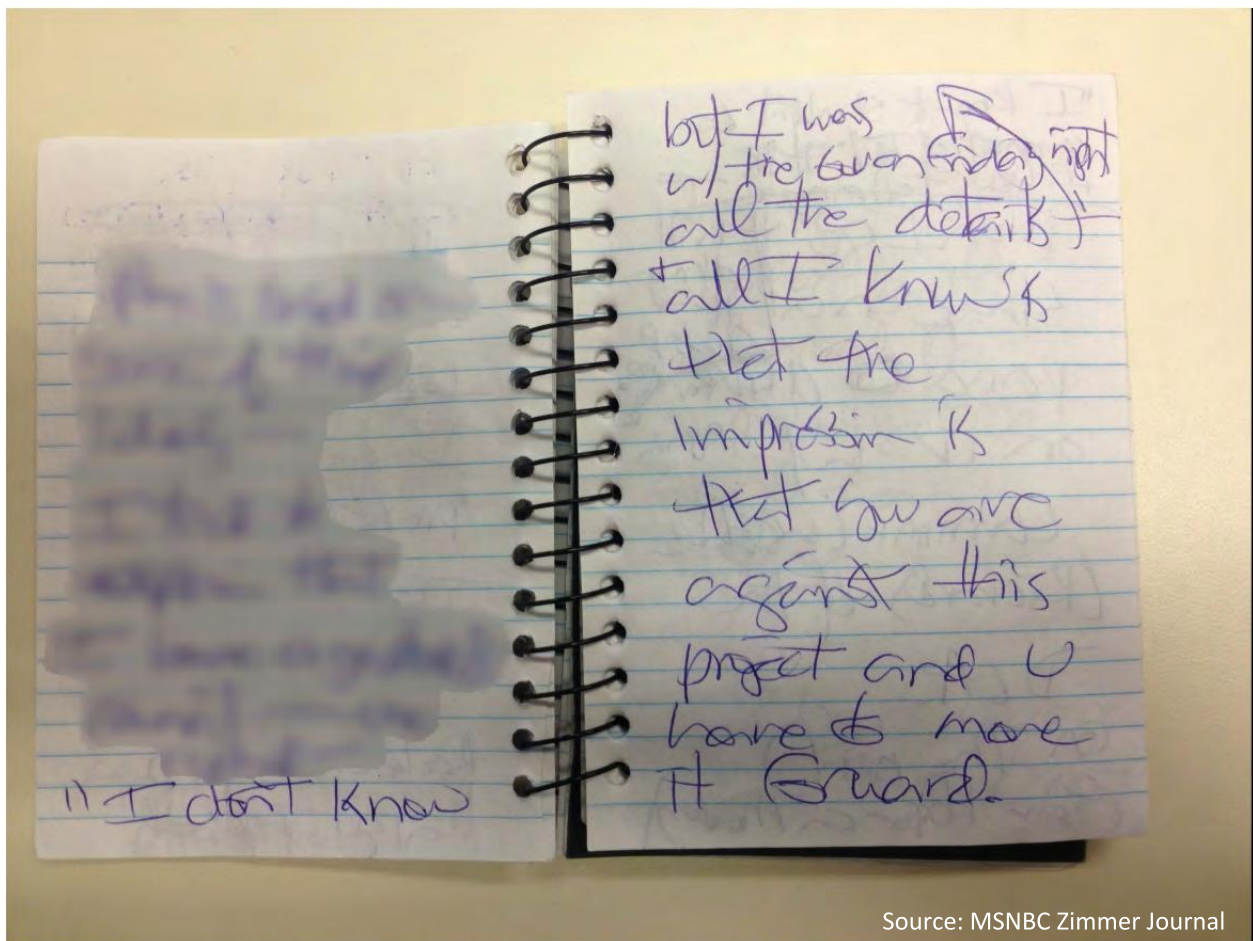


FIGURE 7.¹³⁵⁷

These words do not make sense when they follow the words “I don’t know” on the first page: “I don’t know *but I was w/ the Gov on Friday night* all the details + all I know is that the impression is that you are against this project and u have to move it forward.”¹³⁵⁸ Rather, the words “I don’t know” appear to precede the words below the unlined white space at the top of the second page as follows: “I don’t know all the details + all I know is that the impression is that you are against this project and u have to move it forward.”¹³⁵⁹ In addition, the arrow drawn at the top of the page further suggests that Mayor Zimmer added words after the fact and was rearranging the sentence with the arrow to make sense of them.¹³⁶⁰ Accordingly, we find that Mayor Zimmer added the words “but I was w/ the Gov on Friday night” after the fact. Because Mayor Zimmer has not agreed to speak with us and we do not have access to the original notes to commission a forensic examination of them, we can only speculate as to why and when those words were added. But adding them alone raises important questions about Mayor Zimmer’s recollection, and whether she added those words days, weeks, or months after the fact to “gild the lily” or for some other motivation.

Similarly, Mayor Zimmer’s notes contain two different versions of the Lieutenant Governor’s alleged confession that what she was telling Mayor Zimmer was improper and that she would deny it. And in both versions they are written on the top of the page and down the side, as if added later. The notes thus contain indications that Mayor Zimmer may have been using this writing to try to script out a formulation of the Lieutenant Governor’s statement to her at the ShopRite. On one page, she writes only on the top white part of the page and running down to the side of the page: “I know it’s not right – these things should not be connected – but they r’ she says – if u tell anyone I sd that I will deny it.”¹³⁶¹ Then, what appears to be pages later, she writes at the top of the page and down the side a slightly different formulation with

different meaning, “I know it shouldn’t be connected but it is if you tell anyone I will deny it – she told me.”¹³⁶² Moreover, both seem to be additions to pages that had already been written on, and squeezed into the top and sides of the pages.¹³⁶³ These appear to be locations where Mayor Zimmer does not normally write. That suggests that Mayor Zimmer took notes and then went back to add this content.

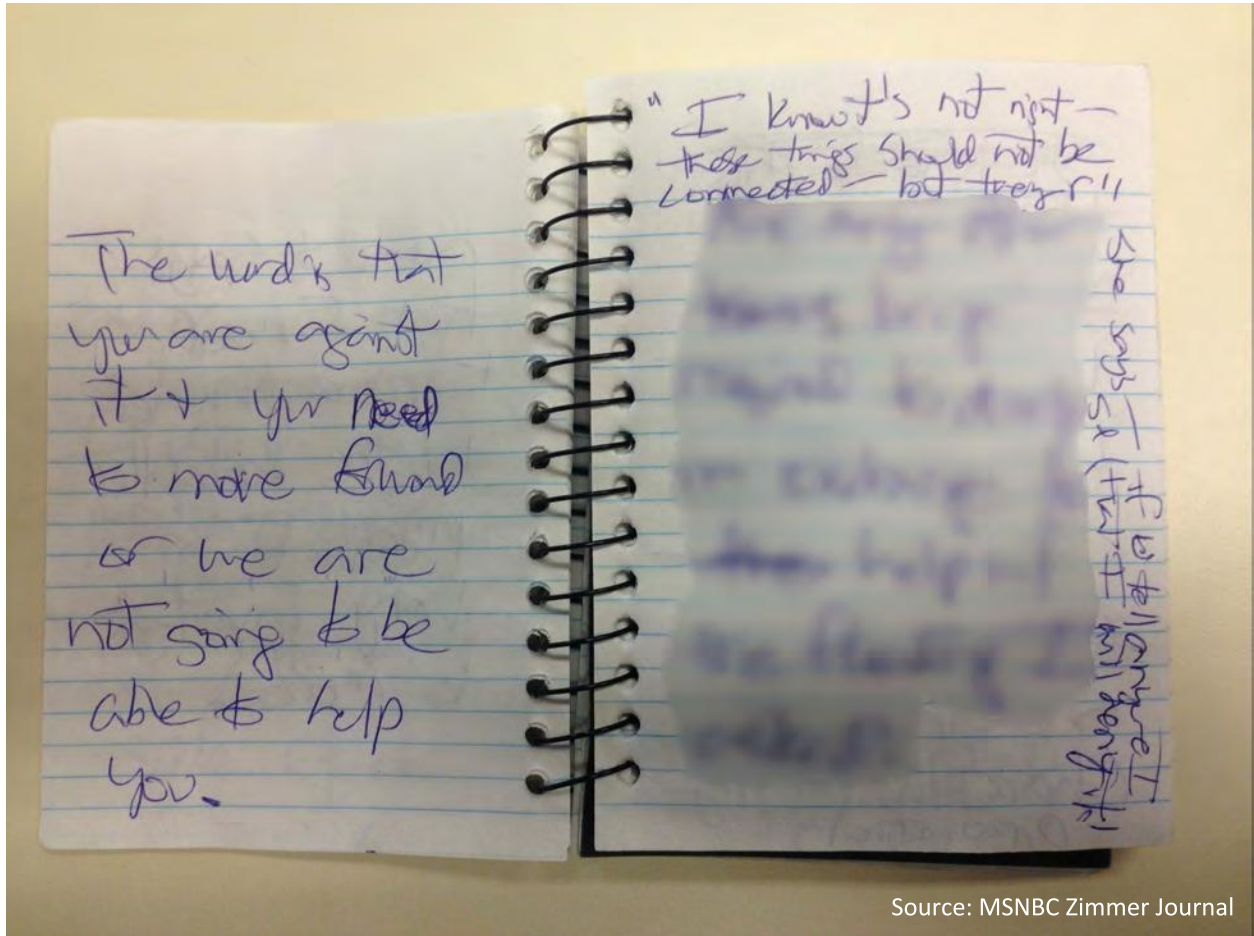


FIGURE 8.¹³⁶⁴

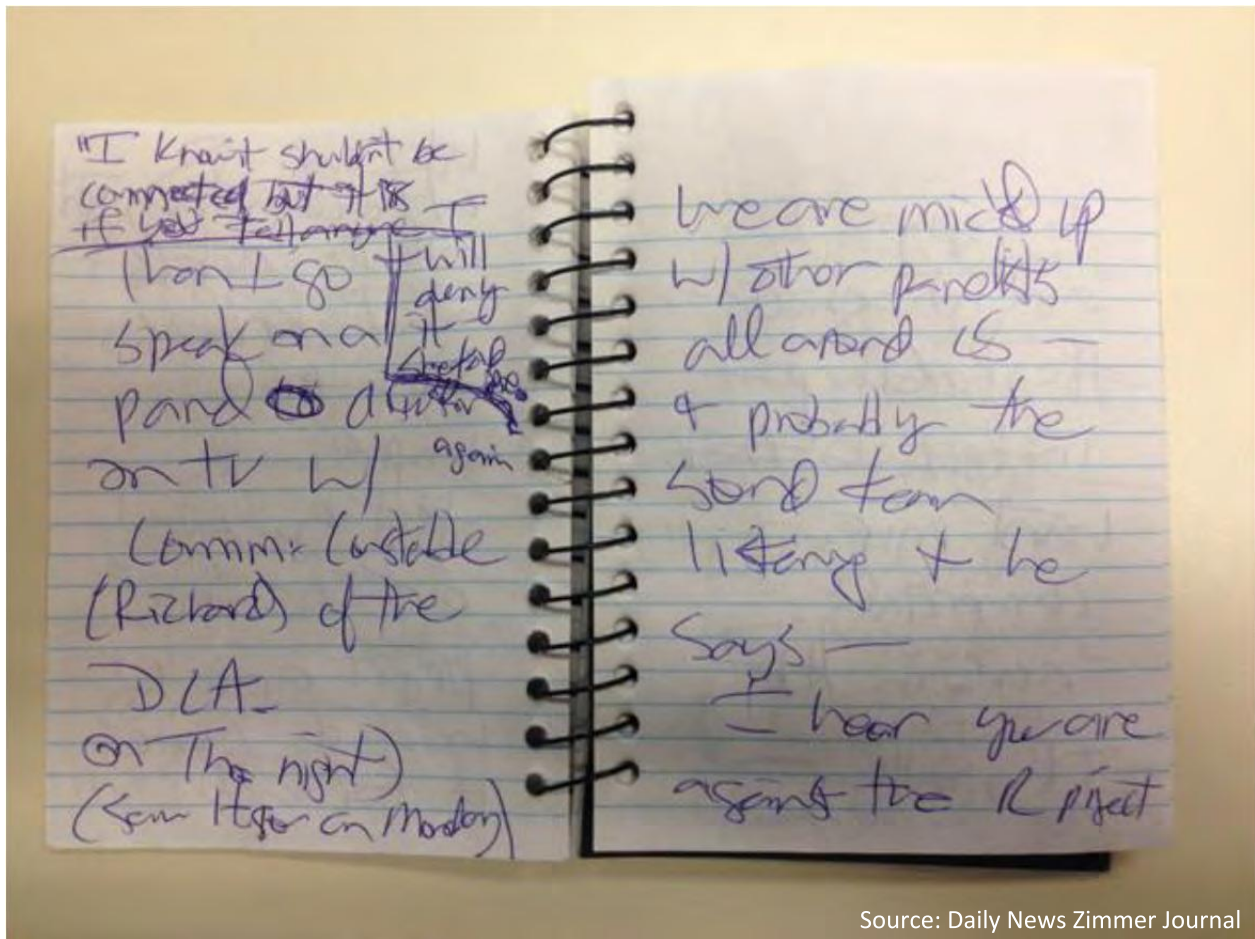


FIGURE 9.¹³⁶⁵

It is also odd that Mayor Zimmer seems to begin the notebook with the statement that “I prefer typing on computer – but maybe it is time to get back to journal writing,”¹³⁶⁶ and then launches into allegations of past misconduct. Again, this suggests that Mayor Zimmer started these handwritten notes for the express purpose of writing down her allegations, at some undated time after the fact.

7. Mayor Zimmer’s Failure To Contact Law Enforcement At The Time Of The Alleged Threats In May 2013 Raises Questions

As an elected official, Mayor Zimmer has a fiduciary responsibility to the public she serves.¹³⁶⁷ According to her handwritten notes, after the alleged threats from the Lieutenant Governor on May 13, 2013 and Commissioner Constable on May 16, 2013, she believed that

Governor Christie was “cut from the same corrupt cloth that [she had] been fighting for the last 4 yrs.”¹³⁶⁸ With that perception, and having observed first-hand that the FBI conducted a highly successful sting operation that recorded conversations with her predecessor engaged in public corruption and resulted in her becoming Mayor of Hoboken,¹³⁶⁹ it is unclear why Mayor Zimmer did not contact law enforcement about her allegations of improper conduct for the next eight months, instead choosing to first go public with her allegations on a national cable show in January 2014. The United States Attorney’s Office for the District of New Jersey and the FBI have a long and successful track record of rooting out and obtaining overwhelming evidence of public corruption through consensually recorded conversations and undercover sting operations.

Mayor Zimmer certainly had multiple opportunities to inform law enforcement and the ability to get an immediate audience given her position. Mayor Zimmer’s explanation during televised interviews that she worried that the public would not believe her if she came forward with the allegations¹³⁷⁰ overlooks that she could have sought the confidential assistance of law enforcement or counsel. Her failure to have come forward with her allegations sooner therefore raises questions about her motivations and credibility. And in any event, her subjective perceptions do not match objective reality, as reflected in the hard evidence uncovered during our investigation.

VI. RECOMMENDATIONS

In light of our factual findings, we make the following recommendations intended to systematically improve operations at the Office of the Governor and the Port Authority. We also offer one additional related proposal.

A. Office Of The Governor

We recommend that the Office of the Governor consider the following institutional and structural improvements: (1) revising and formalizing the Office's rules and policies to restrict the use of personal email accounts for official government business, with limited articulated exceptions, and to clarify the applicability of OPRA to other forms of electronic communication about official government business; (2) restructuring the Office to create a new and expanded Office of Constituent and Legislative Services, which would include the "good government" functions performed by the Office of Constituent Relations and the Office of Legislative and Intergovernmental Affairs; (3) appointing an Ombudsperson to receive complaints from within the Governor's Office who issues public reports and has direct access to the Governor; and (4) expanding the role of the Office's Chief Ethics Officer, strengthening existing policies, and enhancing employee training on permitted activity.

1. Revise And Formalize The Office's Rules And Policies With Respect To The Use Of Personal Email Accounts And Electronic Communications

Our investigation shows that the use of personal email accounts to conduct and discuss official government business was fairly routine in both the Office of the Governor and the Port Authority. This is an issue with which corporations and governments around the country struggle.¹³⁷¹ The Office of the Governor is no exception. In particular, here, the technological limitations or absence of government-issued mobile devices¹³⁷² and the ability to access personal and government email accounts on personal mobile devices often resulted in the preferential use

of personal mobile devices. Our investigation also shows that text messages were routinely exchanged by employees within the Office and the Port Authority on their personal devices.

The use of personal email accounts and electronic communications (*e.g.*, text messages via personal mobile devices) to communicate or conduct State business presents a host of legal and practical challenges. For example, in New Jersey, use of personal emails or personal text messages to conduct State business could circumvent OPRA, which provides that “government records”—including emails received from or sent to State or personal email accounts in the course of official State business—“shall be readily accessible for inspection, copying, or examination by the citizens of this State.”¹³⁷³ In addition, substantive electronic communications regarding State business, for instance, personal emails or text messages, present serious concerns regarding the security and confidentiality of the communications, as well as compliance efforts by the Office of the Governor. For instance, as discussed above, because personal email accounts were used by former employees of the Office of the Governor, including Stepien and Kelly, we could not obtain and review these communications even though they may fall under OPRA.

Electronic communications by employees of the State of New Jersey are currently subject to the State’s Electronic Mail/Messaging Policy (the “Email Policy”).¹³⁷⁴ This policy provides: “State employees should not expect their e-mail/messaging communications to be private, and should not use State-provided e-mail/messaging systems for confidential matters that are not intended for public disclosure.”¹³⁷⁵ Neither this Email Policy nor the New Jersey Department of State’s “Guidelines and Best Practices” on managing electronic mail, however, discuss the use of personal email accounts or text messages to conduct State business.¹³⁷⁶ Federal agencies generally prohibit the use of personal email for government business, while recognizing that

some limited uses may be unavoidable.¹³⁷⁷ In these unavoidable circumstances—for instance, when personal email has been used inadvertently or in an emergency, or when an employee is initially contacted through a personal account—federal agencies have adopted a “forwarding rule” that requires federal employees to forward emails regarding official government business from their personal email accounts to their government email accounts or to copy their government email addresses on such emails.¹³⁷⁸ While federal practice does not govern State rules on record-keeping and management, the federal forwarding rule is informative and may be an appropriate measure for the Office.

To systematically address these concerns moving forward and in light of best practices and evolving technology, we recommend that the Office of the Governor explore revising the Email Policy and the New Jersey Department of State’s Guidelines to include express restrictions on the use of personal email accounts to conduct State business, with reasonable limited exceptions.¹³⁷⁹ We recommend that the Office of the Governor consider adopting a rule providing that should the Office’s employees use their personal email accounts in the course of official business—whether inadvertently or under exigent circumstances—they must forward all emails containing official business to their government email accounts or copy their government email addresses on such emails so that electronic communications regarding official business can be preserved in accordance with the Office’s record-keeping practices.

We also recommend that the Governor’s Office make State employees aware of the implications, pursuant to public record disclosure and retention requirements, of text messaging to conduct official State business.

Finally, we recommend increased employee training within the Office with respect to OPRA and the implications of using various forms of electronic communication, including

personal email and text messages, to communicate official government business. These initiatives would enable the Office to establish a clear and institutional policy regarding electronic communication of official government business as well as adherence to such policies.

2. Restructure The Office Of The Governor To Create A New And Expanded Office of Constituent and Legislative Services That Combines The Current Office Of Legislative And Intergovernmental Affairs With The Office Of Constituent Relations

The Office of the Governor currently has both an Office of Legislative and Intergovernmental Affairs (“IGA”) and the Office of Constituent Relations (“OCR”). IGA is responsible for communicating and building collaborative working relationships with local elected officials and interest groups across the State of New Jersey. It existed to function as a problem solver or troubleshooter for local government officials to ensure that all New Jersey constituents had a point of contact within the Governor’s Office. IGA consists of a Director of IGA, Director of Constituencies Outreach, and a Director of Legislative and Departmental Relations, all of whom are managed by the Deputy Chief of Staff for Legislative and Intergovernmental Affairs. Separately, OCR is responsible for communicating with and responding to the needs and inquiries of individual members of the public.

We recommend that the Office of the Governor consider restructuring to combine IGA and OCR into one office—it may be called the Office of Constituent and Legislative Services—whose mission should be to address the needs of all New Jersey constituents. This new office should be a model of nonpartisan service and responsiveness. Establishing one Office of Constituent and Legislative Services would reinforce the Governor’s Office’s commitment to serve the needs and interests of all its constituents. While the evidence shows that IGA earlier functioned in that mode, under Kelly’s leadership and direction, there was aberrational behavior. To eliminate any misconceptions going forward, we make this recommendation in large part to

restore the public's trust in this mission being served. And this recommendation is particularly timely given that IGA's leadership is in transition.

3. Appoint An Ombudsperson To Receive Complaints From Within The Governor's Office Who Issues Public Reports And Has Direct Access To The Governor

We recommend that the Office of the Governor consider appointing an Ombudsperson to respond to, refer, and address serious allegations regarding the conduct of employees from within the Governor's Office. The Ombudsperson would act as an independent and impartial resource to the Office, and he or she would be empowered to investigate or refer allegations regarding improper conduct or maladministration by those within the Office. The Ombudsperson would report directly to the Governor, timely communicate public concerns of significant import to the Governor and other appropriate senior staff, communicate with complainants, and issue public reports on his or her work. Finally, the Ombudsperson would work closely with the Office's new Chief Ethics Officer, as discussed below, and he or she would assist in defining and developing the role of the Chief Ethics Officer.

4. Expand The Role Of The Chief Ethics Officer, Strengthen Existing Policies, And Enhance Employee Training On Permitted Activity

The Office of the Governor has adopted the New Jersey Uniform Ethics Code¹³⁸⁰ as well as a Code of Conduct for the Office's employees.¹³⁸¹ In addition, the Office of the Governor has an appointed "Chief Ethics Officer" within the Counsel's Office, an "Ethics Liaison Officer" who assists the New Jersey State Ethics Commission (the "Ethics Commission") in implementing and enforcing New Jersey Conflicts Law (the "Conflicts Law") and related ethics codes,¹³⁸² and an "Advisory Ethics Panel" that "advise[s] the Governor and Lieutenant Governor regarding conflicts issues, application of the Governor's Code of Conduct, and other related matters."¹³⁸³ While we believe that these ethics-related roles have been served effectively, we

recommend that the Office of the Governor appoint an officer dedicated to the position of Chief Ethics Officer and to more clearly define and expand the duties and responsibilities of that position.

The Chief Ethics Officer would subsume and expand the duties of the Office's current Ethics Liaison Officer. Among other things, the Chief Ethics Officer would be primarily dedicated to all ethics-related matters in the Office, and would serve as an in-house expert on applicable ethics rules and codes of conduct, including New Jersey Conflict of Interest Law, the New Jersey Uniform Ethics Code, and the Office of the Governor's Code of Conduct.¹³⁸⁴ The Chief Ethics Officer would be familiar with the Office's operations and staff, and he or she would serve as a resource for employees within the Office, confidentially receiving information and offering formal and informal advice to employees within the Office on ethics-related issues, concerns, and questions. Additionally, the Chief Ethics Officer would be responsible for systematically: developing and implementing department-specific ethics policies within the Office of the Governor; filing any disclosures required under applicable ethics policies; facilitating regular employee ethics trainings; ensuring enforcement of all applicable ethics laws and codes; ensuring proper training for all employees regarding participation in political activities; responding to public ethics inquiries pertaining to the Office; and communicating regularly and directly with the Governor with respect to the Office's ethics compliance.¹³⁸⁵ He or she would have direct access to the Governor, report to the Chief Counsel, and also report to and work closely with the Ombudsperson and the Advisory Ethics Panel.¹³⁸⁶

We also recommend that the Office of the Governor, through the Chief Ethics Officer, implement enhanced training programs regarding permitted political activity and ensure that employees in the Office certify compliance with such policies on an annual basis. This would

ensure that the prohibitions are understood and followed by all Office of the Governor employees.

Finally, our factual investigation establishes that only one individual within the Office of the Governor was involved with the lane realignment and, from the evidence available to us, we cannot discern with precision what motivated her involvement. Apart from Kelly's undetermined motivations, we did not find any evidence of a retaliatory conduct or culture, or encouragement thereof, within the Office. Even so, the Office of the Governor should adopt an express policy and formally communicate it to all employees within the Office to make clear that political retaliation or threats thereof are unacceptable, prohibited, and will result in immediate discharge from the Office. While, in the minds of most, this prohibition is assumed, the lessons learned from this unfortunate incident and the speculation that followed should be incorporated into the Office's policies and institutional memory.

B. The Port Authority

With respect to the Port Authority, we recommend that the Office of the Governor consider: (1) coordinating with the Office of the Governor of New York to establish an independent Bi-State Commission to recommend reforms to the Port Authority; and (2) proposing legislation to reform the Port Authority, including transparency laws.¹³⁸⁷

1. Coordinate With The Office Of The Governor Of New York To Restructure The Port Authority By Appointing A Bi-State Commission To Recommend Reforms

It is time to consider a fundamental restructuring of the Port Authority, which operates and maintains infrastructure critical to the region's trade, transportation, and economy, including four bridges, two vehicular tunnels, a rail system, three bus terminals, ferry services, marine terminals and ports, five airports, and the World Trade Center.¹³⁸⁸ As the George Washington Bridge incident demonstrates, divisions between the Port Authority's New Jersey and New York

counterparts can result, and have historically resulted, in communication failures, rivalries, duplication, and dysfunction.¹³⁸⁹ And the current appointments structure—whereby one Governor appoints the Chairman (and Deputy Executive Director) and the other Governor appoints the Executive Director (and Vice Chairman)—only exacerbates that division and, at times, leads to dysfunction.¹³⁹⁰ By all accounts, the September 2013 lane realignment highlights the need for reform at the Port Authority—reform that many New York and New Jersey administrations have called for over the course of many years but never fully accomplished.¹³⁹¹

We recommend that the Governor work with the Governor of New York to establish a Bi-State Commission to independently evaluate and make recommendations concerning reforms to the Port Authority in order to ensure the highest standard of professionalism, independence, and transparency moving forward. The Bi-State Commission's mandate should be to address divisions between the Port Authority's New York and New Jersey counterparts and other operational, structural, and management issues at the Port Authority. In our view, a Bi-State Commission is the appropriate vehicle for achieving reform because of the complex issues at stake and because any legislation enforceable on the Port Authority must be identically passed by the New York and New Jersey Legislatures.¹³⁹² That is not to say, however, that both States' Governors should necessarily have to await the Commission's recommendations. If the Governors were to reach agreement on fundamental changes, they could go to their respective State legislatures immediately to take such reforms.¹³⁹³

In the first instance, we recommend that a Bi-State Commission consider fundamentally restructuring the Port Authority in a manner that would resolve the core friction inherent in an organization run by two constituents—New York and New Jersey—that often have divergent goals and objectives. The lane realignment has highlighted the magnitude of this discord, its

detrimental effects on the Port Authority's functions, and the present need for immediate change. To resolve this inherent friction, the Bi-State Commission should consider reforms of the basic organization of the Port Authority, as legally and functionally feasible. For example, consideration should be given to restructuring to permit each State to have primary operational and oversight responsibility for completing specific projects and specific sites within their jurisdiction.

The Bi-State Commission should also examine and make recommendations regarding the terms and method of appointment for Port Authority officials. For example, the Port Authority is currently governed by a twelve-member Board of Commissioners. The Governors of New York and New Jersey each appoint six Commissioners and retain the power to veto the actions of the Commissioners from their respective State. The Governor of New York appoints the Port Authority's Executive Director and Vice Chair, and the Governor of New Jersey appoints its Chairman and Deputy Executive Director. The Port Authority's leadership structure and appointments process should be re-examined by the Bi-State Commission and reformed.¹³⁹⁴ The Bi-State Commission could consider, among others, the following potential reforms to the appointments process: implementing set periods of tenure; requiring staggered terms so that Port Authority senior leadership is not tied to a particular gubernatorial administration; establishing an appointments committee that recommends or proposes candidates for senior Port Authority positions; requiring both Governors to agree on the individuals to be appointed or to have an option to veto a candidate; and initiating national searches for senior leadership appointments to the Port Authority.

We also recommend that the Governor advise the Bi-State Commission to consider the reforms implemented through New York's Public Authorities Reform Act of 2009. These

reforms were enacted to “recapture[] its out-of-control public authorities,” and were thought to have had a substantial positive impact on New York’s public authorities.¹³⁹⁵ They include: placing a “fiduciary duty” on each member of the governing board to fulfill and prioritize the mission of the public authority to reduce the role of partisan politics and conflicts of interest across the organization; establishing an external monitor to investigate public complaints; establishing an annual, independent audit of the public authority’s budget and performance to enable relevant local actors, agencies, and the public to review, monitor, oversee, and ensure the public authority’s effective and legitimate use and management of its resources to best serve the needs of the public; creating a whistle-blower program for employees of public authorities to encourage the reporting of transgressions within the agency; and publicizing the public authority’s activities and policies.¹³⁹⁶

We recommend that the Bi-State Commission examine the Port Authority’s decision-making procedures to ensure that more formal and transparent decision-making processes for substantial, non-emergency operational changes at the Port Authority are established—for instance, with respect to any studies (traffic or other), pilot programs, lane realignment, and construction and maintenance work that risks a substantial impact on motorists. Among other procedures, the Bi-State Commission could consider requiring express approval for all such changes from key Port Authority leadership, including manager(s) of operations of the relevant divisions; the Board’s Committee on Operations; the Executive Director of the Port Authority; and the Deputy Executive Director of the Port Authority.¹³⁹⁷ The Port Authority could also consider requiring assessments of potential impacts, the creation of mitigation measures, advance reporting to emergency services before any projects or studies are approved or pursued, and interim reporting once changes are implemented. Adopting more formal and protective decision-

making procedures would enable the Port Authority to: strategically consider and evaluate substantial operational changes in an informed manner and with input and coordination from appropriate actors and agencies; timely notify local and other authorities and emergency services personnel; efficiently and effectively execute operational changes; timely review, monitor, and modify operational changes; and build internal and public confidence in the Port Authority's competence and services.¹³⁹⁸

We appreciate that the Port Authority's Board of Commissioners has already taken steps in response to recent events by establishing an internal oversight committee to, among other things, "provid[e] policy guidance to, and develop[] a proactive and prospective agenda for consideration by, the Board to enhance the Board's oversight of any governance or operations items identified by the Committee."¹³⁹⁹ The Port Authority's internal oversight committee consists of 5 current Port Authority Commissioners: Scott Rechler (Committee Chair and Vice Chairman of the Port Authority's Board of Commissioners, NY), Richard Bagger (Committee Vice Chairman (NJ), Jeffrey Lynford (NY), Basil Paterson (NY), and Raymond Pocino (NJ).¹⁴⁰⁰

We continue to believe, however, that an independent Bi-State Commission is the appropriate vehicle for achieving long-term systemic reform to the Port Authority. The Bi-State Commission would be sanctioned by both Governors and work directly with the Offices of the Governors of New York and New Jersey and with the New York and New Jersey Legislatures, rather than reporting to the Port Authority's Board of Commissioners. It would have the freedom and independence to examine and make recommendations concerning all potential reforms to the Port Authority. Its reform agenda should be set by an independent "blue-ribbon" panel, or by the Governors working together, and it would include major structural reforms to the Port Authority that would then be institutionalized and ultimately require the approval of both

States' legislatures, going well beyond reforms regarding Board oversight and internal matters that are already within the scope of the agency's authority. And the Bi-State Commission would consist of independent public administration and transportation experts, policymakers, and practitioners, not current Port Authority Commissioners or executives.

2. Propose Legislation To Reform The Port Authority, Including Transparency Laws

While the Bi-State Commission completes its analysis and recommendations, we recommend that the Office of the Governor work with the New Jersey Legislature to prioritize legislative reforms at the Port Authority. In 2011 and 2012, Governor Christie was working to advance "Shadow Government Reform," which included comprehensive legislation to "bring accountability and oversight to . . . so-called 'independent' authorities . . . that for too long have engaged in conduct without oversight, often at the public's expense, and with a blind eye from members of both political parties."¹⁴⁰¹ Specifically, the Governor's "Shadow Government Reform" sought to establish the following reforms across all State and regional public authorities: "gubernatorial oversight through veto within a 15-day window," "mandatory service of agendas and minutes," "board member service without compensation," for-cause removal of regional authority leadership, financial disclosure statements, the applicability of State ethics requirements, New Jersey Conflicts of Interest Law, and Executive Orders to all regional authorities, and Comptroller authority to inquire into the financials of all regional authorities.¹⁴⁰² In addition, Governor Christie and Governor Cuomo ordered "a comprehensive audit of the Port Authority's 10-year capital plan as well as a top-to-bottom management review of the Authority's finances and operations."¹⁴⁰³

Also at that time, the New Jersey Legislature passed the "PANYNJ Transparency and Accountability Act" (the "PANYNJ Act"), which sought, among other things, to require the Port

Authority's Board of Commissioners to "provide direct oversight of the authority's chief executive and senior management; oversee the implementation of financial and management controls and operational decisions; establish policies concerning the compensation of officers and employees; require each board member to execute a statement declaring an understanding of the member's independence, fiduciary duties, and commitment to the Port Authority's mission; require that a needs assessment be conducted prior to any fee, toll, charge, or fare increase; require an annual efficiency study to identify waste or abuse; and establish audit, governance and finance committees."¹⁴⁰⁴ Governor Christie conditionally vetoed the PANYNJ Act as "premature" and "insufficiently broad."¹⁴⁰⁵ Specifically, Governor Christie stated that the Act "[fell] short of applying the same transparency and accountability . . . [to] all multi-jurisdictional authorities, including the Port Authority" and failed to incorporate "Shadow Government Reform" designed to attack "secretive governance and spending."¹⁴⁰⁶ He recommended and said he would sign into law the PANYNJ Act if it were "amended to incorporate 'Shadow Government Reform'" applicable to "multi-jurisdictional and regional authorities throughout the State, including the Passaic Valley Sewerage Commission, the North Jersey District Water Supply Commission, the New Jersey Meadowlands Commission, and the Passaic Valley Water Commission."¹⁴⁰⁷ Governor Christie added that because a full audit of the Port Authority was pending, "enacting statutory changes prior to the release and review of the final report is premature and may be counterproductive."¹⁴⁰⁸ The Legislature did not enact Governor Christie's conditional veto.

In light of recent events and past and pending legislative proposals, we recommend that the Office of the Governor redouble its efforts to propose new or modified public authorities reform legislation now. Short of that, we recommend that the Governor's Office prioritize

reform legislation pertaining to the Port Authority, keeping in mind that any transparency provisions similar to those already enacted in New York¹⁴⁰⁹ would automatically become applicable to the Port Authority if also passed in New Jersey.

C. Other Related Proposals

We recommend that the Office of the Governor consider taking steps to require all State and local elected officials, and perhaps their most senior staffers or cabinet-level appointees, to timely report to law enforcement authorities, the inspectors general, chief ethics officers, or their equivalents, any conduct that they believe may constitute crimes being committed on their watch, and imposing appropriate remedies on those public officials who fail to timely report such allegations. For both situations investigated in this report—the allegations regarding the George Washington Bridge lane realignment and Mayor Zimmer’s allegations regarding Superstorm Sandy Aid for Hoboken—there was an 8-month delay between the events underlying the respective allegations and the reporting of the allegations to State or federal law enforcement authorities. In particular, Mayor Zimmer has alleged that she was threatened by public officials in May 2013, but her allegations were not reported to law enforcement authorities until January 2014. Such delays in the reporting of potential misconduct are problematic for several reasons. The passage of time can impede the integrity of investigations and can allow for the alleged wrongful conduct to continue unchecked and without remedy. And the consequences of delayed reporting are magnified when the purported improper conduct involves public servants acting in their official capacities.

We therefore recommend that the Office of the Governor pursue legislation that requires all State and local officials, including Port Authority officials, and perhaps their most senior staffers, to timely report criminal conduct related to their offices to law enforcement authorities, or to the appropriate agency inspectors general or chief ethics officers (or their equivalents)

responsible for such oversight, as soon as reasonably practicable.¹⁴¹⁰ The New Jersey Senate considered similar legislation in 2010, which would have required “school officials, local government officers and employees, State officers and employees, and members of the Legislature who have actual knowledge that another public official committed a criminal offense involving or touching upon his office to report the name of the official who allegedly committed the offense, and the facts and circumstances of the alleged offense, to the Attorney General.”¹⁴¹¹ Further, five states have enacted mandatory reporting statutes requiring public servants to report crimes of bribery or improper influence to law enforcement.¹⁴¹² Governor Cuomo also proposed such mandatory bribery reporting legislation last year and introduced it to the New York Legislature on January 21, 2014 as part of the “Public Trust Act”; the draft bill is currently in committee.¹⁴¹³ Legislation requiring local and State officials to timely and affirmatively report criminal conduct related to their public offices would compel the prompt and effective investigation and resolution of potential wrongdoing across public offices.¹⁴¹⁴

VII. ENDNOTES

¹ Ex. 1 (John Cichowski, *Road Warrior: Closed tollbooths a commuting disaster*, The Bergen Record (Sept. 13, 2013) available at <http://www.northjersey.com/news/new-york-tri-state-area/road-warrior-closed-tollbooths-a-commuting-disaster-1.639923>).

² See Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013) (David Wildstein directed Port Authority colleagues “not to speak to anyone in Fort Lee” during the course of the operation because it would “impact the study”)) at 93-94; see also Ex. 3 (2013.09.09 9:10 AM Email from Durando to Wildstein, et al. (quoting Fort Lee’s Chief of Police as saying he was not informed of the lane realignment)); Ex. 4 (2013.09.09 11:24 AM Email from Lado to Baroni, et al. (quoting Fort Lee Borough Administrator Peggy Thomas as saying the Borough had no advance warning of the lane realignment)); Ex. 5 (2013.09.12 12:44 PM Email from Leodoni to Baroni (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni)).

³ Ex. 6 (2013.10.18 Notes by Ma of Meeting with Fulton, et al.).

⁴ Ex. 7 (2013.09.13 7:44 AM Email from Foye to Fulton, et al.); see also Ex. 8 (Ted Mann, *Port Chief Fumed Over Bridge Jam: Patrick Foye Fired Off an Email Message After Learning of Lane Closures*, The Wall Street Journal (Oct. 1, 2013) available at <http://online.wsj.com/news/articles/SB10001424052702304373104579109860563887326>).

⁵ See, e.g., Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam’s Cause a Mystery: New Jersey Officials Say They Weren’t Warned That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) available at <http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774>).

⁶ These four individuals were long-time friends. Baroni, Wildstein, and Stepien knew each other going back to when they all worked together on Bob Franks’ unsuccessful U.S. Senate campaign. Kelly became friendly with Wildstein when he ran a political blog in the late 2000s, and Kelly was a source of his at the time. See Ex. 10 (Kate Zernike, *On Blog, An Ex-Christie Ally Showed Approach to Politics*, The New York Times (Feb. 6, 2014) available at <http://www.nytimes.com/2014/02/07/nyregion/on-blog-an-ex-christie-ally-showed-approach-to-politics.html>). All four of them bonded even more while working together during Governor Christie’s first term.

⁷ See, e.g., Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam’s Cause a Mystery: New Jersey Officials Say They Weren’t Warned That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) available at <http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774>).

⁸ *Id.*

⁹ Ex. 11 (2013.01.24 9:04 AM Email from Sheridan to Mowers, et al.).

¹⁰ Ex. 12 (2013.03.26 10:48 PM Email from Mowers to Sheridan).

¹¹ Ex. 590 (2013.05.13 5:49 PM Email from Ridley to Stark, et al.).

¹² Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam’s Cause a Mystery: New Jersey Officials Say They Weren’t Warned That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) available at <http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774>); see also Ex. 14 (Mayor Mark Sokolich, Letter to the Editor, *Fort Lee Mayor: Not true*, The Star-Ledger (Nov. 14, 2013) (Mayor Sokolich: “I have consistently and without deviation stated on the record that in no way do I believe that these lane closures are a result of my refusal to support the governor. In fact, I advised you that I was never asked to either support or endorse the governor.”) available at http://blog.nj.com/ledgerletters/2013/11/letters_fort_lee_jim_mcgreevey.html).

¹³ See Ex. 15 (Angela Delli Santi, *Bridget Anne Kelly, fired Christie aide, was on team from the start*, Associated Press (Jan. 10, 2014) (noting Kelly was promoted in April) available at <http://news.yahoo.com/messages-tie-christie-aide-nj-traffic-jam-230034650.html>).

¹⁴ Ex. 16 (Darryl R. Isherwood, *Stepien to take over as Christie campaign manager*, PolitickerNJ (Apr. 29, 2013) available at <http://www.politickernj.com/65003/stepien-take-over-christie-campaign-manager>).

Before joining the Office of the Governor, Kelly worked as an aide and Chief of Staff to Assemblyman David Russo (R-Bergen/Essex/Morris/Passaic). In 2009, Kelly “volunteered to help run Mr. Christie’s phone-bank effort in Bergen [County].” Ex. 17 (David W. Chen, *Aide Fired by Christie Is Called Loyal Team Player, Not Rogue Operative*, The New York Times (Jan. 13, 2014) available at <http://www.nytimes.com/2014/01/14/nyregion/aide-fired-by-christie-is-called-loyal-team-player-not-rogue-operative.html>). Public reports have stated that Kelly joined the Christie Administration in 2009 “because Stepien trusted her based on her work in Bergen,” a “very difficult political environment dominated by factions.” Ex. 18 (Max Pizarro, *Sources: Bergen politico Kelly landed in administration because of trust of Stepien*, PolitickerNJ (Jan. 8, 2014) available at <http://www.politickernj.com/70660/sources-bergen-politico-kelly-landed-administration-because-trust-stepien>). Sources have described Stepien as Kelly’s “benefactor,” to whom he was reportedly “joined at the hip.” *Id.*

¹⁵ Ex. 18 (Max Pizarro, *Sources: Bergen politico Kelly landed in administration because of trust of Stepien*, PolitickerNJ (Jan. 8, 2014) available at <http://www.politickernj.com/70660/sources-bergen-politico-kelly-landed-administration-because-trust-stepien>).

¹⁶ See Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 5.

¹⁷ Ex. 6 (2013.10.18 Notes by Ma of Meeting with Fulton, et al.).

¹⁸ See, e.g., Ex. 20 (2013.08.13 Email Exchange between Kelly and Wildstein).

¹⁹ *Id.*

²⁰ *Id.* That Wildstein and Kelly were abusing their positions at the time to pursue personal vendettas, like causing “traffic problems” for persons who had “pissed” them “off,” is confirmed in contemporaneous texts. *Id.*; Ex. 21 (2013.08.19 Text Messages between Wildstein and Kelly). For example, around that same time, on August 19, 2013, Wildstein and Kelly were apparently irritated with Rabbi Mendy Carlebach for some unknown reason. See Ex. 22 (Shawn Boburg, Abbott Koloff and Stephanie Akin, *New GWB files, same callous jokes*, The Bergen Record (Feb. 27, 2014)); see also Ex. 23 (Serge F. Kovaleski and Matt Flegenheimer, *Christie Allies Joked of Disrupting Traffic at a Rabbi’s House*, The New York Times (Feb. 27, 2014) (discussing Rabbi Carlebach’s positive working relationship with the Christie Administration) available at <http://www.nytimes.com/2014/02/28/nyregion/documents-show-christie-allies-discussed-another-traffic-jam.html>). Wildstein texted Kelly that the Rabbi had “officially pissed me off,” to which Kelly replied: “We cannot cause traffic problems in front of his house, can we?” Ex. 21 (2013.08.19 Text Messages between Wildstein and Kelly). While there is no evidence any such “traffic problems” then occurred, the mention of such a possibility by Wildstein and Kelly at the very time they were also intending to target Mayor Sokolich in this way is telling.

²¹ Ex. 24 (2013.08.16 Email Exchange between Renna and Kelly).

²² Ex. 25 (2013.08.29 Email Exchange between Zipf and Rivera).

²³ Ex. 26 (2013.08.30 Email Exchange between Wildstein and Kelly).

²⁴ See Ex. 27 (2014.01.15 Letter from The Port Authority of New York & New Jersey to Senator John D. Rockefeller IV) at 7; see Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 82; *id.* (Assembly Committee Meeting (Testimony of Cedrick Fulton) (Dec. 9, 2013) (testifying that David Wildstein called him to inform him that he had directed Robert Durando to start the traffic study on September 9)) at 15-16, 20, 22, 27-28, 67. Baroni testified that Wildstein made the request for the traffic study to be conducted the following week on Thursday, September 5, 2013, and that “[o]n September 6, the [Port Authority] Director of [TBT] and the General Manager of the Bridge were informed of the study and instructed to coordinate their respective traffic staffs’ efforts to analyze the resultant traffic flow. . . . George Washington Bridge staff also notified the Port Authority Police Department, whose officers moved the traffic cones on the morning of September 9.” Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 6.

²⁵ Ex. 28 (2013.09.06 8:51 AM Email from Muriello to Jacobs, et al.).

²⁶ Ex. 29 (2013.09.06 4:37 PM Email from Quelch to Jacobs, et al.).

²⁷ Ex. 30 (2013.09.07 Email Exchange between Wildstein and Kelly).

28 See Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 93; Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam's Cause a Mystery: New Jersey Officials Say They Weren't Warned That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) available at <http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774>).

29 See Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam's Cause a Mystery: New Jersey Officials Say They Weren't Warned That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) available at <http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774>).

30 Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 102.

31 It was Baroni who recommended and was responsible for hiring Wildstein, his long-time friend, at the Port Authority. See Ex. 31 (Matthew Arco, *5 things dredged up in the wake of Bridgegate*, PolitickerNJ (Feb. 3, 2014) available at <http://www.politickernj.com/71244/5-things-dredged-wake-bridgegate>).

32 Ex. 32 (2013.09.09 9:29 AM Email from Bell to Baroni, et al.).

33 *Id.* (2013.09.09 9:41 AM Email from Baroni to Wildstein).

34 *Id.* (2013.09.09 9:48 AM Email from Wildstein to Baroni).

35 Ex. 192 (2013.09.09 Kelly and Wildstein Email Exchange).

36 *Id.* (2013.09.09 Kelly and Wildstein Email Exchange).

37 Ex. 33 (2013.09.09 1:50 PM Email from Kelly to Ridley, et al.).

38 *Id.* (2013.09.09 1:58 PM Email from Ridley to Kelly, et al.).

39 Ex. 34 (2013.09.10 8:05 AM Text Message from Kelly to Wildstein).

40 *Id.* (2013.09.10 8:05 AM Text Message from Wildstein to Kelly).

41 *Id.* (2013.09.10 8:11 AM Text Message from Wildstein to Kelly).

42 See Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam's Cause a Mystery: New Jersey Officials Say They Weren't Warned That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) available at <http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774>).

43 Ex. 5 (2013.09.12 12:44 PM Email from Leodori to Baroni) (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni).

44 *Id.* (2013.09.12 12:47 PM Email from Baroni to Wildstein (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni)).

45 *Id.* (2013.09.12 12:52 PM Email from Baroni to Stepien, et al.) (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni)).

46 Ex. 35 (2013.09.12 3:36 PM Email from Renna to Kelly).

47 *Id.* (2013.09.12 11:44 PM Email from Kelly to Renna).

48 See Ex. 36 (2013.09.12 3:11 PM Email from Wildstein to Kelly, et al.).

49 Ex. 37 (2013.09.12 3:18 PM Email from Wildstein to Kelly, et al.).

50 Ex. 38 (2013.09.12 6:03 PM Text Message from Baroni to Wildstein).

51 Ex. 39 (Ariel Kaminer, *In Bridge Scandal, a Slight Heard Around the World*, The New York Times (Jan. 11, 2014) available at <http://www.nytimes.com/2014/01/11/nyregion/in-bridge-scandal-a-slight-heard-around-the-world.html>).

52 Ex. 38 (2013.09.12 6:03 PM Text Message from Baroni to Wildstein).

53 Ex. 7 (2013.09.13 7:44 AM Email from Foye to Fulton, et al.).

54 Ex. 40 (2013.09.13 8:55 AM Email from Foye to Baroni, et al.).

55 Ex. 41 (2013.09.13 11:44 PM Email from Wildstein to Kelly).

56 Ex. 40 (2013.09.13 9:03 AM Email from Baroni to Foye, et al.).

57 Ex. 42 (2013.09.17 1:33 PM Text Message from Baroni to Wildstein).

58 *See id.*

59 *See* Ex. 43 (2013.09.17 1:34 PM Text Message from Wildstein to Kelly).

60 *Id.* (2013.09.17 Text Messages from Kelly Wildstein).

61 Ex. 9 (Ted Mann, *Bridge Jam's Cause a Mystery: New Jersey Officials Say They Weren't Warned That Local Lanes Would be Closed*, The Wall Street Journal (Sept. 17, 2013) available at <http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774>).

62 Ex. 44 (2013.09.18 4:54 AM Email from Wildstein to Stepien).

63 *Id.* (2013.09.18 5:16 AM Email from Stepien to Wildstein).

64 *Id.* (2013.09.18 5:30 AM Email from Wildstein to Stepien).

65 *Id.*

66 Ex. 45 (2013.09.18 9:24 AM Email from Wildstein to Drewniak).

67 *Id.* (2013.09.18 7:35 AM Email from Drewniak to Wildstein).

68 *See* Ex. 8 (Ted Mann, *Port Chief Fumed Over Bridge Jam: Patrick Foye Fired Off an Email Message After Learning of Lane Closures*, The Wall Street Journal (Oct. 1, 2013) available at <http://online.wsj.com/news/articles/SB10001424052702304373104579109860563887326>).

69 Ex. 46 (2013.10.01 5:48 PM Text Message from Stepien to Wildstein).

70 *Id.* (2013.10.01 5:48 PM Text Message from Wildstein to Stepien).

71 Ex. 47 (2013.10.02 Email Exchange between Wildstein and Stepien).

72 Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 5; *see also* Ex. 6 (2013.10.18 Notes by Ma of Meeting with Fulton, et al.).

73 *See* Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 7-8.

74 *Id.* at 5-6.

75 Ex. 48 (Alex Napoliello, *David Wildstein resigns amid GW Bridge lane closure controversy*, The Star-Ledger (Dec. 6, 2013) available at http://www.nj.com/politics/index.ssf/2013/12/port_authority_official_with_christie_ties_resigns_amid_george_washington_bridge_lane_closure_contro.html).

76 *See, e.g.*, Ex. 2 (Assembly Committee Meeting (Testimony of Cedrick Fulton) (Dec. 9, 2013)) at 19.

77 *Id.* (Assembly Committee Meeting (Testimony of Patrick Foye) (Dec. 9, 2013)) at 167.

78 Ex. 35 (2013.09.12 3:36 PM Email from Renna to Kelly).

79 *Id.* (2013.09.12 11:44 PM Email from Kelly to Renna).

80 *See id.* (2013.12.13 11:38 AM Email from Renna to Renna (forwarding to different email account)).

81 *See* Ex. 49 (2013.12.13 9:31 AM Email from O'Brien to undisclosed recipients).

82 The decision to have Gramiccioni replace Baroni at the Port Authority had been made many weeks earlier. Indeed, Gramiccioni was offered the position just after Election Day in early November 2013.

83 *See* Ex. 50 (Kate Zernike, *Christie Faces Scandal on Traffic Jam Aides Ordered*, The New York Times (Jan. 8, 2014) available at <http://www.nytimes.com/2014/01/09/nyregion/christie-aide-tied-to-bridge-lane-closings.html>).

⁸⁴ See Ex. 51 (Kate Zernicke & March Santora, ‘Very Sad’ Chris Christie Extends Apology in Bridge Scandal, The New York Times (Jan. 9, 2014) available at <http://www.nytimes.com/2014/01/10/nyregion/christie-controversy-bridge-lane-closings.html>).

⁸⁵ Ex. 52 (2014.01.09 9:57 AM Text Message from Kelly to Renna).

⁸⁶ See Ex. 53 (David W. Chen & William K. Rashbaum, *Former Aide to Christie Invokes Fifth Amendment Right*, The New York Times (Feb. 3, 2014) available at <http://www.nytimes.com/2014/02/04/nyregion/former-aide-to-christie-invokes-fifth-amendment.html>).

⁸⁷ See *S.E.C. v. Graystone Nash, Inc.*, 25 F.3d 187, 190 (3d Cir. 1994) (“We have held that ‘reliance on the Fifth Amendment in civil cases may give rise to an adverse inference against the party claiming its benefits.’” (citing *Baxter v. Palmigiano*, 425 U.S. 308, 318 (1976))); *In re Grand Jury*, 286 F. Supp. 153, 160-61 (3d Cir. 2002).

⁸⁸ See Ex. 53 (David W. Chen & William K. Rashbaum, *Former Aide to Christie Invokes Fifth Amendment Right*, The New York Times (Feb. 3, 2014) available at <http://www.nytimes.com/2014/02/04/nyregion/former-aide-to-christie-invokes-fifth-amendment.html>).

⁸⁹ In seeking indemnification for attorneys’ fees, Wildstein’s lawyer wrote in a January 31, 2014 letter to the Port Authority that “evidence exists” of the Governor knowing of this situation during the period the lanes were closed. Ex. 54 (2014.01.31 Letter from Zegas to Buchbinder). This was likely a reference to a 9/11 Memorial event at which Port Authority officials, including Wildstein, were together with the Governor on Wednesday, September 11, 2013. Published photographs depicted them all together that day. Ex. 55 (*Sept. 11th Memorial Service*, The Herald Record (Sept. 11, 2013), available at <http://www.recordonline.com/apps/pbcs.dll/gallery?Site=TH&Date=20130911&Category=NEWS&ArtNo=911009999&Ref=PH&Presentation=desktop>). It will apparently be Wildstein’s contention—as he alleged in early December 2013 to Drewniak—that he mentioned the traffic issue to the Governor on that occasion. Whatever brief exchange they had occurred in a public setting where they were surrounded by many, including other Port Authority officials, the Governor’s wife, and a steady stream of spectators requesting photographs and handshakes with the Governor. Not surprisingly, the Governor has no recollection of such an exchange.

⁹⁰ See Ex. 51 (Kate Zernicke and March Santora, ‘Very Sad’ Chris Christie Extends Apology in Bridge Scandal, The New York Times (Jan. 9, 2014) available at <http://www.nytimes.com/2014/01/10/nyregion/christie-controversy-bridge-lane-closings.html>).

⁹¹ The source of Wildstein or Kelly’s personal or political animus toward Mayor Sokolich is not clear from the evidence we have reviewed. As previously explained, Wildstein himself seemed to have had a personal or professional interest in studying these dedicated Fort Lee toll lanes as a policy matter. Moreover, the lane realignment, based on all the available evidence, does not appear to have been based on Mayor Sokolich’s decision not to endorse the Governor.

⁹² Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) available at <http://transcripts.cnn.com/TRANSCRIPTS/140119/sotu.01.html>) at 5.

⁹³ Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/140120/acd.01.html>) at 2.

⁹⁴ Ex. 58 (Collecting for reference the images of the journal by Mayor Zimmer in the order in which they appear in the article, *Christie camp held Sandy relief money hostage, mayor alleges*, MSNBC (Jan. 18, 2014) (embedded version available at <http://www.scribd.com/document/downloads/200600851?extension=pdf&from=embed&source=embed>) (“MSNBC Zimmer Journal”)) at 8.

⁹⁵ See Ex. 59 (Collecting for reference the images of the journal by Mayor Zimmer in the order in which they appear in the article, Erin Durkin, *New Jersey mayor’s diary: Chris Christie held Hurricane Sandy aid ‘hostage’*, New York Daily News (Jan. 20, 2014) available at <http://www.nydailynews.com/news/politics/n-mayor-christie-held-sandy-aid-hostage-article-1.1584658?print> (“Daily News Zimmer Journal”)) at 2.

⁹⁶ Ex. 60 (Chris Frates, *First on CNN: Mayor behind Christie allegations full of contradictions*, CNN (Feb. 3, 2014) available at <http://www.cnn.com/2014/02/03/politics/christie-hoboken-mayor-zimmer-accusations/>).

97 Ex. 61 (2013.08.20 Tweets from Mayor Zimmer, *available at* <https://twitter.com/dawnzimmerj/status/369877512895356928>).

98 Ex. 62 (2013.05.24 Letter from Mayor Zimmer to Governor Christie (attached to 2013.05.24 2:13 PM Email from Melli to Marks, et al.)).

99 Ex. 63 (2013.10.02 4:31 PM Email from Bryan to Mowers).

100 Ex. 58 (MSNBC Zimmer Journal) at 4.

101 Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* <http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html>) at 3.

102 Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) *available at* <http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage>) at 13.

103 Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* <http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html>) at 5.

104 Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) *available at* <http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage>) at 15.

105 *Id.* at 9.

106 *Id.*

107 Ex. 65 (2013.05.10 12:07 PM Email from Robertson to Kelly, et al.); Ex. 66 (2013.05.10 11:42 AM Email from Larkin to Orsen).

108 Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* <http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html>) at 3.

109 Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) *available at* <http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage>) at 9.

110 Ex. 67 (2013.05.13 12:06 PM Email from DiMaggio to Orsen).

111 Ex. 68 (2013.05.10 5:00 PM Email from Mayor Zimmer to Ferzan).

112 Ex. 69 (2013.04.23 Letter from Mayor Zimmer to Governor Christie).

113 Ex. 70 (Charles Hack, *Lt. Gov Guadagno: No rush on Hoboken's "emergency" \$29M request*, The Jersey Journal (May 13, 2013) *available at* http://www.nj.com/hudson/index.ssf/2013/05/lt_gov_kim_guadano_says_that_2.html).

114 Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) *available at* <http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage>) at 15.

115 Ex. 71 (2013.09.19 Letter from Commissioner Constable to Mayor Zimmer); Ex. 72 (City of Hoboken, Office of the Business Administrator, *Request for Proposals (RFP): Professional Services – Professional Planning and Engineering for Post Hurricane Sandy Disaster Recovery Plan* (Oct. 24, 2013)) at 19.

116 There were approximately 145 municipalities and entities initially allocated funds from the \$25 million in total funding for this program, meaning they averaged about \$170,000. *See* Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiative (Jan. 23, 2014)).

117 *See* Ex. 74 (Erin O'Neill, *Sandy grant revisions leave some towns winners, some losers*, The Star-Ledger (Mar. 6, 2014) *available at* http://www.nj.com/news/index.ssf/2014/03/energy_grants_revised_by_nj.html); Ex. 75 (Scott Gurian, *Investigation reveals Sandy energy grant program riddled with errors*, NJ Spotlight (Mar. 6, 2014) *available at* <http://www.njspotlight.com/stories/14/03/05/sandy-energy-grant-program-riddled-with-errors/?p=all>); Ex. 76 (Kathryn Brenzel, *Christie Administration criticizes WNYC Sandy report, says Hoboken aid figures not finalized*, NJ.com (Mar. 5, 2014) *available at* http://www.nj.com/hudson/index.ssf/2014/03/state_says_reports_of_bias_in_hoboken_sandy_aid_awards_ridiculous_1.html); Ex. 77 (Dean DeChario, *Fuzzy math? Christie could owe Hoboken \$700K in Sandy funding due to faulty*

calculations, report says, Hudson Reporter (Mar. 5, 2014) available at [http://hudsonreporter.com/view/full_story/24694083/article-Fuzzy-math--Christie-could-owe-Hoboken-\\$700K-in-Sandy-funding-due-to-faulty-calculations--report-says](http://hudsonreporter.com/view/full_story/24694083/article-Fuzzy-math--Christie-could-owe-Hoboken-$700K-in-Sandy-funding-due-to-faulty-calculations--report-says)).

¹¹⁸ Ex. 56 (State of the Union with Candy Crowley, Interview with Mayor Zimmer, CNN (Jan. 19, 2014) available at <http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html>) at 5.

¹¹⁹ See Ex. 59 (Daily News Zimmer Journal at 3–4).

¹²⁰ *Id.* at 4.

¹²¹ *Id.* at 2.

¹²² Ex. 56 (State of the Union” with Candy Crowley, Interview with Mayor Zimmer, CNN (Jan. 19, 2014) available at <http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html>) at 5.

¹²³ Ex. 59 (Daily News Zimmer Journal) at 3.

¹²⁴ *Id.*

¹²⁵ Ex. 78 (Superstorm Sandy: A Live Town Hall Photographs at 7:36:58, 7:37:01, 7:37:12, 7:37:15, 7:37:18, 7:37:24, 7:37:26, 7:37:29, 7:37:35, 7:37:38, 7:37:44).

¹²⁶ Ex. 79 (Transcript of NJTV Superstorm Sandy Live Town Hall (May 16, 2013) (emphases added)) at 46.

¹²⁷ See Ex. 71 (2013.09.19 Letter from Constable to Zimmer).

¹²⁸ Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html>) at 5.

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ Ex. 80 (2013.11.25 Superstorm Sandy CDBG-DR Action Plan II: Stakeholder Meeting Sign-in).

¹³² Ex. 81 (2013.11.25 Notes of Ryan from Meeting with Northern-Central Jersey Mayors).

¹³³ Ex. 82 (Rebuild by Design, *Hurricane Sandy Regional Planning and Design Competition, Design Brief* (June 21, 2013)) at 4–6.

¹³⁴ Ex. 69 (2013.05.08 Letter from Mayor Zimmer to Governor Christie).

¹³⁵ Ex. 83 (2014.01.16 3:04 PM Email from Davis to Ferzan).

¹³⁶ Ex. 84 (2014.01.10 7:37 PM Email from McFadden to Morris).

¹³⁷ Ex. 56 (State of the Union with Candy Crowley, Interview with Mayor Zimmer, CNN (Jan. 19, 2014) available at <http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html>) at 4.

¹³⁸ Ex. 82 (Rebuild by Design, *Hurricane Sandy Regional Planning and Design Competition, Design Brief* (June 21, 2013)) at 1.

¹³⁹ Ex. 85 (Hurricane Sandy Rebuilding Taskforce, *Hurricane Sandy Rebuilding Strategy* (2013)) at 62, 65.

¹⁴⁰ Ex. 86 (Scott Curian, *NJ ‘Storm Czar’ Refutes Claim Hoboken was Shortchanged*, WNYC News (Jan. 20, 2014) available at <http://www.wnyc.org/story/nj-storm-czar-refutes-claim-hoboken-was-shortchanged/>).

¹⁴¹ Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html>) 9-10.

¹⁴² Ex. 64 (Up with Steve Kornacki, Interview with Mayor Zimmer, MSNBC (Jan. 18, 2014) available at <http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage>) at 15.

¹⁴³ Ex. 87 (Hazard Mitigation Grant Program – Energy Allocation Initiative: Factors Considered in Allocating Funds); Ex. 88 (U.S. Department of Housing and Urban Development, *CDBG Disaster Recovery Assistance*, available at http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment

[/programs/drsi](#)); Ex. 89 (Certification Checklist for Community Development Block Grant Disaster Recovery (CDBG-DR) Grantees Under the Disaster Relief Appropriations Act, 2013 (Public Law 113-2) (Mar. 25, 2013)); Ex. 90 (*Allocations, Common Application, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy*, 78 Fed. Reg. 14,329, 14,330 at Table 1, (Mar. 15, 2013)); Ex. 91 (*Second Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy*, 78 Fed. Reg. 69104 (Nov. 18, 2013)).

¹⁴⁴ Ex. 82 (Rebuild by Design, *Hurricane Sandy Regional Planning and Design Competition, Design Brief* (June 21, 2013)) at 4-6.

¹⁴⁵ Ex. 87 (Hazard Mitigation Grant Program – Energy Allocation Initiative: Factors Considered in Allocating Funds).

¹⁴⁶ See, e.g., Ex. 88 (U.S. Department of Housing and Urban Development, *CDBG Disaster Recovery Assistance*, available at http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs/drsi); Ex. 89 (Certification Checklist for Community Development Block Grant Disaster Recovery (CDBG-DR) Grantees Under the Disaster Relief Appropriations Act, 2013 (Public Law 113-2) (Mar. 25, 2013)); Ex. 90 (*Allocations, Common Application, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy*, 78 Fed. Reg. 14,329, 14,330 at Table 1, (Mar. 15, 2013)); Ex. 91 (*Second Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy*, 78 Fed. Reg. 69104 (Nov. 18, 2013)).

¹⁴⁷ Ex. 92 (Geoff Mulvihill, *Sandy aid to Hoboken on par with other NJ towns*, Associated Press (Jan. 25, 2014) available at <http://bigstory.ap.org/article/sandy-aid-hoboken-par-other-nj-towns>).

¹⁴⁸ Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) available at <http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage>) at 13; see also Ex. 93 (City of Hoboken Municipal Code, available at <http://ecode360.com/15965716>) § 29-8(B) (requiring that any employee of the City of Hoboken who “believes he or she has been subjected to offensive and/or insulting behavior by a . . . member of the public [or] elected official . . . has an obligation to directly inform the offending person that the conduct is offensive. . . . If this direct communication with the offending person is not successful, the employee should promptly report the incident(s) . . . to his or her supervisor or, in the alternative, to the Business Administrator . . .”); see also *Township of Wayne v. Messercola*, 789 F. Supp. 1305, 1309 n.7 (D.N.J. 1992) (“As mayor, Messercola was a public official with a fiduciary duty of trust, honesty and loyalty to Wayne.”).

¹⁴⁹ Ex. 94 (City of Hoboken, *Mayor Zimmer Delivers 3rd State of the City Address; Announces Plans for Making Hoboken More Resilient* (Feb. 13, 2013) available at <http://www.hobokennj.org/2013/02/mayor-zimmer-delivers-3rd-state-of-the-city-address-announces-plans-for-making-hoboken-more-resilient/>) at 2; Ex. 61 (2013.08.20 Tweets from Mayor Zimmer, available at <https://twitter.com/dawnzimmer/status/369877512895356928>).

¹⁵⁰ Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) available at <http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage>) at 12–17.

¹⁵¹ *Id.* at 14.

¹⁵² Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) available at <http://transcripts.cnn.com/TRANSCRIPTS/140119/sotu.01.html>) at 5.

¹⁵³ Ex. 86 (Scott Curian, *NJ ‘Storm Czar’ Refutes Claim Hoboken was Shortchanged*, WNYC (Jan. 20, 2014) available at <http://www.wnyc.org/story/nj-storm-czar-refutes-claim-hoboken-was-shortchanged/>).

¹⁵⁴ Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/140120/acd.01.html>) at 5.

¹⁵⁵ Ex. 94 (City of Hoboken, *Mayor Zimmer Delivers 3rd State of the City Address; Announces Plans for Making Hoboken More Resilient* (Feb. 13, 2013) available at <http://www.hobokennj.org/2013/02/mayor-zimmer-delivers-3rd-state-of-the-city-address-announces-plans-for-making-hoboken-more-resilient/>) at 3.

- ¹⁵⁶ Ex. 95 (2013.05.08 Letter from Mayor Zimmer to Governor Christie); Ex. 96 (2013.10.16 Letter from Mayor Zimmer to Weinstein).
- ¹⁵⁷ See Ex. 97 (Patrick McGeehan & Charles Bagli, *How Pressure Mounted for Development in Hoboken*, The New York Times (Jan. 29, 2014) available at <http://www.nytimes.com/2014/01/30/nyregion/powerful-allies-pushed-a-project-in-new-jersey.html>).
- ¹⁵⁸ See Ex. 98 (2013.04.25 Letter from Martin to Mayor Zimmer); Ex. 99 (2013.04.11 2:38 PM Email from Moyle to Rosenblatt, et al.); Ex. 100 (2013.03.15 12:15 PM Email from Padilla to Grifa, et al.).
- ¹⁵⁹ See Ex. 101 (2010.12.28 Letter from DiMola to Mayor Zimmer).
- ¹⁶⁰ Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html>) at 2.
- ¹⁶¹ Ex. 58 (MSNBC Zimmer Journal) at 3.
- ¹⁶² Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) available at <http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html>) at 5.
- ¹⁶³ Ex. 58 (MSNBC Zimmer Journal) at 8.
- ¹⁶⁴ Ex. 7 (2013.09.13 7:44 AM Email from Foye to Fulton, et al.).
- ¹⁶⁵ Ex. 1 (John Cichowski, *Road Warrior: Closed tollbooths a commuting disaster*, The Bergen Record (Sept. 13, 2013) available at <http://www.northjersey.com/news/new-york-tri-state-area/road-warrior-closed-tollbooths-a-commuting-disaster-1.639923>).
- ¹⁶⁶ *Id.*
- ¹⁶⁷ Ex. 9 (Ted Mann & Heather Haddon, *Bridge Jam's Cause a Mystery; New Jersey Officials Say They Weren't Warned That Local Lanes Would be Closed*, The Wall Street Journal (Sept. 17, 2013) available at <http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774>).
- ¹⁶⁸ *Id.*
- ¹⁶⁹ Ex. 8 (Ted Mann, *Port Chief Fumed Over Bridge Jam; Patrick Foye Fired Off an Email Message After Learning of Lane Closures*, The Wall Street Journal (Oct. 1, 2013) available at <http://online.wsj.com/news/articles/SB10001424052702304373104579109860563887326>).
- ¹⁷⁰ Ex. 102 (N.J. Assembly Res. 61, 215th Leg. (N.J. 2012) (introduced on February 21, 2012 and sponsored by Assemblyman Wisniewski, among others on February 21, 2012)) ¶ 2; Ex. 103 (N.J. Legislature, Bills 2012-2013: AR61 (showing passage of the resolution)).
- ¹⁷¹ Ex. 104 (2013.09.19 Letter from Senator Weinberg to Commissioner Schuber).
- ¹⁷² Ex. 102 (N.J. Assembly Res. 61, 215th Leg. (N.J. 2012) (introduced by Assemblyman Wisniewski on February 21, 2012)).
- ¹⁷³ Ex. 105 (Christopher Baxter, *UPDATED: Timeline of Port Authority's George Washington Bridge Controversy*, The Star-Ledger (Jan. 14, 2014) available at http://www.nj.com/politics/index.ssf/2014/03/timeline_of_the_port_authoritys_george_washington_bridge_lane_closure_controversy.html).
- ¹⁷⁴ Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 5.
- ¹⁷⁵ Ex. 2 (Assembly Committee Meeting (Testimony of Cedrick Fulton) (Dec. 9, 2013)) at 3.
- ¹⁷⁶ *Id.* (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 77.
- ¹⁷⁷ *Id.* (Assembly Committee Meeting (Testimony of Patrick Foye) (Dec. 9, 2013)) at 140.
- ¹⁷⁸ Ex. 106 (Subpoena Duces Tecum to Bill Baroni (Dec. 12, 2013)); Ex. 107 (Subpoena Duces Tecum to Robert Durando (Dec. 12, 2013)); Ex. 108 (Subpoena Duces Tecum to Patrick Foye (Dec. 12, 2013)); Ex. 109 (Subpoena Duces Tecum to Cedrick Fulton (Dec. 12, 2013)); Ex. 110 (Subpoena Duces Tecum to Darcy Licorish

(Dec. 12, 2013)); Ex. 111 (Subpoena Duces Tecum to Paul Nunziato (Dec. 12, 2013)); Ex. 112 (Subpoena Duces Tecum to David Wildstein (Dec. 12, 2013)).

¹⁷⁹ Ex. 113 (Angela Delli Santi & David Porter, *Messages tie Christie aide to NJ traffic jam*, Associated Press (Jan. 8, 2014) available at <http://news.yahoo.com/messages-tie-christie-aide-nj-traffic-jam-230034650.html>).

¹⁸⁰ Ex. 114 (New Jersey Legislature, *Public Hearing Transcripts 2014* (Jan. 9, 2014), available at <http://www.njleg.state.nj.us/legislativepub/pubhearings2014.asp#ATR> (providing Assembly Transportation Committee exhibits containing documents submitted to the committee)) at 1–2.

¹⁸¹ See, e.g., Ex. 115 (Marc Santora & Kate Zernike, *Bridge Scandal Papers Point to Cover-Up by Chris Christie Allies*, The New York Times (Jan. 10, 2014) available at <http://www.nytimes.com/2014/01/11/nyregion/hundreds-of-pages-on-bridge-scandal-released.html>); Ex. 116 (Ryan Hutchins, *Thousands of pages of Chris Christie bridge scandal documents released*, The Star-Ledger (Jan. 10, 2014) available at http://www.nj.com/politics/index.ssf/2014/01/908_pages_of_chris_christie_bridge_scandal_documents_released.html); Ex. 117 (Ted Mann & Heather Haddon, *Christie Cabinet Member Told of Bridge Lane Closures; Regina Egea, a Top Official in Gov. Christie's Administration, Received Word of Traffic Chaos, Records Show*, The Wall Street Journal (Jan. 12, 2014) available at <http://online.wsj.com/news/articles/SB10001424052702303393804579314500006896102>).

¹⁸² Ex. 118 (N.J. Assembly Res. 91, 215th Leg. (N.J. 2013) (introduced by Assemblyman Wisniewski on February 7, 2013 and continuing the Assembly Transportation Committee) (“AR-91”).

¹⁸³ Ex. 119 (N.J. Assembly Res. 10, 216th Leg. (N.J. 2014) (introduced on Jan. 16, 2014 and sponsored by Assemblymen Prieto, Greenwald, and Wisniewski (“AR-10”)) ¶ 3(a)(8); Ex. 120 (N.J. Senate Res. 1, 216th Leg. (N.J. 2014) (introduced on Jan. 16, 2014 and sponsored by Sens. Sweeney and Weinberg) (“SR-1”)) ¶ 3(h); Ex. 121 (N.J. Assembly Concurrent Res. 10, 216th Leg. (N.J. 2014) (introduced on Jan. 27, 2014 and sponsored by Assemblymen Prieto, Greenwald, and Wisniewski (“ACR-10”)); Ex. 122 (N.J. Senate Concurrent Res. 49, 216th Leg. (N.J. 2014) (introduced on Jan. 27, 2014 and sponsored by Sens. Sweeney and Weinberg) (“SCR-49”).

¹⁸⁴ Ex. 119 (AR-10); Ex. 123 (N.J. Legislature, Bills 2014-2015: AR10 (showing passage of the resolution on Jan. 16, 2014)).

¹⁸⁵ *Id.* ¶ 2.

¹⁸⁶ Ex. 124 (New Jersey Assembly Democrats, *Wisniewski Issues 20 Subpoenas as Part of Investigation into George Washington Bridge Lane Closings & Abuse of Government Power Concerns* (Jan. 16, 2014) available at <http://www.assemblydems.com/Article.asp?ArticleID=7724>).

¹⁸⁷ *Id.*; Ex. 119 (AR-10 (providing that the Select Committee “compris[e] 12 members to be appointed by the Speaker of the General Assembly, not more than eight of whom shall be of the same political party”) ¶ 1.

¹⁸⁸ Ex. 124 (New Jersey Assembly Democrats, *Wisniewski Issues 20 Subpoenas as Part of Investigation into George Washington Bridge Lane Closings & Abuse of Government Power Concerns* (Jan. 16, 2014) available at <http://www.assemblydems.com/Article.asp?ArticleID=7724>).

¹⁸⁹ See, e.g., Ex. 125 (John Reitmeyer, *Christie GWB Scandal: Names of 18 served with subpoenas*, The Bergen Record (Jan. 17, 2014) available at <http://www.northjersey.com/news/christie-gwb-scandal-names-of-18-served-with-subpoenas-1.699859>). In addition, many of the subpoenas themselves were publicly disclosed on media websites. See, e.g., *id.*

¹⁹⁰ See, e.g., Ex. 126 (Christopher Baxter, *Bridge scandal subpoenas will be reissued by new joint NJ Legislature investigatory panel*, The Star-Ledger (Jan. 27, 2014) available at http://www.nj.com/politics/index.ssf/2014/01/nj_legislature_forms_new_panel_to_investigation_george_washington_bridge_scandal.html).

¹⁹¹ Ex. 120 (SR-1); Ex. 127 (N.J. Legislature, Bills 2014-2015: SR1 (showing passage of the resolution on Jan. 16, 2014)).

¹⁹² Ex. 128 (New Jersey Senate Democrats, *Senate Creates Special Committee to Investigate Lane Closings* (Jan. 16, 2014) available at <http://www.njsendems.org/senate-creates-special-committee-to-investigate-lane-closings/>).

¹⁹³ The Senate Select Committee’s mandate was to “investigate the organizational structure and management of the Port Authority; all aspects of the finances, operations, and management of the Port Authority; and any other matter raising concerns about abuse of government power or an attempt to conceal an abuse of government power including but not limited to, the reassignment of access lanes in Fort Lee, New Jersey to the George Washington Bridge.” Ex. 120 (SR-1) ¶ 2.

¹⁹⁴ Ex. 128 (New Jersey Senate Democrats, *Senate Creates Special Committee to Investigate Lane Closings* (Jan. 16, 2014) available at <http://www.njsendems.org/senate-creates-special-committee-to-investigate-lane-closings/>).

¹⁹⁵ Ex. 122 (SCR-49); Ex. 129 (N.J. Legislature, Bills 2014-2015: SCR49 (showing passage of the resolution on Jan. 27, 2014)); Ex. 121 (N.J. Legislature, Bills 2014-2015: ACR10 (showing passage of the resolution on Jan. 27, 2014) available at <http://www.njleg.state.nj.us/bills/BillView.asp?BillNumber=SCR49>).

¹⁹⁶ Ex. 128 (New Jersey Assembly Democrats, *NJ Assembly Approves Creation of Special Joint Committee on Investigations to Continue Inquiry Surrounding GWB Lane Closures* (Jan. 27, 2014) available at <http://www.njsendems.org/senate-creates-special-committee-to-investigate-lane-closings/>).

¹⁹⁷ The SCI’s mandate is to “investigate all aspects of the finances, operations, and management of the Port Authority of New York and New Jersey and any other matter raising concerns about abuse of government power or an attempt to conceal an abuse of government power including, but not limited to, the reassignment of access lanes in Fort Lee, New Jersey to the George Washington Bridge.” Ex. 122 (SCR-49) ¶ 2.

¹⁹⁸ The Assembly and Senate Concurrent Resolutions authorized two co-chairs of the New Jersey Legislative Select Committee on Investigation: one to be appointed by the Senate President and one to be appointed by the Speaker from among the appointed members. Ex. 121 (ACR-10) ¶ 1; Ex. 122 (SCR-49) ¶ 1. The SCI members are Senator Loretta Weinberg (co-chair, D-Bergen), Assemblyman John S. Wisniewski (co-chair, D-Middlesex), Assemblywoman Marlene Caride (D-Bergen/Passaic), Assemblyman Michael Patrick Carroll (R-Morris/Somerset), Senator Nia H. Gill (D-Essex/Passaic), Senator Linda R. Greenstein (D-Middlesex/Mercer), Assemblyman Louis D. Greenwald (D-Camden/Burlington), Assemblywoman Amy H. Handlin (R-Monmouth), Senator Kevin J. O’Toole (R-Bergen/Essex/Morris/Passaic), Assemblywoman Holly Schepisi (R-Bergen/Passaic), and Assemblywoman Valerie Vainieri Huttle (D-Bergen). Ex. 128 (New Jersey Assembly Democrats, *NJ Assembly Approves Creation of Special Joint Committee on Investigations to Continue Inquiry Surrounding GWB Lane Closures* (Jan. 27, 2014) available at <http://www.njsendems.org/senate-creates-special-committee-to-investigate-lane-closings/>). Assemblywoman Bonnie Watson Coleman (D-Mercer/Hunterdon) was a member of the SCI, but she has since stepped down from the committee. Ex. 130 (Darryl Isherwood, *Watson Coleman steps down from bridgegate investigation committee after calling for Gov. Chris Christie to resign*, The Star-Ledger (Feb. 28, 2014) available at http://www.nj.com/politics/index.ssf/2014/02/watson_coleman_steps_down_from_bridgegate_investigation_committee_after_calling_for_gov_chris_christi.html). She was replaced by Assemblyman Paul Moriarty (D-4) on March 20, 2014. Ex. 131 (Max Pizarro, *Source: Moriarty to replace Watson Coleman on Bridgegate Investigative Committee*, PolitickerNJ (Mar. 20, 2014) available at <http://www.politickernj.com/72157/source-moriarty-replace-watson-coleman-bridgegate-investigative-committee>).

¹⁹⁹ Ex. 132 (New Jersey Assembly Democrats, *Wisniewski & Weinberg Statement on First Meeting of NJ Legislative Select Committee on Investigation* (Jan. 27, 2014) available at <http://www.assemblydems.com/Article.asp?ArticleID=7773>).

²⁰⁰ On January 22, 2014, in response to Mayor Zimmer’s public allegations regarding Sandy relief aid, Assemblyman Wisniewski explained that the SCI would “follow the trail wherever it leads,” but would not “switch gears now and start following another investigation.” Ex. 133 (Mark Mueller, *N.J. committee probing Christie bridge scandal won’t immediately look into Hoboken Sandy aid*, The Star-Ledger (Jan. 22, 2014) available at http://www.nj.com/politics/index.ssf/2014/01/committee_probing_bridge_scandal_wont_immediately_look_into_hoboken_sandy_aid.html).

²⁰¹ Ex. 134 (Jason Grant, *U.S. Attorney reviewing Chris Christie bridge scandal for potential violation*, The Star-Ledger (Jan. 9, 2014) available at http://www.nj.com/essex/index.ssf/2014/01/us_attorney_open_to_federal_criminal_probe_of_lane_closure_scandal.html).

²⁰² *Id.*

²⁰³ See, e.g., Ex. 135 (David Matthau, *Christie: Subpoenaed by Feds and Cooperating*, N.J. 101.5 (Feb. 3, 2014) available at <http://nj1015.com/christie-cooperating-with-feds-probing-bridgegate-audio/>).

²⁰⁴ Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) available at <http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage>).

²⁰⁵ Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) available at <http://transcripts.cnn.com/TRANSCRIPTS/140119/sotu.01.html>).

²⁰⁶ Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?: Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/140120/acd.01.html>).

²⁰⁷ See, e.g. Ex. 136 (Terrence T. McDonald, *Center of the storm: five acres of undeveloped hoboken land at heart of Zimmer allegations against Christie Administration*, The Star-Ledger (Jan. 21, 2014) available at http://www.nj.com/jjournal-news/index.ssf/2014/01/five_acres_of_undeveloped_hobo.html); Ex. 15 (Angella Delli Santi, *NJ Mayor: Sandy aid ultimatum came from Christie*, Associated Press (Jan. 19, 2014) available at <http://news.yahoo.com/fired-aide-christie-39-team-start-222158730.html>).

²⁰⁸ Ex. 137 (Gillian Mahoney, *NJ Legislator Will Investigate Allegations Christie's Office Withheld Sandy Aid*, ABC News (Jan. 19, 2014) available at <http://abcnews.go.com/Politics/nj-legislator-investigate-allegations-christies-office-withheld-sandy/story?id=21592004>).

²⁰⁹ Ex. 138 (2014.01.22 Letter from Mayor Zimmer to Hoboken City Council).

²¹⁰ Ex. 139 (Melissa Hayes, *Christie scandal: Hoboken documents subpoenaed by U.S. attorney*, NorthJersey.com (Jan. 31, 2014) available at <http://www.northjersey.com/news/christie-scandal-hoboken-documents-subpoenaed-by-u-s-attorney-1.654264>).

²¹¹ Ex. 140 (Press Release, Office of the Governor, *Christie Administration Takes Steps to Conduct Internal Review And Further Cooperate With U.S. Attorney Inquiry* (Jan. 16, 2014) available at <http://www.state.nj.us/governor/news/news/552014/approved/20140116a.html>).

²¹² Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) available at <http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage>).

²¹³ Counsel for Hoboken and Fort Lee officials whom we requested to interview responded that they considered it “inappropriate” for their clients to be interviewed. Ex. 141 (2014.02.06 Letter from Krovatin to Mastro). To be clear, there is nothing inappropriate about conducting an internal investigation on behalf of an entity (such as a public office or a corporation) and seeking to interview those who have made public allegations about the conduct of individuals working for that entity. Indeed, it is standard operating procedure in investigations to try to interview those making the allegations being investigated. That our review is an “internal investigation” in that we are to report to the Governor’s Office in the first instance makes it no less appropriate in a search for the truth to try to interview the accuser, even if that person is outside the Governor’s Office. But, fortunately, in this instance, the local officials involved—and particularly, Mayor Zimmer—gave extensive media interviews laying out their allegations, so we were able to understand and assess them, even without their cooperation.

²¹⁴ Gibson Dunn has one of the nation’s leading corporate governance practices, which is regularly highlighted in the *International Who’s Who of Corporate Governance Lawyers* and the *Guide to the World’s Leading Corporate Governance Lawyers*. This report has also benefited from Gibson Dunn’s corporate governance expertise.

²¹⁵ See Ex. 142 (The Star-Ledger Editorial Board, *An Impressive Resume*, The Star-Ledger (Nov. 17, 2008) available at http://blog.nj.com/njv_editorial_page/2008/11/an_impressive_resume.html); Ex. 143 (David Kocieniewski, *Guilty Plea Expected from Former Senate Leader in Trenton*, The New York Times (Sept. 15, 2006) available at http://www.nytimes.com/2006/09/15/nyregion/15lynch.html?_r=0).

- 216 Ex. 142 (The Star-Ledger Editorial Board, *An Impressive Resume*, The Star-Ledger (Nov. 17, 2008) available at http://blog.nj.com/njv_editorial_page/2008/11/an_impressive_resume.html).
- 217 Ex. 144 (David M. Halbfinger, *New Jersey G.O.P. Candidate Picks Woman as His No. 2*, The New York Times (July 20, 2009) available at <http://www.nytimes.com/2009/07/21/nyregion/21ltgov.html>).
- 218 Ex. 145 (Office of the Governor, *Administration, Lt. Governor and Secretary of State Kim Guadagno*).
- 219 See Ex. 146 (*Final Report of The Transition Subcommittee on The Governor's Office*, Prepared for Governor-elect Chris Christie (Jan.5, 2010) available at <http://www.state.nj.us/governor/news/reports/Governors%20Office.pdf>) at 6.
- 220 *Id.* at 2.
- 221 *Id.* at 12.
- 222 *Id.* at 6.
- 223 *Id.*
- 224 N.J.S.A. § 52:15-8.
- 225 Ex. 146 (*Final Report of The Transition Subcommittee on The Governor's Office*, Prepared for Governor-elect Chris Christie (Jan.5, 2010) available at <http://www.state.nj.us/governor/news/reports/Governors%20Office.pdf>) at 3, 8.
- 226 *Id.* at 8.
- 227 Ex. 147 (Michael Symons, *Key players in the bridge controversy*, Asbury Park Press (Jan. 9, 2014) available at <http://www.app.com/article/20140108/NJNEWS1002/301080154/Chris-Christie-George-Washington-Bridge>).
- 228 Ex. 148 (Star-Ledger Staff, *Chris Christie aide tied to 'Bridgegate' is a longtime government worker*, The Star-Ledger (Jan. 8, 2014) available at http://www.nj.com/politics/index.ssf/2014/01/chris_christie_aid_tied_to_bridgegate_is_a_longtime_government_worker.html).
- 229 *Id.*; Ex. 149 (John Reitmeyer, *Ex-Ramsey GOP chief Bridget Kelly tangled in furor over GWB lane closures*, NorthJersey.com (Jan. 9, 2014) available at <http://www.northjersey.com/news/ex-ramsey-gop-chief-bridget-kelly-tangled-in-furor-over-gwb-lane-closures-1.652005>).
- 230 Ex. 150 (Press Release, Office of the Governor, *Governor Chris Christie Names Former Executive Assistant Attorney General Marc Ferzan to Manage Hurricane Sandy Storm Recovery* (Nov. 28, 2012)).
- 231 Counsel for these individuals have denied our requests for interviews and documents by telephone and/or written correspondence. Additionally, apart from our investigation, Kelly and Stepien have asserted their Fifth Amendment rights in declining to produce documents responsive to the SCI subpoenas. Wildstein has asserted his Fifth Amendment rights in declining to answer questions before the Assembly Transportation Committee.
- 232 Ex. 151 (Port Authority of New York & New Jersey, *George Washington Bridge, History*).
- 233 N.J. Stat. § 32:1-1, 1-3; N.Y. Unconsol. Law §§ 6401, 6403.
- 234 Ex. 152 (Port Authority of New York & New Jersey, *Overview of Facilities and Services, About the Port Authority*).
- 235 See *United States Trust Co. of N.Y. v. New Jersey*, 431 U.S. 1, 4 (1977). According to the Port Authority's 2013 Operating Budget Schedules, the projected 2013 gross operating revenue from tolls and fares was \$1,499,000,000. Ex. 13 (Port Authority of New York & New Jersey, *2013 Operating Budget Schedules*) at 5. In addition, the Port Authority's bridge and tunnel facilities are tax-exempt.
- 236 See *United States Trust Co. of N.Y.*, 431 U.S. at 39 n.5 (discussing statutory power of Port Authority).
- 237 N.J. Stat. § 32:1-5; N.Y. Unconsol. Laws § 6405; N.J. Stat. § 32:2-9; N.Y. Unconsol. Laws § 7151.

238 Ex. 153 (Richard Roper and Linda Bentz, *Politics running roughshod over the Port Authority of NY/NJ*, The Star-Ledger (Mar. 15, 2012) available at http://blog.nj.com/njv_guest_blog/2012/03/politics_running_roughshod_ove.html).

239 N.J. Stat. § 32:1-5; N.Y. Unconsol. Laws § 6405; N.J. Stat. § 32:2-9; N.Y. Unconsol. Laws § 7151.

240 See, e.g., Ex. 154 (Jameson Doig, *Restore Integrity at the Port Authority*, The New York Times (Feb. 20, 2012) available at <http://www.nytimes.com/2012/02/21/opinion/restore-integrity-at-the-port-authority.html?pagewanted=all&r=0>); Ex. 155 (Editorial, *Dredging for Dollars*, The Star-Ledger (Apr. 28, 2008) available at http://blog.nj.com/njv_editorial_page/2008/04/dredging_for_dollars.html); Ex. 156 (Joe Malinconico, *P.A. dredges up millions for cargo firm: Agency Oks channel-clearing funds for back rent and other uses*, The Star-Ledger (Apr. 25, 2008) available at <http://www.newarktalk.com/talk2/viewtopic.php?f=37&t=964>).

241 Ex. 151 (Port Authority of New York & New Jersey, *George Washington Bridge, History*).

242 Ex. 157 (Port Authority of New York & New Jersey, *Bridges & Tunnels*).

243 Ex. 151 (Port Authority of New York & New Jersey, *George Washington Bridge, History*).

244 *Id.*

245 Ex. 157 (Port Authority of New York & New Jersey, *Bridges & Tunnels*).

246 Ex. 158 (New York City Department of Transportation, *2011 New York City Bridge Traffic Volumes* (2013) (showing total vehicle traffic of 37,451 between 6 a.m. and 10 a.m.) available at <http://www.nyc.gov/html/dot/downloads/pdf/bridge-traffic-report-11.pdf>) at 214; Ex. 159 (Steve James, *The George Washington Bridge can be a motorist's nightmare*, NBC News (Jan. 9, 2014) available at <http://www.cnn.com/id/101324175>).

247 See Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 6.

248 See *id.* at 5.

249 See Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 86. The local approach to the eastbound toll booths appears to have been added in 1953 (prior to the addition of the lower level of the Bridge in 1962) “in order to help speed rush-hour and week-end traffic over the big span to Manhattan.” Ex. 160 (*2d Access Road Opened at Fort Lee to Speed City-Bound Bridge Traffic*, The New York Times (Apr. 15, 1953) available at <http://select.nytimes.com/gst/abstract.html?res=F60E13F73E55107B93C7A8178FD85F478585F9>).

250 Ex. 25 (2013.08.29 12:43 PM Email attachment to 12:54 PM Email from Rivera to Zipf, et al.).

251 See, e.g., Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 8.

252 See, e.g., *id.* at 18; Ex. 161 (2010.11.09 Letter from Mayor Sokolich to Baroni).

253 See *id.* at 73; Ex. 162 (Robert Hanley, *Fort Lee Mayor Girds for a Showdown Over Bridge Traffic*, The New York Times (July 7, 1997) (noting that roadblocks were erected twice since 1994) available at <http://www.nytimes.com/1997/07/07/nyregion/fort-lee-mayor-girds-for-a-showdown-over-bridge-traffic.html>).

254 *Id.*

255 Ex. 163 (Press Release, The Port Authority of New York & New Jersey, *Port Authority and Fort Lee Commit \$30 Million to Alleviate Congestion Around George Washington Bridge* (Sept. 15, 2003)).

256 Ex. 161 (2010.11.09 Letter from Mayor Sokolich to Baroni).

257 *Id.* (emphasis in original).

258 *Id.*

259 *Id.*

260 See Ex. 164 (Joe Coscarelli, *Chris Christie Riding Hurricane Approval Into Reelection Bid*, New York Magazine (Nov. 26, 2012) available at <http://nymag.com/daily/intelligencer/2012/11/chris-christie-announces-reelection-bid.html>).

²⁶¹ See Ex. 165 (Kate Zernike & David Chen, *For Christie, Politics Team Kept a Focus on Two Races*, The New York Times (Jan 29, 2014) available at <http://www.nytimes.com/2014/01/29/nyregion/for-christie-politics-team-kept-a-focus-on-two-bids.html>).

In December 2013, Stepien was tapped as an advisor to the Republican Governors Association in Washington, D.C., and on January 7, 2014, he was asked by Governor Christie to be New Jersey's Republican Party Chairman. Both of these roles were later rescinded, as discussed *infra*. See Ex. 166 (Jenna Portnoy, *Chris Christie campaign manager tapped to lead N.J. Republican party*, The Star-Ledger (Jan. 7, 2014) available at http://www.nj.com/politics/index.ssf/2014/01/chris_christie_campaign_manager_tapped.html).

²⁶² See Ex. 16 (Darryl R. Isherwood, *Stepien to take over as Christie campaign manager*, PolitickerNJ (Apr. 29, 2013) available at <http://www.politickernj.com/65003/stepien-take-over-christie-campaign-manager>).

²⁶³ See Ex. 15 (Angela Delli Santi, *Bridget Anne Kelly, fired Christie aide, was on team from the start*, Associated Press (Jan. 10, 2014)) (noting Kelly was promoted quickly in April 2013) available at <http://news.yahoo.com/fired-aide-christie-39-team-start-222158730.html>); Ex. 148 (Star-Ledger Staff, *Chris Christie aide tied to 'Bridgegate' is a longtime government worker*, The Star-Ledger (Jan. 8, 2014) available at http://www.nj.com/politics/index.ssf/2014/01/chris_christie_aid_tied_to_bridgegate_is_a_longtime_government_worker.html).

²⁶⁴ Ex. 11 (2013.01.24 9:04 AM Email from Sheridan to Mowers, et al. (“Again, your participation is voluntary and should be done at appropriate times (morning, evenings & weekends.”)).

²⁶⁵ *Id.*

²⁶⁶ Ex. 167 (David Voreacos, *Christie Relationship with Fort Lee Mayor Began Over Meal*, Bloomberg (Feb. 8, 2014) available at <http://www.bloomberg.com/news/2014-02-07/christie-relationship-with-fort-lee-mayor-began-over-tenderloin.html>); Ex. 168 (Mike Kelly, *GWB scandal: Fort Lee mayor now says Christie campaign courted him for endorsement*, The Bergen Record (Feb. 7, 2014) available at <http://www.northjersey.com/news/nj-state-news/gwb-scandal-fort-lee-mayor-now-says-christie-campaign-court-ed-him-for-endorsement-1.667541>).

²⁶⁷ Ex. 169 (2013.02.07 4:42 PM Email from Mowers to Sheridan).

²⁶⁸ Ex. 167 (David Voreacos, *Christie Relationship with Fort Lee Mayor Began Over Meal*, Bloomberg (Feb. 8, 2014) available at <http://www.bloomberg.com/news/2014-02-07/christie-relationship-with-fort-lee-mayor-began-over-tenderloin.html>).

²⁶⁹ Ex. 169 (2013.02.07 4:42 PM Email from Mowers to Sheridan).

²⁷⁰ Ex. 12 (2013.03.26 10:48 PM Text Message from Mowers to Sheridan). In the same February 7, 2014 press interview in which he said that he was never directly asked for an endorsement, Mayor Sokolich also suggested that he never said he would not endorse Governor Christie: “I never gave it a definite no. I didn’t want to tempt fate. I needed things out of the governor.” Ex. 168 (Mike Kelly, *GWB scandal: Fort Lee mayor now says Christie campaign courted him for endorsement*, The Bergen Record (Feb. 7, 2014) available at <http://www.northjersey.com/news/nj-state-news/gwb-scandal-fort-lee-mayor-now-says-christie-campaign-court-ed-him-for-endorsement-1.667541>). But contemporaneous documents, including Mowers’ March 26, 2013 email to Peter Sheridan, confirm that Mayor Sokolich conveyed a clear impression he was not going to endorse the Governor, and that was the understanding of both the campaign and IGA from that point forward.

²⁷¹ In a January 16, 2014 article, *The Washington Times* reported the results of its outreach to “Democratic municipal officials across the state, several of whom were courted by the Christie campaign. None of these officials described suffering any retribution for declining to endorse the governor, but interviews suggest a concentrated effort by Mr. Christie’s political operation to get Democrats to defect during his re-election bid.” Ex. 170 (Jim McElhatton, *Charm Offensive: Christie actively wooed Democrats in 2013 race*, The Washington Times (Jan. 16, 2014) available at <http://www.washingtontimes.com/news/2014/jan/16/new-jerseys-democratic-mayors-recall-christies-out/?page=all>). Many Democratic Mayors whose endorsements were sought ultimately declined to publicly endorse Governor Christie, but they appear not to have suffered any political retaliation based on endorsement decisions. See, e.g., Ex. 171 (Kate Zernike and Matt Flegenheimer, *Even Before Fort Lee Lane Closings, Port Authority Was a Christie Tool*, The New York Times (Mar. 11, 2014) (noting that Paramus Mayor Richard LaBarbiera described how “when he informed the campaign that he would not endorse the governor, his

relationship with the administration did not change”) *available at* <http://www.nytimes.com/2014/03/11/nyregion/even-before-fort-lee-lane-closings-port-authority-was-a-christie-tool.html>). Of course, there were various Mayors out of favor from time to time, but we found no evidence that was tied to endorsement status.

²⁷² See Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 22.

On December 4, 2013, Paul Nunziato, the President of the Port Authority police union, publicly stated that, prior to the lane realignment, he mentioned his concerns about traffic to Wildstein “over breakfast,” during one of the “hundreds” of conversations they had about operational issues such as public safety, traffic, and police staffing. Ex. 172 (Shawn Boburg, *Port Authority official from N.Y. to testify in controversy over lane closures at George Washington Bridge*, The Bergen Record (Dec. 4, 2013) *available at* <http://www.northjersey.com/news/port-authority-police-union-wades-into-gwb-lane-closure-tiff-1.659327>). Nunziato appears to have now qualified or clarified that public statement. According to a March 4, 2014 *New York Times* article, Nunziato’s lawyer stated that “his client had talked to Mr. Wildstein in the middle of 2012 about an unrelated traffic problem near the Fort Lee access lanes at that time. That problem arose after tolls were raised, when car-pooling motorists were stopping to pick up passengers to go through a discounted high-occupancy-vehicle lane, he said, citing published reports about the practice at that time.” Ex. 173 (William K. Rashbaum, *Head of Port Authority Police Union Questioned in Bridge Inquiry*, The New York Times (Mar. 4, 2014) *available at* <http://www.nytimes.com/2014/03/05/nyregion/head-of-port-authority-police-union-questioned-in-bridge-inquiry.html>). According to his lawyer, Nunziato specifically informed Baroni, before Baroni’s November 25, 2013 testimony, “that the only suggestion Mr. Nunziato had ever made to Mr. Wildstein about the access lanes concerned those issues in 2012.” *Id.* But, again, according to his lawyer, Nunziato’s later comments taking responsibility for having proposed a traffic study of the lane realignment “grew out of loyalty to his political allies.” *Id.* In any event, it is undisputed that Wildstein had expressed prior interest in studying the Fort Lee access lanes, irrespective of potential encouragement by Nunziato.

²⁷³ Ex. 2 (Assembly Committee Meeting (Testimony of Cedrick Fulton) (Dec. 9, 2013)) at 20-21; *id.* (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 83.

²⁷⁴ Ex. 174 (2013.10.17 Notes by Ma of Meeting with Foye, et al.).

²⁷⁵ See Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 5.

²⁷⁶ *Id.* at 5-6.

²⁷⁷ Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 85.

²⁷⁸ Ex. 174 (2013.10.17 Notes by Ma of Meeting with Foye, et al.).

²⁷⁹ *Id.*

²⁸⁰ Ex. 25 (2013.08.29 12:54 PM Email from Rivera to Wildstein, et al.).

²⁸¹ *Id.*

²⁸² Ex. 175 (2013.08.12 Email Exchange between Kelly and Wildstein).

²⁸³ *Id.* (2013.08.12 5:25 PM Email from Kelly to Wildstein).

²⁸⁴ Ex. 20 (2013.08.13 7:34 AM Email from Kelly to Wildstein).

²⁸⁵ *Id.* (2013.08.13 7:35 AM Email from Wildstein to Kelly).

²⁸⁶ See Ex. 176 (*Documents: GWB emails between Port Authority and Christie Administration*, The Bergen Record (Jan. 8, 2014) *available at* <http://www.northjersey.com/news/documents-gwb-emails-between-port-authority-and-christie-administration-1.741480>, *embedded version available at* <http://www.scribd.com/doc/197315597/Emails-George-Washington-Bridge-lane-closures>).

²⁸⁷ Ex. 21 (2013.08.19 Text Messages between Wildstein and Kelly).

²⁸⁸ *Id.* (2013.08.19 7:23 PM Text Messages from Kelly to Wildstein).

²⁸⁹ *Id.* (2013.08.19 7:25 PM Text Message from Wildstein to Kelly).

290 Ex. 177 (Christopher Baxter, *Bridge scandal: Newly uncensored texts show Wildstein, Kelly mocked rabbi*,
The Star-Ledger (Feb. 28, 2014) available at
http://www.nj.com/politics/index.ssf/2014/02/bridge_scandal_david_wildstein_uncensored_documents.html).

291 Ex. 21 (2013.08.19 Text Messages from Kelly to Wildstein).

292 *Id.* (2013.08.19 7:26 PM Text Message from Wildstein to Kelly).

293 *Id.* (2013.08.19 7:33 PM Text Message from Kelly to Wildstein).

294 *Id.* (2013.08.19 7:35 PM Text Message from Wildstein to Kelly).

295 *Id.* (2013.08.19 7:35 PM Text Message from Kelly to Wildstein).

296 Ex. 24 (2013.08.16 10:54 PM Email from Kelly to Renna).

297 *Id.* (2013.08.16 7:17 PM Email from Kelly to Renna); *id.* (2013.08.16 (2013.08.16 6:32 PM Email from
Kelly to Renna); *id.* (2013.08.17 7:43 AM Email from Kelly to Renna).

298 Ex. 178 (2013.08.21 Email Exchange between Ridley and Kelly).

299 Ex. 179 (2013.08.22 12:58 PM Email from Maclay to Renna).

300 *Id.* (2013.08.22 1:31 PM Email from Renna to Kelly).

301 *Id.* (2013.08.22 1:52 PM Email from Kelly to Renna).

302 *Id.* (2013.08.22 1:57 PM Email from Renna to Kelly).

303 *Id.* (2013.08.22 2:01 PM Email from Kelly to Renna).

304 *Id.* (2013.08.22 2:01 PM Email from Renna to Kelly).

305 *Id.* (2013.08.22 2:01 PM Email from Kelly to Renna); Ex. 180 (2013.08.22 2:07 PM Email from Kelly to
Renna).

306 Ex. 26 (2013.08.28 5:08 PM Email from Wildstein to Kelly).

307 *Id.* (2013.08.28 7:46 PM Email from Wildstein to Kelly).

308 Ex. 27 (2014.01.15 Letter from Port Authority of New York and New Jersey to Senator John D.
Rockefeller IV) at 7; *see* Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at
86; *id.* (Assembly Committee Meeting (Testimony of Cedrick Fulton) (Dec. 9, 2013)) at 16 (testifying that David
Wildstein called him on September 6 to inform Fulton that he had directed Robert Durando to start the traffic study
on September 9)). Baroni testified that Wildstein made the request for the traffic study to be conducted the
following week on Thursday, September 5, and that “[o]n September 6, the [Port Authority] Director of [TBT] and
the General Manager of the Bridge were informed of the study and instructed to coordinate their respective traffic
staffs’ efforts to analyze the resultant traffic flow. . . . George Washington Bridge staff also notified the Port
Authority Police Department, whose officers moved the traffic cones on the morning of September 9.” Ex. 19
(Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013) at 6.

309 *See* Ex. 27 (2014.01.15 Letter from Port Authority of NY and NJ to Senator John D. Rockefeller IV) at 7;
see Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 91–92 ; *id.* (Assembly
Committee Meeting (Testimony of Cedrick Fulton) (Dec. 9, 2013)) at 16.

310 *See* Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 92–93; *see*
also Ex. 181 (2013.09.06 8:31 AM Email from Fulton to Zipf, et al. (noting communication from Durando to
Fulton)); Ex. 29 (2013.09.06 3:44 PM Email from Chung to Muriello, et al. (noting communication from Durando to
Jose Rivera to Raheel Shabih to Victor Chung)).

311 Ex. 182 (2013.09.06 3:59 PM Email from Licorish to Hardy, et al.).

312 *See* Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 93–94.

313 *See id.* (Assembly Committee Meeting (Testimony of Cedrick Fulton) (Dec. 9, 2013)) at 16.

314 *Id.* According to Ma’s October 18, 2013 notes of his meeting with Fulton, Wildstein told Fulton: “[T]his is a New Jersey issue, New York has nothing to say about this, and [] Pat Foye only has 50% authority in the Agency. Wildstein says not to worry about Media, and that he will take care of it. Wildstein says ‘we’ll take care of Pat Foye.’” Ex. 174 (2013.10.17 Notes by Ma of Meeting with Foye, et al.).

315 Ex. 181 (2013.09.06 8:51 PM Email from Muriello to Jacobs, et al.).

316 *Id.*

317 *Id.*

318 *Id.* (2013.09.06 Email Exchange between Quelch and Muriello, et al.).

319 *Id.* (2013.09.06 10:00 AM Email from Muriello to Quelch, et al.).

320 Ex. 29 (2013.09.06 4:37 PM Email from Quelch to Jacobs, et al.).

321 Ex. 183 (2013.09.08 12:23 PM Email from Michaels to Licorish). Michaels is from Livingston, New Jersey, where Governor Christie and David Wildstein are from. *See* Ex. 189 (Steve Strunsky, *Chris Christie’s office says governor never talked to PAPD lieutenant about GWB lane closures*, The Star-Ledger (Feb. 17, 2014) available at http://www.nj.com/politics/index.ssf/2014/02/christie_downplays_ties_to_papd_lieutenant_probed_in_bridgegate.html). Michaels also previously coached the Governor’s son in little league hockey. *Id.* The Governor has publicly stated that he did not speak to Michaels about the lane realignment. *Id.*

322 *Id.* (2013.09.08 12:26 PM Email from Licorish to Michaels).

323 Ex. 30 (2013.09.07 9:43 AM Email from Wildstein to Kelly).

324 *Id.* (2013.09.07 10:00 AM Email from Kelly to Wildstein).

325 *Id.* (2013.09.07 10:09 AM Email from Wildstein to Kelly). An earlier exchange within this email chain referenced a “traffic study” for the Township of Springfield. *Id.* (2013.09.06 2:50 PM Email from Wildstein to Kelly). Media reports have described this study as a “grant from the Port Authority, which gave the township \$60,000 to conduct a traffic study relating to the redevelopment of the downtown area along Morris Avenue.” Ex. 184 (Tom Wright-Piersanti, *Chris Christie bridge scandal: Why is Springfield mentioned in controversial emails?*, The Star-Ledger (Jan. 10, 2014) available at http://www.nj.com/union/index.ssf/2014/01/christie_bridge_scandal_why_was_springfield_mentioned_in_emails.html). Former Springfield Mayor David Amlen stated that he did not learn of the Port Authority grant until November 2013. *Id.* It is unclear what connection, if any, this exchange had to the Bridge lane realignment, or whether it referenced an unrelated traffic issue.

326 Ex. 185 (2013.09.08 10:09 AM Email from Wildstein to Durando).

327 *Id.* (2013.09.08 10:21 AM Email from Durando to Wildstein).

328 *Id.*

329 *Id.* (2013.09.08 10:48 AM Email from Wildstein to Baroni).

330 Ex. 186 (2013.09.08 10:53 AM Email from Durando to Fulton).

331 *See* Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam’s Cause a Mystery: New Jersey Officials Say They Weren’t Told That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) available at <http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774>).

332 Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 91–92.

333 *See id.*

334 Ex. 187 (2013.09.09 7:31 AM Email from Wildstein to Durando).

335 Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 102.

336 Ex. 188 (Erin O'Neill, *Bridge scandal: Cop who toured lane closures with Wildstein knew Chris Christie, report says*, The Star-Ledger (Feb. 16, 2014) available at http://www.nj.com/politics/index.ssf/2014/02/bridge_scandal_port.html)

337 Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 102.

338 Ex. 190 (2013.09.09 7:09 AM Text Message from Michaels to Wildstein).

339 *Id.* (2013.09.09 7:09 AM Text Message from Wildstein to Michaels).

340 *Id.* (2013.09.09 8:46 AM Text Message from Michaels to Wildstein).

341 Ex. 191 (2013.09.09 9:33 AM Text Message from Michaels to Bendul).

342 Ex. 3 (2013.09.09 9:10 AM Email from Durando to Wildstein, et al.).

343 *Id.*

344 Ex. 174 (2013.10.17 Notes by Ma of Meeting with Durando, et al.).

345 Ex. 32 (2013.09.09 9:29 AM Email from Bell to Baroni).

346 *Id.* (2013.09.09 9:41 AM Email from Baroni to Wildstein).

347 *Id.* (2013.09.09 9:48 AM Email from Wildstein to Baroni).

348 Ex. 192 (2013.09.09 9:48 AM Email from Wildstein to Kelly).

349 *Id.* (2013.09.09 10:06 AM Email from Kelly to Wildstein).

350 *Id.* (2013.09.09 Email Exchange between Wildstein and Kelly).

351 *See* Ex. 193 (2013.09.10 11:30 AM Email from Lado to Baroni).

352 Ex. 4 (2013.09.09 11:24 AM Email from Lado to Baroni, et al.).

353 *Id.*

354 *Id.*

355 *Id.*

356 Ex. 194 (2013.09.09 1:56 PM Text Message From Wildstein to Michaels); Ex. 195 (Richard Rabinowitz, *Coverup of Purposeful Traffic Jam at George Washington Bridge Deals a Blow to Governor Christie*, New Brunswick Today (Jan. 9, 2014) available at <http://newbrunswicktoday.com/article/coverup-purposeful-traffic-jam-george-washington-bridge-deals-blow-governor-christie>).

357 Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 133.

358 *See* Ex. 196 (2013.09.09 12:08 PM Email from Durando to Fulton, et al.); Ex. 197 (2013.09.09 12:35 PM Email from Durando to Rivera).

359 Port Authority engineers confirmed that an accident on the Cross Bronx Expressway caused a back-up across the span of the Bridge, which caused longer delays on the approaches to the toll plaza. That incident started at 7:45 a.m. and was cleared by 9:52 a.m. *See* Ex. 198 (2013.09.10 7:25 AM Email from Durando to Diculescu); Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 7.

360 *See* Ex. 196 (2013.09.09 1:13 PM Email from Durando to Fulton).

361 *Id.*

362 Ex. 33 (2013.09.09 1:50 PM Email from Kelly to Ridley, et al.).

363 *Id.* (2013.09.09 1:58 PM Email from Ridley to Kelly, et al.).

364 Ex. 199 (2013.09.09 1:56 AM Email from Kelly to Mowers).

365 Ex. 6 (2013.10.18 Notes by Ma of Meeting with Fulton, et al.).

366 *Id.*

367 Ex. 200 (2013.09.09 2:05 PM Email from Durando to Fulton, et al.).

368 Ex. 201 (2013.09.09 2:28 PM Email from Durando to Rivera).

369 Ex. 202 (2013.09.09 5:24 PM Email from Durando to Fulton).

370 *Id.* (2013.09.09 Email Exchange between Durando and Fulton).

371 Ex. 203 (2013.09.09 8:46 PM Text Messages from Wildstein to Baroni).

372 *See* Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013) (“Typically that’s when traffic starts to build—in many instances, a little bit before 6:00 a.m.”)) at 102.

373 Ex. 204 (2013.09.11 11:05 AM Email from Durando to Rivera). According to analysis by the Port Authority’s Traffic Engineering group, on Tuesday, September 10, 2013, traffic originating on the I-95 Express Lanes experienced an average reduction of 4 minutes in travel time and traffic originating on the I-95 Local Lanes experienced an average reduction of 2.76 minutes. *Id.* (2013.09.11 5:10 PM Email from Rivera to Zipf, et al.).

374 Ex. 34 (2013.09.10 8:04 AM Text Message from Wildstein to Kelly).

375 By this time, Wildstein had already received and responded to the email message sent to Baroni at 9:29 a.m. on September 9, 2013, in which Baroni was advised that Mayor Sokolich had called regarding an “urgent matter of public safety in Fort Lee.” *See* Ex. 32 (2013.09.09 9:29 AM Email from Bell to Baroni, et al.). It therefore appears that Wildstein’s September 10, 2013 text to Kelly—“Bottom line is he didn’t say safety,” likely referring to Mayor Sokolich—was misleading.

376 Ex. 34 (2013.09.10 Text Messages between Wildstein and Kelly).

377 Ex. 205 (2013.09.10 8:39 AM Text Message from Michaels to Wildstein).

378 Ex. 206 (2013.09.10 11:25 AM Email from Durando to Fulton).

379 Ex. 193 (2013.09.10 11:30 AM Email from Lado to Baroni).

380 *Id.*

381 Ex. 207 (2013.09.11 8:01 AM Email from Durando to Lado, et al.).

382 Ex. 208 (2013.09.12 1:29 PM Email from Patel to Rivera, et al.).

383 *See* Ex. 55 (*Sept. 11th Memorial Service*, The Herald Record (Sept. 11, 2013), available at <http://www.recordonline.com/apps/pbcs.dll/gallery?Site=TH&Date=20130911&Category=NEWS&ArtNo=911009999&Ref=PH&Presentation=desktop>).

384 *See id.* The *Wall Street Journal* reported that “[i]t isn’t known what, if anything, Mr. Christie discussed with David Wildstein that day.” Ex. 209 (Ted Mann, *Christie, Official Who Arranged Bridge Closures Were Together During Fiasco*, The Wall Street Journal (Jan. 14, 2014)).

385 *See* Ex. 55 (*Sept. 11th Memorial Service*, The Herald Record (Sept. 11, 2013), available at <http://www.recordonline.com/apps/pbcs.dll/gallery?Site=TH&Date=20130911&Category=NEWS&ArtNo=911009999&Ref=PH&Presentation=desktop>).

386 *See* Ex. 210 (2013.09.11 New Jersey State Police Aviation Unit Activity Report).

387 Ex. 211 (Bruce Shipkowski & Wayne Parry, *Raging fire strikes at heart of Sandy-hit NJ town*, Associated Press (Sept. 13, 2013) available at <http://news.yahoo.com/raging-fire-strikes-heart-sandy-hit-nj-town-231840677.html>).

388 *See* Ex. 212 (Dustin Racioppi, Kristi Funderburk & Larry Higgs, *Fire Consumes N.J. Boardwalk Rebuilt After Sandy*, USA Today (Sept. 13, 2013) available at <http://www.usatoday.com/story/news/nation/2013/09/12/seaside-nj-boardwalk-fire/2806627/>); Ex. 213 (David Giambusso, *Seaside Boardwalk fire: Christie meets with business owners affected by blaze*, The Star-Ledger (Sept. 14, 2013) available at

http://www.nj.com/news/index.ssf/2013/09/seaside_boardwalk_fire_christie_meets_with_small_business_owners_affected_by_the_blaze.html).

³⁸⁹ See Ex. 214 (Jenna Portnoy, *Once again, Christie thrives amid crisis as Seaside fire reminiscent of Sandy*, The Star-Ledger (Sept. 17, 2013) available at http://www.nj.com/politics/index.ssf/2013/09/christie_sandy_response.html); Ex. 215 (Matthew McGrath, *Christie aide Bridget Kelly was messaging about GWB lane closures on day she accompanied Christie to Seaside fire, documents show*, The Bergen Record (Jan. 10, 2014) available at <http://www.northjersey.com/news/nj-state-news/christie-aide-bridget-kelly-was-messaging-about-gwb-lane-closures-on-day-she-accompanied-christie-to-seaside-fire-documents-show-1.741479>).

³⁹⁰ See Ex. 5 (2013.09.12 Letter from Mayor Sokolich to Baroni (attached to 2013.09 12:52 PM Email from Wildstein to Stepien, et al.).

³⁹¹ *Id.*

³⁹² *Id.*

³⁹³ *Id.*

³⁹⁴ *Id.*

³⁹⁵ Ex. 5 (2013.09.12.1247 PM Email from Baroni to Wildstein).

³⁹⁶ *Id.* (2013.09.12.1252 PM Email from Wildstein to Stepien, et al.).

³⁹⁷ Ex. 216 (2013.09.12 12:53 PM Email from Baroni to Stepien (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni)).

³⁹⁸ Ex. 217 (2013.09.12 1:12 PM Email from Stepien to Baroni).

³⁹⁹ Ex. 38 (2013.09.12 6:03 PM Text message from Baroni to Wildstein).

⁴⁰⁰ *Id.*

⁴⁰¹ Ex. 218 (2013.09.12 3:36 PM Email from Renna to Kelly).

⁴⁰² *Id.*

⁴⁰³ *Id.* (2013.09.12 3:46 PM Email from Kelly to Wildstein).

⁴⁰⁴ *Id.* (2013.09.12 Email Exchange between Kelly and Wildstein).

⁴⁰⁵ Ex. 35 (2013.09.12 11:44 PM Email from Kelly to Renna). Renna stated that, on December 12, 2013, Kelly asked her to delete this email chain from Renna's mailbox. Because Renna felt uncomfortable with Kelly's request, Renna forwarded the email chain to a different personal email account before deleting it from her Gmail account.

⁴⁰⁶ Ex. 28 (2013.09.06 8:51 AM Email from Muriello to Jacobs, et al.).

⁴⁰⁷ Ex. 219 (2013.09.12 5:14 PM Email from Jacobs to Muriello).

⁴⁰⁸ We have identified at least three versions of this PowerPoint presentation, dated September 12, 2013, which were circulated among Port Authority employees. The first two versions are six slides long and contain the same slides, but in a different order. Ex. 220 (2013.09.12 5:14 PM Email from Jacobs to Muriello) (attaching a PowerPoint presentation entitled "Fort Lee Trial Review"); Ex. 221 (2013.09.12 5:14 PM Email from Jacobs to Muriello) (attaching a PowerPoint presentation entitled "Fort Lee Trial Review"). The third version, produced by Foye, is fifteen slides long. Ex. 222 (Port Authority of NY & NJ, *Reallocation of Toll Lanes at the GWB*, Power Point Presentation (Sept. 12, 2013)). The traffic data also appears to be modified across the versions, though the conclusions appear to remain consistent, all finding that, "Even if queues are half those estimated, the additional delay [to local traffic] would still far exceed the savings of mainline traffic . . ." For example, the version produced by Baroni, circulated on September 12, calculates revenue loss differently than the version Foye produced, circulated on December 9. Baroni's version states, "Based on estimated Fort Lee queues of approximately 550 vehicles at 10 AM, many of these vehicles will pay the off-peak toll. At an E-ZPass market share of 46%, this

works out to a revenue loss of \$550 per day or \$137K per year.” Ex. 220 (2013.09.12 5:14 PM Email from Jacobs to Muriello) (attaching a PowerPoint presentation entitled “Fort Lee Trial Review”). Foye’s version states, “Based on estimated Fort Lee queues of approximately 550 vehicles at 10 AM, many of these vehicles will pay the off-peak toll. At an E-ZPass market share of 84% during the 9 o’clock hour, this works out to a revenue loss of around \$1000 per day or \$250K per year.” Ex. 222 (Port Authority of NY & NJ, *Reallocation of Toll Lanes at the GWB*, Power Point Presentation (Sept. 12, 2013)).

⁴⁰⁹ Ex. 223 (2013.09.12 1:17 PM Email from Cichowski to Valens).

⁴¹⁰ *Id.* (2013.09.13 Letter from Representative Pascrell to Baroni). Wildstein forwarded Congressman Pascrell’s letter to Kelly on September 13. *See* Ex. 224 (2013.09.13 5:03 PM Email from Wildstein to Kelly (attaching 2013.09.13 Letter from Representative Pascrell to Baroni)).

⁴¹¹ Ex. 223 (2013.09.12 1:40 PM Email from Valens to Durando, et al.)

⁴¹² Ex. 36 (2013.09.12 3:11 PM Email from Wildstein to Kelly, et al.).

⁴¹³ Ex. 37 (2013.09.12 3:18 PM Email from Wildstein to Kelly, et al.).

⁴¹⁴ Ex. 225 (2013.09.12. 6:27 PM Email from Marsico to Rechler, et al.).

⁴¹⁵ *Id.*

⁴¹⁶ *Id.*

⁴¹⁷ *Compare id.*, with Ex. 37 (2013.09.12 3:18 PM Email from Wildstein to Kelly, et al.).

⁴¹⁸ Ex. 226 (2013.09.12 8:39 PM Email from Rechler to Garten, et al.).

⁴¹⁹ *Id.* (2013.09.12 8:42 PM Email from Foye to Rechler, et al.).

⁴²⁰ Ex. 227 (2013.09.13 6:01 AM Email from Foye to Durando)

⁴²¹ *Id.* (2013.09.13 Email Exchange between Wildstein and Durando).

⁴²² *Id.* (2013.09.13 6:47 AM Email from Durando to Wildstein).

⁴²³ Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 115.

⁴²⁴ Ex. 227 (2013.09.13 6:46 AM Email from Durando to Wildstein); Ex. 174 (2013.10.17 Notes by Ma of Meeting with Durando, et al.).

⁴²⁵ Ex. 227 (2013.09.13 7:01 AM Email from Wildstein to Durando).

⁴²⁶ Ex. 228 (2013.09.13 6:41 AM Email Exchange between Wildstein and Kelly).

⁴²⁷ Ex. 229 (2013.09.13 7:14 AM Email from Foye to Rechler, et al.).

⁴²⁸ Ex. 7 (2013.09.13 7:44 AM Email from Foye to Fulton, et al.).

⁴²⁹ *Id.*

⁴³⁰ *Id.*

⁴³¹ *Id.*

⁴³² *Id.*

⁴³³ *Id.* (2013.09.13 7:45 AM Email from Baroni to Wildstein); Ex. 230 (2013.09.13 10:43 AM Email from Baroni to Egea).

⁴³⁴ *Id.* (2013.09.13 11:07 AM Email from Egea to Crifo).

⁴³⁵ Ex. 231 (2013.09.13 12:20 PM Email from Foye to Glaser).

⁴³⁶ Ex. 206 (2013.09.13 8:04 AM Email from Durando to Foye, et al.).

⁴³⁷ *Id.* (2013.09.13 8:28 AM Email from Foye to Baroni, et al.).

438 Ex. 40 (2013.09.13 Email Exchange between Foye and Baroni).

439 Ex. 232 (Melissa Hayes, *Christie says 95 percent of Seaside fire is contained*, The Bergen Record (Sept. 13, 2013) available at <http://www.northjersey.com/news/2.642/christie-says-95-percent-of-seaside-fire-is-contained-1.716182>).

440 Ex. 41 (2013.09.13 11:44 AM Email from Wildstein to Kelly). In our view, after thorough investigation, we believe Wildstein’s reference to “retaliation” most likely refers to potential actions taken within the Port Authority. In any event, our investigation has not identified any evidence of retaliation arising from Foye’s reversal, by Samson or anyone else within the Port Authority or beyond it.

441 *Id.* (2013.09.13 11:47 AM Email from Kelly to Wildstein).

442 *Id.* (2013.09.13 12:07 PM Email from Wildstein to Kelly).

443 Ex. 233 (2013.09.13 3:10 PM Email from Baroni to Coleman, et al.).

444 Ex. 230 (2013.09.13.10:43 AM Email from Baroni to Egea).

445 Two of these complaints were received on September 11, 2013, and an additional complaint was received on September 13, 2013. *See* Ex. 234 (2013.09.11 11:43 AM Automated Email Inquiry); Ex. 235 (2013.09.11 10:12 AM Automated Email Inquiry); Ex. 236 (2013.09.13 11:21 AM Automated Email Inquiry). Ashmore did not recall whether the call to Wildstein occurred on September 11 or September 13, 2013. Crifo did not recall being on the call with Ashmore and Wildstein.

446 Ex. 237 (2013.09.14 7:01 AM Email from Sarah Dolan).

447 Ex. 238 (2013.09.14 8:18 AM Email from Kelly to Wildstein).

448 *See* Ex. 213 (David Giambusso, *Seaside Boardwalk fire: Christie meets with business owners affected by blaze*, The Star-Ledger (Sept. 14, 2013) available at http://www.nj.com/news/index.ssf/2013/09/seaside_boardwalk_fire_christie_meets_with_small_business_owners_affected_by_the_blaze.html).

449 Ex. 239 (2013.09.16 12:19 PM Email from Coleman to Foye, et al.).

450 *Id.*

451 *Id.* (2013.09.16 12:19 PM Email from Wildstein to Baroni).

452 Ex. 240 (2013.09.17 2:16 PM Email from Haddon to Drewniak, et al.).

453 *Id.* (2013.09.17 4:03 PM Email from Drewniak to Kelly).

454 *Id.* (2013.09.17 4:08 PM Email from Kelly to Drewniak).

455 Ex. 241 (2013.09.17 4:34 PM Email from Drewniak to Haddon, et al.).

456 Ex. 43 (2013.09.17 5:13 PM Text Message from Kelly to Wildstein).

457 *See* Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam’s Cause a Mystery: New Jersey Officials Say They Weren’t Warned That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) available at <http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774>).

458 Ex. 44 (2013.09.18 4:54 AM Email from Wildstein to Stepien).

459 *Id.* (2013.09.18 5:16 AM Email from Stepien to Wildstein).

460 *Id.* (2013.09.18 5:30 AM Email from Wildstein to Stepien).

461 Ex. 45 (2013.09.18 4:54 AM Email from Wildstein to Drewniak).

462 *Id.* (2013.09.18 7:25 AM Email from Drewniak to Wildstein).

463 *Id.* (2013.09.18 9:24 AM Email from Wildstein to Drewniak).

464 Ex. 242 (2013.09.17 8:02 PM Email from Samson to Rechler).

465 *Id.* (2013.09.17 8:40 PM Email from Rechler to Samson).
466 Ex. 243 (2013.09.17 10:17 PM Email from Baroni to Samson).
467 Ex. 242 (2013.09.17 8:59 PM Email from Samson to Rechler).
468 *Id.* (2013.09.17 9:36 PM Email from Rechler to Samson).
469 *Id.* (2013.09.18 5:34 AM Email from Samson to Rechler).
470 *Id.* (2013.09.18 5:37 AM Email from Rechler to Samson).
471 *Id.* (2013.09.18 5:45 AM Email from Samson to Rechler).
472 *Id.* (2013.09.18 5:54 AM Email from Rechler to Samson).
473 *Id.* (2013.09.18 7:38 AM Email from Samson to Baroni).
474 Ex. 42 (2013.09.17 Text Messages between Baroni and Wildstein).
475 Ex. 43 (2013.09.17 1:57 PM Text Messages from Wildstein to Kelly).
476 *Id.* (2013.09.17 2:28 PM Text Message from Wildstein to Kelly); *id.* (2013.09.17.1436 Text Message from
Wildstein to Kelly).
477 *Id.* (2013.09.17 2:42 PM Text message from Kelly to Wildstein).
478 *Id.* (2013.09.17 5:13 PM Text message from Kelly to Wildstein).
479 Ex. 244 (2013.09.23 3:20 PM Email from Rozenberg to Ashmore). The letter indicated a “cc” to “The
Honorable Governor Chris Christie,” “Assemblywoman Valerie Vainieri Huttle,” “Assemblyman Gordon M.
Johnson,” “The Honorable Mark Sokolich,” and “Chairman David Samson.” *Id.*
480 *Id.*
481 Ex. 245 (2013.09.23 5:17 PM Email from Ashmore to Kelly, et al.).
482 *Id.* (2013.09.23 Email Exchange between Kelly and Wildstein).
483 *Id.* (2013.09.23 5:59 PM Email from Wildstein to Kelly).
484 Ex. 246 (2013.10.01 1:12 PM Email from Coleman to Baroni, et al.).
485 *Id.* (2013.10.01 1:19 Email from Wildstein to Drewniak).
486 Ex. 247 (2013.10.01 1:21 PM Email from Mann to Drewniak).
487 *Id.*
488 *Id.* Mann also requested comment from Kevin Roberts, spokesman for the Governor’s re-election
campaign. Ex. 248 (2013.10.01 Email Exchange between Stepien and Roberts). At 2:48 p.m., Roberts forwarded
Mann’s inquiry to Stepien: “Coordinating with Drewniak on this, but heads up. I’ll let you know when I hear back
from him on the conversations on his side of things.” Three minutes later, Stepien responded: “Awesome.” At 4:35
p.m., Roberts wrote Stepien: “We’re staying out and saying only as much as we did for the first piece.” Three
minutes later, Stepien responded, “Ok.” *Id.* (2013.10.01 4:38 PM Email from Stepien to Roberts). At 5:04 p.m.,
Stepien asked Roberts: “Who is writing the follow-up story on Fort Lee?” Ex. 249 (2013.10.01 5:04 Email from
Stepien to Roberts). Two minutes later, Roberts responded: “Ted[] Mann from the WSJ. I believe he shared the
byline with heather o[n] theyr [sic] first story but can check.” *Id.* (2013.10.01 5:06 PM Email from Roberts to
Stepien).
489 *Id.* (2013.10.01 1:40 PM Email from Drewniak to Cornella, et al.).
490 Ex. 250 (2013.10.01 1:42 PM Email from Drewniak to Comella, et al.).
491 Ex. 251 (2013.10.01 1:45 PM Email from Wildstein to Drewniak); *id.* (2013.10.01 2:06 PM Email from
Drewniak to Comella); *id.* (2013.10.01 2:13 PM Email from Comella to Reed).
492 Ex. 252 (2013.10.01 2:49 PM Email from Drewniak to Mann).

493 Ex. 46 (2013.10.01 5:48 PM Text Message from Stepien to Wildstein).
494 *Id.* (2013.10.01 5:48 PM Text Message from Wildstein to Stepien).
495 *See* Ex. 8 (Ted Mann, *Port Chief Fumed Over Bridge Jam: Patrick Foye Fired Off an Email Message After Learning of Lane Closure*, The Wall Street Journal (Oct. 1, 2013) available at <http://online.wsj.com/news/articles/SB10001424052702304373104579109860563887326>).
496 Ex. 47 (2013.10.02 7:11 AM Email from Wildstein to Stepien).
497 *Id.* (2013.10.02 7:15 AM Email from Stepien to Wildstein).
498 *Id.* (2013.10.02 7:28 AM Email from Wildstein to Stepien).
499 *Id.* (2013.10.02 7:36 AM Email from Stepien to Wildstein).
500 Ex. 253 (2013.10.01 Email Exchange between Kelly and Wildstein); Ex. 254 (2013.10.02 Email Exchange between Crifo and Wildstein); Ex. 255 (2013.10.02 4:00 PM Kelly Calendar Meeting Invite re David Wildstein).
501 Ex. 256 (2013.10.02 Text Messages between Wildstein and Kelly).
502 Ex. 257 (2013.10.02 3:45 PM Text Message from Wildstein to Baroni).
503 *Id.* (2013.10.02 3:46 PM Text Message from Baroni to Wildstein).
504 Ex. 238 (2013.10.02 7:25 PM Text from Baroni to Wildstein).
505 *See* Ex. 105 (Christopher Baxter, *UPDATED: Timeline of Port Authority's George Washington Bridge controversy*, The Star-Ledger (Jan. 14, 2014) available at http://www.nj.com/politics/index.ssf/2014/03/timeline_of_the_port_authoritys_george_washington_bridge_lane_closure_controversy.html).
506 Ex. 259 (2013.10.03 10:24 AM Text from Wildstein to Kelly); Ex. 260 (2013.10.03 Email Exchange between Kelly and Wildstein); Ex. 261 (2013.10.06 Email Exchange between Kelly and Wildstein).
507 *See* Ex. 259 (2013.10.03 10:23 AM Text Message from Kelly to Wildstein); Ex. 262 (Abbot Koloff, *Port Authority chief's email demands answers to closing of lanes leading to George Washington Bridge*, The Bergen Record (Oct. 2, 2013) available at <http://www.northjersey.com/news/new-york-tri-state-area/port-authority-chief-s-email-demands-answers-to-closing-of-lanes-leading-to-george-washington-bridge-1.714336>).
508 Ex. 262 (Abbot Koloff, *Port Authority chief's email demands answers to closing of lanes leading to George Washington Bridge*, The Bergen Record (Oct. 2, 2013) available at <http://www.northjersey.com/news/new-york-tri-state-area/port-authority-chief-s-email-demands-answers-to-closing-of-lanes-leading-to-george-washington-bridge-1.714336>).
509 Ex. 263 (Shawn Boburg, *State Senator Weinberg presses Port Authority on GWB lane closures*, The Bergen Record (Oct. 7, 2013) available at <http://www.northjersey.com/news/nj-state-news/state-senator-weinberg-presses-port-authority-on-gwb-lane-closures-1.624534>).
510 *See* Ex. 264 (2013.10.06 9:14 AM Email from Baroni to Egea).
511 *See* Ex. 261 (2013.10.06 5:52 PM Email from Kelly to Wildstein).
512 *Id.* (2013.10.06 6:49 PM Email from Wildstein to Kelly).
513 Ex. 265 (2013.10.07 5:07 PM Email from Strunsky to Drewniak, et al.).
514 *Id.* (2013.10.07 5:41 PM Email from Drewniak to O'Dowd).
515 Ex. 266 (Steve Strunsky, *George Washington Bridge land closures prompt internal review, lawmaker outrage*, The Star-Ledger (Oct. 16, 2013) available at http://www.nj.com/news/index.ssf/2013/10/george_washington_bridge_lane_closures_prompt_internal_review_law_maker_outrage.html).
516 *Id.*

517 Ex. 267 (2013.10.16 2:34 PM Email from Egea to O'Dowd, et al.).
518 Ex. 268 (2013.10.17 7:37 PM Email from Wildstein to Drewniak, et al.)
519 *Id.*
520 *Id.* (2013.10.17 7:45 PM Email from Foye to Coleman, et al.)
521 *Id.* (2013.10.17 7:53 PM Email from Wildstein to Drewniak).
522 Ex. 269 (2013.10.18 1:48 AM GMT Text Message from Drewniak to O'Dowd).
523 Ex. 270 (2013.10.28 1:41 PM Email from Strunsky to Drewniak, et al.).
524 *Id.*
525 *Id.*
526 *Id.* (2013.10.28 4:37 PM Email from Drewniak to Strunsky, et al.).
527 Ex. 271 (2013.11.06 10:49 AM Email from Mann to Drewniak).
528 *Id.* (2013.11.06 1:15 AM Email from Drewniak to Reed, et al.).
529 *Id.* (2013.11.06 11:36 AM Email from Drewniak to Wildstein).
530 Ex. 272 (2013.11.06 1:05 PM Email from Drewniak to Mann).
531 Ex. 273 (Ted Mann, *George Washington Bridge Jam Began With Phone Call: People Familiar With the Matter Pinpoint a Cause for Traffic Tie-up*, The Wall Street Journal (Nov. 7, 2013) available at <http://online.wsj.com/news/articles/SB10001424052702304448204579184030525950894>).
532 N.J. Senate Res. 127, 215th Leg. (N.J. 2013).
533 *Id.* (citing 52 N.J. Stat. 13 (legislative investigations)).
534 Ex. 274 (2013.11.08 9:42 AM Email from Lado to Samson, et al.).
535 Ex. 275 (2013.11.12 7:24 PM Text Message from Baroni to Wildstein).
536 *Id.* (2013.11.13 Text Messages from Baroni to Wildstein).
537 *Id.* (2013.11.13 10:10 AM Text Message from Wildstein to Baroni).
538 *Id.* (2013.11.13 10:37 AM Text Message from Baroni to Wildstein).
539 *Id.* (2013.11.13 12:03 PM Text Message from Wildstein to Baroni).
540 *Id.* (2013.11.13 12:04 PM Text Messages from Baroni to Wildstein).
541 *Id.* (2013.11.13 12:04 PM Text Message from Wildstein to Baroni).
542 *Id.* (2013.11.13 12:05 PM Text Message from Baroni to Wildstein).
543 Ex. 276 (Steve Strunsky, *Fort Lee mayor asserts GWB bridge closures had 'punitive overtones'*, The Star-Ledger (Nov. 13, 2013) available at http://www.nj.com/news/index.ssf/2013/11/letter_mayor_gwb_closures_port.html).
544 Ex. 14 (Mark J. Sokolich, *Fort Lee mayor: Not true*, The Star-Ledger (Nov. 14, 2013) available at http://blog.nj.com/ledgerletters/2013/11/letters_fort_lee_jim_mcgreevey.html).
545 *Id.*
546 Ex. 277 (Shawn Boburg, *Port Authority: At least 2 months to produce documents on controversial GWB lane closures*, The Bergen Record (Dec. 26, 2013) available at <http://www.northjersey.com/news/port-authority-at-least-2-months-to-produce-documents-on-controversial-gwb-lane-closures-1.646830>).
547 Ex. 278 (Senator Loretta Weinberg, *Another Open Letter: This Time to the Port Authority* (Nov. 16, 2013) available at <http://www.bluejersey.com/diary/24215/another-open-letter-this-time-to-the-port-authority>).

548 See Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)).

549 Egea and Crifo have identified their hand-written comments on a copy of the draft Baroni testimony produced to the Assembly Transportation Committee by Baroni’s counsel. Attached as Ex. 279 is a copy of that draft testimony with handwritten edits annotated by Gibson Dunn to note who provided which suggestions, all of which are consistent with Egea and Crifo’s recollections.

550 Egea also provided a copy of Baroni’s draft testimony to Kelly at Kelly’s request.

551 Ex. 280 (2013.11.21 8:14 PM Text Message from Baroni to Wildstein).

552 *Id.* (2013.11.21 8:14 PM Text Message from Wildstein to Baroni).

553 Ex. 281 (2013.11.25 8:00 AM Email from Wildstein to Kelly).

554 *Id.*

555 Ex. 19 (Assembly Committee Meeting (Testimony of William Baroni) (Nov. 25, 2013)).

556 *Id.* at 6.

557 *Id.* at 5–6, 22.

558 *Id.* at 6.

559 *Id.* at 7.

560 *Id.*

561 Ex. 282 (2013.11.25 12:45 PM Email from Drewniak to Wildstein).

562 Ex. 283 (2013.11.25 1:00 PM Email from Wildstein to Drewniak).

563 Ex. 280 (2013.11.25 11:58 AM Text Message from Baroni to Wildstein).

564 *Id.* (2013.11.25 Text Messages between Baroni and Wildstein).

565 Ex. 284 (2013.10.01 9:15 AM Text Message from Stepien to Baroni).

566 *Id.* (2013.10.01 9:51 AM Text Message from Baroni to Stepien).

567 Ex. 285 (Press Release, Assembly Democrats, *Wisniewski Subpoenas Port Authority of NY & NJ Executive Director to Explain George Washington Bridge Lane Closures* (Nov. 27, 2013) available at <http://www.assemblydems.com/Article.asp?ArticleID=7452>).

568 *Id.* Wisniewski also stated in the press release that “the impact on emergency services from the inexplicable lack of notification [regarding the lane realignment] could have resulted in the loss of life.”

569 Ex. 286 (Andrew George, *Christie to nominate O’Dowd to be attorney general; to appoint Egea to be new chief of staff*, NJBiz.com (Dec. 2, 2013) available at <http://www.njbiz.com/article/20131202/NJBIZ01/131209973/Christie-to-nominate-O'Dowd-to-be-attorney-general;-to-appoint-Egea-to-be-new-chief-of-staff>).

570 Ex. 287 (Transcript, *Chief of Staff Changes Press Conference*, Office of the Governor (Dec. 2, 2013)) at 8.

571 *Id.*

572 *Id.*

573 *Id.* at 9. The following day, Wildstein requested excerpts of the transcript from the Governor’s press conference, which Drewniak provided. Ex. 288 (2013.12.03 Email Exchange between Wildstein, Drewniak, et al.).

574 Ex. 289 (*NY-NJ port police union chief wades into GWB tiff*, Associated Press (Dec. 4, 2013) available at <http://online.wsj.com/article/AP6d7d54d5ec174932a2d63eb666ca89cb.html>). In addition, Nunziato commented at that time that he did not believe the lane realignment was an act of “political retribution.” *Id.* However, in March 2014, Nunziato’s lawyer sought to clarify Nunziato’s previous statements, stressing that “Paul Nunziato had nothing to do with nor knowledge of the planning, implementation or execution” of the realignment and that the only time

Nunziato spoke to Wildstein about access lanes was about an unrelated traffic problem near Fort Lee. See Ex. 173 (William K. Rashbaum, *Head of Port Authority Police Union Questioned in Bridge Inquiry*, The New York Times (Mar. 4, 2014) (quoting statement from Nunziato’s lawyer) available at <http://www.nytimes.com/2014/03/05/nyregion/head-of-port-authority-police-union-questioned-in-bridge-inquiry.html>).

⁵⁷⁵ Ex. 289 (*NY-NJ port police union chief wades into GWB tiff*, Associated Press (Dec. 4, 2013) available at <http://online.wsj.com/article/AP6d7d54d5ec174932a2d63eb666ca89cb.html>).

⁵⁷⁶ Ex. 290 (2013.12.03 10:51 PM Email from Wildstein to Drewniak).

⁵⁷⁷ *Id.* (2013.12.04 Email Exchange between Drewniak and Wildstein).

Two minutes after he proposed that he and Wildstein have dinner in New Brunswick that evening, at 8:17 a.m., Drewniak emailed Kelly to ask if she was available “to go over something with you of some importance.” Kelly responded: “Yes. Want me to call you now?” Ex. 291 (2013.12.04 9:18 AM Email from Kelly to Drewniak). That exchange was about a press inquiry unrelated to the lane realignment. Specifically, on December 2, 2013, Ted Sherman, a reporter from *The Star-Ledger* followed up on a previous inquiry relating to the Department of Education’s criteria for distributing a \$4.5 million donation from the United Arab Emirates to New Jersey schools affected by Superstorm Sandy. Ex. 292 (2013.12.02 6:08 PM Email from Yaple to Reed, et al.). Over the next couple of days, Drewniak and his colleagues discussed the issue. *Id.* (2013.12.03 10:41 AM Email from Dolan to Drewniak, et al.). Drewniak and Kelly’s conversation on December 3, 2013, following Drewniak’s 8:17 a.m. email to Kelly, was on this issue.

⁵⁷⁸ Ex. 293 (2013.12.05 8:26 AM Email from Wildstein to Drewniak).

⁵⁷⁹ Ex. 294 (2013.12.05 8:00 PM Text Message from Drewniak and McKenna).

⁵⁸⁰ *Id.* (2013.12.05 9:25 PM Text Message from McKenna to Drewniak).

⁵⁸¹ Ex. 296 (2013.12.06 2:29 PM Email from Drewniak to Wildstein).

⁵⁸² *Id.*

⁵⁸³ Ex. 297 (2013.12.06 3:51 PM Email from Governor Christie to Drewniak).

⁵⁸⁴ Ex. 298 (2013.12.06 5:19 PM Email from Drewniak to Wildstein).

⁵⁸⁵ Ex. 48 (Alex Napoliello, *David Wildstein resigns amid GW Bridge lane closure controversy*, The Star-Ledger (Dec. 6, 2013) available at http://www.nj.com/politics/index.ssf/2013/12/port_authority_official_with_christie_ties_resigns_amid_george_washington_bridge_lane_closure_contro.html).

⁵⁸⁶ See Ex. 19 (Assembly Committee Meeting (Dec. 9, 2013)).

⁵⁸⁷ See *id.* (Assembly Committee Meeting (Testimony of Cedrick Fulton (Dec. 9, 2013)) at 16.

⁵⁸⁸ *Id.* at 17, 19. In conversation with Foye and Ma, Durando similarly referred to the lane realignment as “the most screwed up thing he has been involved with in his career.” Ex. 174 (2013.10.17 Notes by Ma of Meeting with Durando, et al.).

⁵⁸⁹ See Ex. 19 (Assembly Committee Meeting (Testimony of Cedrick Fulton) (Dec. 9, 2013)) at 16, 67–68.

⁵⁹⁰ *Id.* at 17, 19.

⁵⁹¹ *Id.* at 28.

⁵⁹² *Id.* (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 82, 87.

⁵⁹³ *Id.* at 93, 94, 96.

⁵⁹⁴ *Id.* at 120.

⁵⁹⁵ *Id.* (Assembly Committee Meeting (Testimony of Patrick Foye (Dec. 9, 2013) at 144–145.

⁵⁹⁶ *Id.*

597 *Id.* at 167.

598 *Id.* at 155.

599 During a December 2, 2013 Port Authority “New York Commissioners Pre-Call,” Foye apparently briefed the New York Commissioners about his scheduled December 9 testimony. Foye noted that the lane realignment was “a really sensitive issue for the Agency, and for the NJ Governor’s office.” On a personal level, Foye noted: “From my end, let me just say this: I welcome the subpoena and the opportunity to testify. I’m going to appear, and tell them what I know. I’ll leave it at that.” Ex. 299 (New York Commissioners Pre-Call (Dec. 2, 2013)).

600 *See* Ex. 300 (Steve Strunsky, *Port Authority’s inspector general launches probe of GWB lane closures*, The Star-Ledger (Dec. 10, 2013) available at http://www.nj.com/news/index.ssf/2013/12/port_authority_inspector_general_gwb.html).

601 Ex. 301 (2013.11.27 2:23 PM Email from Foye to Glaser, et al.); *id.* (2013.11.27 3:19 PM Email from Glaser to Schwartz).

602 Ex. 302 (Jenna Portnoy, *N.J. lawmaker issues more subpoenas in George Washington Bridge closure controversy*, The Star-Ledger (Dec. 12, 2013) available at http://www.nj.com/politics/index.ssf/2013/12/nj_lawmaker_issues_subpoenas_in_george_washington_bridge_closure_controversy.html).

603 Ex. 303 (2013.12.12 9:02 PM GMT Text Message from Kelly to O’Dowd).

604 *See* Ex. 35 (2013.12.13 11:38 AM Email from Renna to Renna).

605 Ex. 49 (2013.12.13 9:31 AM Email from O’Brien to Panebianco, et al.).

606 At some point during December 2013, Stepien told DuHaime that Wildstein had also come to him beforehand with this idea to do a traffic study, but Wildstein was constantly coming to Stepien with “crazy ideas,” and Stepien sidestepped Wildstein’s idea, telling Wildstein that Stepien was no longer in the Governor’s Office, so Wildstein would have to take his idea to “Trenton.” DuHaime came away from that conversation believing that Stepien had not done anything wrong, and that Stepien was not involved in the lane realignment decision. DuHaime believes that he eventually conveyed this information to the Governor, although he was unsure when.

607 Ex. 304 (Revised Public Schedule for Governor Chris Christie and Lt. Governor Kim Guadagno for December 13 (Dec. 13, 2013)).

608 Ex. 305 (Transcript, *Port Authority Press Conference*, Office of the Governor (Dec. 13, 2013)) at 5.

609 *Id.*

610 *Id.*

611 Ex. 245 (2013.09.23 5:19 PM Email from Ashmore to Kelly, et al.).

612 During the December 13, 2013 press conference and apparently following up on her concern with whether she should talk directly to the Governor, Kelly texted O’Dowd: “Let me know what you want me to do.” Ex. 306 (2013.12.13 4:38 PM GMT Text Message from Kelly to O’Dowd). Later that day, as Kelly followed up with O’Dowd, she texted him that she was trying to connect with him and also that she needed to leave the office early due to a childcare issue. Ex. 307 (2013.12.13 6:59 PM GMT Text Message from Kelly to O’Dowd); Ex. 308 (2013.12.13 7:48 PM GMT Text Message from Kelly to O’Dowd); Ex. 309 (2013.12.13 8:02 PM GMT Text Message from O’Dowd to Kelly); Ex. 310 (2013.12.13 3:08 PM Email from Panebianco to O’Dowd).

613 Ex. 311 (Assembly Transportation, Public Works and Independent Authorities Committee Subpoena to David Wildstein (Dec. 30, 2013) (served on December 31, 2013)); Ex. 118 (N.J. Assembly Res. 91, 215th Leg. (N.J. 2013) (introduced on Feb. 7, 2013 and sponsored by Assemblymen Wisniewski, Huttler, and Mosquera)).

614 *See* Ex. 50 (Kate Zernike, *Christie Faces Scandal on Traffic Jam Aides Ordered*, The New York Times, (Jan. 8, 2014) available at <http://www.nytimes.com/2014/01/09/nyregion/christie-aide-tied-to-bridge-lane-closings.html>); Ex. 312 (Shawn Boburg, *Christie stuck in a jam over GWB lane closings*, The Bergen Record (Jan. 8, 2014) available at <http://www.northjersey.com/news/christie-says-he-was-misled-on-gwb-lane-closures-1.705813?page=all>).

⁶¹⁵ See Ex. 50 (Kate Zernike, *Christie Faces Scandal on Traffic Jam Aides Ordered*, The New York Times, (Jan. 8, 2014) available at <http://www.nytimes.com/2014/01/09/nyregion/christie-aide-tied-to-bridge-lane-closings.html>).

As a result of the release of the emails produced to the Assembly Transportation Committee, Drewniak's cell phone number and personal e-mail address were posted online, including on CNN, and thus released to the public. Ex. 313 (2014.01.08 9:30 GMT Text Message from +1252241__ to Drewniak). That evening and over the following days, he received a series of unsolicited text messages and emails from total strangers, including hate messages calling Drewniak and others a "disgrace to public service," a "bunch of sleezebags," and "hop[ing] u Yankee's [sic] burn for what u did" and blaming them for the "mess with the bridge." Ex. 314 (2014.01.09 8:42 PM GMT Text Message from +1972529__ to Drewniak); Ex. 315 (2014.01.09 11:00 GMT Text Message from +1205208__ to Drewniak); Ex. 316 (2014.01.08 8:31 PM GMT Text Message from +1940337__ to Drewniak); Ex. 317 (2014.01.11 6:46 PM Email from Alex to Drewniak); Ex. 318 (2014.01.11 2:42 AM Email from Ver Berkmoes to Drewniak); Ex. 319 (2014.01.08 10:58 PM GMT Text Message from +1917669__ to Drewniak). Some strangers apparently thought it would be amusing to send Drewniak text messages or emails suggesting, without knowledge, that Drewniak or others may have been involved in the Bridge lane realignment. *Id.*; Ex. 320 (2014.01.09 4:09 GMT Text Message from +1917669__ to Drewniak); Ex. 317 (2014.01.11 6:46 PM Email from Alex to Drewniak).

⁶¹⁶ Ex. 321 (Angela Delli Santi & David Porter, *Messages tie Christie aid to NJ traffic jam*, Associated Press (Jan. 8, 2014) available at <http://news.yahoo.com/messages-tie-christie-aide-nj-traffic-jam-230034650.html>).

⁶¹⁷ Ex. 322 (*Full transcript NJ Gov. Chris Christie's Jan. 9 news conference on GWB scandal*, The Washington Post (Jan. 9, 2014) available at http://www.washingtonpost.com/politics/transcript-chris-christies-news-conference-on-george-washington-bridge-scandal/2014/01/09/d0f4711c-7944-11e3-8963-b4b654bcc9b2_story.html).

⁶¹⁸ *Id.*

⁶¹⁹ *Id.*

⁶²⁰ *Id.*

⁶²¹ *Id.*

⁶²² *Id.*

⁶²³ Ex. 323 (Eric Lach, *U.S. Attorney's Office Confirms It Is Looking Into Bridge Scandal*, Talking Points Memo (Jan. 9, 2014) available at <http://talkingpointsmemo.com/livewire/federal-investigation-christie>).

⁶²⁴ Ex. 324 (Assembly Committee Hearing (Testimony of David Wildstein) (Jan. 9, 2014)) at 14.

⁶²⁵ On September 13, 2013, *The Bergen Record* published Mayor Sokolich's initial musings about why he had not received a response to his requests that the Port Authority explain the traffic congestion: "I thought we had a good relationship. Now I'm beginning to wonder if there's something I did wrong. Am I being sent some sort of message?" Ex. 1 (John Cichowski, *Road Warrior: Closed Tollbooths a Commuting Disaster*, The Bergen Record (Sept. 13, 2013) available at <http://www.northjersey.com/news/new-york-tri-state-area/road-warrior-closed-tollbooths-a-commuting-disaster-1.639923>). Soon after, however, Mayor Sokolich definitively rejected these musings. On September 17, 2013, *The Wall Street Journal* article was the first to report the media's speculation that the lane realignment "could be retribution for Mr. Sokolich's decision not to endorse Mr. Christie in his re-election bid in November." Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam's Cause a Mystery: New Jersey Officials Say They Weren't Warned That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) available at <http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774>). The article then quoted Mayor Sokolich's reaction to the speculation of political retribution: "Mr. Sokolich said he had a good relationship with the Christie Administration and couldn't imagine he would be important enough for the campaign to punish him for not publicly endorsing Mr. Christie." *Id.* On November 14, 2013, in response to an article in *The Star-Ledger* on the issue, Mayor Sokolich submitted a letter to the editor stating: "I have read with disappointment your article . . . [,] indicat[ing] that I stated that the lane closures are the result of 'punishment for refusal to support Governor Christie's re-election campaign.' This is simply not true. I have consistently and without deviation stated on the record that in no way do I believe that these lane closures are a result of my refusal to support the governor.

In fact, I advised you that I was never asked to either support or endorse the Governor.” Ex. 276 (Mayor Mark Sokolich, Letter to the Editor, *Fort Lee Mayor: Not true*, The Star-Ledger (Nov. 14, 2013) (responding to Steve Strunsky, *Fort Lee mayor asserts GWB bridge closures had ‘punitive overtones’*, The Star-Ledger (Nov. 13, 2013) available at http://www.nj.com/news/index.ssf/2013/11/letter_mayor_gwb_closures_port.html). Mayor Sokolich has since changed his mind, reportedly telling the press that “the tie-ups were payback,” but the basis for his shift is not apparent. See, e.g., Ex. 167 (David Voreacos, *Christie Relationship with Fort Lee Mayor Began Over Meal*, Bloomberg (Feb. 8, 2014) available at <http://www.bloomberg.com/news/2014-02-07/christie-relationship-with-fort-lee-mayor-began-over-tenderloin.html>).

⁶²⁶ Section II of the Code of Conduct For Employees of the Office of the Governor states: “All employees of the Governor’s Office must . . . conduct themselves in the course of their duties in a manner that fosters the respect, trust and confidence of the public. Employees must avoid any activity or association that is, or appears to be, a violation of the public trust.” Ex. 325 (Office of the Governor, *Code of Conduct For Employees of the Office of the Governor* (Feb. 2002)) § II. Similarly, the Guide to Port Authority Ethical Standards provides, “you should not, by your conduct, give the appearance that anyone can improperly influence you, nor should you act in a way that might reasonably lead to the conclusion that you are engaged in acts which are in violation of the public trust.” Ex. 326 (The Port Authority of New York & New Jersey, *The Guide to Port Authority Ethical Standards, Introduction*).

⁶²⁷ Ex. 27 (2014.01.15 Letter from the Port Authority of New York & New Jersey to John D. Rockefeller IV, Chairman of the U.S. Senate Committee on Commerce, Science and Transportation) at 7.

⁶²⁸ Ex. 187 (2013.09.09 7:28 AM Email from Wildstein to Durando); Ex. 200 (2013.09.09 2:05 PM Email from Durando to Fulton et al.); Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 91–92.

⁶²⁹ Ex. 327 (Michael Phillis, *Port Authority breaks silence on George Washington Bridge delays*, The Bergen Record (Nov. 25, 2013) available at <http://www.northjersey.com/news/port-authority-breaks-silence-on-george-washington-bridge-delays-1.599390>).

⁶³⁰ See Ex. 200 (2013.09.09 2:05 PM Email from Durando to Fulton, et al.); see also Ex. 2 (Assembly Committee Meeting (Testimony of Cedrick Fulton) (Dec. 9, 2013)) at 16.

⁶³¹ Ex. 6 (2013.10.18 Notes by Ma of Meeting with Fulton, et al.).

⁶³² See Ex. 2 (Assembly Committee Meeting (Testimony of Cedrick Fulton) (Dec. 9, 2013)) at 20–22; see also *id.* (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 83.

⁶³³ Ex. 174 (2013.10.17 Notes by Ma of Meeting with Fulton, et al.); Ex. 6 (2013.10.18 Notes by Ma of Meeting with Fulton, et al.).

⁶³⁴ Ex. 328 (Josh Margolin, *PolitickerNJ’s tightly guarded secret is out*, The Star-Ledger (June 5, 2010) available at http://www.nj.com/news/index.ssf/2010/06/politickernjs_secret_is_out_ed.html).

⁶³⁵ Ex. 10 (Kate Zernike, *On Blog, an Ex-Christie Ally Showed Approach To Politics*, The New York Times (Feb. 6, 2014) available at <http://www.nytimes.com/2014/02/07/nyregion/on-blog-an-ex-christie-ally-showed-approach-to-politics.html>).

⁶³⁶ Ex. 43 (2013.09.10 8:11 AM Text Message from Wildstein to Kelly).

⁶³⁷ Ex. 192 (2013.09.09 10:13 AM Email from Wildstein to Kelly).

⁶³⁸ Ex. 47 (2013.10.02 728 AM Email from Wildstein to Stepien).

⁶³⁹ Ex. 41 (2013.09.13 1144 AM Email from Wildstein to Kelly).

⁶⁴⁰ Ex. 44 (2013.09.18 5:30 AM Email from Wildstein to Stepien).

⁶⁴¹ Ex. 324 (Assembly Committee Meeting (Testimony of David Wildstein) (Jan. 9, 2014)) at 14.

⁶⁴² See *Graystone Nash*, 25 F.3d at 190; *In re Grand Jury*, 286 F. Supp. at 160–161.

⁶⁴³ Ex. 20 (2013.08.13 Kelly and Wildstein Email Exchange).

⁶⁴⁴ Ex. 26 (2013.08.28 5:08 PM Email from Wildstein to Kelly).

645 Ex. 25 (2013.08.29 12:54 PM Email from Rivera to Wildstein, et al.).

646 Ex. 30 (2013.09.07 9:43 AM Email from Wildstein to Kelly).

647 Ex. 43 (2013.09.17 1:57 PM Text Message from Wildstein to Kelly).

648 Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam's Cause a Mystery: New Jersey Officials Say They Weren't Warned That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) available at <http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774>).

649 Ex. 12 (2013.03.26 10:48 PM Text Message from Mowers to Sheridan).

650 Two independent polls taken between August 15–21, 2013 gave Governor Christie 20- to 28-point leads over Democratic gubernatorial candidate State Senator Barbara Buono. Ex. 329 (*2013 New Jersey Governor – Christie 56%, Buono 36% (Monmouth University 8/15-8/18/13, HuffPost Pollster, available at <http://elections.huffingtonpost.com/pollster/polls/monmouth-university-17838>*); Ex. 330 (*2013 New Jersey Senate – Booker 50%, Lonagan 22% (Fairleigh Dickenson Public Mind 8/21-8/27/13, HuffPost Pollster, available at <http://elections.huffingtonpost.com/pollster/polls/fairleigh-dickinson-17872>*).

651 Ex. 24 (2013.08.16 Email Exchange between Kelly and Renna).

652 *Id.* (2013.08.16 7:43 AM Email from Kelly to Renna). Renna did not inquire and did not know for certain the specific reason that Kelly was “really upset” about Ridley’s conduct and/or meeting with Mayor Sokolich.

653 Ex. 179 (2013.08.22 152 PM Email from Kelly to Renna).

654 *See id.* (2013.08.22 Kelly and Renna Email Exchange).

655 *See* Ex. 180 (2013.08.22 2:07 PM Email from Kelly to Renna).

656 Ex. 33 (2013.09.09 1:50 PM Email from Kelly to Ridley, et al.); Ex. 199 (2013.09.09 1:56 PM Email from Kelly to Mowers).

657 Ex. 192 (2013.09.09 10:06 AM Email from Kelly to Wildstein).

658 *Id.* (2013.09.09 10:13 AM Email from Wildstein to Kelly).

659 Ex. 34 (2013.09.10 Text Messages Between Wildenstein and Kelly).

660 Ex. 35 (2013.09.12 Email Exchange between Renna and Kelly).

661 When Kelly ultimately disclosed to O’Dowd Renna’s September 12, 2013 report of the Sokolich-Ridley call, she provided a version of that email that did not include Kelly’s response to Renna “Good.” That action is consistent with Kelly’s consciousness of guilt.

662 *See In re Grand Jury*, 286 F.3d at 160–61; *Graystone Nash*, 25 F.3d at 190.

663 Ex. 16 (Darryl R. Isherwood, *Stepien to take over as Christie campaign manager*, PolitickerNJ (Apr. 29, 2013) available at <http://www.politickernj.com/65003/stepien-take-over-christie-campaign-manager>).

664 Ex. 53 (David W. Chen & William K. Rashbaum, *Former Aide to Christie Invokes Fifth Amendment Right*, The New York Times (Feb. 3, 2014) available at <http://www.nytimes.com/2014/02/04/nyregion/former-aide-to-christie-invokes-fifth-amendment.html>).

665 Ex. 5 (2013.09.12 12:52 PM Email from Wildstein to Stepien, et al. (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni) (emphasis removed)).

666 *Id.* (2013.09.12 12:44 PM Email from Leodori to Baroni (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni)).

667 *Id.*

668 *Id.* (2013.09.12 Baroni and Stepien Email Exchange (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni)).

669 Ex. 216 (2013.09.12 12:53 PM Email from Baroni to Stepien (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni)).

670 Ex. 44 (2013.09.18 4:54 AM Email from Wildstein to Stepien).

671 *Id.* (2013.09.18 5:15 AM Email from Stepien to Wildstein).

672 *Id.* (2013.09.18 5:30 AM Email from Wildstein to Stepien).

673 *Id.*

674 Ex. 46 (2013.10.01 5:48 PM Text Message from Stepien to Wildstein).

675 Ex. 47 (2013.10.02 Email Exchange between Wildstein and Stepien).

676 Ex. 284 (2013.10.01 9:15 AM Text Message from Stepien to Baroni).

677 *See* Ex. 10 (Kate Zernike, *On Blog, an Ex-Christie Ally Showed Approach To Politics*, The New York Times (Feb. 6, 2014) available at <http://www.nytimes.com/2014/02/07/nyregion/on-blog-an-ex-christie-ally-showed-approach-to-politics.html>).

678 Ex. 16 (Darryl R. Isherwood, *Stepien to take over as Christie campaign manager*, PolitickerNJ (Apr. 29, 2013) available at <http://www.politickernj.com/65003/stepien-take-over-christie-campaign-manager>).

679 *Graystone Nash*, 25 F.3d at 190; *In re Grand Jury*, 286 F. Supp. at 160-61.

680 Ex. 331 (Kim Lueddeke, *Former Port Authority official Bill Baroni lands job with law firm*, The Bergen Record (Mar. 6, 2014) available at <http://www.northjersey.com/news/nj-state-news/former-port-authority-official-bill-baroni-lands-job-with-law-firm-1.731872>).

681 Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 59-60.

682 *Id.* at 60.

683 *See* Ex. 32 (2013.09.09 Email Exchange between Wildstein and Kelly (Wildstein tells Kelly “[r]adio silence” in response to Kelly asking if Baroni called Mayor Sokolich back)); Ex. 3 (2013.09.09 9:10 AM Email from Durando to Wildstein, et al.) (Durando notes that the Fort Lee Police Chief called and was “not happy about our new traffic pattern”); Ex. 200 (2013.09.09 2:05 PM Email from Durando to Fulton, et al. (Durando relays Wildstein’s message that Baroni will get back to the Mayor “at some point”)); Ex. 4 (2013.09.09 11:24 AM Email from Lado to Baroni, et al.) (Lado tells Baroni that “Peggy Thomas, Borough Administrator called . . . regarding the increased volume and congestion of AM rush traffic throughout the Borough as a result of the GWB toll lanes adjustment that occurred”); Ex. 193 (2013.09.10 11:31 AM Email between Lado and Baroni) (Baroni is told Mayor Sokolich would like to talk “as soon as possible”); Ex. 5 (2013.09.12 Email from Baroni to Wildstein, et al. (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni) (Baroni forwards to Wildstein correspondence from Mayor Sokolich in which Mayor Sokolich complains that he “incessantly attempted to contact Port Authority representatives to no avail”)).

684 *See, e.g.*, Ex. 5 (2013.09.12 Email from Baroni to Wildstein, et al. (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni)); Ex. 38 (2013.09.12 6:03 PM Text Messages from Baroni to Wildstein); Ex. 34 (2013.09.10 1:34 PM Text Messages between Wildenstein and Kelly (Kelly forwards Wildstein a text that Baroni received from Mayor Sokolich)).

685 Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013) at 21).

686 Ex. 161 (2010.11.09 Letter from Mayor Sokolich to Baroni) at 1.

687 Ex. 168 (Mike Kelly, *GWB scandal: Fort Lee mayor now says Christie campaign courted him for endorsement*, The Bergen Record (Feb. 7, 2014) available at <http://www.northjersey.com/news/nj-state-news/gwb-scandal-fort-lee-mayor-now-says-christie-campaign-courted-him-for-endorsement-1.667541>).

688 *See* Ex. 38 (2013.09.17 6:03 PM Text Message from Baroni to Wildstein).

689 Ex. 40 (2013.09.13 9:03 AM Email from Baroni to Foye, et al.).

690 Ex. 42 (2013.09.17 1:59 PM Text from Baroni to Wildstein).

691 Of note, repeated references by Baroni and Wildstein to Mayor Sokolich as “Serbia” and “Serbian” are
offensive. Ex. 38 (2013.09.12 6:03 PM Text Message from Baroni to Wildstein); Ex. 42 (2013.09.17 1:33 PM, 1:56
PM Text Messages from Baroni to Wildstein); Ex. 44 (2013.09.18 5:30 AM Email From Wildstein to Stepien); Ex.
39 (Ariel Kaminer, *In Bridge Scandal, a Slight Heard Around the World*, The New York Times (Jan. 11, 2014)
(noting Mayor Sokolich is Croatian) available at <http://www.nytimes.com/2014/01/11/nyregion/in-bridge-scandal-a-slight-heard-around-the-world.html>).

692 See Ex. 40 (2013.09.13. 8:55 AM Email from Foye to Baroni, et al.).

693 Ex. 2 (Assembly Committee Meeting (Testimony of Patrick Foye) (Dec. 9, 2013)) at 161, 163.

694 *Id.* at 173.

695 *Id.* at 154.

696 See Ex. 19 (Assembly Committee Meeting (Testimony of William Baroni) (Nov. 25, 2013)).

697 Ex. 332 (2013.09.13 2:11 PM Email from Crifo to Wildstein).

698 Ex. 36 (2013.09.12 3:11 PM Email from Wildstein to Drewniak, et al.).

699 Ex. 37 (2013.09.12 3:18 PM Email from Wildstein to Drewniak, et al.).

700 Ex. 225 (2013.09.12 6:27 PM Email from Marsico to Rechler, et al.).

701 See Ex. 218 (2013.09.12 3:36 PM Email from Renna to Kelly).

702 *Id.*

703 Ex. 35 (2013.09.12 11:44 PM Email from Kelly to Renna).

704 Ex. 230 (2013.09.13.10:43 AM Email from Baroni to Egea).

705 Ex. 241 (2013.09.17 4:34 PM Email from Drewniak to Haddon).

706 Ex. 45 (2013.09.18 7:35 AM Email from Drewniak to Wildstein).

707 Ex. 252 (2013.10.01 2:49 PM Email from Drewniak to Mann).

708 Ex. 250 (2013.10.01 1:40 PM Email from Drewniak to Comella, et al.); *Id.* (2013.10.01 1:42 PM Email
from Drewniak to Comella, et al.).

709 See Ex. 270 (2013.10.28 Email Exchange between Strunsky, a reporter for *The Star-Ledger*, and
Drewniak); Ex. 272 (2013.11.06 Email Exchange between Drewniak and Mann).

710 See, e.g., Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 4–5, 8–10,
14–16, 19–20.

711 See Ex. 327 (Michael Phillis, *Port Authority Breaks Silence on George Washington Bridge Delays*, The
Bergen Record (Nov. 25, 2013) available at <http://www.northjersey.com/news/port-authority-breaks-silence-on-george-washington-bridge-delays-1.599390>).

712 On or about December 12, 2013, Baroni also mentioned to his Port Authority successor in the Governor’s
Office, Gramiccioni, that he heard there were emails reflecting some Governor’s staff knowledge of the lane
realignment, mentioned Kelly by name in that context, but said he had not seen any such emails himself.
Gramiccioni believes she conveyed this information to others, including the Governor, on December 12, 2013.

713 Ex. 322 (*Full transcript: NJ Gov. Chris Christie's Jan. 9 news conference on George Washington Bridge
scandal*, The Washington Post (Jan. 9, 2014) available at http://www.washingtonpost.com/politics/transcript-chris-christies-news-conference-on-george-washington-bridge-scandal/2014/01/09/d0f4711c-7944-11e3-8963-b4b654bcc9b2_story.html).

714 Ex. 212 (Dustin Racioppi, Kristi Funderburk and Larry Higgs, *Fire consumes N.J. boardwalk rebuilt after
Sandy*, USA Today (Sept. 13, 2013) available at <http://www.usatoday.com/story/news/nation/2013/09/12/seaside-nj-boardwalk-fire/2806627/>).

715 Ex. 333 (Office of Constituent Relations Mail and Telephone Issues (Sept. 6–9, 2013)).

716 Ex. 54 (2014.01.31 Letter from Zegas to Buchbinder) at 2.

717 *Id.*

718 Ex. 209 (Ted Mann, *Christie, Official Who Arranged Bridge Closures Were Together During Fiasco*, The Wall Street Journal (Jan. 14, 2014) available at <http://blogs.wsj.com/metropolis/2014/01/14/christie-official-who-arranged-bridge-closures-together-during-fiasco/>).

719 Ex. 324 (Assembly Committee Meeting (Testimony of David Wildstein) (Jan. 9, 2014)) at 54.

720 *See* Ex. 287 (Transcript, *Chief of Staff Changes Press Conference*, Office of the Governor (Dec. 2, 2013)) at 9.

721 *See id.*

722 Ex. 305 (Transcript, *Port Authority Press Conference*, Office of the Governor (Dec. 13, 2013)) at 5.

723 Ex. 322 (*Full transcript: NJ Gov. Chris Christie's Jan. 9 news conference on George Washington Bridge scandal*, The Washington Post (Jan. 9, 2014) available at http://www.washingtonpost.com/politics/transcript-chris-christies-news-conference-on-george-washington-bridge-scandal/2014/01/09/d0f4711c-7944-11e3-8963-b4b654bcc9b2_story.html).

724 Ex. 135 (David Matthau, *Christie: Subpoenaed by Feds and Cooperating* New Jersey 101.5 (Feb. 3, 2014) available at <http://nj1015.com/christie-cooperating-with-feds-probing-bridgegate-audio/>).

725 *See, e.g.*, Ex. 130 (Darryl Isherwood, *Watson Coleman steps down from bridgegate investigation committee after calling for Gov. Chris Christie to resign*, The Star-Ledger (Feb. 28, 2014) (Assemblywoman Bonnie Watson Coleman (D-Mercer/Hunterdon) was a member of the SCI, but resigned one day after calling for the Governor's resignation) available at http://www.nj.com/politics/index.ssf/2014/02/watson_coleman_steps_down_from_bridgegate_investigation_committee_after_calling_for_chris_christi.html); Ex. 22 (Shawn Boburg, Abbott Koloff and Stephanie Akin, *New GWB files, same callous jokes*, The Bergen Record (Feb. 27, 2014) (Senator Weinberg's statement)).

726 Ex. 22 (Shawn Boburg, Abbott Koloff and Stephanie Akin, *New GWB files, same callous jokes*, The Bergen Record (Feb. 27, 2014) available at <http://www.northjersey.com/news/gwb-scandal-release-of-previously-redacted-messages-reveals-new-information-1.731391>).

727 *See, e.g.*, Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam's Cause a Mystery: New Jersey Officials Say They Weren't Warned That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) available at <http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774>).

728 For example, of the 21 Democratic mayors and elected officials whom IGA initially listed as potential endorsements in January 2013, *see* Ex. 11 (2013.01.24 9:04 AM Email from Sheridan to Mowers, et al.), only eight ultimately endorsed the Governor. According to another estimate, “90 percent” of Democratic mayors chose not to endorse the Governor's re-election. Ex. 334 (Melissa Hayes, *Jersey City mayor calls out 'petty Christie-crats'*, The Bergen Record, (Jan. 6, 2014) available at <http://www.northjersey.com/news/jersey-city-mayor-calls-out-petty-christie-crats-1.711796>).

729 *See, e.g.*, Ex. 170 (Jim McElhatton, *Charm Offensive: Christie actively wooed Democrats in 2013 race*, The Washington Times (Jan. 16, 2014) available at <http://www.washingtontimes.com/news/2014/jan/16/new-jerseys-democratic-mayors-recall-christies-out/?page=all> (reporting the results of its outreach to “Democratic municipal officials across the state, several of whom were courted by the Christie campaign. None of these officials described suffering any retribution for declining to endorse the governor . . .”)); Ex. 171 (Kate Zernike and Matt Flegenheimer, *Even Before Fort Lee Lane Closings, Port Authority Was a Christie Tool*, The New York Times (Mar. 11, 2014) (noting that Mayor LaBarbiera described how “when he informed the campaign that he would not endorse the governor, his relationship with the administration did not change”) available at <http://www.nytimes.com/2014/03/11/nyregion/even-before-fort-lee-lane-closings-port-authority-was-a-christie-tool.html>).

⁷³⁰ There has been at least one other public allegation made of a mayor's meetings being cancelled supposedly over a failure to endorse, but the withdrawal of such a courtesy is simply not comparable to this serious allegation involving Mayor Sokolich. And there is a big difference between not going out of one's way to extend courtesies and what is alleged to have occurred in the Fort Lee incident.

⁷³¹ Ex. 9 (Ted Mann & Heather Haddon, *Bridge Jam's Cause a Mystery: New Jersey Official Say They Weren't Warned That Local Lanes Would Be Closed*, *The Wall Street Journal* (Sep. 17, 2013)).

⁷³² Ex. 14 (Mayor Mark Sokolich, Letter to the Editor, *Fort Lee Mayor: Not true*, *The Star-Ledger* (Nov. 14, 2013) (responding to Steve Strunsky, *Fort Lee mayor asserts GWB bridge closures had 'punitive overtones'*, *The Star-Ledger* (Nov. 13, 2013)).

⁷³³ See Ex. 335 (Kate Zernike, *Stories Add Up as Bully Image Trails Christie*, *The New York Times* (Dec. 24, 2013) available at <http://www.nytimes.com/2013/12/25/nyregion/accounts-of-petty-retribution-reinforce-christies-bullying-image.html>).

⁷³⁴ Ex. 336 (*Governor Chris Christie's inauguration speech*, *The Star-Ledger* (Jan. 19, 2010) available at http://www.nj.com/politics/index.ssf/2014/01/chris_christies_2014_inauguration_read_the_governors_speech.html).

⁷³⁵ For example, Governor Christie reached across the aisle to get bipartisan legislation passed on wide-ranging issues, including public pension reform, property tax relief, medical marijuana, a ban on gay conversion therapy, and the "Dream Act." See, e.g., Ex. 337 (*N.J. Gov. Chris Christie signs pension, benefits changes for state employees*, *The Star-Ledger* (Mar. 22, 2010) available at http://www.nj.com/news/index.ssf/2010/03/nj_assembly_passes_pension_bil.html); Ex. 338 (Terrence Dopp, *Christie Signs 2% Annual Property-Tax Cap on New Jersey Towns and Schools*, *Bloomberg*, (July 13, 2010) available at <http://www.bloomberg.com/news/2010-07-13/christie-signs-2-annual-property-tax-cap-on-new-jersey-towns-and-schools.html>); Ex. 339 (Ginger Gibson, *Gov. Chris Christie signs N.J. public worker pension overhaul bill*, *The Star-Ledger* (June 28, 2011) available at http://www.nj.com/news/index.ssf/2011/06/gov_chris_christie_signs_nj_pu.html); Ex. 340 (Kate Zernike, *Christie Signs Bill Overhauling Job Guarantees for Teachers*, *The New York Times* (Aug. 6, 2012) available at http://www.nytimes.com/2012/08/07/nyregion/christie-signs-bill-overhauling-teacher-tenure.html?_r=0); Ex. 341 (Salvador Rizzo, *Christie's \$33 billion budget sails through Legislature*, *The Star-Ledger* (June 24, 2013) available at http://www.nj.com/politics/index.ssf/2013/06/christies_329_billion_budget_sails_through_legislature.html); Ex. 342 (Lorenzo Ferrigno, *Christie seeks changes in New Jersey medical marijuana bill*, *CNN* (Aug. 16, 2013) available at <http://www.cnn.com/2013/08/16/politics/new-jersey-medical-marijuana/>); Ex. 343 (Associated Press, *Chris Christie signs New Jersey ban on gay conversion therapy*, *Politico* (Aug. 19, 2013) available at <http://www.politico.com/story/2013/08/chris-christie-gay-conversion-therapy-new-jersey-95666.html>); Ex. 344 (Jose DelReal, *Chris Christie signs, lauds N.J. DREAM Act*, *Politico* (Jan. 7, 2014) available at <http://www.politico.com/story/2014/01/chris-christie-new-jersey-dream-act-101856.html>). His bipartisan approach to Sandy aid, including his policy decision to support a needs-based approach in allocating it, has also been recognized. Ex. 345 (Kate Zernike, *One Result of Hurricane: Bipartisanship Flows*, *The New York Times* (Oct. 31, 2012) available at <http://www.nytimes.com/2012/11/01/nyregion/in-stunning-about-face-chris-christie-heaps-praise-on-obama.html>). And in the aftermath of Superstorm Sandy, he toured the devastation with President Obama and at one point embraced him—a powerful symbol of national unity but a controversial move within his own party on the eve of the November 2012 general election. See e.g., Ex. 346 (Michael Crowley, *The Boss*, *Time Magazine* (Jan. 9, 2013)) available at <http://swampland.time.com/2013/01/09/the-boss/>. Moreover, unlike some of his fellow Republican Governors, he accepted expanded federal Medicaid funding for New Jersey under the Affordable Care Act, which was one of President Obama's signature achievements during his first term. Ex. 347 (Rick Ungar, *Chris Christie Says Yes To Obamacare Medicaid Expansion*, *Forbes.com* (Feb. 26, 2013) available at <http://www.forbes.com/sites/rickungar/2013/02/26/chris-christie-says-yes-to-obamacare-medicaid-expansion/>).

⁷³⁶ Ex. 348 (Christopher Baxter, *Christie bridge scandal: Recipients of 18 new subpoenas revealed*, *The Star-Ledger* (Feb. 10, 2014) available at http://www.nj.com/politics/index.ssf/2014/02/christie_bridge_scandal_nj_committee_issues_more_subpoenas.html).

⁷³⁷ Ex. 349 (Brent Johnson, *Chris Christie's helicopter did not fly over GWB last September, State Police says*, *The Star-Ledger* (Feb. 11, 2014) available at

http://www.nj.com/politics/index.ssf/2014/02/chris_christies_helicopter_did_not_fly_over_gwb_last_september_state_police_says.html).

738 *Id.*

739 *Id.*

740 Ex. 350 (New Jersey State Police Aviation Unit Activity Reports from 2013.09.08-2013.09.13).

741 Ex. 121 (N.J. Assembly Concurrent Res. No. 10, 216th Leg. (N.J. 2014) (introduced on Jan. 27, 2014 and sponsored by Assemblymen Prieto, Greenwald, and Wisniewski)) (“ACR-10”).

742 *See, e.g.*, Ex. 278 (Senator Loretta Weinberg, *Another Open Letter: This Time to the Port Authority* (Nov. 16, 2013) available at <http://www.bluejersey.com/diary/24215/another-open-letter-this-time-to-the-port-authority>); Ex. 124 (Press Release, Assembly Democrats, *Wisniewski Issues 20 Subpoenas as Part of Investigation into George Washington Bridge Lane Closings & Abuse of Government Power Concerns* (Jan. 16, 2014) available at <http://www.assemblydems.com/Article.asp?ArticleID=7724>); Ex. 105 (Christopher Baxter, *UPDATED: Timeline of Port Authority’s George Washington Bridge controversy*, *The Star-Ledger* (Jan. 14, 2014) available at http://www.nj.com/politics/index.ssf/2014/03/timeline_of_the_port_authoritys_george_washington_bridge_lane_closure_controversy.html).

743 *See, e.g.*, Ex. 36 (2013.09.12 3:11 PM Email from Wildstein to Kelly, et al.).

744 Ex. 351 (Jack Gillum & Katie Zezima, *No medical issues from lane closures: Emergency data show good fortune in N. Jersey*, *Associated Press* (Feb. 14, 2014) available at http://www.philly.com/philly/news/20140214_No_medical_issues_from_lane_closures.html).

745 *Id.*

746 *Id.*

747 *Id.*

748 *Id.*

749 Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) available at <http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html>) at 5; Ex. 352 (Dean DeChiaro, *City to determine future of Rockefeller property*, *Hoboken Reporter* (Feb. 2, 2014) available at http://hudsonreporter.com/view/full_story/24416769/article-HOBOKEN-REPORTER-EXCLUSIVE--Mayor-Dawn-Zimmer-responds-to-big-question--Did-Christie-know-).

750 Ex. 353 (Sarah Gonzalez, *NJ Mayors: Was Christie Getting Revenge on Me, Too?*, WNYC & NJPR (Jan. 10, 2014) available at <http://www.wnyc.org/story/nj-mayors-was-christie-getting-revenge-me-too/>).

751 Ex. 60 (Chris Frates, *First on CNN: Mayor behind Christie allegations full of contradictions*, CNN (Feb. 3, 2014) available at <http://www.cnn.com/2014/02/03/politics/christie-hoboken-mayor-zimmer-accusations/>).

752 Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html>) at 3.

753 Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) available at <http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html>) at 5; Ex. 352 (Dean DeChiaro, *City to determine future of Rockefeller property*, *Hoboken Reporter* (Feb. 2, 2014) available at http://hudsonreporter.com/view/full_story/24416769/article-HOBOKEN-REPORTER-EXCLUSIVE--Mayor-Dawn-Zimmer-responds-to-big-question--Did-Christie-know-).

754 Ex. 354 (Erin Durkin, *New Jersey mayor’s diary: Chris Christie held Hurricane Sandy aid ‘hostage’*, *New York Daily News* (Jan. 19, 2014), available at <http://www.nydailynews.com/news/politics/n-mayor-christie-held-sandy-aid-hostage-article-1.1584658?print>); *see also* Ex. 79 (Transcript of NJTV Superstorm Sandy A Live Town Hall (May 16, 2013)).

755 Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html>); Ex. 86

(Scott Gurian, *NJ 'Storm Czar' Refutes Claim Hoboken was Shortchanged*, WNYC (Jan. 20, 2014) available at <http://www.wnyc.org/story/nj-storm-czar-refutes-claim-hoboken-was-shortchanged/>).

⁷⁵⁶ Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) available at <http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage>) at 13.

⁷⁵⁷ Ex. 353 (Sarah Gonzalez, *NJ Mayors: Was Christie Getting Revenge on Me, Too?*, WNYC & NJPR (Jan. 10, 2014) available at <http://www.wnyc.org/story/nj-mayors-was-christie-getting-revenge-me-too/>).

⁷⁵⁸ *Id.*

⁷⁵⁹ *Id.*

⁷⁶⁰ *Id.*

⁷⁶¹ Ex. 60 (Chris Frates, *First on CNN: Mayor behind Christie allegations full of contradictions*, CNN (Feb. 3, 2014) available at <http://www.cnn.com/2014/02/03/politics/christie-hoboken-mayor-zimmer-accusations/>).

⁷⁶² Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) available at <http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage>) at 14, 4.

⁷⁶³ *Id.* at 13.

⁷⁶⁴ *Id.* at 15.

⁷⁶⁵ *Id.* at 14.

⁷⁶⁶ *Id.* at 14–15.

⁷⁶⁷ Ex. 541 (Dean DeChiaro, *Hoboken Reporter Exclusive: Mayor Dawn Zimmer responds to the big question: Did Christie know?*, Hoboken Reporter (Jan. 19, 2014) available at http://hudsonreporter.com/view/full_story/24416769/article-HOBOKEN-REPORTER-EXCLUSIVE--Mayor-Dawn-Zimmer-responds-to-big-question--Did-Christie-know-).

⁷⁶⁸ *Id.*

⁷⁶⁹ Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) available at <http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html>).

⁷⁷⁰ *Id.* at 2.

⁷⁷¹ Ex. 541 (Dean DeChiaro, *Hoboken Reporter Exclusive: Mayor Dawn Zimmer responds to the big question: Did Christie know?*, Hoboken Reporter (Jan. 19, 2014) available at http://hudsonreporter.com/view/full_story/24416769/article-HOBOKEN-REPORTER-EXCLUSIVE--Mayor-Dawn-Zimmer-responds-to-big-question--Did-Christie-know-).

⁷⁷² Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) available at <http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html>) at 5.

⁷⁷³ *Id.*

⁷⁷⁴ Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html>).

⁷⁷⁵ *Id.* at 3.

⁷⁷⁶ *Id.* at 5.

⁷⁷⁷ *Id.*

⁷⁷⁸ *Id.*

⁷⁷⁹ Ex. 355 (Office of the Governor, *Administration, Cabinet, Richard E. Constable III, Esq.*).

⁷⁸⁰ See Ex. 59 (Daily News Zimmer Journal) at 2–4.

⁷⁸¹ See *id.*

- 782 *Id.* at 2, 3–4.
- 783 Ex. 150 (Press Release, Office of the Governor, *Governor Chris Christie Names Former Executive Assistant Attorney General Marc Ferzan to Manage Hurricane Sandy Storm Recovery* (Nov. 28, 2012)).
- 784 Ex. 86 (Scott Gurian, *NJ ‘Storm Czar’ Refutes Claim Hoboken was Shortchanged*, WNYC (Jan. 20, 2014) available at <http://www.wnyc.org/story/nj-storm-czar-refutes-claim-hoboken-was-shortchanged/>).
- 785 See Ex. 356 (*Chris Christie’s office denies linking Sandy funds to project*, CBC News (Jan. 20, 2014) available at <http://www.cbc.ca/news/world/chris-christie-s-office-denies-linking-sandy-funds-to-project-1.2503408>).
- 786 Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html>) at 5.
- 787 *Id.* at 9–10.
- 788 See, e.g., Ex. 357 (2013.10.02 12:30 PM Email from Bryan to Mowers (offering to provide Governor Christie’s re-election campaign with a letter of “support” from Mayor Zimmer, saying she was “proud to stand with” the Governor because he “was there for us when we needed him most, responding to the crisis of Superstorm Sandy”)); Ex. 94 (City of Hoboken, *Mayor Zimmer Delivers 3rd State of the City Address; Announces Plans for Making Hoboken More Resilient* (Feb. 13, 2013) (thanking Governor Christie, stating “[h]is leadership helped pull our state through, and his bipartisanship showed us all the need to put people before politics”) available at <http://www.hobokennj.org/2013/02/mayor-zimmer-delivers-3rd-state-of-the-city-address-announces-plans-for-making-hoboken-more-resilient/>) at 2; Ex. 61 (2013.08.20 Tweets from Mayor Zimmer (stating that Governor Christie “has done a great job for NJ & Hoboken” and that she is “very glad Governor Christie has been our Gov.”) available at <https://twitter.com/dawnzimmer/status/369877512895356928>).
- 789 Ex. 358 (Michael D. Mullins, *Meet Your 3rd and 4th Ward Candidates Council Hopefuls Want to Represent West Side of Town*, Hudson Reporter (May 1, 2007) available at http://www.hudsonreporter.com/view/full_story/2411924/article-Meet-your-3rd-and-4th-Ward-candidates-Council-hopefuls-want-to-represent-west-side-of-town).
- 790 Ex. 359 (Amy Clark, *Hoboken Mayoral Candidate Profiles: Dawn Zimmer*, The Jersey Journal (Oct. 29, 2009) available at http://www.nj.com/hobokennow/index.ssf/2009/10/hoboken_mayoral_profiles_dawn.html).
- 791 *Id.*; Ex. 360 (Ryan Hutchins, *Even before accusing Christie, Hoboken mayor was no pushover*, The Star-Ledger (Mar. 9, 2014) available at http://www.nj.com/politics/index.ssf/2014/03/even_before_accusing_chris_christie_hoboken_mayor_dawn_zimmer_was_no_pushover.html). Edelman Public Relations Worldwide states on its website that it is the largest PR firm in the world. Ex. 361 (Edelman, *Who We Are*, *News & Press*, available at <http://www.edelman.com/who-we-are/news-press/>).
- 792 Ex. 362 (Our Mayor Dawn Zimmer: Leading Hoboken Forward, *About Mayor Dawn Zimmer*, available at <http://www.dawnzimmer.com/about>).
- 793 *Id.*
- 794 *Id.*
- 795 *Id.*
- 796 Ex. 363 (Office of the Governor, *Administration, Governor Chris Christie*).
- 797 *Id.*
- 798 Ex. 364 (CNN Library, *Chris Christie Fast Facts*, CNN (Jan. 9, 2014) available at <http://www.cnn.com/2013/02/17/us/chris-christie-fast-facts/>).
- 799 Ex. 365 (Michael Rispoli, *Gov. Corzine, Chris Christie Trade Barbs About Lobbying Histories*, The Star-Ledger (Aug. 26, 2009) available at http://www.nj.com/news/index.ssf/2009/08/gov_corzine_chris_christie_tra.html).

800 *Id.*

801 *Id.*

802 *Id.*

803 Ex. 145 (Office of the Governor, *Administration, Lt. Governor and Secretary of State Kim Guadagno*); Ex. 384 (David Wald, *Next In Line: Lt. Gov Kim Guadagno*, New Jersey Monthly (Jan. 21, 2014) available at <http://njmonthly.com/articles/lifestyle/people/next-in-line-lt-gov-kim-guadagno.html>).

804 Ex. 145 (Office of the Governor, *Administration, Lt. Governor and Secretary of State Kim Guadagno*); Ex. 384 (David Wald, *Next In Line: Lt. Gov Kim Guadagno*, New Jersey Monthly (Jan. 21, 2014) available at <http://njmonthly.com/articles/lifestyle/people/next-in-line-lt-gov-kim-guadagno.html>).

805 Ex. 145 (Office of the Governor, *Administration, Lt. Governor and Secretary of State Kim Guadagno*); Ex. 366 (The United Republican Club of Howell Township, *Kim Guadagno*, available at <http://howellrepublican.com/elected-officials/kim-guadagno>).

806 Ex. 367 (Josh Margolin, *UPDATE: Chris Christie Picks Monmouth County Sheriff Kim Guadagno as running mate*, The Bergen Record (July 20, 2009) available at http://www.nj.com/news/index.ssf/2009/07/chris_christie_picks_monmouth.html).

807 Ex. 145 (Office of the Governor, *Administration, Lt. Governor and Secretary of State Kim Guadagno*).

808 *Id.*

809 *Id.*

810 *Id.*

811 *Id.*

812 *Id.*

813 *Id.*

814 Ex. 368 (Brent Johnson, *Hoboken Sandy allegations DCA Commissioner had reputation for fighting corruption under Christie*, The Star-Ledger (Jan. 18, 2014) available at http://www.nj.com/politics/index.ssf/2014/01/hoboken_sandy_allegations_dca_commissioner_had_reputation_for_fighting_corruption_under_christie.html).

815 Ex. 355 (Office of the Governor, *Administration, Cabinet, Richard E. Constable III, Esq.*).

816 *Id.*

817 *Id.*

818 Ex. 370 (Department of Community Affairs, *About the Commissioner*).

819 *Id.*

820 Ex. 371 (Press Release, Office of the Governor, *Governor Christie Announces Deputy Labor Commissioner Richard E. Constable, III as His Nominee for Commissioner of the Department of Community Affairs* (Nov. 21, 2011)).

821 *Id.*; Ex. 372 (Department of Community Affairs, *About DCA*).

822 Ex. 371 (Press Release, Office of the Governor, *Governor Christie Announces Deputy Labor Commissioner Richard E. Constable, III as His Nominee for Commissioner of the Department of Community Affairs* (Nov. 21, 2011)).

823 *Id.*

824 *Id.*

825 Ex. 150 (Press Release, Office of the Governor, *Governor Chris Christie Names Former Executive Assistant Attorney General Marc Ferzan to Manage Hurricane Sandy Storm Recovery* (Nov. 28, 2012)).

826 *Id.*
827 *Id.*
828 *Id.*
829 *Id.*
830 *Id.*
831 *Id.*
832 *Id.*
833 Ex. 373 (Eric S. Blake, et. al., *Tropical Cyclone Report, Hurricane Sandy* (Feb. 12, 2013) available at http://www.nhc.noaa.gov/data/tcr/AL182012_Sandy.pdf) at 1.
834 *Id.* at 2-3.
835 *Id.* at 3-4, 10.
836 *Id.* at 10.
837 Ex. 374 (Press Release, The White House, Office of the Press Secretary, *President Obama Signs New Jersey Disaster Declaration* (Oct. 20, 2013) available at <http://www.whitehouse.gov/the-press-office/2012/10/30/president-obama-signs-new-jersey-disaster-declaration>).
838 Ex. 375 (Stephanie Hoopes Halpin, School of Public Affairs and Administration, Rutgers-Newark, *The Impact of Superstorm Sandy on New Jersey Towns and Households*) at 5.
839 Ex. 376 (James Barron, *After the Devastation, a Daunting Recovery*, The New York Times (Oct. 30, 2012) available at <http://www.nytimes.com/2012/10/31/us/hurricane-sandy-barrels-region-leaving-battered-path.html?pagewanted=all>) at 5.
840 Ex. 373 (Eric S. Blake, et. al., *Tropical Cyclone Report, Hurricane Sandy* (Feb. 12, 2013) available at http://www.nhc.noaa.gov/data/tcr/AL182012_Sandy.pdf) at 17.
841 *Id.*; Ex. 375 (Stephanie Hoopes Halpin, School of Public Affairs and Administration, Rutgers-Newark, *The Impact of Superstorm Sandy on New Jersey Towns and Households*) at 4.
842 Ex. 375 (Stephanie Hoopes Halpin, School of Public Affairs and Administration, Rutgers-Newark, *The Impact of Superstorm Sandy on New Jersey Towns and Households*) at 91.
843 Ex. 377 (The Rockefeller Group & Dresdner Robin, *Hoboken Flood Mitigation Plan* (attached to 2013.03.05 9:54 AM Email from Reimer to Brody, et al.)) at 2.
844 *Id.*
845 Disaster Relief Appropriations Act of 2013, Pub. L. 113–2, 127 Stat. 4 (2013).
846 Ex. 378 (Governor’s Office of Recovery and Rebuilding, *Recovery Initiatives*).
847 *Id.*
848 *Id.*
849 Ex. 86 (Scott Gurian, *NJ ‘Storm Czar’ Refutes Claim Hoboken was Shortchanged*, WNYC (Jan. 20, 2014) available at <http://www.wnyc.org/story/nj-storm-czar-refutes-claim-hoboken-was-shortchanged/>).
850 Ex. 378 (Governor’s Office of Recovery and Rebuilding, *Recovery Initiatives*). FEMA is part of the U.S. Department of Homeland Security, and its “mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain and improve our capability to prepare for, protect against, respond to, recover from and mitigate all hazards.” Ex. 379 (Federal Emergency Management Agency, *About the Agency*, available at <http://www.fema.gov/about-agency>). HUD is a Cabinet-level agency Ex. 380 (United States Department of Housing and Urban Development, *History*, available at http://portal.hud.gov/hudportal/HUD?src=/about/hud_history), and its “mission is to create strong, sustainable,

inclusive communities and quality affordable homes for all.” Ex. 381 (United States Department of Housing and Urban Development, *Mission*, available at <http://portal.hud.gov/hudportal/HUD?src=/about/mission>).

⁸⁵¹ Ex. 88 (U.S. Department of Housing and Urban Development, *CDBG Disaster Recovery Assistance*, available at http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs/drsi).

⁸⁵² Ex. 382 (Department of Community Affairs, *Divisions*).

⁸⁵³ Ex. 90 (*Allocations, Common Application, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy*, 78 Fed. Reg. 14,329, 14,330 at Table 1, (Mar. 15, 2013)).

⁸⁵⁴ Ex. 383 (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan*).

⁸⁵⁵ *Id.*

⁸⁵⁶ Ex. 378 (Governor’s Office of Recovery and Rebuilding, *Recovery Initiatives*); Ex. 383 (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan*). On March 19, 2013, Mayor Zimmer submitted a comment on the DCA’s proposed Action Plan for the first tranche of federal money in the CDBG-DR program. She stated that she was “very concerned that it does not seem to include any funding for resiliency and planning studies for municipalities on the local or regional level.” Ex. 385 (2013.03.19 6:24 PM Email from Mayor Zimmer to Sandy.Recovery, et al.).

⁸⁵⁷ Ex. 383 (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan*) at Section 4-2.

⁸⁵⁸ *Id.* at Section 4–17.

⁸⁵⁹ Ex. 378 (Governor’s Office of Recovery and Rebuilding, *Recovery Initiatives*); Ex. 386 (Funding Approval/Agreement for the State of New Jersey (Mar. 17, 2013)).

⁸⁶⁰ Ex. 387 (Department of Community Affairs, *Grantee Certifications*); Ex. 89 (Certification Checklist for Community Development Block Grant Disaster Recovery (CDBG-DR) Grantees Under the Disaster Relief Appropriations Act, 2013 (Public Law 113-2) (Mar. 25, 2013)).

⁸⁶¹ Ex. 378 (Governor’s Office of Recovery and Rebuilding, *Recovery Initiatives*).

⁸⁶² *Id.*

⁸⁶³ Ex. 388 (2013.08.14 United States Department of Housing and Urban Development Office of Inspector General, *Hurricane Sandy Disaster Recovery Audit Planning - State of New Jersey*, PowerPoint Presentation).

⁸⁶⁴ Ex. 389 (2013.05.02 Letter from Buck, HUD Regional Inspector General for Audit, to Constable); Ex. 390 (2013.09.05 Letter from Buck to Constable); Ex. 391 (2013.11.08 Letter from Tekpetey to Constable).

⁸⁶⁵ Ex. 392 (2013.06.26 Letter from Gimont, Director of HUD’s Office of Block Grant Assistance, to Constable); Ex. 393 (2014.02.24 Letter from Gimont to Constable).

⁸⁶⁶ Ex. 394 (Press Release, U.S. Department of Housing and Urban Development, *HUD Announces Additional \$5.1 Billion in Recovery Funds for Communities Impacted by Hurricane Sandy* (Oct. 28, 2013) available at http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2013/HUDNo.13-153); Ex. 91 (*Second Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy*, 78 Fed. Reg. 69104 (Nov. 18, 2013)).

⁸⁶⁷ Ex. 394 (Press Release, U.S. Department of Housing and Urban Development, *HUD Announces Additional \$5.1 Billion in Recovery Funds for Communities Impacted by Hurricane Sandy* (Oct. 28, 2013) available at http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2013/HUDNo.13-153).

⁸⁶⁸ Ex. 395 (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan, Substantial Amendment for the Second Allocation of CDBG-DR Funds*).

⁸⁶⁹ *Id.* at §§ 2–14, 3–25, 3–36, 3–39.

870 Ex. 396 (Federal Emergency Management Agency, *Hazard Mitigation Grant Program*, available at <http://www.fema.gov/hazard-mitigation-grant-program>).

871 42 U.S.C. § 5170C(a) (2013).

872 *See id.*

873 Ex. 378 (Governor’s Office of Recovery and Rebuilding, *Recovery Initiatives*).

874 Ex. 397 (Press Release, Department of Community Affairs, *Christie Administration Announces \$100 Million Home Elevation Program to Protect Homeowners from Future Flood and Storm Damage* (July 22, 2013)).

875 *Id.*

876 Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiative (Jan. 23, 2014)).

877 *Id.*

878 Ex. 398 (Governor’s Office of Recovery and Rebuilding, *Resiliency*); Ex. 397 (Press Release, Department of Community Affairs, *Christie Administration Announces \$100 Million Home Elevation Program to Protect Homeowners from Future Flood and Storm Damage* (July 22, 2013)).

879 Ex. 398 (Governor’s Office of Recovery and Rebuilding, *Resiliency*).

880 The award for each county was determined using objective criteria based on 15 years of FEMA Public Assistance data from 23 presidentially declared disasters, including Superstorm Sandy. Ex. 399 (Press Release, Office of the Governor, *Christie Administration Announces \$50 Million in Federal Hazard Mitigation Program Grants to Help Protect Communities Against Future Disasters* (Oct. 8, 2013)). OEM allocated the money directly to the county government, which had to devise a spending plan for their amount. *Id.* The counties could distribute money to their municipalities, but the county made that decision, not the State. *Id.* OEM is responsible for reviewing the spending plans to ensure they were following objective criteria pre-determined by GORR and OEM, and is in the process of approving those plans now.

881 Ex. 398 (Governor’s Office of Recovery and Rebuilding, *Resiliency*).

882 *Id.*

883 Ex. 87 (Hazard Mitigation Grant Program – Energy Allocation Initiative, Factors Considered in Allocating Funds); Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiative (Jan. 23, 2014)).

884 Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiative (Jan. 23, 2014)).

885 Ex. 87 (Hazard Mitigation Grant Program – Energy Allocation Initiative: Factors Considered in Allocating Funds).

886 *Id.*

887 *Id.*

888 Ex. 400 (The Rockefeller Group, *About the Rockefeller Group*, available at <http://www.rockefellergroup.com/about-us/>). According to its website, the Rockefeller Group was incorporated more than 80 years ago and participated in the development of Rockefeller Center. Ex. 401 (The Rockefeller Group, *A Proud History of Real Estate Development, Ownership, and Management*, available at <http://www.rockefellergroup.com/about-us/history/>).

889 *See, e.g.*, Ex. 402 (Josh Margolin, *Rockefeller Center construction firm finishes Hoboken development plans*, The Star-Ledger (July 6, 2010) available at http://www.nj.com/news/index.ssf/2010/07/rockefeller_center_constructio.html).

890 Ex. 403 (Hoboken Strategy Group, *Seasoned Professionals, Kay Elizabeth LiCausi – President & CEO*, available at <http://www.hobokenstrategy.com/about.html>).

891 Ex. 371 (Press Release, Office of the Governor, *Governor Christie Announces Deputy Labor Commissioner Richard E. Constable, III as His Nominee for Commissioner of the Department of Community Affairs* (Nov. 21, 2011); Ex. 404 (Press Release, Wolff & Samson, *Grifa Rejoins Wolff & Samson* (Mar. 1, 2012) available at http://www.wolffsamson.com/news_events/437-grifa-rejoins-wolff-samson).

892 See Ex. 377 (The Rockefeller Group & Dresdner Robin, *Hoboken Flood Mitigation Plan* (attached to 2013.03.05 9:54 AM Email from Reimer to Brody, et al.)).

893 Ex. 405 (2013.02.14 8:12 PM Email from Ianuale to “DR All”).

894 Ex. 377 (The Rockefeller Group & Dresdner Robin, *Hoboken Flood Mitigation Plan* (attached to 2013.03.05 9:54 AM Email from Reimer to Brody, et al.)) at 3.

895 *Id.*

896 *Id.*

897 Ex. 406 (2013.01.29 5:59 PM Email from Rebisz to Renna, et al.).

898 *Id.*

899 *Id.*

900 Ex. 94 (City of Hoboken, *Mayor Zimmer Delivers 3rd State of the City Address; Announces Plans for Making Hoboken More Resilient* (Feb. 13, 2013) available at <http://www.hobokennj.org/2013/02/mayor-zimmer-delivers-3rd-state-of-the-city-address-announces-plans-for-making-hoboken-more-resilient/>) at 3.

901 *Id.*

902 Ex. 407 (R. William Potter, *Opinion: Hoboken's Flood Walls Could Drown the Rest of Hudson County*, NJ Spotlight (Feb. 19, 2013) available at <http://www.njspotlight.com/stories/13/02/18/opinion-hoboken-s-flood-walls-could-drown-the-rest-of-hudson-county/>).

903 *Id.*

904 Ex. 408 (Joel Rose, *Hoboken Mayor Proposes "Universal Solution" to Flooding*, NPR (Feb. 25, 2013) available at <http://www.npr.org/2013/02/25/172858141/hoboken-mayor-proposes-universal-solution-to-flooding>).

905 Ex. 409 (2013.02.13 1:38 PM Email from Rebisz to Renna).

906 *Id.* After Superstorm Sandy, FEMA accelerated its process of creating new flood maps which are more onerous. The effect of the proposed changes was significant in many ways. For example, if homeowners did not comply with the new flood maps, their flood insurance premiums could skyrocket.

907 *Id.*

908 Ex. 410 (2013.02.13 5:54 PM Email from Ferzan to Grifa).

909 Ex. 411 (2013.02.13 5:56 PM Email from Ferzan to Kelly).

910 *Id.* (2013.02.13 4:47 PM Email from Grifa to Ferzan).

911 *Id.*

912 *Id.* (2013.02.13 5:54 PM Email from Ferzan to Grifa).

913 Ex. 410 (2013.02.13 8:45 PM Email from Grifa to Ferzan).

914 Robert Martin has been the Commissioner of the DEP from 2010 through the present. Ex. 412 (*Martin will be state environmental commissioner*, PolitickerNJ (Jan. 13, 2010) available at <http://www.politickernj.com/editor/36062/martin-will-be-state-environmental-commissioner>).

915 Ex. 413 (2013.02.25 8:35 PM Email from Renna to Glass, et al.). In her email to the staff members of Commissioners Martin and Constable for purposes of scheduling the meeting, Renna stated: “One thing that the Governor promised was a sit down with Commissioners Martin and Constable to discuss an economic development project in town,” and then included a link to a news report preceding Mayor Zimmer’s State of the City address and

announcement of the Rockefeller Group’s flood mitigation plan. *Id.* Based on our interviews and the link to the news report about Mayor Zimmer’s announcement, as well as the substance of the subsequent meeting with the Commissioners, we find that Renna’s reference to an “economic development project” was, in fact, a reference to the Rockefeller Group’s flood mitigation plan for the entire city of Hoboken.

⁹¹⁶ Ex. 69 (2013.04.23 Letter from Mayor Zimmer to Governor Christie) at 1.

⁹¹⁷ Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html>) at 2.

⁹¹⁸ Ex. 413 (2013.02.25 8:35 PM Email from Renna to Glass); Ex. 414 (2013.03.05 Notes by Mowers from Meeting with Mayor Dawn Zimmer with DEP & DCA) at 1.

⁹¹⁹ Ex. 414 (2013.03.05 Notes by Mowers from Meeting with Mayor Dawn Zimmer with DEP & DCA) at 1.

⁹²⁰ Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMPG) Energy Allocation Initiative (Jan. 23, 2014)).

⁹²¹ Ex. 414 (2013.03.05 Notes by Mowers from Meeting with Mayor Dawn Zimmer with DEP & DCA) at 1.

⁹²² *Id.*

⁹²³ Ex. 414 (2013.03.05 Notes by Mowers from Meeting with Mayor Dawn Zimmer with DEP & DCA) at 2.

⁹²⁴ *See id.*

⁹²⁵ Ex. 100 (2013.03.15 12:15 PM Email from Padilla to Grifa, et al.).

⁹²⁶ *Id.*

⁹²⁷ Ex. 415 (2013.05.09 N.J. Dep’t of Environ. Protection, Hoboken Meeting Sign-In Sheet).

⁹²⁸ *See* Ex. 416 (2013.02.20 10:09 AM Email from Reiner to Flores, et al.).

⁹²⁹ *See id.* (2013.02.27 9:58 AM Email from Arena to Daleo).

⁹³⁰ *Id.* (2013.02.20 10:09 AM Email from Reiner to Flores).

⁹³¹ Ex. 417 (2013.03.07 Letter from Grifa to Reiner).

⁹³² *See* Ex. 418 (2013.03.11 Handwritten Notes by Mowers).

⁹³³ Ex. 419 (2013.03.13 5:24 PM Email from Sheridan to Renna).

⁹³⁴ Ex. 420 (2013.01.22 Letter from Mayor Zimmer to Governor Christie) (erroneously dated January 22, 2012)). Mayor Zimmer asked for Governor Christie’s support to “bring together stakeholders that have a vested interest in protecting this region’s transportation infrastructure for a series of meetings to discuss possible solutions to the storm surge and flooding and try to develop consensus and funding alternatives.” *Id.*

⁹³⁵ Ex. 419 (2013.03.13 5:24 PM Email from Sheridan to Renna).

⁹³⁶ *Id.*

⁹³⁷ Ex. 421 (2013.03.12 Handwritten Notes by Reiner from Hoboken Meeting with Transportation Agencies) at 2.

⁹³⁸ Ex. 419 (2013.03.13 5:24 Email from Sheridan to Renna). *See* Ex. 422 (Charles Hack, *NJ Transit and Developer LCOR Says Hoboken Terminal & Rail Yard Redevelopment Will Include Flood Wall to Protect Hoboken*, The Jersey Journal (Feb. 22, 2013) available at http://www.nj.com/hudson/index.ssf/2013/02/nj_transit_and_developer_lcor.html); Ex. 419 (2013.03.13 5:24 PM Email from Sheridan to Renna).

⁹³⁹ *See* Ex. 419 (2013.03.13 5:24 PM Email from Sheridan to Renna).

⁹⁴⁰ Ex. 423 (2013.03.19 11:15 AM Email from Mowers to Mayor Zimmer, et al.).

⁹⁴¹ *Id.* at 4.

942 *Id.*

943 *Id.*

944 *Id.*

945 Ex. 99 (2013.04.11 2:38 PM Email from Moyle to Rosenblatt, et al.); Ex. 425 (2013.04.12 12:13 PM Email from Grifa to Moyle); Ex. 426 (2013.04.12 3:41 PM Email from Grifa to Rosenblatt, et al.).

946 Ex. 415 (2013.05.09 N.J. Dep't of Environ. Protection, Hoboken Meeting Sign-in Sheet).

947 Ex. 427 (2013.04.23 2:13 PM Email from Melli to Martin, et al.). Melli also sent it to Evan Ridley, who replaced Matt Mowers as the point of contact for the issue at IGA. Ex. 428 (2013.04.23 2:10 PM Email from Melli to Ridley, et al.). Ferzan forwarded Melli's email to three members of his staff and two IGA staff members. Ex. 429 (2013.04.23 3:29 PM Email from Ferzan to Daleo, et al.); Ex. 430 (2013.04.24 6:36 AM Email from Ferzan to Kelly, et al.). Commissioner Martin's executive secretary forwarded Mayor Zimmer's letter to 16 people at DEP. *See* Ex. 431 (2013.04.23 2:39 PM Email from Marchitelli to Cantor, et al.).

948 Ex. 69 (2013.04.23 Letter from Mayor Zimmer to Governor Christie) at 1.

949 *Id.* at 1-2.

950 *Id.* at 2.

951 *Id.* (emphasis added).

952 Nevertheless, during this period, April 2013, Mayor Zimmer's office believed that the Rockefeller Group and its representatives were making a "full court press" to promote its private development project. Ex. 432 (2013.04.05 10:52 AM Email from Maraziti to Forbes); *see also* Ex. 433 (2013.04.19 1:35 PM Email from Grifa to Maraziti).

953 Ex. 94 (City of Hoboken, *Mayor Zimmer Delivers 3rd State of the City Address; Announces Plans for Making Hoboken More Resilient* (Feb. 13, 2013) available at <http://www.hobokennj.org/2013/02/mayor-zimmer-delivers-3rd-state-of-the-city-address-announces-plans-for-making-hoboken-more-resilient/>).

954 *Id.* (underlining removed).

955 Ex. 434 (2013.04.24 6:48 PM Email from Siekerka to Martin, et al.).

956 Ex. 98 (2013.04.25 Letter from Martin to Mayor Zimmer).

957 *See* Ex. 435 (2013.04.26 Sheppard Calendar Entry).

958 *Id.* at 1.

959 *Id.*

960 *Id.*

961 *Id.*

962 *Id.* at 2.

963 Ex. 415 (2013.05.09 N.J. Dep't of Environ. Protection, Hoboken Meeting Sign-In Sheet).

964 Ex. 98 (2013.04.25 Letter from Martin to Mayor Zimmer) at 2.

965 *Id.* at 1-2.

966 Ex. 436 (2013.04.25 7:06 PM Email from Mayor Zimmer to Martin, et al.).

967 Ex. 437 (2013.04.26 8:29 PM Email from Ferzan to Szczech, et al.).

968 Ex. 438 (2013.04.29 8:33 PM Email from Brody to Mayor Zimmer, et al.).

969 Ex. 439 (2013.05.10 9:48 AM Email from Chebra to Tang-Smith, NJ DEP Communications Associate et al.). We note that we came across an email dated May 1, 2013, from Panebianco, an administrative assistant in the Governor's Office, to Deborah Gramiccioni, stating that Commissioner Martin had requested a phone call

“regarding Hoboken and development by the Rockefeller Group.” Ex. 440 (2013.05.01 3:13 PM Email from Panebianco to Gramiccioni). Although on first blush the email appeared to be about the Rockefeller Group’s project in Hoboken, Gramiccioni said the call occurred on May 6, 2013, and Commissioner Martin wanted an update on a pre-Sandy meeting relating to LCOR’s development project with the NJ Transit in the South End of Hoboken.

⁹⁷⁰ Ex. 441 (2013.05.03 Letter from Ferzan to Vietri, Director of USACE’s National Planning Center of Expertise for Storm Damage) at 1. Several Government officials said that the U.S. Army Corps is in the best position to realize projects that will reduce risk in vulnerable communities like Hoboken. The State is collaborating with the Army Corps on its Comprehensive Study of the Coastal North Atlantic Region by providing information and support, and assisting the Army Corps in identifying areas to study. Ex. 98 (2013.04.25. Letter from Martin to Mayor Zimmer) The study is scheduled to be completed by January 2015. Ex. 442 (United States Army Corps of Engineers, North Atlantic Coast Comprehensive Study – Study Synopsis (Dec. 2013)) at 1.

⁹⁷¹ Ex. 441 (2013.05.03 Letter from Ferzan to Vietri, Director of USACE’s National Planning Center of Expertise for Storm Damage) at 2.

⁹⁷² *Id.* New Jersey retained experts in civil and environmental engineering, stormwater management, watershed and water environment restoration, and hydrology from six of the State’s universities: Monmouth University; Montclair State University; New Jersey Institute of Technology; Richard Stockton College of New Jersey; Rutgers, the State University of New Jersey; and Stevens Institute of Technology. Ex. 443 (New Jersey Department of Environmental Protection, *Christie Administration Announces Post-Superstorm Sandy Flood Mitigation Studies by New Jersey Universities* (Sept. 12, 2013)). The experts are focused on analyzing regions that remain vulnerable to future loss, including Hoboken. *Id.*

⁹⁷³ Ex. 441 (2013.05.03 Letter from Ferzan to Vietri, Director of USACE’s National Planning Center of Expertise for Storm Damage) at 2.

⁹⁷⁴ Ex. 95 (2013.05.08 Letter from Mayor Zimmer to Governor Christie) at 1.

⁹⁷⁵ *Id.*

⁹⁷⁶ *Id.*

⁹⁷⁷ *See, e.g.*, Ex. 444 (2013.05.15 4:22 PM Email from Siekerka to D. Zimmer, et al.); Ex. 445 (2013.05.17 Email Exchange between Siekerka and Marks); Ex. 446 (2013.06.11 Email Exchange between Siekerka and Malone); Ex. 447 (2013.07.02 9:19 AM Email from Siekerka to Malone).

⁹⁷⁸ Ex. 448 (2013.05.08 2:43 PM Email from Siekerka to Marchitelli, et al.).

⁹⁷⁹ *See* Ex. 449 (Transcript, Hoboken Planning Board Special Meeting, *In the Matter of: North End Redevelopment Study* (May 8, 2013)).

⁹⁸⁰ Ex. 101 (2010.12.28 Letter from DiMola, Deputy Director of the Development Department of the Port Authority, to Mayor Zimmer). The Port Authority approved Mayor Zimmer’s request to fund the Hoboken North End study in 2010. *Id.* At that time, the Chairman of the Port Authority was Anthony R. Coscia; David Samson was elected Chairman of the Port Authority in early February 2011. Ex. 450 (Press Release, The Port Authority of NY & NJ, *New Jersey Public Servant David Samson Elected Chairman of the Port Authority* (Feb. 3, 2011)).

⁹⁸¹ Ex. 449 (Transcript, Hoboken Planning Board Special Meeting, *In the Matter of: North End Redevelopment Study* (May 8, 2013)) at 32–33.

⁹⁸² *Id.*

⁹⁸³ *Id.* at 11, 35, 98–99, 104–06, 109–12; *see also* Ex. 97 (Patrick McGeehan & Charles V. Bagli, *How Pressure Mounted for Development in Hoboken*, The New York Times (Jan. 29, 2014) available at <http://www.nytimes.com/2014/01/30/nyregion/powerful-allies-pushed-a-project-in-new-jersey.html>).

⁹⁸⁴ Ex. 449 (Transcript, Hoboken Planning Board Special Meeting, *In the Matter of: North End Redevelopment Study* (May 8, 2013)) at 106.

⁹⁸⁵ Ex. 415 (2013.05.09 N.J. Dep’t of Environ. Protection, Hoboken Meeting Sign-In Sheet).

⁹⁸⁶ *Id.*

987 The Rockefeller Group representatives said that they wanted to have a dry city for development purposes
and thus were pursuing flood control measures.

988 Ex. 451 (2013.05.09 Handwritten Notes by Siekerka); Ex. 452 (2013.05.09 Handwritten Notes by Putnam).

989 Ex. 453 (2013.05.09 8:19 PM Email from Ferzan to Melli, et al.).

990 *Id.*

991 Ex. 454 (2013.05.10 9:36 AM Email from Daleo to Siekerka, et al.).

992 Ex. 455 (2013.05.10 5:00 Email from Mayor Zimmer to Ferzan).

993 *Id.*

994 *Id.*

995 *Id.*

996 Ex. 456 (2013.05.12 3:04 PM Email from Ferzan to Kelly, et al.).

997 *Id.*

998 *Id.* Mayor Zimmer’s proposal for the creation of “oyster beds,” which are defined in Merriam Webster’s
dictionary as places where oysters grow or are cultivated, was based on her conversation with people at Stevens
Institute of Technology as to options available to protect Hoboken from flooding. *See* Ex. 457 (2013.05.14 11:40
AM Email from Mayor Zimmer to Miller). Professor Blumberg, however, wrote Mayor Zimmer that “there was a
miscommunication” during their conversation with Mayor Zimmer and, despite the Mayor’s perception of what was
said, “about what they were doing in general and what was possible for Hoboken,” and that “[o]yster beds are not an
option to protect Hoboken from the next extreme event.” *Id.* (2013.05.14 5:51 PM Email from Blumberg to Mayor
Zimmer).

999 Ex. 457 (2013.05.14 11:40 AM Email from Mayor Zimmer to Miller).

1000 *Id.*

1001 Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn
Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html>) at 3; Ex.
56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) available at
<http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html>) at 5.

1002 Ex. 458 (2013.04.23 3:47 PM Email from Renna to Scangarella).

1003 Ex. 460 (2013.05.08 4:04 PM Email from Robertson to Scangarella).

1004 Ex. 461 (2013.05.09 12:26 PM Email from Robertson to Scangarella).

1005 Ex. 462 (2013.05.10 12:07 PM Email from Robertson to Kelly, et al.).

1006 *Id.* (“Will the Mayor attend?”).

1007 *Id.* (2013.05.10 1:02 PM Email from Renna to Robertson).

1008 Ex. 463 (2013.05.10 2:26 PM Email from Ridley to Sheridan, et al.).

1009 Ex. 66 (2013.05.10 Email from Larkin to Orsen); Ex. 462 (2013.05.10 12:07 PM Email from Robertson to
Kelly, et al.).

1010 Ex. 464 (2013.05.10 Governor’s Office of Recovery and Rebuilding, *New Jersey Recovery Strategies*,
PowerPoint Presentation). Among other things, Ferzan’s presentation discussed that the initial assessment of
recovery needs was approximately \$37 billion and New Jersey’s estimated share of disaster recovery funds was less
than \$20 billion. *Id.* at 13. In addressing this funding gap, Ferzan’s presentation discussed obtaining additional
federal funds, leveraging the existing funds, public-private partnerships, and private foundations and charitable
organizations. *Id.* at 14. Further, Ferzan’s presentation stated that there was \$25.4 billion in “unmet needs” for
infrastructure. *Id.* at 16.

1011 Ex. 465 (2013.05.13 Governor’s Office Briefing on Sandy Business Visit – Shop Rite) at 2.
1012 *Id.* at 1, 2, 5.
1013 Ex. 68 (2013.05.13 11:22 AM Email from Kelly to Ridley, et al.).
1014 *Id.* (2013.05.13 12:02 PM Email from Ridley to DiMaggio).
1015 Ex. 67 (2013.05.13 12:06 PM Email from DiMaggio to Orsen).
1016 *Id.* (2013.05.13 12:48 PM Email from Orsen to DiMaggio).
1017 Ex. 466 (2013.05.13 1:01 PM Email from Ridley to DiMaggio).
1018 *Id.* (2013.05.13 1:19 PM Email from DiMaggio to Ridley). The Lieutenant Governor said that she had accommodated the Mayor’s request to meet, in part, because they enjoyed a cordial relationship. The Lieutenant Governor stated that she had met Mayor Zimmer’s family and kept a photograph of the two of them together in her office.
1019 Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?: Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html>) at 3
1020 Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) available at <http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html>) at 5.
1021 Ex. 67 (2013.05.13 12:06 PM Email from DiMaggio to Orsen).
1022 Ironically, Mayor Zimmer had spoken with Ferzan about Sandy aid on May 11, 2013, and she complimented Ferzan on May 14, 2013, as being “interested and open” to new ideas. Ex. 457 (2013.05.14 11:40 AM Email from Mayor Zimmer to Miller).
1023 Ex. 58 (Collecting for reference the images of the journal by Mayor Zimmer in the order in which they appear in the article, *Christie camp held Sandy relief money hostage, mayor alleges*, MSNBC (Jan. 18, 2014) (embedded version available at http://www.scribd.com/document_downloads/200600851?extension=pdf&from=embed&source=embed) (“MSNBC Zimmer Journal”).
1024 Ex. 70 (Charles Hack, *Lt. Gov. Guadagno: No rush on Hoboken’s “emergency” \$29M request*, The Jersey Journal (May 13, 2013) available at http://www.nj.com/hudson/index.ssf/2013/05/lt_gov_kim_guadano_says_that_2.html).
1025 *Id.*
1026 *Id.*
1027 *Id.*
1028 *Id.*
1029 Ex. 368 (Brent Johnson, *Hoboken Sandy allegations: DCA commissioner had reputation for fighting corruption under Christie*, The Star-Ledger (Jan. 18, 2014) available at http://www.nj.com/politics/index.ssf/2014/01/hoboken_sandy_allegations_dca_commissioner_had_reputation_for_fighting_corruption_under_christie.html); Ex. 59 (Daily News Zimmer Journal).
1030 *See* Ex. 79 (Transcript of NJTV Superstorm Sandy A Live Town Hall (May 16, 2013)).
1031 *Id.* at 1.
1032 Ex. 78 (Superstorm Sandy: A Live Town Hall Photographs at 7:36:58).
1033 Ex. 59 (Daily News Zimmer Journal) at 4.
1034 Ex. 78 (Transcript of NJTV Superstorm Sandy A Live Town Hall (May 16, 2013)) at 40.
1035 Ex. 467 (2013.05.13 7:02 PM Email from Ferzan to Mottley, Sergeant First Class at the New Jersey State Police Office of Emergency Management, et al.).

1036 Ex. 468 (2013.05.12 4:25 PM Email from Ferzan to Mayor Zimmer, et al.).
1037 See Ex. 469 (2013.07.19 12:28 PM Email from Szczech to Ferzan, with attachment).
1038 Ex. 483 (New Jersey Environmental Infrastructure Trust, *About Us*, available at <http://www.njeit.org/general-information/general/about-us>).
1039 Ex. 484 (U.S. Environmental Protection Agency, *Clean Water State Revolving Fund*, available at http://water.epa.gov/grants_funding/cwsrf/cwsrf_index.cfm).
1040 Ex. 485 (State of New Jersey Recovery and Reinvestment Plan, *Clean Water State Revolving Fund*, available at <http://www.nj.gov/recovery/infrastructure/cwsrf.html>).
1041 Ex. 444 (2013.05.15 2:14 PM Email from D. Zimmer to Mayor Zimmer, et al.).
1042 *Id.*
1043 *Id.*
1044 *Id.*
1045 *Id.* (2013.05.15 4:22 PM Email from Siekerka to D. Zimmer, et al.).
1046 See Ex. 445 (2013.05.16 7:16 PM Email from Siekerka to Marks).
1047 Ex. 445 (2013.05.16 7:16 PM Email from Siekerka to Marks).
1048 Ex. 486 (2013.07.18 Email Exchange between Siekerka and D. Zimmer).
1049 Ex. 487 (2013.09.16 12:14 PM Email from Zimmer to Siekerka, et al.).
1050 Ex. 488 (2013.12.11 Email from David Zimmer to Siekerka); Ex. 489 (2013.11.13 11:39 AM Email from Coles to Marks).
1051 Ex. 447 (2013.06.11 8:13 AM Email from Malone to Aloji, et al.).
1052 *Id.* (2013.06.11 9:06 AM Email from Siekerka to Malone).
1053 *Id.* (2013.06.11 9:16 AM Email from Malone to Siekerka, et al.).
1054 *Id.*
1055 *Id.*
1056 *Id.*
1057 Ex. 447 (2013.06.11 9:19 AM Email from Siekerka to Daleo).
1058 Ex. 490 (2013.06.14 5:05 PM Email from Siekerka to Marks, et al.).
1059 Ex. 491 (Hoboken Briefing for After Action Meeting with Hoboken Officials (Aug. 1, 2013)).
1060 Ex. 492 (2013.06.27 10:30 AM Email from Siekerka to Mayor Zimmer, et al.).
1061 *Id.*
1062 *Id.*
1063 *Id.*
1064 *Id.*
1065 *Id.*
1066 Ex. 464 (2013.07.02 1:18 PM Email from Siekerka to Malone).
1067 Ex. 494 (2013.07.17 8:20 PM Email from Ferzan to Siekerka, et al.).
1068 *Id.*

1069 *Id.* (2013.07.17 10:52 PM Email from Siekerka to Ferzan, et al.).

1070 Ex. 495 (2013.07.24 10:22 AM Email from Ferzan to Siekerka, et al.)

1071 *Id.*

1072 Ex. 496 (2013.08.19 5:51 PM Email from Ferzan to Siekerka).

1073 Ex. 469 (Memorandum from FEMA regarding Public Assistance and 406 Status of the City of Hoboken (July 18, 2013) (attached to 2013.07.19 12:28 PM Email from Szczech to Ferzan)).

1074 *Id.*

1075 *Id.*

1076 *Id.*

1077 *Id.*

1078 *See* Ex. 470 (2013.08.05 1:55 PM Email from Rebisz to Renna).

1079 *See id.*

1080 DEP told Mayor Zimmer's team that the loan for Hoboken's pump station project required a public hearing and notice-and-comment period because, among other reasons, it would have an impact on the public.

1081 Ex. 71 (2013.09.19 Letter from Constable to Mayor Zimmer) at 1.

1082 Ex. 471 (2013.10.09 Letter from Gallagher to Mayor Zimmer) at 1. There were approximately 145 applying municipalities and entities allocated funds from the \$25 million in total funding for this program, meaning they averaged about \$170,000. *See* Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiative (Jan. 23, 2014)).

1083 Ex. 82 (Rebuild by Design, *Hurricane Sandy Regional Planning and Design Competition, Design Brief* (June 21, 2013)) at 1, 10.

1084 Ex. 471B (Rebuild by Design, *What is Rebuild by Design?*, available at <http://www.rebuildbydesign.org/what-is-rebuild-by-design/>).

1085 Ex. 82 (Rebuild by Design, *Hurricane Sandy Regional Planning and Design Competition, Design Brief* (June 21, 2013)) at 2.

1086 *Id.* at 3.

1087 *Id.* at 4.

1088 *Id.* at 5.

1089 *Id.*; Ex. 472 (Jessica Dailey, *HUD-Sponsored Sandy Design Competition Selects 10 Finalists*, *Curbed* (Aug. 9, 2013) available at http://ny.curbed.com/archives/2013/08/09/hudsponsored_sandy_design_competition_selects_10_finalists.php).

1090 Ex. 82 (Rebuild by Design, *Hurricane Sandy Regional Planning and Design Competition, Design Brief* (June 21, 2013)) at 6.

1091 Ex. 471B (Rebuild by Design, *What is Rebuild by Design?*, available at <http://www.rebuildbydesign.org/what-is-rebuild-by-design/>).

1092 Ex. 82 (Rebuild by Design, *Hurricane Sandy Regional Planning and Design Competition, Design Brief* (June 21, 2013)) at 6.

1093 *Id.* at 6–7.

1094 *Id.* at 7.

1095 Ex. 473 (Rebuild by Design, *About*, available at <http://www.rebuildbydesign.org/about>).

1096 The three New Jersey finalists are: (1) Sasaki/Rutgers University/ARUP team’s project to adapt the pier, boardwalk, and marina on the New Jersey shore for a sea level rise; (2) the MIT CAU, ZUS, and Urbanisten team’s project to convert substantial parts of the Meadowlands into a park that protects against floods; and (3) OMA’s anti-flooding and storm surge protection project for Hoboken. *See* Ex. 472 (Jessica Dailey, *HUD-Sponsored Sandy Design Competition Selects 10 Finalists*, Curbed (Aug. 9, 2013) available at http://ny.curbed.com/archives/2013/08/09/hudsponsored_sandy_design_competition_selects_10_finalists.php).

1097 Ex. 474 (Rebuild by Design, OMA, available at <http://www.rebuildbydesign.org/teams/oma/>).

1098 *Id.*

1099 Ex. 471B (Rebuild by Design, *What is Rebuild by Design?*, available at <http://www.rebuildbydesign.org/what-is-rebuild-by-design/>).

1100 Ex. 82 (Rebuild by Design, *Hurricane Sandy Regional Planning and Design Competition, Design Brief* (June 21, 2013)) at 6.

1101 *Id.*

1102 *See, e.g.*, Ex. 84 (2014.01.10 7:37 PM Email from McFadden to Morris (“Just want to thank you for digging in with the RBD teams.”)); Ex. 83 (2014.01.16 3:04 PM Email from Davis to Ferzan, et al. (“Just wanted to pass a note of thanks for all the extraordinary cooperation that Dave and your other State colleagues have provided to RBD. The presence of each State agency at yesterday’s RBD workshop was greatly appreciated by the teams and they found the conversations hugely invaluable. Thanks, in particular, to Dave. He has been great to work with and very responsive.”)); Ex. 475 (2014.01.16 7:03 PM Email from Lane, Regional Plan Association Senior Fellow for Urban Design, to Morris (“Btw – there is a pretty strong consensus emerging that you are really doing a good job as the liaison between Trenton and RxD. We appreciate it.”)).

1103 This meeting was postponed due to scheduling issues and has not yet occurred.

1104 Ex. 476 (2014.01.02 4:01 PM Email from Morris to Wyckoff, et al.).

1105 Ex. 477 (2014.01.10 4:46 PM Email from Morris to Pittman).

1106 Ex. 478 (2013.07.16 4:43 PM Email from Stepien to DuHaime).

1107 *See* Ex. 479 (2013.08.21 5:53 PM Email from Stepien to DuHaime).

1108 *See* Ex. 413 (2013.02.25 8:35 PM Email from Renna to Glass, et al.).

1109 Ex. 413 (2013.02.25 8:35 PM Email from Renna to Glass).

1110 Ex. 480 (2013.02.05 3:11 PM Email from Kelly to Cradic).

1111 *See* Ex. 481 (2013.03.12 4:00 PM Cradic Calendar Meeting Invite re fyi: HOLD Mtg w/Mayor Zimmer and North Hudson Sewage Authority).

1112 Ex. 482 (2013.05.15 9:41 AM Email from Renna to Mekles, et al.).

1113 Ex. 491 (2013.08.01 Hoboken Briefing for After Action Meeting with Hoboken Officials).

1114 Ex. 478 (2013.07.16 4:43 PM Email from Stepien to DuHaime).

1115 Ex. 497 (2013.08.20 12:04 PM Email from Rebisz to Renna).

1116 *See id.* (2013.08.20 12:07 PM Email from Rebisz to Renna).

1117 Ex. 498 (2013.08.20 9:56 AM Tweet from Jenna Portnoy).

1118 *See* Ex. 499 (2013.08.22 5:53 PM Email from Stepien to DuHaime).

1119 Ex. 61 (2013.08.20 Tweets from Mayor Zimmer, available at <https://twitter.com/dawnzimmernj/status/369877512895356928>).

1120 Ex. 500 (2013.08.21 1:18 PM Email from Bryan to DuHaime, et al.).

1121 Ex. 479 (2013.08.21 5:14 PM Email from Mayor Zimmer to DuHaime).

1122 *Id.*

1123 *Id.* We do not know whether Mayor Zimmer sought an explanation. However, our understanding is that Brick and another community received the money because the federal government wanted to protect Route 35, a significant federal highway running through those communities, and the Christie Administration worked to make sure this project protected neighboring communities. *See* Ex. 501 (Press Release, New Jersey Department of Environmental Protection, *Christie Administration Moves Ahead on Protective Sheet Piling Project in Mantokoling and Brick* (Jan. 2, 2014)).

1124 Ex. 479 (2013.08.21 5:14 PM Email from Mayor Zimmer to DuHaime).

1125 *Id.*

1126 *Id.* (2013.08.22 8:54 AM Email from DuHaime to Stepien).

1127 *See* Ex. 502 (2013.09.28 1:12 PM Email from Bryan to Mowers, et al.); Ex. 357 (2013.10.02 Email Exchange between Bryan and Mowers).

1128 Ex. 63 (2013.10.02 4:31 PM Email from Bryan to Mowers (emphasis added)).

1129 *Id.* (2013.10.02 5:10 PM Email from Mowers to Bryan).

1130 *See* Ex. 80 (2013.11.25 Superstorm Sandy CDBG-DR Action Plan II: Stakeholder Meeting Sign-In).

1131 Ex. 81 (2013.11.25 Notes by Ryan from Meeting with Northern/Central Jersey Mayors); Ex. 80 (2013.11.25 Superstorm Sandy CDBG-DR Action Plan II: Stakeholder Meeting Sign-In).

1132 Ex. 394 (Press Release, U.S. Department of Housing and Urban Development, *HUD Announces Additional \$5.1 Billion in Recovery Funds for Communities Impacted by Hurricane Sandy* (Oct. 28, 2013) available at http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2013/HUDNo.13-153); Ex. 91 (*Second Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy*, 78 Fed. Reg. 69104 (Nov. 18, 2013)); Ex. 395 (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan, Substantial Amendment for the Second Allocation of CDBG-DR Funds*).

1133 *See* Ex. 80 (2013.11.25 Superstorm Sandy CDBG-DR Action Plan II: Stakeholder Meeting Sign-In).

1134 Ex. 81 (2013.11.25 Notes of Ryan from Meeting with Northern/Central Jersey Mayors) at 1–2.

1135 *Id.* at 2.

1136 As we explain further below, under HUD’s guidelines for the RBD competition, public-private partnerships that leverage federal dollars are to be encouraged, so it would have been appropriate for Ferzan to mention that in any event. Ex. 82 (Rebuild by Design, *Promoting Resilience Post-Sandy Through Innovative Planning and Design, Design Brief*) at 2. And Mayor Zimmer, a member of the Presidential Task Force Advisory Board, should have realized that too. Ex. 85 (Hurricane Sandy Rebuilding Task Force, *Hurricane Sandy Rebuilding Strategy* (Aug. 2013)) at 8.

1137 *See* Ex. 503 (Press Release, The Rockefeller Foundation, *Rockefeller Foundation Announces support for RE.invest Initiatives* (Jan. 18, 2013) available at <http://www.rockefellerfoundation.org/newsroom/rockefeller-foundation-announces-support>).

1138 Ex. 505 (Charles Hack, *Rockefeller Foundation funds study to help solve Hoboken’s flooding problem*, The Jersey Journal (May 22, 2013) available at http://www.nj.com/hudson/index.ssf/2013/05/rockefeller_foundation_funds_s.html).

1139 Ex. 503 (Press Release, *The Rockefeller Foundation, Rockefeller Foundation Announces support for RE.invest Initiative* (Jan. 18, 2013) available at <http://www.rockefellerfoundation.org/newsroom/rockefeller-foundation-announces-support>).

1140 Ex. 504 (2013.06.06 8:29 AM Email from Ouied to Daleo, et al.); Ex. 505 (Charles Hack, *Rockefeller Foundation funds study to help solve Hoboken’s flooding problem*, The Jersey Journal (May 22, 2013) available at http://www.nj.com/hudson/index.ssf/2013/05/rockefeller_foundation_funds_s.html).

1141 Ex. 506 (2013.05.15 Letter from Marchetta to Martoglio); Ex. 507 (*Request for Action by Members of the New Jersey Housing and Mortgage Finance Agency* (May 15, 2013)) at 7.

1142 Ex. 508 (2013.05.01 Letter from Mayor Zimmer to C. Garcia, et al.).

1143 Mayor Zimmer asserted that the project did not provide for back-up generators in every building, that the project was not sufficiently accessible for seniors, that ground-floor parking was a safety hazard, and that the waiting list process for housing was not transparent. *Id.* at 1.

1144 Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html>) at 1.

1145 Ex. 458 (2013.04.23 3:47 PM Email from Renna to Scangarella).

1146 Ex. 462 (2013.05.10 12:07 PM Email from Robertson to Kelly, et al.).

1147 Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html>) at 3.

1148 Ex. 465 (2013.05.13 Governor's Office Briefing on Sandy Business Visit – Shop Rite) at 1.

1149 *Id.*

1150 Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html>) at 3.

1151 Ex. 462 (2013.05.10 12:07 PM Email from Robertson to Kelly, et al.).

1152 *Id.*

1153 Ex. 509 (2013.01.16 3:39 PM Email from Robertson to Kelly, et al.).

1154 *Id.* (2013.01.16 3:43 PM Email from Kelly to Mowers).

1155 Ex. 511 (2013.05.02 1:09 PM Email from Kelly to Renna).

1156 *See id.* (2013.05.03 9:33 AM Email from Renna to Kelly).

1157 Ex. 512 (2013.08.09 3:35 PM Email from Robertson to Kelly, et al.).

1158 *Id.* (2013.08.09 3:43 PM Email from Kelly to Renna).

1159 Ex. 513 (2013.08.09 3:55 PM Email from Rebisz to Bryan).

1160 *Id.* (2013.08.09 4:23 PM Email from Bryan to Rebisz, et al.)

1161 Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html>) at 3.

1162 Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) available at <http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html>) at 2.

1163 Ex. 67 (2013.05.13 12:06 PM Email from DiMaggio to Orsen).

1164 *Id.*

1165 *Id.* (2013.05.13 12:48 PM Email from Orsen to DiMaggio).

1166 Ex. 466 (2013.05.13 1:01 PM Email from Ridley to DiMaggio).

1167 *See Ex. 67* (2013.05.13 12:06 PM Email from DiMaggio to Orsen).

1168 Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html>) at 3.

1169 Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) available at <http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html>) at 5.

1170 Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html>) at 3.

1171 Ex. 462 (2013.05.10 12:07 PM Email from Robertson to Kelly, et al.).

1172 Ex. 94 (City of Hoboken, *Mayor Zimmer Delivers 3rd State of the City Address; Announces Plans for Making Hoboken More Resilient* (Feb. 13, 2013) available at <http://www.hobokennj.org/2013/02/mayor-zimmer-delivers-3rd-state-of-the-city-address-announces-plans-for-making-hoboken-more-resilient/>) at 3.

1173 Ex. 432 (2013.04.05 10:52 AM Email from Maraziti to Forbes); *see also* Ex. 433 (2013.04.19 1:35 PM Email from Grifa to Maraziti).

1174 Ex. 433 (2013.04.20 4:58 PM Email from Maraziti to Mayor Zimmer).

1175 In or about late 2011 or early 2012, Lori Grifa, as DCA Commissioner, and others in the Christie Administration met with Mayor Zimmer to discuss private development proposals in Hoboken, including the Rockefeller Group's project, that had stalled. Mayor Zimmer told them that she did not want Hoboken to become another Jersey City. Grifa and the other State officials offered to assist Mayor Zimmer by helping to facilitate dialogue on these development proposals.

1176 Ex. 514 (Wolff & Samson, *David Samson*, available at <http://www.wolffsamson.com/biographies/david-samson>).

1177 Ex. 69 (2013.04.23 Letter from Mayor Zimmer to Governor Christie (emphasis added)) at 2 .

1178 Ex. 411 (2013.02.13 4:47 PM Email from Grifa to Ferzan).

1179 Ex. 410 (2013.02.13 5:54 PM Email from Ferzan to Grifa); *see also* Ex. 411 (2013.02.13 5:56 PM Email from Ferzan to Kelly, et al.).

1180 Ex. 449 (Transcript, Hoboken Planning Board Special Meeting, *In the Matter of: North End Redevelopment Study* (May 8, 2013)) at 106. Of note, Mayor Zimmer had appointed six of the seven Planning Board members, and the seventh was a City Council member also supportive of Mayor Zimmer who voted with the majority in rejecting the Rockefeller Group's application for redevelopment status. *See* Ex. 515 (Hoboken Municipal Code § 44-1(A)-(C)); Ex. 516 (City of Hoboken, Planning Board, available at <http://www.hobokennj.org/boards/planning-board/>); Ex. 517 (Our Mayor Dawn Zimmer: Leading Hoboken Forward, *Ravi Bhalla* (stating that he is a member of the "Zimmer Team" and listing the "Zimmer Team's accomplishments") available at <http://www.dawnzimmer.com/ravibhalla>).

1181 Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html>) at 2.

1182 Ex. 415 (2013.05.09 New Jersey Department of Environmental Protection, Hoboken Meeting Sign-in Sheet).

1183 Ex. 98 (2013.04.25 Letter from Martin to Mayor Zimmer).

1184 Ex. 436 (2013.04.25 7:06 PM Email from Mayor Zimmer to Martin, et al.).

1185 *See* Ex. 518 (2013.04.25 4:40 PM Email from Marks to Mayor Zimmer, et al.).

1186 *Id.* (2013.04.25 11:12 AM Email from Toft to Marks).

1187 *See* Ex. 519 (2013.08.14 Letter from Grifa to Lieutenant Governor Guadagno); This initial meeting with Hasenbalg and the Lieutenant Governor was before Wolff & Samson represented the Rockefeller Group in connection with its development in Hoboken.

1188 Ex. 519 (2013.08.14 Letter from Grifa to Lieutenant Governor Guadagno).

1189 *See* Ex. 520 (2012.02.06 12:47 PM Email from Lieutenant Governor Guadagno to McDermott, et al.); Ex. 521 (2012.02.06 Email Exchange between Lieutenant Governor Guadagno and Stepien, et al.).

1190 *See, e.g.*, Ex. 522 (2012.05.04 6:45 PM Email from Orsen to McDermott, et al.); Ex. 519 (2013.08.14 Letter from Grifa to Guadagno, et al.).

1191 Ex. 522 (2012.05.04 6:45 PM Email from Orsen to McDermott, et al.).

1192 *Id.* (noting in reacting to Guadagno’s rejection of the meeting, “Good for her”).

1193 Ex. 519 (2013.08.14 Letter from Grifa to Guadagno, et al.).

1194 *See* Ex. 523 (2013.09.14 1:39 PM Email from Orsen to Scangarella, et al.).

1195 The Lieutenant Governor said publicly at the time: “Mayor Zimmer’s version of our conversation in May of 2013 is not only false, but is illogical and does not withstand scrutiny when all of the facts are examined. Any suggestion that Sandy funds were tied to the approval of any project in New Jersey is completely false.” Ex. 524 (Transcript, Office of the Governor, *Lt. Governor Guadagno: Allegations Are False and Offensive* (Jan. 20, 2014)).

1196 Ex. 70 (Charles Hack, *Lt. Gov. Guadagno: No Rush on Hoboken’s “Emergency” \$29M Request*, The Jersey Journal (May 13, 2013) available at http://www.nj.com/hudson/index.ssf/2013/05/lt_gov_kim_guadano_says_that_2.html).

1197 *Id.*

1198 Ex. 71 (2013.09.19 Letter from Commissioner Constable to Mayor Zimmer); *see also* Ex. 72 (City of Hoboken, Office of the Business Administrator, *Request for Proposals (RFP): Professional Services – Professional Planning and Engineering for Post Hurricane Sandy Disaster Recovery Plan* (Oct. 24, 2013)) at 19.

1199 Exs. 525–531 (2013.03.22 Letters of Intent from the City of Hoboken to the New Jersey Hazard Mitigation Grant Program).

1200 *See* Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiative (Jan. 23, 2014)).

1201 *See id.*

1202 *See* Ex. 464 (2013.05.10 Governor’s Office of Recovery and Rebuilding, *New Jersey Recovery Strategies*, PowerPoint Presentation).

1203 *Id.* at 12–14.

1204 Ex. 523 (2013.09.14 1:39 PM Email from Orsen to Scangarella); Ex. 522 (2012.05.04 6:45 PM Email from Orsen to McDermott, et al.); Ex. 519 (2013.08.14 Letter from Grifa to Guadagno, et al.).

1205 Ex. 59 (Daily News Zimmer Journal) at 3.

1206 *Id.*

1207 Ex. 371 (Press Release, Office of the Governor, *Governor Christie Announces Deputy Labor Commissioner Richard E. Constable, III as His Nominee for Commissioner of the Department of Community Affairs* (Nov. 21, 2011)).

1208 Ex. 78 (Superstorm Sandy: A Live Town Hall Photographs at 7:36:58, 7:37:01, 7:37:12, 7:37:15, 7:37:18, 7:37:24, 7:37:26, 7:37:29, 7:37:35, 7:37:38, 7:37:44).

1209 Ex. 532 (Superstorm Sandy: A Live Town Hall Photograph 7:29:48); Ex. 533 (Superstorm Sandy: A Live Town Hall Photograph 7:29:57); Ex. 534 (Superstorm Sandy: A Live Town Hall Photograph 7:29:59); Ex. 535 (Superstorm Sandy: A Live Town Hall Photograph 7:30:04).

1210 Ex. 78 (Superstorm Sandy: A Live Town Hall Photographs at 7:36:58, 7:37:01, 7:37:12, 7:37:15, 7:37:18, 7:37:24, 7:37:26, 7:37:29, 7:37:35, 7:37:38, 7:37:44).

1211 Ex. 78 (Superstorm Sandy: A Live Town Hall Photographs at 7:36:58, 7:37:01, 7:37:12, 7:37:15, 7:37:18, 7:37:24, 7:37:26, 7:37:29, 7:37:35, 7:37:38, 7:37:44).

1212 Ex. 59 (Daily News Zimmer Journal) at 4.

1213 Ex. 536 (Monmouth County Democrats, *Belmar Democrats*, available at <http://www.monmouthdems.org/belmar>).

1214 Ex. 537 (Belmar New Jersey, *Matt Doherty – Mayor*, available at http://belmar.com/content.php?npid=43&npid1=44&pid=44&menu_id=20).

1215 Ex. 78 (Superstorm Sandy: A Live Town Hall Photographs at 7:36:58, 7:37:01, 7:37:12, 7:37:15, 7:37:18, 7:37:24, 7:37:26, 7:37:29, 7:37:35, 7:37:38, 7:37:44).

1216 Ex. 78 (Superstorm Sandy: A Live Town Hall Photographs at 7:36:58).

1217 *Id.*

1218 Mayor Doherty sat next to Mayor Zimmer while she spoke. Patrick Murray, Director of the Monmouth University Polling Institute, sat next to Commissioner Constable. He did not recall the conversation between Mayor Zimmer and Commissioner Constable. But he did recall that Mayor Zimmer started the conversation, and he did not sense that the tone was threatening or that Mayor Zimmer was upset in any way.

1219 Ex. 78 (Superstorm Sandy: A Live Town Hall Photographs at 7:37:01).

1220 *Id.* at 7:37:15.

1221 *Id.* at 7:37:18.

1222 *Id.* at 7:37:24, 7:37:26.

1223 *Id.* at 7:37:29.

1224 *Id.* at 7:36:58, 7:37:01, 7:37:12, 7:37:15, 7:37:18, 7:37:24, 7:37:26, 7:37:29, 7:37:35, 7:37:38, 7:37:44.

1225 *Id.* at 7:37:35.

1226 *Id.* at 7:37:44.

1227 The photographic evidence shows that, barely 30 seconds later (by 7:38:21), Commissioner Constable, Mayor Zimmer, and the other panelists were no longer talking to each other but, instead, listening to someone from the broadcast team who was briefing them for the start of the live town hall television broadcast a few minutes later. *See* Appendix A, at 12.

1228 Ex. 58 (MSNBC Zimmer Journal) (emphases added).

1229 Ex. 78 (Transcript of NJTV Superstorm Sandy Live Town Hall (May 16, 2013) (emphases added)) at 40.

1230 Ex. 79 (Transcript of NJTV Superstorm Sandy Live Town Hall (May 16, 2013)) at 40. Constable has no recollection of them speaking afterward because a line of audience members formed immediately to speak with him.

1231 Ex. 414 (2013.03.05 Notes by Mowers from Meeting with Mayor Dawn Zimmer with DEP & DCA) at 1.

1232 *Id.*

1233 Ex. 538 (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan*) at 2.

1234 Ex. 378 (Governor’s Office of Recovery and Rebuilding, *Recovery Initiatives*); Ex. 386 (Funding Approval/Agreement for the State of New Jersey (Mar. 17, 2013)) at 2–3.

1235 *See* Ex. 394 (Press Release, U.S. Department of Housing and Urban Development, *HUD Announces Additional \$5.1 Billion in Recovery Funds for Communities Impacted by Hurricane Sandy* (Oct. 28, 2013) available at http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisor/2013/HUDNo.13-153); Ex. 91 (*Second Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy*, 78 Fed. Reg. 69104 (Nov. 18, 2013)); Ex. 395 (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan, Substantial Amendment for the Second Allocation of CDBG-DR Funds*).

1236 Ex. 71 (2013.09.19 Letter from Constable to Mayor Zimmer); Ex. 72 (City of Hoboken, New Jersey, Office of the Business Administrator, *Request for Proposals (RFP): Professional Services – Professional Planning and Engineering for Post Hurricane Sandy Disaster Recovery Plan* (Oct. 24, 2013)) at 19.

1237 Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html>) at 5.

1238 *Id.* at 9.

1239 Ex. 80 (2013.11.25 Superstorm Sandy CDBG-DR Action Plan II: Stakeholder Meeting Sign-In).

1240 Ex. 81 (2013.11.25 Notes by Ryan from Meeting with Northern/Central Jersey Mayors).

1241 *Id.*

1242 Ex. 81 (2013.11.25 Notes by Ryan from Meeting with Northern/Central Jersey Mayors) at 2.

1243 *Id.*

1244 Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) available at <http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html>) at 6.

1245 Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) available at <http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage>).

1246 Ex. 82 (Rebuild by Design, *Promoting Resilience Post-Sandy Through Innovative Planning and Design, Design Brief* (June 21, 2013)) at 8.

1247 *See id.* at 1.

1248 Ex. 472 (Jessica Dailey, *HUD-Sponsored Sandy Design Competition Selects 10 Finalists*, Curbed (Aug. 9, 2013) available at http://ny.curbed.com/archives/2013/08/09/hudsponsored_sandy_design_competition_selects_10_finalists.php).

1249 Ex. 82 (Rebuild by Design, *Promoting Resilience Post-Sandy Through Innovative Planning and Design, Design Brief* (June 21, 2013)) at 2.

1250 It is our understanding that the RBD finalists will be submitting their high-level implementation plans, including a cost-benefit analysis, at the end of March 2014. *See* Ex. 82 (Rebuild by Design, *Promoting Resilience Post-Sandy Through Innovative Planning and Design, Design Brief* (June 21, 2013)).

1251 Ex. 84 (2014.01.10 7:37 PM Email from McFadden to Morris).

1252 Ex. 83 (2014.01.16 3:04 PM Email from Davis to Ferzan, et al.).

1253 *See* Ex. 476 (2014.01.02 4:01 PM Email from Morris to Wyckoff, et al.); Ex. 477 (2014.01.10 4:46 PM Email from Morris to Pittman). *See also* Ex. 476 (Urban Coastal Defense Consortium, *Urban Coastal Defense Plan* (May 24, 2013) (representing a third private development firm that GORR contacted regarding Hoboken's RBD proposal)).

1254 Ex. 85 (Hurricane Sandy Rebuilding Task Force, *Hurricane Sandy Rebuilding Strategy* (Aug. 2013)) at 65.

1255 *Id.* at 95.

1256 *Id.* at 14.

1257 *Id.* at 8.

1258 Ex. 82 (Rebuild by Design, *Promoting Resilience Post-Sandy Through Innovative Planning and Design, Design Brief* (June 21, 2013)) at 1.

1259 Ex. 94 (City of Hoboken, *Mayor Zimmer Delivers 3rd State of the City Address; Announces Plans for Making Hoboken More Resilient* (Feb. 13, 2013) available at <http://www.hobokennj.org/2013/02/mayor-zimmer-delivers-3rd-state-of-the-city-address-announces-plans-for-making-hoboken-more-resilient/>) at 3.

1260 Ex. 539A (City of Hoboken, *Mayor Zimmer Announces Infrastructure Initiatives to Address Flooding, Water & Power Systems* (May 15, 2013) available at <http://www.hobokennj.org/2013/05/mayor-zimmer-announces-infrastructure-initiatives-to-address-flooding-water-power-systems/>).

1261 *Id.*

- ¹²⁶² Ex. 540 (2013.07.22 3:49 PM Email from City of Hoboken to Daleo).
- ¹²⁶³ See, e.g., Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) available at <http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage>); Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) available at <http://transcripts.cnn.com/TRANSCRIPTS/140119/sotu.01.html>); Ex. 541 (Dean DeChiaro, *Hoboken Reporter Exclusive: Mayor Dawn Zimmer responds to the big question: Did Christie Know?*, Hoboken Reporter (Jan. 19, 2014) available at http://hudsonreporter.com/view/full_story/24416769/article-HOBOKEN-REPORTER-EXCLUSIVE--Mayor-Dawn-Zimmer-responds-to-big-question--Did-Christie-know).
- ¹²⁶⁴ Ex. 86 (Scott Gurian, *NJ 'Storm Czar' Refutes Claim Hoboken was Shortchanged*, WNYC (Jan. 20, 2014) available at <http://www.wnyc.org/story/nj-storm-czar-refutes-claim-hoboken-was-shortchanged/>).
- ¹²⁶⁵ *Id.*; Ex. 539A (Darryl Isherwood, *Zimmer adds Sandy recovery czar to list of people she says pressured her on development project*, The Star-Ledger (Jan. 20, 2014) available at http://www.nj.com/politics/index.ssf/2014/01/zimmer_adds_sandy_recover_czar_to_list_of_people_she_says_pressured_her_on_development_project.html).
- ¹²⁶⁶ Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/140120/acd.01.html>) at 5.
- ¹²⁶⁷ Ex. 81 (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan* (Mar. 27, 2013)).
- ¹²⁶⁸ *Id.* (noting that the plan was approved by HUD on April 29, 2013).
- ¹²⁶⁹ Ex. 389 (2013.05.02 Letter from Buck to Constable); Ex. 390 (2013.09.05 Letter from Buck to Constable); Ex. 391 (2013.11.08 Letter from Tekpetey to Constable); Ex. 392 (2013.06.26 Letter from Gimont to Constable); Ex. 393 (2014.02.24 Letter from Gimont to Constable).
- ¹²⁷⁰ Ex. 538A (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan* (Mar. 27, 1993)) at Section 2.4.
- ¹²⁷¹ Ex. 395 (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan, Substantial Amendment for the Second Allocation of CDBG-DR Funds*) at Section 2.4.
- ¹²⁷² Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiatives (Jan. 23, 2014)); Ex. 538B (Press Release, Office of the Governor, *Christie Administration Allocates \$25 Million for Energy Projects in 146 New Jersey Municipalities, Counties and Other Government Units* (Oct. 9, 2013)).
- ¹²⁷³ Ex. 71 (2013.09.19 Letter from Constable to Mayor Zimmer); Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiatives (Jan. 23, 2014)).
- ¹²⁷⁴ Appendix B details the various Sandy aid programs, the amount of money to be allocated under each program, the eligibility of municipalities under each program, whether Hoboken applied to each program for which it was eligible, and if Hoboken applied, the amount of funds it requested and received.
- ¹²⁷⁵ Ex. 71 (2013.09.19 Letter from Constable to Mayor Zimmer); Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiatives (Jan. 23, 2014)).
- ¹²⁷⁶ Ex. 71 (2013.09.19 Letter from Constable to Mayor Zimmer); Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiatives (Jan. 23, 2014)).
- ¹²⁷⁷ Exs. 525–531 (2013.03.22 Letters of Intent from the City of Hoboken to the New Jersey Hazard Mitigation Grant Program); Ex. 395 (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan, Substantial Amendment for the Second Allocation of CDBG-DR Fund*).
- ¹²⁷⁸ In addition, Hoboken residents and business owners have received \$80,000,000 from private insurance companies. Ex. 542 (Press Release, Office of the Governor, *The Facts on Hoboken's Sandy Recovery Aid* (Jan. 20, 2014)). The Christie Administration helped facilitate the insurance company payments by, among other things, pushing insurance companies to expedite their decisions and distribute the funds. In assessing the unmet needs of

New Jersey's communities, the Christie Administration takes into account the monies they have received from private and federal programs.

1279 See Appendix C (Federal Public Assistance (PA) Funds by Applicant).

1280 See Appendices D (Federal Individual Assistance (IA) Funds Approved for Renters Under FEMA's Individuals & Households Program (IHP) By Municipality) & E (Federal Individual Assistance (IA) Funds Approved for Homeowners Under FEMA's Individuals & Households Program (IHP) By Municipality). Note this number includes funds obtained by both homeowners and renters in Hoboken.

1281 Ex. 542 (Press Release, Office of the Governor, *The Facts on Hoboken's Sandy Recovery Aid* (Jan. 20, 2014)).

1282 *Id.*

1283 Appendix F (CDBG-DR Homeowner Resettlement Program Funded Applications by Municipality (as of March 24, 2014)); Ex. 543 (NJ Sandy Transparency, Sandy Federal Funds Tracker, *Hoboken City (Hudson County)*, available at <http://nj.gov/comptroller/sandytransparency/funds/>) (funds approved for 165 Hoboken families).

1284 Ex. 543 (NJ Sandy Transparency, Sandy Federal Funds Tracker, *Hoboken City (Hudson County)*, available at <http://nj.gov/comptroller/sandytransparency/funds/>) (funds given to seven Hoboken businesses).

1285 *Id.* (funds used to rebuild Hoboken City Yard & Terminal).

1286 Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiative (Jan. 23, 2014)). Hoboken has been allocated, but not received, \$142,080. As discussed, the cross-agency working group has discovered several mistakes in connection with the HMGP Energy Allocation Initiative. The amount of money Hoboken will be allocated in the Energy Allocation Initiative is likely to change once these errors are corrected.

1287 Ex. 71 (2013.09.19 Letter from Commissioner Constable to Mayor Zimmer); Ex. 544 (Office of the Governor, Christie Administration Announces More Than \$1.8 Million in Post-Sandy Planning Grants (Oct. 1, 2013)).

1288 This figure represents the total amount of RREM funding that Hoboken has received to date. However, Hoboken has 42 other applications that have been funded but not yet signed, with potential future allocations totaling \$6,300,000 (maximum of \$150,000 per grantee). Appendix G (CDBG-DR Homeowner Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program Funded Applications by City (as of March 24, 2014)).

1289 Note that this number contains only the amount given to the City of Hoboken itself and not the funds going to other Hoboken entities. If all amounts were included, the total would equal \$5,679,103.34, as shown in the table above.

1290 Appendix C (Federal Public Assistance (PA) Funds by Applicant).

1291 Compare Ex. 545 (United States Census Bureau, *State & County QuickFacts: Newark (city), New Jersey*), with Ex. 546 (United States Census Bureau, *State & County QuickFacts: Hoboken (city), New Jersey*).

1292 Compare Ex. 545 (United States Census Bureau, *State & County QuickFacts: Newark (city), New Jersey*), with Ex. 546 (United States Census Bureau, *State & County QuickFacts: Hoboken (city), New Jersey*).

1293 Appendix C (Federal Public Assistance (PA) Funds by Applicant).

1294 Appendix C (Federal Public Assistance (PA) Funds by Applicant); compare Ex. 547 (Edison Chamber of Commerce, *Edison, NJ Demographics*), with Ex. 546 (United States Census Bureau, *State & County QuickFacts: Hoboken (city), New Jersey*).

1295 Appendix D (Federal Individual Assistance (IA) Funds Approved for Renters Under FEMA's Individuals & Households Program (IHP) by Municipality).

1296 Compare Ex. 548 (United States Census Bureau, *State & County QuickFacts: Jersey City (city), New Jersey*), with Ex. 546 (United States Census Bureau, *State & County QuickFacts: Hoboken (city), New Jersey*).

1297 Appendix E (Federal Individual Assistance (IA) Funds Approved for Homeowners Under FEMA's Individuals & Households Program (IHP) by Municipality).

1298 *Id.*

1299 Compare Ex. 548 (United States Census Bureau, State & County QuickFacts. *Jersey City (City), New Jersey*), with Ex. 546 (United States Census Bureau, State & County QuickFacts. *Hoboken (City), New Jersey*).

1300 Appendix E (Federal Individual Assistance (IA) Funds Approved for Homeowners Under FEMA's Individuals & Households Program (IHP) by Municipality).

1301 Ex. 92 (Geoff Mulvihill, *Sandy aid to Hoboken on par with other NJ towns*, Associated Press (Jan. 25, 2014) available at <http://bigstory.ap.org/article/sandy-aid-hoboken-par-other-nj-towns>).

1302 Ex. 369 (2013.05.13 5:12 PM Email from Cunningham to Mayor Zimmer, et al.).

1303 Ex. 482 (2013.05.15 9:41 AM Email from Renna to Mekles, et al.).

1304 Ex. 539B (Darryl Isherwood, *Zimmer adds Sandy recovery czar to list of people she says pressured her on development project*, The Bergen Record (Jan. 20, 2014) available at http://www.nj.com/politics/index.ssf/2014/01/zimmer_adds_sandy_recover_czar_to_list_of_people_she_says_pressured_her_on_development_project.html).

1305 Ex. 86 (Scott Gurian, *NJ 'Storm Czar' Refutes Claim Hoboken was Shortchanged*, WNYC (Jan. 20, 2014) available at <http://www.wnyc.org/story/nj-storm-czar-refutes-claim-hoboken-was-shortchanged/>).

1306 Ex. 549 (2013.07.09 Letter from Mayor Zimmer to Constable (attaching Hoboken's CDBG-DR Planning Grant Program application)).

1307 *Id.*; Ex. 71 (2013.09.19 Letter from Constable to Mayor Zimmer).

1308 Ex. 71 (2013.09.19 Letter from Constable to Mayor Zimmer).

1309 Ex. 544 (Press Release, Office of the Governor, *Christie Administration Announces More Than \$1.8 Million in Post-Sandy Planning Grants* (Oct. 1, 2013)).

1310 Exs. 525–531 (2013.03.22 Letters of Intent from the City of Hoboken to the New Jersey Hazard Mitigation Grant Program).

1311 Exs. 525–531 (2013.03.22 Letters of Intent from the City of Hoboken to the New Jersey Hazard Mitigation Grant Program).

1312 Ex. 526 (2013.03.22 Letter of Intent from the City of Hoboken to the New Jersey Hazard Mitigation Grant Program, *Purchase and Installation of Emergency Back-up Generators (5% Initiative)*).

1313 Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiatives (Jan. 23, 2014)).

1314 See Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiatives (Jan. 23, 2014)); Ex. 87 (Hazard Mitigation Grant Program – Energy Allocation Initiative, Factors Considered in Allocating Funds).

1315 Ex. 550 (2013.10.07 11:33 AM Email from Smith to Mason, et al.) (attaching breakdown of municipality applicants and their respective scores and awards).

1316 Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiatives (Jan. 23, 2014)).

1317 Ex. 471A (2013.10.09 Letter from Gallagher to Mayor Zimmer).

1318 Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiative (Jan. 23, 2014)).

1319 See generally Ex. 74 (Erin O'Neill, *Sandy grant revisions leave some towns winners, some losers*, The Star-Ledger (Mar. 6, 2014) available at http://www.nj.com/news/index.ssf/2014/03/energy_grants_revised_by_nj.html); Ex. 75 (Scott Gurian, *Investigation reveals Sandy energy grant program riddled with errors*, NJ Spotlight (Mar. 5, 2014) available at <http://www.njspotlight.com/stories/14/03/05/sandy-energy-grant-program-riddled-with-errors/?p=all>); Ex. 76

(Kathryn Brenzel, *Christie Administration criticizes WNYC Sandy report, says Hoboken aid figures not finalized*, NJ.com (Mar. 5, 2014) available at http://www.nj.com/hudson/index.ssf/2014/03/state_says_reports_of_bias_in_hoboken_sandy_aid_awards_ridiculous_1.html); Ex. 77 (Dean DeChario, *Fuzzy math? Christie could owe Hoboken \$700K in Sandy funding due to faulty calculations, report says*, Hudson Reporter (Mar. 5, 2014) available at [http://hudsonreporter.com/view/full_story/24694083/article-Fuzzy-math--Christie-could-owe-Hoboken-\\$700K-in-Sandy-funding-due-to-faulty-calculations--report-says](http://hudsonreporter.com/view/full_story/24694083/article-Fuzzy-math--Christie-could-owe-Hoboken-$700K-in-Sandy-funding-due-to-faulty-calculations--report-says)).

1320 Ex. 551 (2014.02.06 Letter from Gallagher to Hazard Mitigation Grant Program Energy Allocation Initiative Participants).

1321 Ex. 62 (2013.05.24 Letter from Mayor Zimmer to Governor Christie).

1322 *Id.*

1323 Ex. 552 (Press Release, City of Hoboken, *City of Hoboken, US Department of Energy, NJ Board of Public Utilities & PSE&G Partner to Develop Resilient Electric Grid* (June 13, 2013) available at <http://www.hobokennj.org/2013/06/city-of-hoboken-us-department-of-energy-nj-board-of-public-utilities-pseg-partner-to-develop-resilient-electric-grid/>).

1324 Ex. 61 (2013.08.20 Tweets from Mayor Zimmer, available at <https://twitter.com/dawnzimmernj/status/369877512895356928>).

1325 *Id.*

1326 Ex. 357 (2013.10.02 12:31 PM Email from Bryan to Mowers).

1327 *Id.*

1328 *Id.*

1329 *Id.*

1330 Ex. 63 (2013.10.02 1:06 PM Email from Mowers to Bryan).

1331 Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) available at <http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage>) at 11.

1332 Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) available at <http://transcripts.cnn.com/TRANSCRIPTS/140119/sotu.01.html>) at 5.

1333 Ex. 553 (2013.08.12 4:32 PM Email from Ragonese to Rogers).

1334 Ex. 554 (2013.08.13 Photograph from Agri-Business Tour, *Hoboken Farmer's Market*, available at http://www.nj.gov/governor/media/photos/2013/eventphotos/20130813b/DSC_0923.jpg).

1335 Ex. 555 (2013.06.14 7:24 AM Tweet from Daniel Bryan, available at <https://twitter.com/danieljohnbryan/status/345547250820329472>).

1336 Ex. 81 (2013.11.25 Notes of Ryan from Meeting with Northern/Central Jersey Mayors).

1337 Ex. 556 (Office of the Governor, *Administration, Senior Staff*); Ex. 557 (Office of the Governor, *Administration, Cabinet, Charles B. McKenna*).

1338 Ex. 558 (Department of Community Affairs, *Melissa Orsen Named Chief of Staff at DCA* (Mar. 3, 2013)).

1339 Ex. 559 (State of Louisiana, Office of Community Development Disaster Recovery Unit, *Louisiana Specialists Lend Disaster Recovery Expertise to Hurricane Sandy Rebuilding Efforts* (Mar. 22, 2013) available at http://doa.louisiana.gov/cdbg/dr/News%20Items/NJtrip_3-22-13.htm).

1340 For example, Daleo and Mekles came from lucrative private practices to assist with Sandy aid efforts. Mekles was living in Hoboken at the time of Sandy (and through September 2013), and he joined GORR in January 2013, to help his community and others in New Jersey. Mekles' main role was to make sure that CDBG programs made sense. It belies common sense that Mekles would participate in taking actions against his hometown. Indeed,

Mekles made it very clear that if funds were allocated based on inappropriate factors, he would quit his job immediately.

1341 See Ex. 560 (William K. Rashbaum, *Hoboken Mayor is Said to Have Told of Threat*, The New York Times (Jan. 23, 2014) available at <http://www.nytimes.com/2014/01/23/nyregion/hoboken-mayor-is-said-to-have-told-of-threat.html>).

1342 See Ex. 353 (Sarah Gonzalez, *NJ Mayors: Was Christie Getting Revenge on Me, Too?*, WNYC & NJPR (Jan. 10, 2014) available at <http://www.wnyc.org/story/nj-mayors-was-christie-getting-revenge-me-too/>).

1343 Ex. 60 (Chris Frates, *First on CNN: Mayor Behind Christie Allegations Full of Contradictions*, CNN (Feb. 3, 2014) available at <http://www.cnn.com/2014/02/03/politics/christie-hoboken-mayor-zimmer-accusations/>).

1344 Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) available at <http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage>) at 15.

1345 *Id.*

1346 *Id.*

1347 Ex. 541 (Dean DeChiaro, *Hoboken Reporter Exclusive: Mayor Dawn Zimmer responds to the big question: Did Christie know?*, Hoboken Reporter (Jan. 19, 2014) available at http://hudsonreporter.com/view/full_story/24416769/article-HOBOKEN-REPORTER-EXCLUSIVE--Mayor-Dawn-Zimmer-responds-to-big-question--Did-Christie-know).

1348 *Id.*

1349 Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) available at <http://transcripts.cnn.com/TRANSCRIPTS/140119/sotu.01.html>) at 5.

1350 *Id.*

1351 *Id.*

1352 See Ex. 86 (Scott Gurian, *NJ 'Storm Czar' Refutes Claim Hoboken was Shortchanged*, WNYC (Jan. 20, 2014) available at <http://www.wnyc.org/story/nj-storm-czar-refutes-claim-hoboken-was-shortchanged/>); Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/140120/acd.01.html>) at 5.

1353 See Ex. 86 (Scott Gurian, *NJ 'Storm Czar' Refutes Claim Hoboken was Shortchanged*, WNYC (Jan. 20, 2014) available at <http://www.wnyc.org/story/nj-storm-czar-refutes-claim-hoboken-was-shortchanged/>); Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/140120/acd.01.html>) at 5.

1354 Ex. 410 (2013.02.13 5:54 PM Email from Ferzan to Grifa).

1355 Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at <http://edition.cnn.com/TRANSCRIPTS/140120/acd.01.html>) at 3.

1356 Ex. 59 (Daily News Zimmer Journal) at 6.

1357 Ex. 58 (MSNBC Zimmer Journal).

1358 Ex. 58 (MSNBC Zimmer Journal) at 4. We present these two pages of Mayor Zimmer's notes as they appeared on television and published online. We did not redact the handwritten notes on the left-hand side of the page.

1359 *Id.*

1360 *Id.*

1361 *Id.* at 3.

1362 Ex. 59 (Daily News Zimmer Journal) at 3.

1363 *Id.* at 3; Ex. 58 (MSNBC Zimmer Journal) at 3.

1364 Ex. 58 (MSNBC Zimmer Journal).

1365 Ex. 58 (MSNBC Zimmer Journal).

1366 Ex. 58 (Daily News Zimmer Journal) at 6.

1367 *Township of Wayne v. Messercola*, 789 F. Supp. 1305, 1309 n.7 (D.N.J. 1992) (“As mayor, Messercola was a public official with a fiduciary duty of trust, honesty and loyalty to Wayne.”)

1368 Ex. 58 (MSNBC Zimmer Journal) at 8.

1369 Ex. 561 (Ken Thorbourne, *Eye of the Storm: Hoboken Mayor Dawn Zimmer – an “Accidental Politician” – Has Survived Wave After Wave of Controversy*, The Jersey Journal (Feb. 11, 2014) available at http://www.nj.com/hudson/index.ssf/2014/02/eye_of_the_storm_hoboken_mayor_dawn_zimmer_-_an_accidental_politician_-_has_survived_wave_after_wa.html).

1370 Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) available at <http://transcripts.cnn.com/TRANSCRIPTS/140119/sotu.01.html>) at 5.

1371 See, e.g., Ex. 562 (Gov’t Accountability Office, Rep. No. GAO-08-742, *National Archives and Selected Agencies Need to Strengthen E-Mail Management* (June 2008) (describing “e-mail message from a former Acting Administrator instructing a private consultant not to use the Administrator’s EPA e-mail account to discuss a sensitive government issue (World Trade Center issues) but to use a personal e-mail account”)) at 38–39.

1372 The current constraints of government-issued mobile devices include the inability to view or open certain emails and attachments, and, oftentimes, the inability to text message and make phone calls. Additionally, most staff at the Office of the Governor have not been issued a government mobile device.

1373 N.J. Stat. Ann. § 47:1A-1 (West 2013).

1374 Ex. 563 (State of New Jersey Information Technology, *Electronic Mail/Messaging Policy* (Sept. 1, 1998)).

1375 *Id.*

1376 See *id.*; Ex. 564 (New Jersey Department of State, *Managing Electronic Mail: Guidelines and Best Practices* (July 11, 2002)).

1377 See Ex. 565 (U.S. National Archives, and Records Administration, *Guidance for agency employees on the management of Federal records, including email accounts, and the protection of Federal records from unauthorized removal*, NARA Bulletin 2013-03 (Sept. 9, 2013)).

1378 See, e.g., *id.* (“While agency employees should not generally use personal email accounts to conduct official agency business, there may be times when agencies authorize the use of personal email accounts,” and in these situations, “agency employees must ensure that all [f]ederal records sent or received on personal email systems are captured and managed in accordance with agency record-keeping practices.”); Ex. 566 (The White House, Office of the Press Secretary, *Press Gaggle by Press Secretary Jay Carney en Route Mansfield, OH* (Aug. 1, 2012) (describing record-keeping practice of Jim Messina, Deputy Chief of Staff: “Mr. Messina had a longstanding personal email account in which he got traffic. In an effort to comply with all the regulations pertaining to emails, he would forward emails to his White House account or copy his White House account so that those emails would be part of presidential record. And that is per guidance provided by counsel.”) available at <http://www.whitehouse.gov/the-press-office/2012/08/01/press-gaggle-press-secretary-jay-carney-en-route-mansfield-oh-8112>); Ex. 567 (H. Comm. on Oversight & Gov’t Reform, Interim Report, Investigation of Possible Presidential Records Act Violations (June 2007) (“[E]-mail is no different from other kinds of documents. Any e-mail relating to official business therefore qualifies as a Presidential record [I]f you happen to receive an e-mail on a personal e-mail account that otherwise qualifies as a Presidential record, it is your duty to ensure that it is preserved and filed as such by printing it out and saving it or by forwarding it to your White House e-mail account.”)).

1379 Should policy revisions be pursued, we recommend that all New Jersey State employers formally circulate the revised policy to all State employees and require their employees to acknowledge receipt and review of the revised policy and guidance.

¹³⁸⁰ See Ex. 568 (New Jersey State Ethics Commission, *Uniform Ethics Code* (Feb. 2011) (noting Ethics Code’s applicability to the Executive Branch)) at 1.

¹³⁸¹ Ex. 569 (New Jersey Office of the Governor, *Code of Conduct for Employees of the Office of the Governor* (Feb. 2002)).

¹³⁸² Ex. 570 (New Jersey State Ethics Commission, *Agency Ethics Liaison Officers*). The Ethics Commission administers and enforces the Conflicts Law. See Ex. 571 (New Jersey State Ethics Commission, *About Us*). The Ethics Commission “has the power to undertake investigations and hold hearings regarding alleged violations of the Conflicts Law” and issue advisory opinions regarding whether a certain set of facts could, in the Commission’s opinion, constitute possible violations of the Conflicts Law or any other code, rule, or regulation. See also N.J. Stat. Ann. §§ 52: 13D-12 *et seq.* (West 2013). It also conducts compliance reviews of State agencies, including the Office of the Governor, “to ensure that State agencies are meeting reporting, training and other requirements of the State’s ethics laws and regulations.” Ex. 572 (New Jersey State Ethics Commission, *Compliance Review Program*).

¹³⁸³ Ex. 573 (Governor Chris Christie Executive Order No. 24 (Apr. 27, 2010)) at 19. The Advisory Ethics Panel includes two public members who are appointed for three-year terms, one of which cannot be from the same party as the Governor. *Id.*

¹³⁸⁴ See N.J. Stat. Ann. §§ 52: 13D-12 *et seq.* (West 2013) (regulating, among other things, conduct of State officers or employees or members of the Legislature with respect to the acceptance of things of value, representations, post-employment, conflicts of interest, contracts, nepotism, and penalties for persons found guilty of ethics violations by the Ethics Commission); Ex. 568 (New Jersey State Ethics Commission, *Uniform Ethics Code* (Feb. 2011)); Ex. 569 (New Jersey, Office of the Governor, *Code of Conduct for Employees of the Office of the Governor* (Feb. 2002)).

¹³⁸⁵ The State of Connecticut has an Office of State Ethics and Ethics Liaisons who are tasked with some of these responsibilities. See Ex. 574 (State of Connecticut Office of State Ethics, *Agency Ethics Guide: Ethics Liaisons and Compliance Officers* (Sept. 2013)) at 3, 19.

¹³⁸⁶ For example, the Chief Ethics Officer can report matters to the Governor that should not be reported to the Chief Counsel in the first instance.

¹³⁸⁷ These recommendations build on: recommendations that Governor Christie pursued in July 2010 with respect to the Delaware River Port Authority; 2014 reforms proposed by the New Jersey Legislative Select Committee on Investigation; New Jersey’s 2012 “PANYNJ Transparency and Accountability Act” (the “PANYNJ Act”) and the Governor’s respective conditional veto; proposed reforms suggested in testimony by Port Authority leadership before the New Jersey Assembly Transportation Committee; and New York’s Public Authorities Reform Act of 2009. See, e.g., Ex. 575 (Press Release, Office of the Governor, *Governor Christie Calls for Additional, Critical Reform Measures to Overhaul Delaware River Port Authority* (July 29, 2010)); Ex. 576 (Press Release, New Jersey Assembly Republicans, *Republican SCI Members Offer Solutions to Oversee Authorities* (Feb. 20, 2014) available at <http://www.njassemblyrepublicans.com/?p=13008>); Ex. 577 (N.J. Senate Bill 1761, 215th Leg., 1st Ann. Sess. (N.J. 2012-13) (Conditional Veto)); Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 7, 26; Ex. 578 (New York Public Authorities Reform Act of 2009; Amendments to the New York Public Authorities Law (2005), available at <http://www.abo.ny.gov/abo/Chapter766of2005.pdf>).

¹³⁸⁸ Ex. 152 (Port Authority of New York & New Jersey, *Overview of Facilities and Services, About the Port Authority*).

¹³⁸⁹ See, e.g., Ex. 154 (Jameson Doig, *Restore Integrity at the Port Authority*, The New York Times (Feb. 20, 2012) available at <http://www.nytimes.com/2012/02/21/opinion/restore-integrity-at-the-port-authority.html?pagewanted=all&r=0>); Ex. 155 (Editorial, *Dredging for Dollars*, The Star-Ledger (Apr. 28, 2008) available at http://blog.nj.com/njv_editorial_page/2008/04/dredging_for_dollars.html); Ex. 156 (Joe Malinconico & Ron Marisco, *P.A. dredges up millions for cargo firm: Agency Oks channel-clearing funds for back rent and other uses*, The Star-Ledger (Apr. 25, 2008) available at <http://www.newarktalk.com/talk2/viewtopic.php?f=37&t=964>).

¹³⁹⁰ This dysfunction has become even more apparent in the wake of the George Washington Bridge lane realignment incident. For instance, once the Port Authority’s Executive Director was apprised of the lane realignment situation by September 13, 2013, he conferred with the Port Authority’s Vice Chairman (NY), and then

sent an internal agency email—later disclosed to the press—complaining that he had not been made aware of the lane realignment beforehand and was putting an immediate stop to it, and claiming it was a “hasty and ill-advised decision” that “violates Federal Law and the law of both States.” Ex. 7 (2013.09.13 7:44 AM Email from Foye to Fulton, et al.); Ex. 8 (Ted Mann, *Port Chief Fumed Over Bridge Jam; Patrick Foye Fired Off an Email Message After Learning of Lane Closures*, The Wall Street Journal (Oct. 1, 2013) available at <http://online.wsj.com/news/articles/SB10001424052702304373104579109860563887326>). Following the lane realignment, the Port Authority’s Chairman then responded, not directly to the Executive Director but through the Vice Chair, reflecting the communication problems within the agency. Ex. 242 (2013.09.17 8:02 PM Email from Samson to Rechler). And recently, on February 25, 2014, the Executive Director publicly stated his opinion that his Chairman “lacks the moral authority to run the agency.” Ex. 579 (Christopher Baxter, *David Samson lacks moral authority to run Port Authority, top official says*, The Star-Ledger (Feb. 25, 2014) available at http://www.nj.com/politics/index.ssf/2014/02/david_samson_lacks_moral_authority_to_run_port_authority_top_official_says.html). See also Ex. 339 (Ginger Gibson, *Gov. Chris Christie signs N.J. public worker pension overhaul bill*, The Star-Ledger (June 28, 2011) available at http://www.nj.com/news/index.ssf/2011/06/gov_chris_christie_signs_nj_pu.html).

¹³⁹¹ See, e.g., Ex. 580 (The Editorial Board, *The Port Authority Loses Its Way*, The New York Times (Feb. 17, 2014) available at <http://www.nytimes.com/2014/02/18/opinion/the-port-authority-loses-its-way.html>); Ex. 581 (Ted Mann, *New Panel Will Consider Port Authority Reforms*, The Wall Street Journal (Mar. 16, 2014) available at <http://online.wsj.com/news/articles/SB10001424052702303824204579421440862740478#printMode>).

¹³⁹² N.J. Stat. § 32:1-1, 1-4; McKinney’s Unconsol. Laws §§ 6401, 6404.

¹³⁹³ See, e.g., Ex. 580 (The Editorial Board, *The Port Authority Loses Its Way*, The New York Times (Feb. 17, 2014) available at <http://www.nytimes.com/2014/02/18/opinion/the-port-authority-loses-its-way.html>).

¹³⁹⁴ See, e.g., Ex. 580 (The Editorial Board, *The Port Authority Loses Its Way*, The New York Times (Feb. 17, 2014) available at <http://www.nytimes.com/2014/02/18/opinion/the-port-authority-loses-its-way.html>).

¹³⁹⁵ See *id.*; Ex. 582 (Richard Brodsky, *How to get the Port Authority under control: Opinion*, The Star-Ledger (Feb. 16, 2014) available at http://www.nj.com/opinion/index.ssf/2014/02/get_the_port_authority_under_control_opinion.html).

¹³⁹⁶ See New York Public Authorities Reform Act of 2009.

¹³⁹⁷ Indeed, the checks and balances created by formal approval procedures are important to any organization or entity—private or public. See, e.g., *Preliminary Report of the American Bar Association Task Force on Corporate Responsibility*, 58 Bus. Law. 189, 194 (July 16, 2002).

¹³⁹⁸ The parameters of what constitutes a “substantial, non-routine, non-emergency operational change” would need to be assessed and defined with some particularity.

¹³⁹⁹ See Ex. 583 (Minutes of Meeting of Port Authority of New York & New Jersey (Feb. 19, 2014)) at 9. See also Ex. 584 (Ted Mann, *Port Committee Apologizes for George Washington Bridge Lane Closures*, The Wall Street Journal (Feb. 19, 2014) available at <http://blogs.wsj.com/metropolis/2014/02/19/port-committee-apologizes-for-george-washington-bridge-lane-closures/>).

¹⁴⁰⁰ See Ex. 583 (Minutes of Meeting of Port Authority of New York & New Jersey (Feb. 19, 2014)) at 9.

¹⁴⁰¹ Ex. 585 (Press Release, Office of the Governor, *Governor Chris Christie Introduces “Shadow Government Reform” Legislation to Protect New Jersey Taxpayers* (Mar. 30, 2011)); see also Ex. 577 (N.J. Senate Bill 1761, 215th Leg., 1st Ann. Sess. (N.J. 2012-13) (Conditional Veto)).

¹⁴⁰² *Id.*

¹⁴⁰³ Ex. 586 (Press Release, Office of the Governor, *Governor Chris Christie Takes Action on Pending Legislation* (July 26, 2012)).

¹⁴⁰⁴ See *id.*

¹⁴⁰⁵ Ex. 577 (N.J. Senate Bill 1761, 215th Leg., 1st Ann. Sess. (N.J. 2012-13) (Conditional Veto)).

1406

Id.

1407

Ex. 585 (Press Release, Office of the Governor, *Governor Chris Christie Introduces “Shadow Government Reform” Legislation to Protect New Jersey Taxpayers* (Mar. 30, 2011)); *see also* Ex. 577 (N.J. Senate Bill 1761, 215th Leg., 1st Ann. Sess. (N.J. 2012-13) (Conditional Veto)).

1408

Ex. 577 (N.J. Senate Bill 1761, 215th Leg., 1st Ann. Sess. (N.J. 2012-13) (Conditional Veto)).

1409

See New York Public Authorities Reform Act of 2009.

1410

To pursue this preliminary recommendation, the Office of the Governor should work together with legislators in New Jersey and New York so that parallel legislation affecting Port Authority officials can be adopted in both states.

1411

See Ex. 587 (N.J. Senate Bill 1479, 214th Leg. (N.J. 2010)).

1412

Alaska Stat. § 11.56.124 (Alaska); Conn. Gen. Stat. Ann. § 53a-148a (Connecticut); Ill. Comp. Stat. 5/33-1, 2 (Illinois); Me. Rev. Stat. Ann. tit. 17, §§ 602, 603 (Maine); N.H. Rev. Stat. Ann. §§ 640:2, 3 (New Hampshire).

1413

See Ex. 588 (Press Release, Office of the Governor of New York, *Governor Cuomo Proposes New Class of Public Corruption Crimes* (Apr. 9, 2013) available at <https://www.governor.ny.gov/press/04092013New-Class-of-Public-Corruption-Crimes>); Ex. 589 (N.Y. Senate-Assembly Bill S06355-C (Jan. 21, 2014), available at http://assembly.state.ny.us/leg/?default_fld=&bn=S06355&term=2013&Summary=Y&Actions=Y&Text=Y&Votes=Y (submitted by Governor Cuomo to the New York Senate and Assembly on January 21, 2014, currently pending before the Senate Finance Committee)).

1414

We are mindful that any legislation in this regard would need to carefully balance the desire for prompt disclosure against a potential for allegations to be made that do not warrant further investigation. Therefore, the Governor’s Office should work with the Legislature, to strike the appropriate balance to ensure that the complaints required to be referred merit further investigation.