

**INTERIM REPORT TO THE NEW JERSEY LEGISLATURE  
REGARDING THE SEPTEMBER 2013 CLOSURE OF GEORGE  
WASHINGTON BRIDGE ACCESS LANES IN FORT LEE, N.J.**

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## **I. EXECUTIVE SUMMARY**

### **A. Overview**

On Monday, September 9, 2013, the residents of Fort Lee, N.J., and neighboring communities began their day only to find the borough's streets choked with unmanageable traffic. Commutes that had taken minutes dragged into hours; children returning to school for the first day after summer break were ensnared in the gridlock; and police and paramedics struggled to respond to emergencies. Although unknown at the time, the congestion that day had been set in motion approximately one month earlier when a high ranking official in the administration of New Jersey Governor Chris Christie instructed the third most senior New Jersey official in the Port Authority of New York and New Jersey (the "Port Authority") that it was "Time for some traffic problems in Fort Lee" (the "Traffic Problems" email).

Fort Lee is the western terminus of the George Washington Bridge ("GWB"<sup>1</sup> or "Bridge"), operated by the Port Authority and connecting New Jersey with New York City. During the normal morning rush hour, traffic passing through Fort Lee has access to three dedicated toll lanes (the "Fort Lee Access Lanes"), which handle thousands of daily commuters. On the morning of September 9th, however, at the instigation of former Port Authority official David Wildstein,<sup>2</sup> two of those lanes were closed to Fort Lee traffic, resulting in extensive back-ups, dangerous delays for emergency crews, and widespread frustration. And despite repeated appeals from Fort Lee's municipal officials, high level Port Authority executives on the New Jersey side of the bi-state agency declined to re-open the lanes or even to explain to an increasingly exasperated mayor why the lanes had been closed in the first place. The lane closures and the accompanying gridlock paralyzed Fort Lee for four straight days, until officials on the New York side of the agency learned of the situation and swiftly reversed it.

This Report is the result of months of investigative work by the New Jersey Legislative Select Committee on Investigation (the "Committee") and reflects its efforts to understand why and at whose direction Fort Lee was brought to a standstill through the lane closures. The Committee and its staff, as well as Special Counsel to the Committee, have worked diligently to review tens of thousands of documents related to the lane closures, take sworn witness testimony, and, through Special Counsel, conduct private interviews of certain witnesses.

The Committee's work reveals that the lane closures were directly implemented by Bridget Anne Kelly, at the time a deputy chief of staff to Governor Christie and the author of the "Traffic Problems" email, and that Kelly worked in close concert with Wildstein, then the Port Authority's Director of Interstate Capital Projects.

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<sup>1</sup> For a list of acronyms used in this Report, see Appendix 1.

<sup>2</sup> For a list of individuals mentioned in this Report, including their titles and affiliations, see Appendix 2.



Many critical questions, however, remain unanswered. Several key witnesses have declined to cooperate in the Committee's work or were otherwise unavailable to provide testimony and other evidence. As a result, it is presently unknown the extent to which the Port Authority's former Deputy Executive Director, Bill Baroni, participated in the lane closures, although it is clear that Baroni, an appointee of Governor Christie, intentionally ignored pleas for assistance from the Mayor of Fort Lee, Mark Sokolich, and did so in concert with Wildstein, Baroni's subordinate. The Committee is also unable to reach a conclusion with respect to the knowledge or involvement of the former Chair of the Port Authority's Board of Commissioners, David Samson, regarding the lane closures. Chair Samson was also an appointee of Governor Christie. It is likewise currently unknown the degree to which Bill Stepien, who was at that time leading Governor Christie's re-election efforts, was aware of or participated in the closures. However, it is clear that Stepien knew, at the time the closures were in effect, of serious concerns that the traffic was hindering first responders in providing emergency services and of suggestions that the lane closures may have been punitive in nature.

The Committee is also not in a position currently to conclude what Governor Christie himself knew about the lane closures or when and how his knowledge of these events developed. While there is evidence that the Governor was informed of the lane closures while they were in progress, the Committee cannot evaluate the reliability of this evidence as it has yet to hear from the witness—Wildstein—who has claimed to have contemporaneously told the Governor of the closures.

It is important to note that additional evidence that could shed light on the open questions noted above may become available to the Committee in the future. The Committee has repeatedly made efforts to avoid taking steps that could negatively impact various investigative agencies reviewing the potential criminal aspects of the lane closures. In doing so, the Committee has avoided calling or even attempting to interview certain key witnesses. At some point, those witnesses may become available to the Committee, including Kelly, Wildstein, Stepien, Baroni, and Samson. Accordingly, what follows is an interim Report that will be supplemented should additional material information be obtained.

## **B. Summary of Facts**

### **1. Before the Lane Closures**

The Mayor of Fort Lee, Mark Sokolich, by his own account had always enjoyed a good relationship with the administration of Governor Christie and with the Governor's second-highest appointee at the Port Authority, Bill Baroni. In fact, during the spring of 2013, a young staffer in the Office of the Governor ("OOG"), acting in a campaign role for Governor Christie's re-election efforts, discussed with Mayor Sokolich, a Democrat, whether he would consider crossing party lines to endorse the Governor, a Republican. Ultimately, Mayor Sokolich decided against an endorsement.

By the late summer of 2013, however, feelings about Mayor Sokolich had clearly hardened within OOG—at least for Bridget Anne Kelly, who was then the Governor's Deputy Chief of Staff for Legislative and Intergovernmental Affairs. The evidence does not indicate what, exactly, motivated

Kelly's animosity against Mayor Sokolich, but in August 2013 she was agitated to learn OOG staff were conducting affirmative outreach to the Mayor. In the midst of this, on August 13, 2013, Kelly wrote to Wildstein, using personal Yahoo! and Gmail accounts, "Time for some traffic problems in Fort Lee." Wildstein replied, "Got it."

At the end of August, Wildstein reached out to the General Manager of the George Washington Bridge, Robert Durando, as well as Port Authority professionals in the Engineering and Traffic Engineering departments, inquiring about Fort Lee's access lanes and requesting options for how to reduce the normal three lanes to one. On Friday, September 6th, Wildstein contacted Durando and instructed him to implement the closures on the following Monday, September 9th. Durando attempted to explain to Wildstein the gridlock such a move would create. Wildstein, however, took no heed and, in fact, expressly told Durando not to give advance warning to Fort Lee officials or the motoring public about the impending traffic snarl.

Wildstein then telephoned Durando's boss, Tunnels, Bridges, and Terminals ("TBT") Director Cedrick Fulton. Wildstein informed Fulton that he had instructed Durando to reduce Fort Lee's lanes. Although both Fulton and Durando protested, neither felt capable of resisting Wildstein's orders or seeking guidance from higher-level officials, including Port Authority Executive Director Patrick Foye. As a result, on Monday, September 9th, two of the three Fort Lee Access Lanes were closed to the local approach roads, trapping commuters on the borough's clogged streets.

## 2. During the Lane Closures

The massive gridlock prompted Fort Lee officials immediately to reach out to the Port Authority for answers and relief. But despite the formerly good rapport Mayor Sokolich had with Baroni, the Mayor's pleas now suddenly fell on deaf ears. Baroni received the Mayor's increasingly desperate messages but studiously ignored them. Rather than reply, he forwarded them to his direct subordinate Wildstein, and Wildstein in turn instructed Baroni not to respond. Throughout, Wildstein kept Kelly informed of Mayor Sokolich's futile attempts to manage the situation, and Kelly, for her part, attempted to gauge the Mayor's reactions by asking the Mayor's current and former principal contacts within OOG if either had recently heard from him.

In the midst of the closures, on Wednesday, September 11th, both Wildstein and Governor Christie attended a 9/11 observance at the World Trade Center site in lower Manhattan. While the Committee has no direct evidence regarding what Wildstein and the Governor talked about during the event, Wildstein has stated to others that, during the observance ceremony, he told Governor Christie about the then-current lane closures.

On the fourth day, September 12th, Mayor Sokolich wrote a letter to Baroni, laying out the dangers to public safety posed by the lane closures, voicing his growing frustration at Baroni's silence, and suggesting the closures had "punitive" overtones. Baroni, again, ignored the Mayor, yet forwarded the letter to Wildstein and to Bill Stepien, then the campaign manager for the Governor's re-election effort.

The same day, Mayor Sokolich called his OOG contact, Evan Ridley, and again explained his frustrations and concerns. Ridley, who had been in the field and had taken the call not initially realizing it was from Mayor Sokolich's office, returned to the State House in Trenton to relate his conversation with the Mayor to his supervisor, OOG's Director of Intergovernmental Affairs ("IGA") Christina Renna. Renna, in turn, memorialized the call in an email to Kelly. Kelly first forwarded Renna's email to Wildstein and, much later that day, replied to Renna's email about the Mayor's frustration with one word: "Good."

By this time, the lane closures had begun to attract press attention, and on September 12th a reporter for the Bergen *Record* contacted Port Authority officials for information. Wildstein contacted both Kelly and OOG Press Secretary Michael Drewniak regarding the lane closures and forwarded to both a draft statement attributing the lane closures to a "traffic safety" study.

The media inquiry—and Wildstein's statement in response—eventually made their way into a nightly media report circulated within the Port Authority. Reviewing this report, Port Authority Executive Director Patrick Foye learned of the closures for the first time. The following day, after a conversation with Durando, Foye sent an urgent email (the "Foye Directive") asserting the lane closures had broken with longstanding Port Authority policy and practice, had endangered public safety, and may have violated state and federal law. Based on Foye's direction, twenty minutes later the lanes were re-opened.

The same day, Baroni forwarded the Foye Directive to Regina Egea, Director of OOG's Authorities Unit, marking it "High" importance. Egea sent the directive to her subordinate in OOG, Nicole Crifo, who had oversight of the Port Authority.

### 3. After the Lane Closures

The *Record's* reporting prompted a flurry of follow-on reports in other media, including an article the following week in the *Wall Street Journal*. Two weeks later, on October 1st, the *Journal* printed another report, this one publicizing the Foye Directive and revealing that the Port Authority's top executive had not been aware of the lane closings until well into their fourth day.

The *Wall Street Journal* ran another story on November 7th, this time publicly identifying Wildstein as the official who implemented the closures and reporting that on the first day of the closures Wildstein had toured the Bridge to survey the gridlock. Shortly afterwards, on November 20th, the Assembly Transportation, Public Works and Independent Authorities Committee ("Assembly Transportation Committee") invited Baroni to testify, which he did on November 25th. During his testimony, Baroni maintained that the closures had been part of a traffic study and claimed that he had not given advance warning to Mayor Sokolich because of a "communication failure."

On December 2nd, Governor Christie was asked about the lane closures at a press conference and joked that he, personally, had been on the Bridge "working the cones out there" to shut off Fort Lee's lanes. While the Governor, in public, seemed to make light of the lane closures, three days later,

on Thursday, December 5th, he was informed by Drewniak that, according to Wildstein, both Kelly and Stepien had knowledge of the lane closures. Drewniak further told the Governor that Wildstein also claimed to have discussed the lane closures with the Governor himself during a 9/11 memorial service—that is, while the closures were in effect. At the end of the week, on Friday, December 6th, Wildstein resigned under pressure from the Governor’s office.

The following Monday, December 9th, Foye, Fulton, and Durando appeared before the Assembly Transportation Committee and testified under oath regarding Wildstein’s role in reducing the access lanes and to the irregularity of the entire process. Foye and Durando both stated they were not aware of any resulting traffic study, and Foye again repeated that federal laws may have been violated. Throughout the testimony, Governor Christie and the Director of his Authorities Unit, Egea, traded multiple text messages, the contents of which are currently unknown.

By Thursday of that week, December 12th, the Governor himself was actively questioning those around him about the closures. Evidence indicates Governor Christie spoke with Stepien that morning about what involvement he may have had in the lane closings. Although the Committee does not have direct knowledge of what Stepien told the Governor, counsel for Stepien has stated that, during the morning meeting with the Governor, Stepien acknowledged to Governor Christie that he had been aware of the closures prior to their implementation. The same morning, the Governor instructed his Chief of Staff, Kevin O’Dowd, to determine what involvement Kelly may have had in the lane closures.

In the late afternoon of December 12th, according to O’Dowd, he spoke with Kelly by telephone and inquired about her knowledge of or participation in the lane closings. A few hours afterward, Kelly called Renna and, according to Renna, asked that Renna do her “a favor” and delete the email thread in which Kelly had replied “Good” to Renna’s account of the frustrations and concerns the lane closures had caused Mayor Sokolich.

That same day, the Assembly Transportation Committee served document subpoenas on seven individuals, including Baroni and Wildstein.

The following day, Friday, December 13th, in response to O’Dowd’s inquiries, Kelly produced to him a version of the email she had asked Renna to delete—one lacking Kelly’s own reply of “Good.” Shortly afterwards, Governor Christie gave another press conference at which he averred that neither he nor anyone on his senior staff had played any role in or had any knowledge of the lane closings.

Ten days later, on December 23rd, the facts would prove the Governor’s statement wrong. On that day, Wildstein complied with his subpoena and produced to the Assembly Transportation Committee Kelly’s “Traffic Problems” email and other documents related to the lane closures. Wildstein was himself subsequently subpoenaed to testify, and on January 8, 2014, the eve of Wildstein’s testimony before the Assembly Transportation Committee, the *Record* published the “Traffic Problems” email. The next day, appearing before that committee, Wildstein repeatedly asserted his Fifth Amendment rights.

By the end of the month, the New Jersey General Assembly and Senate had created the New Jersey Legislative Select Committee on Investigation to examine the events leading up to the closure of the Fort Lee Access Lanes, the attendant gridlock, and the events afterwards. What follows are the results of the Committee's many months of investigation and review.

## II. TIMELINE AND SCOPE OF INVESTIGATION

### A. Assembly Transportation, Public Works and Independent Authorities Committee

The Committee's investigation grew out of and built upon earlier work by the New Jersey General Assembly's Transportation, Public Works and Independent Authorities Committee, chaired by Assemblyman John Wisniewski. Beginning in October 2010, the Assembly Transportation Committee issued a number of Freedom of Information ("FOI") Act requests to the Port Authority seeking documents related to the Access to the Region's Core ("ARC") project and, later, sought information concerning the Port Authority's August 2011 toll increases.<sup>3</sup> Citing the Port Authority's failure to respond to the FOI requests, as well as the Port Authority's insistence on "exorbitant" fees as a condition for compliance, the Assembly enacted Assembly Resolution 61 ("A.R. 61") on March 15, 2012.<sup>4</sup> A.R. 61 constituted the Assembly Transportation Committee as a special committee with the authority to investigate "all aspects of the finances of the Port Authority of New York and New Jersey" and the power to issue subpoenas for documents and testimony.<sup>5</sup>

Exercising its new subpoena powers, on October 25, 2012, the Assembly Transportation Committee issued subpoenas for documents related to (1) the toll increases; (2) the ARC project; (3) job candidate referrals; and (4) executive session minutes for the Port Authority's Board of Commissioners.<sup>6</sup> As reflected in letters between counsel for the Assembly Transportation Committee and the Port Authority, the content and pace of the Port Authority's subpoena responses were deemed unsatisfactory.<sup>7</sup> Thus, by the time the issue of the lane closures appeared in fall 2013, the Assembly Transportation Committee had already encountered difficulties in obtaining information from the Port Authority.

As described in more detail below,<sup>8</sup> in early October 2013, the *Wall Street Journal* publicly revealed that Port Authority Executive Director Pat Foye had been unaware of the lane closures as they were happening and, upon learning of them, had written a forceful email demanding that the lanes be

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<sup>3</sup> See Memorandum from Molimock to Asm. Wisniewski (Mar. 14, 2014) ("Molimock Memorandum").

<sup>4</sup> A.R. 61, 215th Leg. (N.J. 2012). The original grant of subpoena power was for one year only, but in February 2013 the power was extended until noon on January 14, 2014. A.R. 91, 215th Leg. (N.J. 2013).

<sup>5</sup> *Id.*

<sup>6</sup> See Molimock Memorandum. Assembly Transportation Committee subpoenas were issued by the committee's chair, Asm. Wisniewski, on behalf of the committee.

<sup>7</sup> See *id.*, letter from Sokol to Mastro (Feb. 15, 2013), and letter from Mastro to Sokol (Mar. 8, 2013).

<sup>8</sup> See *infra* Part IV.H.

re-opened. Following this revelation, Asm. Wisniewski announced the Assembly Transportation Committee would hold hearings into the lane closures.<sup>9</sup>

On November 25, 2013, the Assembly Transportation Committee took testimony from the Port Authority's then Deputy Executive Director, Bill Baroni.<sup>10</sup> Following Baroni's testimony, the Assembly Transportation Committee subpoenaed three additional Port Authority officials: (1) Foye, (2) the Director of Tunnels, Bridges, and Terminals Cedrick Fulton, and (3) the George Washington Bridge General Manager Robert Durando.<sup>11</sup> Foye, Fulton, and Durando appeared before the Assembly Transportation Committee on December 9, 2013, and testified under oath concerning the lane closures and the irregular processes used to implement them.<sup>12</sup>

Three days later, the Assembly Transportation Committee issued subpoenas for relevant documents from seven Port Authority figures: (1) Foye, (2) Baroni, (3) the Port Authority's then Director of Interstate Capital Projects, David Wildstein, (4) Fulton, (5) Durando, (6) Port Authority Police Department ("PAPD") Deputy Inspector Darcy Licorish, and (7) the president of the Port Authority Police Benevolent Association ("PAPBA"), Paul Nunziato.<sup>13</sup> As a result of these subpoenas, the Assembly Transportation Committee uncovered the now well-publicized email sent by OOG Deputy Chief of Staff Bridget Anne Kelly to Wildstein on August 13, 2013: "Time for some traffic problems in Fort Lee."<sup>14</sup>

On December 30, 2013, the Assembly Transportation Committee served a second subpoena on Wildstein seeking both additional documents and his testimony before the committee on January 9, 2014.<sup>15</sup> Wildstein appeared for his scheduled testimony on January 9th, one day after the public revelation of Kelly's "Traffic Problems" email.<sup>16</sup> Asserting his Fifth Amendment rights, Wildstein declined to answer the Assembly Transportation Committee's questions.<sup>17</sup>

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<sup>9</sup> See, e.g., Steve Strunsky, "Lawmakers and Port Authority's own chief demand explanation of GWB ramp closings," *Star-Ledger* (Oct. 2, 2013).

<sup>10</sup> See *infra* Part IV.J.5.b.

<sup>11</sup> Subpoena *ad testificandum* to P. Foye (Nov. 27, 2013); subpoena *ad testificandum* to C. Fulton (Dec. 4, 2013); and subpoena *ad testificandum* to R. Durando (Dec. 4, 2013).

<sup>12</sup> See *infra* Part IV.K.5.

<sup>13</sup> Subpoena *duces tecum* to P. Foye (Dec. 12, 2013); subpoena *duces tecum* to B. Baroni (Dec. 12, 2013); subpoena *duces tecum* to D. Wildstein (Dec. 12, 2013); subpoena *duces tecum* to C. Fulton (Dec. 12, 2013); subpoena *duces tecum* to R. Durando (Dec. 12, 2013); subpoena *duces tecum* to D. Licorish (Dec. 12, 2013); and subpoena *duces tecum* to P. Nunziato (Dec. 12, 2013). Fulton and Durando were subsequently issued slightly modified subpoenas. See subpoena *duces tecum* to C. Fulton (Dec. 23, 2013) and subpoena *duces tecum* to R. Durando (Dec. 23, 2013).

<sup>14</sup> Email from Kelly to Wildstein (Aug. 13, 2013, at 7:34 a.m.). [NJGA-000573](#).

<sup>15</sup> Subpoena *ad testificandum* & *duces tecum* to D. Wildstein (Dec. 30, 2013).

<sup>16</sup> See *infra* Part IV.L.2.c.

<sup>17</sup> Testimony of David Wildstein Before the New Jersey Assembly Transportation, Public Works and Independent Authorities Committee (Jan. 9, 2014) ("Wildstein Testimony").

## B. Legislative Select Committee on Investigation

The Assembly Transportation Committee's subpoena powers expired at noon on January 14, 2014, just five days after Wildstein's appearance and refusal to answer questions.<sup>18</sup> Given the important and serious questions raised by Kelly's "Traffic Problems" email and other documents obtained by the Assembly Transportation Committee, the New Jersey Legislature moved quickly to authorize new investigative bodies to continue the previous committee's work. On January 16th, both the Senate and the General Assembly passed resolutions creating separate select committees with subpoena powers to investigate the events surrounding the lane closures.<sup>19</sup>

On January 27, 2014, the Senate and Assembly committees were merged into the New Jersey Legislative Select Committee on Investigation.<sup>20</sup> The Committee is broadly empowered 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."<sup>21</sup> The bipartisan Committee comprises twelve members: eight from the General Assembly—of whom no more than five can be of the same political party—and four from the Senate—of whom no more than three can be of the same political party.<sup>22</sup> The Committee is chaired by state Sen. Loretta Weinberg and Asm. Wisniewski. The Committee is fully vested with the power to issue subpoenas for documents and testimony pursuant to N.J. Stat. § 52:13-1 *et seq.*<sup>23</sup>

### 1. Special Counsel to the Committee

On January 24, 2014, the New Jersey Senate and General Assembly engaged the law firm of Jenner & Block LLP ("Jenner & Block") to serve as Special Counsel to the Committee.<sup>24</sup> As Special Counsel,<sup>25</sup> Jenner & Block was retained to "assist[] the Select Committee on Investigations in its ongoing investigative work and defending the Committee's actions in court."<sup>26</sup>

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<sup>18</sup> See A.R. 91, 215th Leg. (N.J. 2013).

<sup>19</sup> S.R. 1, 216th Leg. (N.J. 2014); A.R. 10, 216th Leg. (N.J. 2014).

<sup>20</sup> S. Con. R. 49, 216th Leg. (N.J. 2014); see also A. Con. R. 10, 216th Leg. (N.J. 2014).

<sup>21</sup> S. Con. R. 49, 216th Leg. (N.J. 2014).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> See Jenner & Block LLP Engagement Letter with New Jersey Senate and General Assembly (Jan. 24, 2014).

<sup>25</sup> As used in this Report, the phrase "Special Counsel to the Committee" may refer to either Jenner & Block or to attorney Reid J. Schar.

<sup>26</sup> *Id.*

## 2. Committee Subpoenas

### a. *January 27, 2014 Subpoenas*

On January 27, 2014, the same day as its formation, Sen. Weinberg and Asm. Wisniewski, acting on behalf of the Committee, issued twenty investigative subpoenas seeking documents from a range of individuals and entities potentially in possession of materials relevant to the GWB lane closures. The recipients were as follows, arranged alphabetically within entities:

JANUARY 27, 2014 SUBPOENAS		
NEW JERSEY OFFICE OF THE GOVERNOR		
1.	Office of the Governor	
2.	Maria Comella	Dep. Chief of Staff for Comm'ns
3.	Michael Drewniak	Press Sec'y
4.	Regina Egea	Dir. of Authorities Unit
5.	Bridget Anne Kelly	Dep. Chief of Staff for Leg. & Intergovernmental Affairs (former)
6.	Charlie McKenna	Chief Counsel (former)
7.	Matt Mowers	Regional Dir., Leg. & Intergovernmental Affairs (former)
8.	Kevin O'Dowd	Chief of Staff
9.	Colin Reed	Dep. Dir. for Comm'ns.
10.	Christina Renna	Dir., Intergovernmental Affairs (former)
11.	Evan Ridley	Regional Dir., Leg. & Intergovernmental Affairs
PORT AUTHORITY OF NEW YORK AND NEW JERSEY		
12.	Bill Baroni	Dep. Exec. Dir. (former)
13.	Philippe Danielides	Sr. Aide to Port Authority Bd. Chair Samson (former)
14.	Christina Lado	Dir. of Gov't and Comm'y Relations (former)
15.	Paul Nunziato	Pres., Port Authority Police Benevolent Ass'n
16.	David Samson	Chair, Port Authority Bd. of Commissioners (former)
17.	David Wildstein	Dir. of Interstate Capital Projects (former)
CHRIS CHRISTIE FOR GOVERNOR, INC.		
18.	Chris Christie for Governor	
19.	Nicole Davidman Drewniak	Finance Dir. (former)
20.	Bill Stepien	Campaign Mgr. (former)

Kelly and Stepien declined to comply with the subpoenas served on them and advanced a number of arguments for their non-compliance, including asserted Fifth Amendment and analogous state law protections against self-incrimination.<sup>27</sup> The Committee filed suit in New Jersey Superior Court

<sup>27</sup> See *N.J. Leg. Select Comm. on Investigation v. Kelly*, No. L-350-14 (N.J. Super. Ct. Law Div. Apr. 9, 2014); *N.J. Leg. Select Comm. on Investigation v. Stepien*, No. L-354-14 (N.J. Super. Ct. Law Div. Apr. 9, 2014).



seeking to compel Kelly and Stepien's compliance with their subpoenas, which the Court denied on April 9, 2014.<sup>28</sup>

Port Authority Board Chair David Samson produced a set of telephone logs in response to the subpoena, but on May 2, 2014, he, too, invoked his Fifth Amendment rights against self-incrimination and declined to produce additional materials to the Committee.<sup>29</sup>

As a result, the Committee does not have the benefit of reviewing documents in the possession of Kelly, Stepien, or Samson.

OOG produced documents and information from the official government email accounts of current and former employees. Some employees also provided OOG access to their personal email accounts and personal mobile devices, and OOG produced information from those accounts as well. Those employees who did not provide OOG access to their personal data reviewed and produced such data directly to the Committee. However, as noted, Kelly and Stepien declined to comply with the subpoenas and offered no information from their personal accounts either directly or through their former employers.

Altogether, OOG produced nearly 90,000 pages of documents; however, roughly three quarters of these pages consist of non-substantive media compilations and press alerts, routinely circulated within the Governor's office, that contain press articles related to the GWB lane closures. In many cases, OOG withheld certain documents and redacted significant portions of others on the basis that the withheld material is protected from disclosure by an assertion of executive privilege.<sup>30</sup> OOG has represented that no material withheld on the basis of an asserted executive privilege is relevant to the lane closures.<sup>31</sup> The Committee is without an independent means to verify OOG's claim.

*b. February 10 and 14, 2014 Subpoenas*

On February 10, 2014, Sen. Weinberg and Asm. Wisniewski, acting on behalf of the Committee, issued a second round of subpoenas that both identified additional individuals with potentially relevant information and broadened the scope of requested documents for certain individuals previously subpoenaed. On February 14, 2014, the Committee also served a subpoena<sup>32</sup> on Fort Lee Mayor Mark Sokolich seeking relevant documents. Altogether, the recipients of these additional subpoena requests were as follows, arranged alphabetically within entities:

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<sup>28</sup> *Id.*

<sup>29</sup> See letter from Genova to Schar (May 2, 2014).

<sup>30</sup> Letter from Southwell to Schar (Sept. 1, 2014).

<sup>31</sup> Letter from Southwell to Buono (Apr. 22, 2014).

<sup>32</sup> For ease of reference, this Report occasionally refers to subpoenas issued by the Committee. These subpoenas are issued by the Committee's chairs, Sen. Weinberg and Asm. Wisniewski, on behalf of the Committee.

FEBRUARY 10 and 14, 2014 SUBPOENAS		
NEW JERSEY OFFICE OF THE GOVERNOR		
1.	Office of the Governor	
2.	Jeanne Ashmore	Dir. of Constituent Relations
3.	Nicole Crifo	Sr. Counsel, Authorities Unit
4.	Regina Egea	Dir. of Authorities Unit
5.	Rosemary Iannacone	Dir. of Operations
6.	Barbara Panebianco	Exec. Ass't to Dep. Chief of Staff Kelly (former)
PORT AUTHORITY OF NEW YORK AND NEW JERSEY		
7.	Port Authority	
8.	Bill Baroni	Dep. Exec. Dir. (former)
9.	Matthew Bell	Spec. Ass't to Dep. Exec. Dir. Baroni (former)
10.	Steven Coleman	Dep. Dir. of Media Relations
11.	Gretchen DiMarco	Ass't to Dep. Exec. Dir. Baroni (former)
12.	Phillip Kwon	Dep. Gen. Counsel
13.	John Ma	Chief of Staff to Exec. Dir. Foye
14.	Mark Muriello	Ass't Dir. of Tunnels, Bridges, and Terminals
15.	William "Pat" Schuber	Commissioner, Port Authority Bd. of Commissioners
16.	Arielle Schwarz	Spec. Ass't to Dir. of Interstate Capital Projects Wildstein (former)
CHRIS CHRISTIE FOR GOVERNOR, INC.		
17.	Chris Christie for Governor	
NEW JERSEY STATE POLICE		
18.	Aviation Unit	
BOROUGH OF FORT LEE, N.J.		
19.	Mark Sokolich	Mayor

*c. May 5, 2014 Subpoena*

On May 5, 2014, the Committee served on Governor Christie's political advisor Michael DuHaime a subpoena seeking relevant documents.<sup>33</sup>

*d. June 13, 2014 Subpoenas*

In the course of Special Counsel's communications with OOG, it became clear that OOG had taken a narrow view regarding which documents were relevant to the Committee's review of the lane closures. For example, OOG asserted that materials related to the resignation of Wildstein<sup>34</sup> were not responsive to the Committee's previous subpoenas.<sup>35</sup> While the Committee disagreed with this restricted interpretation of its prior subpoenas, it nevertheless issued a new subpoena to OOG. This

<sup>33</sup> Subpoena *duces tecum* to M. DuHaime (May 5, 2014).

<sup>34</sup> See *infra* Parts IV.K.4.

<sup>35</sup> Letter from Southwell to Schar (May 23, 2014).

subpoena was served on June 13, 2014, and it specifically sought documents related to Wildstein's resignation.<sup>36</sup>

In particular, the Committee had obtained directly from OOG Press Secretary Drewniak copies of email correspondence he had with Governor Christie concerning Wildstein's resignation and had likewise obtained from political advisor DuHaime email with the Governor on the same topic. The Committee therefore anticipated receiving copies of these documents as they were stored or maintained in the Governor's own accounts.

However, on August 1, 2014, counsel for OOG purported to have satisfied its obligations under this subpoena, despite having failed to produce the known communications with Drewniak and DuHaime related to Wildstein's resignation.<sup>37</sup> On August 25, 2014, Special Counsel to the Committee asked OOG to address this discrepancy.<sup>38</sup> On October 10, 2014, OOG finally produced the requested material<sup>39</sup>—four months after the subpoena was first served and more than six weeks after Special Counsel had noted the insufficiency of OOG's previous production.

The June 13, 2014 subpoena also specifically requested all versions of so-called "Top 100 Towns" lists created by OOG that included Fort Lee.<sup>40</sup> Special Counsel to the Committee has communicated with counsel for OOG regarding these lists and has requested that the Governor's office comply with its obligations under the subpoena to produce them.<sup>41</sup> OOG has repeatedly refused to do so, apparently taking the position it can refuse to abide by a legally binding subpoena based on its unilateral determination that the requested information is "beyond the present scope of the Committee's investigation."<sup>42</sup> This history raises continued and ongoing concerns about the completeness of OOG's productions.

Also on June 13, 2014, the Committee served a new subpoena on Wildstein.<sup>43</sup> On July 22, 2014, Special Counsel to the Committee emailed Wildstein's counsel requesting a response to the subpoena, but received no reply.<sup>44</sup> To date, Wildstein has not complied with this subpoena request.

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<sup>36</sup> Subpoena *duces tecum* to Office of Governor (June 13, 2014).

<sup>37</sup> Letter from Southwell to Buono (Aug. 1, 2014).

<sup>38</sup> Letter from Schar to Southwell (Aug. 25, 2014).

<sup>39</sup> Letter from Southwell to Schar (Oct. 10, 2014).

<sup>40</sup> For a discussion of such lists, see *infra* Part IV.A.1.

<sup>41</sup> Letter from Schar to Southwell (Aug. 25, 2014).

<sup>42</sup> Letter from Southwell to Schar (Oct. 10, 2014); *see also* letter from Southwell to Buono (June 27, 2014).

<sup>43</sup> Subpoena *duces tecum* to D. Wildstein (June 13, 2013).

<sup>44</sup> Email from Schar to Zegas (July 22, 2014).

*e. August 25, 2014 Subpoena*

On August 25, 2014, the Committee issued a subpoena to AT&T Mobility LLC for records related to the cellular telephone of Regina Egea, the Director of OOG's Authorities Unit.<sup>45</sup>

3. Committee Testimony

In addition to its collection and review of documents, the Committee has also called before it witnesses from OOG, the Port Authority, and the Governor's campaign, Chris Christie for Governor, Inc., ("CCFG"). Notably, the Committee has taken sworn testimony from the following individuals, arranged by date of appearance:

	NAME	POSITION(S)	DATE
1.	Christina Renna	OOG, Dir. of Intergovernmental Affairs (former)	May 6, 2014
2.	Michael Drewniak	OOG, Press Sec'y	May 13, 2014
3.	Matt Mowers	OOG, Regional Dir., Intergovernmental Affairs (former); CCFG, Political Dir. (former)	May 20, 2014
4.	William "Pat" Schuber	Port Authority, Commissioner	June 3, 2014
5.	Kevin O'Dowd	OOG, Chief of Staff	June 9, 2014
6.	Regina Egea	OOG, Dir. of Authorities Unit	July 17, 2014

4. Interviews by Special Counsel

As part of its investigative role, Special Counsel to the Committee also interviewed certain witnesses in non-public sessions and reported its findings to the Committee. Special Counsel interviewed the following individuals:

	NAME	POSITION(S)	DATE
1.	Mark Sokolich	Fort Lee, Mayor	Feb. 27, 2014
2.	Matt Mowers	OOG, Regional Dir., Intergovernmental Affairs (former); CCFG, Political Dir. (former)	Mar. 25, 2014
3.	Keith Bendul	Fort Lee Police Dep't, Chief of Police	July 23, 2014
4.	Damon DiMarco	Port Authority, Publications Editor	July 23, 2014
5.	Thomas Michaels	Port Authority Police Dep't, Lt.	July 29, 2014
6.	Louis Koumoutsos	Port Authority Police Dep't, Chief of Police	Aug. 1, 2014
7.	Darcy Licorish	Port Authority Police Dep't, Dep. Insp.	Aug. 7, 2014

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<sup>45</sup> Subpoena *duces tecum* to AT&T Mobility LLC (Aug. 25, 2014).

### C. Collateral Investigations

The events surrounding the lane closures and their aftermath generated significant attention and interest, and the New Jersey Legislature is not the only entity reviewing the lane closures.

#### 1. United States Attorney's Office for the District of New Jersey

The United States Attorney's Office for the District of New Jersey (the "U.S. Attorney's Office") acknowledged on January 9, 2014, that the Port Authority's Office of Inspector General ("OIG") had referred the lane closures to the U.S. Attorney's Office and that the U.S. Attorney's Office was "reviewing the matter to determine whether a federal law was implicated."<sup>46</sup> The OIG has also opened an inquiry into the lane closures and is coordinating its efforts with the U.S. Attorney's Office.<sup>47</sup>

The Committee has conducted its work independently of the U.S. Attorney's Office. Nevertheless, Special Counsel to the Committee has, on occasion, been in contact with representatives of the U.S. Attorney's Office to ensure that the Committee's work did not interfere with any ongoing federal investigation.

#### 2. OOG Review

On January 16, 2014, OOG retained the law firm of Gibson, Dunn & Crutcher LLP ("Gibson Dunn") to assist it in responding to the multiple investigations into the lane closures and to conduct its own internal investigation into the relevant events.<sup>48</sup> On March 26, 2014, Gibson Dunn publicly released the results of its two-month inquiry.<sup>49</sup>

Following discussions with Special Counsel to the Committee, Gibson Dunn agreed to release copies of interview memoranda it had prepared that memorialize the contents of its interviews with seventy-five witnesses. Those memoranda were publicly released on April 14, 2014.<sup>50</sup> Gibson Dunn did not interview Kelly, Stepien, Wildstein, Baroni, or Samson, or any other witness at the Port Authority.<sup>51</sup>

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<sup>46</sup> See, e.g., Jason Grant, "U.S. Attorney reviewing Chris Christie bridge scandal for potential violation," *Star-Ledger* (Jan. 9, 2014).

<sup>47</sup> See letter from Kromm to Schar (Mar. 5, 2014).

<sup>48</sup> OOG Press Release, "Christie Administration Takes Steps To Conduct Internal Review And Further Cooperate With U.S. Attorney Inquiry" (Jan. 16, 2014).

<sup>49</sup> 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 (Mar. 26, 2014).

<sup>50</sup> See letter from Southwell to Barkow & Buono (Apr. 14, 2014).

<sup>51</sup> In early 2014, when Gibson Dunn interviewed Deborah Gramiccioni and Nicole Crifo, the two had already transitioned to the Port Authority. However, the interviews of these witnesses focused solely on Gramiccioni's and Crifo's experiences in OOG.

Several witnesses testified before the Committee that the Gibson Dunn memoranda summarizing their interviews contained factual errors.<sup>52</sup> Special Counsel to the Committee has not relied on the Gibson Dunn memoranda in producing this Report.

### III. BACKGROUND

#### A. The George Washington Bridge and Environs

##### 1. George Washington Bridge

The George Washington Bridge spans the Hudson River, connecting the Borough of Fort Lee, N.J., to Manhattan. The Bridge is the busiest in the world, carrying more than 102 million vehicles annually,<sup>53</sup> and is operated by the Port Authority's Tunnels, Bridges, and Terminals division under the direction of Cedrick Fulton.<sup>54</sup> The Bridge's General Manager, Robert Durando,<sup>55</sup> reports to Fulton.

##### 2. Fort Lee Access Lanes

Under typical morning rush hour conditions, three of the GWB's twelve upper deck, eastbound toll lanes are reserved for traffic passing through Fort Lee. Each weekday morning, Port Authority Police Department personnel set out a line of traffic safety cones to segregate the lanes from general traffic and permit direct access via Martha Washington Way<sup>56</sup> off of Bruce Reynolds Boulevard.

Although these lanes are often referred to as the "Fort Lee Access Lanes," they in fact serve many commuters who travel through the borough from points well beyond. According to testimony from Port Authority Executive Director Patrick Foye, on any given morning more than one quarter of all upper deck traffic is generated from the Fort Lee Access Lanes. Consequently, the provision of three out of twelve lanes is roughly proportionate to the volume of vehicles passing through those lanes.<sup>57</sup>

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<sup>52</sup> See, e.g., testimony of Christina Renna Before the New Jersey Legislative Select Committee on Investigation at 41-41 (May 6, 2014) ("Renna Testimony"); testimony of Kevin O'Dowd Before the New Jersey Legislative Select Committee on Investigation at 90 & 143 (June 9, 2014) ("O'Dowd Testimony").

<sup>53</sup> George Washington Bridge Homepage, *available at* <http://www.panynj.gov/bridges-tunnels/george-washington-bridge.html> (last visited Sept. 1, 2014).

<sup>54</sup> Testimony of Cedrick Fulton Before the Assembly Transportation, Public Works and Independent Authorities Committee at 5-6 (Dec. 9, 2013) ("Fulton Testimony").

<sup>55</sup> Testimony of Robert Durando Before the Assembly Transportation, Public Works and Independent Authorities Committee at 79 (Dec. 9, 2013) ("Durando Testimony").

<sup>56</sup> Since the events discussed in this Report, Martha Washington Way has been renamed Park Avenue. For purposes of this Report, the street will be referred to as Martha Washington Way.

<sup>57</sup> Testimony of Patrick Foye Before the Assembly Transportation, Public Works and Independent Authorities Committee at 204-05 (Dec. 9, 2013).

The Port Authority has provided dedicated Bridge access via Martha Washington Way for at least twenty years, or longer than could be recalled by any witness testifying before the Committee or interviewed by Special Counsel.<sup>58</sup>

## **B. Office of the Governor**

Under Governor Christie, the New Jersey Office of the Governor is organized around a “two-chiefs” model in which major functions within the office are divided between the Governor’s Chief of Staff and his Chief Counsel.<sup>59</sup> This structure calls for “close, daily coordination between the Chief of Staff and Chief Counsel (and their respective staffs) on all major aspects of the Governor’s Office.”<sup>60</sup> Both the Chief of Staff and the Chief Counsel report directly to Governor Christie.

### **1. Chief of Staff**

Kevin O’Dowd was appointed Chief of Staff in January 2012 and continues to serve in that capacity.<sup>61</sup> Within that role, it is expected that “when he speaks, he speaks for the Governor himself.”<sup>62</sup> The Chief of Staff position supervises five direct lines of report: (1) Deputy Chief of Staff; (2) Deputy Chief of Staff for Policy; (3) Deputy Chief of Staff for Communications; (4) Deputy Chief of Staff for Legislative and Intergovernmental Affairs; and (5) Director of Operations.<sup>63</sup> Of the Deputy Chiefs, the two who appear to have had the most direct involvement with issues arising from the lane closures were the Deputy Chief of Staff for Legislative and Intergovernmental Affairs, Bridget Anne Kelly, and the Deputy Chief of Staff for Communications, Maria Comella.

#### *a. Deputy Chief of Staff for Legislative and Intergovernmental Affairs*

Shortly after his 2009 election victory, then Governor-elect Chris Christie designated his campaign manager, Bill Stepien, as his incoming Deputy Chief of Staff for Legislative and Intergovernmental Affairs, a position Stepien retained throughout most of Governor Christie’s first term.<sup>64</sup> In April 2013, Stepien left OOG to manage Governor Christie’s re-election efforts.<sup>65</sup> His

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<sup>58</sup> See, e.g., Fulton Testimony at 20; Durando Testimony at 86.

<sup>59</sup> Final Report of the Transition Subcommittee on the Governor’s Office at 4 (Jan. 5, 2010) (“*Transition Report*”). [OGNJ-LEG-049853](#).

<sup>60</sup> *Id.* at 5.

<sup>61</sup> OOG Press Release, “Governor Christie Announces Senior Staff Changes to Continue Government Reforms and Move New Jersey Forward” (Dec. 22, 2011).

<sup>62</sup> *Transition Report* at 5.

<sup>63</sup> O’Dowd Testimony at 189.

<sup>64</sup> Governor-elect Christie announced Stepien as a deputy chief of staff in December 2009, just one month after he was first elected to the governorship. See Claire Heininger & Josh Marg, “Christie names four top aides who will help him get job done,” *Star-Ledger* (Dec. 4, 2009).

<sup>65</sup> Interview of Matt Mowers by Special Counsel to the Committee (Mar. 25, 2014) (“Mowers Interview”).

replacement as Deputy Chief of Staff was Bridget Anne Kelly.<sup>66</sup> Prior to her promotion, Kelly had served as Director of IGA reporting to Stepien.<sup>67</sup> Before joining OOG, Kelly held a variety of governmental positions.<sup>68</sup> When Kelly replaced Stepien, Christina Renna took over Kelly's position as Director of IGA and began reporting to Kelly.<sup>69</sup>

The Office of IGA was primarily responsible for liaising on behalf of OOG with local and county officials across the state.<sup>70</sup> The Office was staffed with regional directors responsible for distinct geographic areas. Beginning in November 2010, regional director Matt Mowers had responsibility for Bergen County and the Borough of Fort Lee.<sup>71</sup> In April 2013, Mowers left OOG to become a regional political director for the Governor's re-election campaign, Chris Christie for Governor, Inc.<sup>72</sup> Thereafter, IGA regional director Evan Ridley assumed Mowers' duties for Bergen County and Fort Lee.<sup>73</sup>

*b. Deputy Chief of Staff for Communications*

At all relevant times, OOG's Deputy Chief of Staff for Communications has been Maria Comella and the Press Secretary has been Michael Drewniak. "On paper," Drewniak reports to Comella; however, the position was created to have "direct access, when needed, to the Governor,"<sup>74</sup> and Drewniak also considers Governor Christie his "boss as well" and, in fact, interacts directly with him.<sup>75</sup>

2. Chief Counsel

Charlie McKenna became Chief Counsel in January 2012<sup>76</sup> and served in that position until January 2014, at which time he was replaced by Chris Porrino.<sup>77</sup> The position of Chief Counsel was

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<sup>66</sup> Renna Testimony at 18.

<sup>67</sup> Mowers Interview.

<sup>68</sup> See, e.g., *Star-Ledger* Staff, "Chris Christie aide tied to 'Bridgegate' is a longtime government worker," *Star-Ledger* (Jan. 8, 2014).

<sup>69</sup> Renna Testimony at 66-67.

<sup>70</sup> See, e.g., *id.* at 19.

<sup>71</sup> Testimony of Matt Mowers Before the New Jersey Legislative Select Committee on Investigation at 25 (May 20, 2014) ("Mowers Testimony").

<sup>72</sup> *Id.* at 119.

<sup>73</sup> *Id.* at 47.

<sup>74</sup> *Transition Report* at 9. [OGNJ-LEG-049853](#).

<sup>75</sup> Testimony of Michael Drewniak Before the New Jersey Legislative Select Committee on Investigation at 150 (May 13, 2014) ("Drewniak Testimony").

<sup>76</sup> OOG Press Release, "Governor Christie Announces Senior Staff Changes to Continue Government Reforms and Move New Jersey Forward" (Dec. 22, 2011).

<sup>77</sup> See, e.g., Renna Testimony at 119.



created to “assist the chief executive in a wide range of matters on a close-knit, day-to-day basis” and is empowered to, among other things, “carry out investigations.”<sup>78</sup>

The Chief Counsel also has oversight over the Authorities Unit, which was led throughout the relevant period by Regina Egea. In that capacity, Egea supervised a staff of four attorneys who oversaw 53 authorities and commissions, including the Port Authority of New York and New Jersey.<sup>79</sup> Nicole Crifo was the attorney in OOG with oversight responsibility for the Port Authority.<sup>80</sup>

### **C. Port Authority of New York and New Jersey**

#### **1. Governance and Executive Leadership**

The Port Authority is governed by a twelve-person Board of Commissioners, half of whom are appointed by the Governor of New Jersey and half of whom are appointed by the Governor of New York.<sup>81</sup> The two governors retain the authority to veto the actions of the Commissioners from their respective states.<sup>82</sup> While the Board of Commissioners has the formal authority to appoint the Port Authority’s Executive Director and Deputy Executive Director,<sup>83</sup> by tradition the Governor of New York appoints the Executive Director and the Governor of New Jersey appoints the Deputy Executive Director.<sup>84</sup> Similarly, the Governor of New Jersey appoints the Chair of the Board of Commissioners while the Governor of New York appoints the Vice Chair.<sup>85</sup>

During all relevant times, the Chair of the Board of Commissioners was David Samson<sup>86</sup> and the Vice Chair was Scott Rechler.<sup>87</sup> Chair Samson resigned his seat on March 28, 2014.<sup>88</sup>

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<sup>78</sup> *Transition Report* at 10. OGNJ-LEG-049853.

<sup>79</sup> Testimony of Regina Egea Before the New Jersey Legislative Select Committee on Investigation at 25 (July 17, 2014) (“Egea Testimony”).

<sup>80</sup> *Id.*

<sup>81</sup> Port Authority of New York and New Jersey, *2013 Annual Report* at 7 (June 25, 2014) (“Port Authority Annual Report”).

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> Testimony of William “Pat” Schubert Before the New Jersey Legislative Committee on Investigation at 89 (June 3, 2014) (“Schubert Testimony”).

<sup>85</sup> *Id.*

<sup>86</sup> Samson was elected Chair on February 3, 2011. See Port Authority Press Release, “New Jersey Public Servant David Samson Elected Chairman of the Port Authority” (Feb. 3, 2011).

<sup>87</sup> See Port Authority Board of Commissioners Homepage, *available at* <http://www.panynj.gov/corporate-information/board-comissioners.html> (last visited Sept. 24, 2014).

<sup>88</sup> See, e.g., Kate Zernike, “Port Authority Official Is Out Amid Scandal Over Shut Lanes,” *N.Y. Times* (Mar. 28, 2014).

During all relevant times, the Port Authority's Executive Director was Patrick Foye.<sup>89</sup> The Deputy Executive Director was Bill Baroni,<sup>90</sup> until his resignation on December 13, 2013.<sup>91</sup> When Baroni resigned, Governor Christie replaced Baroni with Deborah Gramiccioni,<sup>92</sup> who had previously served in OOG as Deputy Chief of Staff for Policy.

Shortly after Baroni was appointed to the position of Deputy Executive Director, he hired David Wildstein to serve as Director of Interstate Capital Projects.<sup>93</sup> Wildstein announced his resignation on December 6, 2013,<sup>94</sup> which later became effective on December 13, 2013.<sup>95</sup>

## 2. Internal Port Authority Planning

Port Authority civilian witnesses testified that the agency typically engages in extensive planning, coordination, and scheduling well in advance of any major Bridge projects that could affect the commuting public. According to TBT Director Fulton, a significant construction program, for example, may require years of advance work in conjunction with facility staff, planners, and traffic engineers—all of which would result in communications within the Port Authority and to external stakeholders about potential or expected impacts.<sup>96</sup>

Similarly, Executive Director Foye testified that any traffic alteration at a Port Authority facility requires (1) written approval by TBT, Traffic Engineering, and the PAPD; (2) prior discussion with affected communities and extensive advance notice to the public; (3) review of potential effects on emergency response times; and (4) an estimate of costs to the Port Authority. Based on his review of the events surrounding the September 2013 lane closures—and as more fully detailed below—Foye concluded that none of these critical steps were taken in advance of the closures.<sup>97</sup>

In addition, an independent traffic engineering specialist, Hal Simoff, testified that traffic studies typically involve significant pre-planning, data collection, and computer modeling rather than actual alterations to lane configurations.<sup>98</sup> Furthermore, Simoff stated that it is standard for government

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<sup>89</sup> Foye Testimony at 142-43.

<sup>90</sup> Governor Christie named Baroni as Deputy Executive Director on February 19, 2010. OOG Press Release, "Governor Chris Christie Appoints Senator Baroni to Port Authority" (Feb. 19, 2010).

<sup>91</sup> See letter from Baroni to Chair Samson (Dec. 13, 2013). [OGNJ-LEG-048498](#).

<sup>92</sup> Governor Chris Christie, Remarks at Press Conference (Dec. 13, 2013). [OGNJ-LEG-057428](#).

<sup>93</sup> Wildstein joined the Port Authority in May 2010. See, e.g., Ted Sherman & Steve Strunsky, "Port Authority scandal: The rising star and the mystery man inside a growing investigation," *Star-Ledger* (Dec. 15, 2013).

<sup>94</sup> See, e.g., email from Drewniak to Boburg (Dec. 6, 2013, at 5:14 p.m.). [NJGA-000655](#).

<sup>95</sup> Governor Chris Christie, Remarks at Press Conference (Dec. 13, 2013). [OGNJ-LEG-057428](#).

<sup>96</sup> Fulton Testimony at 7-10.

<sup>97</sup> Foye Testimony at 144.

<sup>98</sup> Testimony of Hal Simoff Before the Assembly Transportation, Public Works and Independent Authorities Committee at 219-20 (Dec. 9, 2013) ("Simoff Testimony"). Simoff specializes in traffic engineering and is

agencies to give advance notice to the commuting public when a traffic study is expected to have real-world impacts on traffic patterns.<sup>99</sup>

### 3. Coordination Between Port Authority and Fort Lee

The witnesses who testified before the Committee, as well as those who met informally with Special Counsel, all explained that the relationship between GWB management and Fort Lee is typically open and productive. In his interview with Special Counsel, Fort Lee Mayor Mark Sokolich recounted that shortly after Governor Christie's election in 2009, the Governor appointed Baroni as the Port Authority's Deputy Executive Director.<sup>100</sup> Mayor Sokolich met with Baroni soon after and the two affirmed the importance of a close working relationship between the Port Authority and Fort Lee.<sup>101</sup> According to Mayor Sokolich, he routinely communicated with Baroni regarding traffic issues in Fort Lee and, up until September 2013, always found Baroni attentive and responsive.

For example, Baroni wrote to Mayor Sokolich on August 1, 2013—just over a month before the September 2013 lane closures—to inform him of an upcoming rehabilitation project on the Bridge's upper deck.<sup>102</sup> In his letter, Baroni detailed "a public communications and traffic diversion plan," which included a multi-pronged public communications strategy utilizing "radio advertisements, PANYNJ website, social media, PANYNJ alerts, EZ-PASS customer notices, use of 511NY and 511NJ messaging."<sup>103</sup> By contrast, Baroni provided no such advance information regarding the September 2013 lane closures and, in fact, ignored Mayor Sokolich's multiple requests for information during the week of the closures.<sup>104</sup>

Fort Lee Police Department ("FLPD") Chief Keith Bendul likewise described a good rapport with his PAPD counterpart, Dep. Insp. Darcy Licorish, who served as commanding officer on the GWB in September 2013.<sup>105</sup> According to Chief Bendul, pre-planned events that had the potential to significantly disrupt traffic on and around the Bridge were generally preceded well in advance by adequate notice, extensive planning, and close coordination between the Port Authority and Fort Lee.<sup>106</sup>

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licensed by the State of New Jersey as a professional engineer and professional planner. He is also a fellow of the Institute of Transportation Engineers. *Id.* at 215

<sup>99</sup> *Id.* at 220-21.

<sup>100</sup> Interview of Mayor Mark Sokolich by Special Counsel to the Committee (Feb. 27, 2014) ("Sokolich Interview").

<sup>101</sup> *Id.*

<sup>102</sup> Letter from Baroni to Mayor Sokolich (Aug. 1, 2013). [NJGA-024784](#).

<sup>103</sup> *Id.*

<sup>104</sup> See *infra* Parts IV.F.1.b, IV.F.2.a, and IV.F.4.b.

<sup>105</sup> Interview of Chief Keith Bendul by Special Counsel to the Committee (July 23, 2014) ("Bendul Interview").

<sup>106</sup> *Id.*

Licorish, too, commented that he and Chief Bendul interacted over traffic issues;<sup>107</sup> and PAPD's GWB patrol supervisor, Lt. Thomas "Chip" Michaels, said the PAPD typically prepared memoranda alerting local officials to upcoming events and potential traffic disruptions.<sup>108</sup>

However, as more fully detailed below, no such communications or forewarnings were provided to Fort Lee civilian or police officials in advance of the September 2013 lane closures, and, in fact, Port Authority personnel were specifically directed by Wildstein not to alert Fort Lee to the impending traffic disruptions.

#### **IV. FINDINGS OF FACT**

##### **A. Political Activity Within Office of Intergovernmental Affairs**

###### **1. Top 100 Towns and Political Intelligence**

Evidence collected and reviewed indicates there was, at times, overlap between the work of the Office of IGA and political activity. The Office of IGA maintained a list of "Top 100 Towns," which former IGA Director Christina Renna had heard was compiled by former Deputy Chief of Staff Bill Stepien based on voting data and election trends in key towns.<sup>109</sup> This list, often referred to as the "T-100 List," has included Fort Lee in all known versions.<sup>110</sup>

The list was given to IGA regional directors. Former regional director Matt Mowers testified that it offered guidance on which municipalities and elected officials should be prioritized during outreach efforts.<sup>111</sup> Similarly, Renna described the T-100 List as a tool "to focus our efforts on really where to start. With so many municipalities, this was our jumping off point" for building relationships with local officials.<sup>112</sup>

Internal IGA documents also show a focus on political trends and results. For example, on Friday, January 27, 2012, during business hours,<sup>113</sup> IGA regional director Chris Stark emailed his supervisor, Director of Regional IGA Peter Sheridan, an "Action Items Narrative," which he also copied to

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<sup>107</sup> Interview of Dep. Insp. Darcy Licorish by Special Counsel to the Committee (Aug. 7, 2014) ("Licorish Interview").

<sup>108</sup> Interview of Lt. Thomas "Chip" Michaels by Special Counsel to the Committee (July 29, 2014) ("Michaels Interview").

<sup>109</sup> Renna Testimony at 144-45. On June 13, 2014, the Committee issued a subpoena to OOG requesting copies of all iterations of the T-100 List or any similar list. To date, OOG has refused to comply with this request.

<sup>110</sup> See, e.g., email from Sheridan to Ridley (Nov. 26, 2012, 2:23 p.m.) [RD-PREF-SCI0001637](#); see also letter from Southwell to Buono (June 27, 2014).

<sup>111</sup> Mowers Testimony at 43.

<sup>112</sup> Renna Testimony at 145.

<sup>113</sup> For purposes of this Report, "business hours" are defined as 9:00 a.m. to 5:00 p.m., Monday through Friday.

Mowers and other IGA staff.<sup>114</sup> Mowers testified that the attachment was a compilation of information gathered by regional directors as part of their weekly reports.<sup>115</sup> Under a list of goals for the state's Southern Region, a staffer had noted the following:

- Use contacts and election results to see if there are any T100 towns that trended towards Democrats more than usual in the last election and find the reason . . .
  - Have election results now and will be looking at T100 trends for next week
    - Had results for 2009, compiled 2011 this week.
- Per senior outreach plan outline, work with NJGOP [*i.e.*, New Jersey Republican Party] to find pockets of non-Democratic seniors to boost 3:4 and 4:4<sup>116</sup> numbers in that age range[.]<sup>117</sup>

The same document identified the goals for Mowers' own Northern Region, including to "[e]stablish a relationship with new mayors / Beginning with new top 100."<sup>118</sup> This portion of the document also included a "Political Narratives" section that discussed in detail (1) potential candidates for local offices; (2) advice that the Governor should utilize more "off-year [*i.e.*, non-gubernatorial election year] mailing" to tout his accomplishments; and (3) the results of a nominating convention for LD26 [*i.e.*, Legislative District 26] in Morris County.<sup>119</sup> Western Region goals included "spending more time with target Dem mayors."<sup>120</sup>

On Friday, March 30, 2012, again during business hours, Mowers emailed Sheridan another work-related weekly update.<sup>121</sup> The document contained a "Political Narratives" section, including an update on leveraging the congressional race of Maria Karczewski "to keep volunteer infrastructure intact for the re-election campaign."<sup>122</sup> An update sent from Mowers to Sheridan during business hours on July 6, 2012, indicated that Garfield, N.J., deputy mayor Tana Raymond—a Democrat—"would like to round up additional Democratic endorsements for the Governor and Lt. Governor in their re-election

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<sup>114</sup> Email from Stark to Sheridan, *et al.* (Jan. 27, 2012, 9:12 a.m.). [Mowers-000470](#).

<sup>115</sup> Mowers Testimony at 124.

<sup>116</sup> Although Mowers was not the author of this report, he testified that he understood the figures "3:4" and "4:4" to reflect the frequency with which eligible voters participate in elections. Thus, "3:4" refers to voters who participated in three of the past four elections and "4:4" refers to those who participated in all of the past four elections. *Id.* at 131.

<sup>117</sup> Email from Stark to Sheridan, *et al.* (Jan. 27, 2012, 9:12 a.m.). [Mowers-000470](#).

<sup>118</sup> *Id.*

<sup>119</sup> *Id.*

<sup>120</sup> *Id.*

<sup>121</sup> Email from Mowers to Sheridan (Mar. 30, 2012, at 11:58 a.m.). [Mowers-000541](#).

<sup>122</sup> *Id.*

campaign next year.”<sup>123</sup> In his testimony to the Committee, Mowers described this email as “generally a work-related email” despite the political nature of portions of its content.<sup>124</sup>

In a work email sent to Sheridan during business hours on Friday, May 18, 2012, Mowers recapped the presentation of World Trade Center memorial flags to two Democrats: Mayor Sokolich of Fort Lee and Mayor Peter Massa of North Arlington.<sup>125</sup> In his email, Mowers wrote, “[T]here may be a chance we can win [Massa’s] endorsement next year.”<sup>126</sup>

Finally, in an email thread between Sheridan and Kelly on December 3, 2012, Sheridan identified three elected officials from Teaneck as “tier 1 possibilities and key influencers.”<sup>127</sup> Notwithstanding that assessment, Kelly requested that Sheridan provide three alternate names for a list of invitees to a football game.<sup>128</sup> Sheridan reported this to Mowers, who noted in response that one of the Teaneck officials, Mayor Mohammed Hameeduddin, “won re-election by massive margins and is supportive/already indicated an openness to supporting the Gov next yr.”<sup>129</sup> Mowers told Special Counsel to the Committee that he mentioned Mayor Hameeduddin’s potential endorsement as information that would have been at the time both recent and relevant to Sheridan.<sup>130</sup>

These documents and emails indicate that IGA staff coordinated with local officials on state business but also gathered political intelligence and reported on potential endorsements for the Governor’s re-election efforts.

## 2. Staff Cross-Over Between IGA and Governor Christie’s Re-Election Campaign

The Committee’s investigation has revealed that there was also cross-over between IGA personnel and both full-time and volunteer staff for Governor Christie’s re-election campaign. Governor Christie’s original Deputy Chief of Staff for Legislative and Intergovernmental Affairs—Bill Stepien—had managed the Governor’s 2009 campaign and, in 2013, left OOG to lead Governor Christie’s re-election efforts. Prior to the public revelation of emails linking Stepien to the lane closures, he had enjoyed

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<sup>123</sup> Email from Mowers to Sheridan (July 6, 2012, at 11:24 a.m.). [Mowers-000562](#).

<sup>124</sup> Mowers Testimony at 40-41.

<sup>125</sup> Email from Mowers to Sheridan (May 18, 2012, at 2:46 p.m.). [Mowers-000560](#). On characterizing the email as work-related, see Mowers Testimony at 35.

<sup>126</sup> Email from Mowers to Sheridan (May 18, 2012, at 2:46 p.m.). [Mowers-000560](#).

<sup>127</sup> Email from Sheridan to Kelly (Dec. 3, 2012, at 2:27 p.m.). [Mowers-000632](#).

<sup>128</sup> Email from Kelly to Sheridan (Dec. 3, 2012, at 2:28 p.m.). [Mowers-000632](#). The email itself does not indicate the purpose for which the officials’ names were being collected. However, in his interview with Special Counsel, Mowers recalled that Sheridan and Kelly were preparing an invitation list for an upcoming football game. Mowers Interview.

<sup>129</sup> Email from Mowers to Sheridan (Dec. 3, 2012, at 3:07 p.m.). [Mowers-000644](#).

<sup>130</sup> Mowers Interview.

Governor Christie's support to be chair of the New Jersey Republican Party and to serve as a consultant to the Republican Governors' Association, which Governor Christie chairs.<sup>131</sup>

Stepien was not alone in moving from IGA to Governor Christie's campaign: Mowers and Sheridan both did the same.<sup>132</sup> In addition, prior to formally shifting to the campaign side, all three volunteered time to the re-election effort while still participating in state government, and, as discussed below, sometimes conducted their campaign work during regular business hours. Kelly<sup>133</sup> and Renna<sup>134</sup> also participated in campaign business while employed in IGA.

As an example of such volunteer campaign activity, on Saturday, January 12, 2013, before anyone had left to formally join Governor Christie's re-election campaign, Mowers emailed Sheridan a "D targ" list containing eleven named Democratic targets, including Mayor Sokolich.<sup>135</sup> On Wednesday, January 23, 2013, Stepien and Sheridan discussed by email initiating "outreach to our Dem allies," and copied Kelly.<sup>136</sup> The email conversation began before work hours, with Stepien opining, "There's no reason why our iga guys can't play a role in the process if conversations occur afterhours."<sup>137</sup> Despite this acknowledgment regarding political activity and business hours, the email thread itself continued into the regular work day: Sheridan submitted an "endorsement summary sheet" for Stepien's approval at 9:22 a.m.,<sup>138</sup> and, following Stepien's 11:00 a.m. request, Sheridan forwarded a list of 23 targeted Democratic officials at 11:03 a.m.<sup>139</sup> The first eleven Democrats on the list were taken directly from Mowers' earlier, January 12th email, and included Mayor Sokolich.<sup>140</sup> In the evening, Sheridan forwarded the thread to Renna, who commented, "Super, super exciting."<sup>141</sup>

Following his discussion with Stepien, Sheridan then emailed five IGA regional directors with instructions on how "to begin to secure D target endorsements for the campaign."<sup>142</sup> While Sheridan

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<sup>131</sup> See Governor Chris Christie, Remarks at Press Conference (Jan. 9, 2014) (withdrawing his support for Stepien as chair of New Jersey Republican Party and consultant to Republican Governors' Association). [OGNJ-LEG-057398](#).

<sup>132</sup> See letter from Wood to Schar (May 2, 2014) (identifying staff of Chris Christie for Governor, Inc.).

<sup>133</sup> Mowers Testimony at 81-82.

<sup>134</sup> Renna Testimony at 56-57.

<sup>135</sup> Email from Mowers to Sheridan (Jan. 12, 2013, at 11:22 a.m.). [Mowers-000665](#).

<sup>136</sup> Email from Stepien to Sheridan (Jan. 23, 2013, at 8:24 a.m.). [CGR 6](#).

<sup>137</sup> Email from Stepien to Sheridan (Jan. 23, 2013, at 8:48 a.m.). [CGR 6](#).

<sup>138</sup> Email from Sheridan to Stepien & Kelly (Jan. 23, 2013, at 9:22 a.m.). [CGR 6](#).

<sup>139</sup> Email from Sheridan to Stepien & Kelly (Jan. 23, 2013, at 11:03 a.m.). [CGR 6](#).

<sup>140</sup> Compare *id.* with email from Mowers to Sheridan (Jan. 12, 2013, at 11:22 a.m.). [Mowers-000665](#).

<sup>141</sup> Email from Renna to Sheridan (Jan. 3, 2013, at 8:16 p.m.). [CGR 6](#).

<sup>142</sup> Email from Sheridan to Mowers, *et al.* (Jan. 24, 2013, at 9:04 a.m.). [Mowers-000666](#).

advised that participation was voluntary and “should be done at appropriate times,” his own email was sent at 9:04 a.m. on Thursday, January 24, 2013.<sup>143</sup>

Furthermore, Mowers had an initial discussion with Mayor Sokolich about a possible endorsement—discussed more fully below—during a weekday lunch on February 5, 2013, and summarized the interaction in an email to Sheridan sent during business hours on Thursday, February 7, 2013.<sup>144</sup>

In sum, the evidence suggests that political endorsement efforts, including those targeted at Mayor Sokolich, bled into the official work activities of IGA employees.

## **B. Outreach to Mayor Sokolich**

### **1. Contacts with OOG**

As noted above, the T-100 List included Fort Lee, and the evidence reviewed by the Committee demonstrates that both IGA and Port Authority staff were frequently solicitous of the borough’s mayor, Mark Sokolich.

Shortly after his inauguration, Governor Christie hosted a lunch at Drumthwacket to which several mayors, including Mayor Sokolich, were invited. The event was organized by Stepien, and described as an opportunity to “build relationships that will be useful down the line as we require support for our legislative endeavors.”<sup>145</sup>

In addition to this lunch, Mayor Sokolich was an occasional invitee to other gubernatorial events, including sporting events at the Prudential Center.<sup>146</sup> Mowers recalled that Mayor Sokolich had been an early supporter of several of Governor Christie’s initiatives, and had attended a Teaneck press conference with the Governor to tout reforms for state employee sick-leave payouts.<sup>147</sup> In March 2012, Sokolich also attended a taping of the MSNBC program “Morning Joe” in Fort Lee during which the Governor hosted a town hall meeting.<sup>148</sup> Sokolich himself characterized his personal interactions with Governor Christie as “limited,” but said he met with Mowers at least once every two months.<sup>149</sup> Mowers described communicating with Mayor Sokolich by email or telephone every week or two and meeting in person every couple of months.<sup>150</sup>

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<sup>143</sup> *Id.*

<sup>144</sup> Email from Mowers to Sheridan (Feb. 7, 2013, at 4:42 p.m.). [Mowers-000673](#).

<sup>145</sup> Agenda, “Lunch with Mayors” (Apr. 15, 2010). [OGNJ-LEG-072020](#).

<sup>146</sup> Mowers Interview; *see also* email from Mowers to Sheridan (Jan. 26, 2012, at 12:45 p.m.). [Mowers-000483](#).

<sup>147</sup> Mowers Interview.

<sup>148</sup> *See, e.g.*, email from Mowers to Kelly & Sheridan (Mar. 1, 2012, at 12:07 p.m.). [Mowers-000517](#).

<sup>149</sup> Sokolich Interview.

<sup>150</sup> Mowers Interview.



## 2. Contacts with Port Authority

As previously described, Mayor Sokolich felt he had a healthy working relationship with former Port Authority Deputy Executive Director Bill Baroni almost from the time Baroni was appointed in 2010. Sokolich recalled Baroni taking him on a tour of the World Trade Center site in July 2011.<sup>151</sup>

Later that year, on or about October 5, 2011, Mayor Sokolich arranged another tour of the World Trade Center for several of his cousins who were visiting from abroad.<sup>152</sup> Upon arrival, the Mayor was greeted by the then Director of Interstate Capital Projects, David Wildstein.<sup>153</sup> Throughout the tour, Wildstein repeatedly referred to Mayor Sokolich as “the one I was told to be nice to.”<sup>154</sup> Mayor Sokolich did not inquire, however, as to who had directed Wildstein to be nice to him or why, and Wildstein did not volunteer an explanation.<sup>155</sup>

## 3. Shuttle Bus Service

On May 23, 2012, Mowers identified Sokolich as one of 19 “Politically Key Mayor/Electeds” in an email to Sheridan.<sup>156</sup> Mowers told Special Counsel to the Committee the list was not generated in connection with re-election efforts and that, in fact, not all individuals on it were supportive of the Governor.<sup>157</sup> Rather, he described the individuals as people “of influence.”<sup>158</sup> Two days later, on May 25, 2012, Governor Christie wrote a letter to Port Authority Chair David Samson seeking \$162,000 for Fort Lee to purchase shuttle buses to connect the town with trans-Hudson ferry services located in Edgewater, N.J.<sup>159</sup> On May 29, 2012, Mowers forwarded a copy of the Governor’s letter to Mayor Sokolich under the subject line, “Good news.”<sup>160</sup>

Just over a month later, on July 6, 2012, Mowers met with Mayor Sokolich in person.<sup>161</sup> Later that day, Mowers sent Sheridan a recap of their conversation, in which he related that, per the Mayor, Baroni had actually offered not just the two shuttle buses but transit across the George Washington Bridge “free of charge.”<sup>162</sup> According to Mowers’ email, Mayor Sokolich had inquired about free shuttle

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<sup>151</sup> Sokolich Interview.

<sup>152</sup> *Id.*

<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

<sup>156</sup> Email from Mowers to Sheridan (May 23, 2012, at 8:51 a.m.). [Mowers-000561](#).

<sup>157</sup> Mowers Interview.

<sup>158</sup> *Id.*

<sup>159</sup> Letter from Governor Christie to Chair Samson (May 25, 2012). [NJGA-012565](#).

<sup>160</sup> Email from Mowers to Mayor Sokolich (May 29, 2012, at 10:27 a.m.). [NJGA-012564](#).

<sup>161</sup> Email from Mowers to Sheridan (July 6, 2012, at 4:42 p.m.). [Mowers-000566](#).

<sup>162</sup> *Id.*

service across the Bridge as a joke and had been “caught off guard” when Baroni later agreed to do so.<sup>163</sup> Upon further reflection, however, Mayor Sokolich believed the idea was unworkable as it would be too difficult to verify the residency of riders and to provide equal service across the borough.<sup>164</sup>

On August 21, 2012, Mayor Sokolich wrote to Baroni formally requesting funding for the shuttle buses to the Edgewater ferry.<sup>165</sup>

#### 4. Request to Endorse Governor Christie

As discussed above, by January 2013, IGA staff had prepared a list of Democratic targets from whom they intended to seek endorsements at “appropriate times.”<sup>166</sup> Mowers identified Sokolich as such a target in an email to Sheridan on January 12, 2013.<sup>167</sup> Two weeks later, when Sheridan gave the “green light” to begin contacting the targeted officials, Sokolich was among the Democratic targets.<sup>168</sup>

On February 1, 2013, a story appeared in the *Fort Lee Suburbanite* regarding the expanded shuttle bus service and the Port Authority’s donation of the buses.<sup>169</sup> Stepien forwarded the story to both Kelly and Mowers, writing, in apparent reference to Mayor Sokolich, “We approved this mths ago (he just sent this out). Hope he remembers.”<sup>170</sup> Mowers later stated that Stepien had been concerned that the *Suburbanite* story highlighted the Port Authority’s role with no mention of OOG’s efforts to request the funding in the first instance.<sup>171</sup> According to Mowers, Stepien was not attempting to link the shuttle buses to a potential endorsement from Mayor Sokolich.<sup>172</sup> Nevertheless, Mowers, again in apparent reference to Mayor Sokolich, responded to Stepien, “I’ll be sure to remind him when we speak later.”<sup>173</sup> Mowers said he had no recollection of a subsequent discussion with Mayor Sokolich about the buses.<sup>174</sup>

However, four days later, on Tuesday February 5, 2013, Mowers met with Mayor Sokolich for lunch in Fort Lee.<sup>175</sup> On Thursday, February 7, 2013, Mowers emailed a recap of the meeting to Sheridan

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<sup>163</sup> *Id.*

<sup>164</sup> *Id.*

<sup>165</sup> Letter from Mayor Sokolich to Baroni (Aug. 21, 2012). [NJGA-024767](#).

<sup>166</sup> Email from Sheridan to Mowers, *et al.* (Jan. 24, 2013, at 9:04 a.m.). [Mowers-000666](#).

<sup>167</sup> Email from Mowers to Sheridan (Jan. 12, 2013 at 11:22 a.m.). [Mowers-000665](#).

<sup>168</sup> Email from Sheridan to Mowers, *et al.* (Jan. 24, 2013, at 9:04 a.m.). [Mowers-000666](#).

<sup>169</sup> See email from Stepien to Mowers & Kelly (Feb. 1, 2013, at 8:09 a.m.). [Mowers-000670](#).

<sup>170</sup> *Id.*

<sup>171</sup> Mowers Interview.

<sup>172</sup> *Id.*

<sup>173</sup> Email from Mowers to Stepien & Kelly (Feb. 1, 2013, at 8:58 a.m.). [Mowers-000670](#).

<sup>174</sup> Mowers Interview.

<sup>175</sup> See email from Mowers to Sheridan (Feb. 7, 2013, at 4:42 p.m.). [Mowers-000673](#)

using the “endorsement summary sheet” previously provided for tracking endorsement requests.<sup>176</sup> The sheet identified Mowers as an “IGA Staffer” rather than a campaign volunteer.<sup>177</sup> Mowers summarized his conversation with Mayor Sokolich as follows:

Mayor Sokolich and I only briefly discuss [sic] the topic of endorsement (one he raised after we were talking about Harrison Mayor McDonough’s endorsement). He said that it is likely that the entire Fort Lee Council would be open to endorsing but that he and they would be hesitant because they are also friendly with Bergen Democratic Chairman Lou Stellato and they would not want to “embarrass” him. The topic shifted quickly thereafter, but it did seem that the door was open to re-approach the topic down the road, likely once the primary filing deadlines have passed.<sup>178</sup>

As a next step, Mowers suggested, “Continue developing the relationship as we have and re-approach at a later date.”<sup>179</sup>

On February 22, 2013, Fort Lee and the Port Authority executed the funding agreement for the buses.<sup>180</sup>

One month later, on March 22, 2013, Mowers emailed Sokolich to set up a meeting for the following Tuesday, March 26, 2013.<sup>181</sup> On that date, Mowers sent a text message to Sheridan: “Unfortunately I think Sokolich is going to be a no. It’s a shame too—I really like the guy.”<sup>182</sup> According to Mowers, he had indeed met with Mayor Sokolich that day and reminded him of his previous comments regarding a potential endorsement.<sup>183</sup> Mowers said that while the Mayor still believed Governor Christie was “great,” he was too concerned about the political fallout, as well as potentially negative consequences for his law practice, to endorse Governor Christie for re-election.<sup>184</sup>

According to Mayor Sokolich, Mowers never directly asked him for an endorsement of the Governor; however, it was clear from context that Mowers was indirectly seeking one.<sup>185</sup> The Mayor

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<sup>176</sup> *Id.*

<sup>177</sup> *Id.*

<sup>178</sup> *Id.*

<sup>179</sup> *Id.*

<sup>180</sup> 2013 Funding Agreement Between the Port Authority and Borough of Fort Lee: Funding for Edgewater Ferry Landing Shuttle Bus Service (Feb. 22, 2013). [NJGA-012565](#).

<sup>181</sup> Email from Mowers to Mayor Sokolich (Mar. 22, 2013, at 3:56 p.m.). [Mowers-000681](#).

<sup>182</sup> Text from Mowers to Mayor Sokolich (Mar. 26, 2013, at 6:48 p.m.). [Mowers-000698](#).

<sup>183</sup> Mowers Interview.

<sup>184</sup> *Id.*

<sup>185</sup> Sokolich Interview.

cannot recall giving Mowers a definitive answer one way or the other.<sup>186</sup> However, the Mayor explained to Mowers the many difficulties a Democrat would face in publicly supporting a Republican gubernatorial candidate.<sup>187</sup>

Mowers said that following this March meeting he considered the door shut on any possible endorsement from Mayor Sokolich.<sup>188</sup> He could not recall any specific discussions with Sheridan, Kelly, or Stepien about Mayor Sokolich's failure to endorse Governor Christie.<sup>189</sup> However, Mowers said it was possible he discussed with some or all of them the Mayor's decision not to endorse.<sup>190</sup> In any event, he believed that Mayor Sokolich's decision was communicated "up the chain."<sup>191</sup> The next month, April 2013, both Mowers and Stepien left OOG to work full time for the re-election campaign.<sup>192</sup>

##### 5. Ridley Interactions with Mayor Sokolich

On May 13, 2013, Stark emailed Mowers' IGA replacement, Evan Ridley, and other IGA staff an "Appointment Roster" containing Mayor Sokolich's name and a list of "Unresponsive Mayors" that did not include Sokolich.<sup>193</sup> Stark asked that party affiliations be identified for the persons on the lists.<sup>194</sup> Later, Stark forwarded the lists to Sheridan—who was still Regional Director of IGA—as part of a "project for unresponsive mayors and appointments."<sup>195</sup>

According to Mowers, OOG maintained a list of local officials as potential candidates for appointments to state advisory board or commissions.<sup>196</sup> Mowers also said that Mayor Sokolich had expressed an interest in being "more involved" and was, consequently, added to the list of possible appointees.<sup>197</sup> These emails suggest that, at least at the IGA staff level, Mayor Sokolich was still viewed favorably enough in mid-May 2013 to be on a list of potential gubernatorial appointments despite his failure to endorse Governor Christie's re-election efforts.

Evidence reviewed by the Committee indicates, however, that IGA had not completely abandoned hopes of securing Mayor Sokolich's endorsement. On June 4, 2013, Ridley emailed Renna

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<sup>186</sup> *Id.*

<sup>187</sup> *Id.*

<sup>188</sup> Mowers Interview.

<sup>189</sup> *Id.*

<sup>190</sup> *Id.*

<sup>191</sup> *Id.*

<sup>192</sup> *Id.*; see also Mowers Testimony at 119.

<sup>193</sup> Email from Stark to Ridley, *et al.* (May 13, 2010, at 5:49 p.m.). [OGNJ-LEG-043940](#).

<sup>194</sup> *Id.*

<sup>195</sup> Email from Stark to Sheridan, *et al.* (May 13, 2010, at 6:46 p.m.). [RD-PREF-SCI0001497](#).

<sup>196</sup> Mowers Interview.

<sup>197</sup> *Id.*

and Stark a list of his upcoming meetings, including one with “Fort Lee.”<sup>198</sup> The same day, Renna, in turn, included Ridley’s planned Fort Lee meeting as a “Noteworthy Evan Item” in an email update to Kelly and other IGA staff.<sup>199</sup> The Committee has been unable to identify any response or comment from Kelly, and her unavailability to the Committee leaves it unclear (1) whether she was aware of Ridley’s anticipated meeting with Mayor Sokolich or (2) what reaction, if any, she had to that prospect.

On June 5, 2013, Ridley met with Mayor Sokolich, which he described as “one of the more interesting things I’ve witnessed in this job.”<sup>200</sup> The next day, Ridley emailed Stark a recap of the Sokolich meeting, in which he noted at the top, “Supportive of the administration and willing to help as needed. *Bleak outlook on any public endorsement.*”<sup>201</sup> In the recap, Ridley reported that Mayor Sokolich had been “shocked” that the Governor had not attended the groundbreaking for a multimillion dollar Fort Lee development.<sup>202</sup> Stark forwarded Ridley’s recap to Kelly and Renna.<sup>203</sup> In addition to the Sokolich summary, Ridley recapped meetings with four other mayors; however, endorsement prospects were discussed only with respect to Mayor Sokolich.<sup>204</sup>

During her public appearance before the Committee, Renna testified that Mayor Sokolich had been “shocked” at the Governor’s failure to attend the groundbreaking “because they had a very good relationship.”<sup>205</sup> Indeed, Ridley’s interactions with Mayor Sokolich in the spring and summer of 2013 suggest that Mayor Sokolich was still favorably regarded within IGA and that a possible endorsement from the Mayor remained a topic of interest, even if considered a long shot.

On August 7, 2013, Ridley emailed Renna a list of “Bergen D’s,” *i.e.*, Democrats, that included 35 Democratic mayors from Bergen County, Mayor Sokolich among them.<sup>206</sup> Renna immediately forwarded the list to Kelly.<sup>207</sup> According to Renna’s testimony, she provided the list at Kelly’s request; however, Renna also stated that she had no idea why Kelly wanted the list and that Kelly made no other requests of this sort.<sup>208</sup> Renna testified she received no feedback or follow-up from Kelly related to this list of

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<sup>198</sup> Email from Ridley to Renna & Stark (June 4, 2013, at 1:00 p.m.). [OGNJ-LEG-043746](#).

<sup>199</sup> Email from Renna to Kelly, *et al.* (June 4, 2013, at 5:12 p.m.). [OGNJ-LEG-043743](#).

<sup>200</sup> Email from Ridley to Renna & Stark (June 5, 2013, at 6:58 p.m.). [OGNJ-LEG-043741](#).

<sup>201</sup> Email from Ridley to Stark (June 6, 2013, at 12:35 p.m.) (emphasis added). [RD-PREF-SCI0001475](#).

<sup>202</sup> *Id.* Although the email does not identify the development, context indicates it is the Hudson Lights project, part of Redevelopment Area 5. *See infra* fn. 427.

<sup>203</sup> Email from Stark to Kelly & Renna (June 6, 2013, at 2:14 p.m.). [CGR 13](#).

<sup>204</sup> *Id.*

<sup>205</sup> Renna Testimony at 141-42.

<sup>206</sup> Email from Ridley to Renna (Aug. 7, 2013, at 5:58 p.m.). [CGR 23](#).

<sup>207</sup> Email from Renna to Kelly (Aug. 7, 2013, at 5:59 p.m.). [CGR 23](#).

<sup>208</sup> Renna Testimony at 140.

Bergen Democrats,<sup>209</sup> and Kelly's unavailability leaves an open question as to what motivated the request.

### C. August 2013

#### 1. "Time for Some Traffic Problems"

In the early evening of Monday, August 12, 2013, Kelly emailed David Wildstein asking that he call her around 5:40 p.m. while she was "on [her] way north."<sup>210</sup> Whether Wildstein in fact called is unknown, as is the substance of any conversation the two may have had. Nevertheless, at 7:07 p.m. that same night, Kelly called Mowers, and the two spoke for three minutes.<sup>211</sup>

Mowers testified that, at the time of this call, he was sitting with Sheridan at a coffee shop in Jersey City waiting to meet with Jersey City Councilwoman Candice Osborne.<sup>212</sup> According to Mowers, Kelly began the call with light-hearted banter, and then asked, "Is Mayor Sokolich endorsing?"<sup>213</sup> Mowers recounted the remainder of the conversation as follows:

And I said, "No, he's not."

[Kelly said:] "He's definitely not endorsing, right? Not going to happen?"

And I said, "No, not going to happen." She said, "Okay, that's all I need to know." It was a very brief conversation.<sup>214</sup>

Twelve hours later, at 7:34 a.m. on Tuesday, August 13, 2013, Kelly emailed to Wildstein a one-line message: "Time for some traffic problems in Fort Lee."<sup>215</sup> Wildstein's reply was even briefer: "Got it."<sup>216</sup>

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<sup>209</sup> *Id.* at 141.

<sup>210</sup> Email from Kelly to Wildstein (Aug. 12, 2013, at 5:08 p.m.). [OGNJ-LEG-050245](#). At 5:25 p.m. Kelly asked that Wildstein call in "15 minutes." Email from Kelly to Wildstein (Aug. 12, 2013, at 5:25 p.m.). [OGNJ-LEG-050245](#).

<sup>211</sup> See Mowers Telephone Log Excerpt. [Mowers-000712](#).

<sup>212</sup> Mowers Testimony at 60.

<sup>213</sup> *Id.* at 58.

<sup>214</sup> *Id.*

<sup>215</sup> Email from Kelly to Wildstein (Aug. 13, 2013, at 7:34 a.m.). [NJGA-000573](#). Kelly's email was sent from her Yahoo! account to Wildstein's Gmail account, and evidence reviewed by the Committee indicates the two primarily communicated through personal email accounts. In fact, use of personal accounts was widespread within OOG. Renna testified that she created a Gmail account after observing that "a lot of people around me were using personal email addresses" and that she "just pick[ed] up the practice, really, of my colleagues." Renna Testimony at 55. When Drewniak emailed Governor Christie a draft statement concerning Wildstein's resignation, he sent the draft to a personal Yahoo! account used by the Governor. Email from Drewniak to Governor Christie (Dec. 6, 2013, at 3:48 p.m.). [NJGA-035783](#). The Governor used his Yahoo! account both to reply to Drewniak and to forward the thread to DuHaime. See email from Governor Christie to Drewniak (Dec.

Kelly's email to Wildstein, as well as additional evidence described below, demonstrates that the September 2013 lane closures and the ensuing Fort Lee gridlock were the specifically intended result of a calculated plan to clog Fort Lee's streets with unmanageable congestion. What remains difficult to ascertain at this point, however, is *why* Kelly and Wildstein chose to cause the traffic problems in Fort Lee and with whom, if anyone, they conspired beforehand to do so.

The email further demonstrates that Kelly and Wildstein had previously discussed the planned lane closures. Wildstein clearly understood Kelly's reference to "traffic problems" without the need for additional elaboration, and his response of "Got it" indicates he knew what needed to be done in order to implement Kelly's direction.

Furthermore, Kelly's telephone call to Mowers the evening before her email to Wildstein suggests that, as late as mid-August 2013, she considered Mayor Sokolich's endorsement decision a relevant factor in implementing the Fort Lee gridlock.<sup>217</sup>

## 2. Ridley Meeting with Sokolich

On August 15, 2013, two days after Kelly's "Traffic Problems" email, Ridley sent Renna a daily report in which he noted a planned meeting with Mayor Sokolich.<sup>218</sup> Renna replied, "[T]his is great."<sup>219</sup> The copy of this email provided to the Committee is heavily redacted such that, during her Committee

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6, 2013, at 3:50 p.m.) NJGA-035784 and email from Governor Christie to DuHaime (Dec. 6, 2013, at 3:55 p.m.) NJSCI005787. There are also indications that personal email was intentionally used to discuss sensitive subjects. In May 2014, counsel for Wildstein provided the press a copy of an email from Drewniak to Wildstein in which Drewniak asked that Wildstein share information on toll increases "gmail only" with O'Dowd. *See, e.g.,* Kate Zernike & Marc Santora, "Lane Closings Were 'Idiotic,' Christie Aide Testifies," *N.Y. Times* (May 13, 2014). The frequent and apparently strategic use of personal email accounts has contributed to the lack of a complete record in this matter. In particular, emails sent from personal accounts are not accessible in the same way as messages stored on official state government accounts and are susceptible to untraceable deletion.

<sup>216</sup> Email from Wildstein to Kelly (Aug. 13, 2013, at 7:35 a.m.). NJGA-000573.

<sup>217</sup> It is unlikely that Mayor Sokolich's endorsement would have been a critical factor in Governor Christie's impending election. A Monmouth University poll conducted in early August 2013 showed Governor Christie with a 20 percentage point lead over his Democratic challenger, state Sen. Barbara Buono. Monmouth University Press Release, "NJ Gov: Christie Lead Sizeable But Smaller" (Aug. 21, 2013). In fact, all polling during the 2013 election cycle showed Governor Christie with substantial double-digit leads. *See* "New Jersey Governor – Christie vs. Buono," *available at* [http://www.realclearpolitics.com/epolls/2013/governor/nj/new\\_jersey\\_governor\\_christie\\_vs\\_buono-3411.html](http://www.realclearpolitics.com/epolls/2013/governor/nj/new_jersey_governor_christie_vs_buono-3411.html). It is unclear, however, whether Mayor Sokolich was to be made an example of while other endorsements were still being sought.

<sup>218</sup> Email from Ridley to Renna (Aug. 15, 2013, at 4:56 p.m.). RD-PREF-SCI0001018.

<sup>219</sup> Email from Renna to Ridley (Aug. 15, 2013, at 5:02 p.m.). RD-PREF-SCI0001018.

testimony, Renna was unable to say whether it was “great” that Ridley was meeting with Mayor Sokolich or whether she was responding to some other aspect of the daily report.<sup>220</sup>

The following day, August 16, 2013, Renna emailed Kelly under the subject line “Drum[thwacket] RSVP Update.”<sup>221</sup> In the ensuing email discussion, Renna reported that Ridley had not provided any updates, to which Kelly replied, “I am on fire. And I am not sending that RSVP update until he gets his ass in gear.”<sup>222</sup> Renna then reported to Kelly that she had attempted to call Ridley but that “[h]is phone goes right to voice mail. I’m fucking furious.”<sup>223</sup> Kelly answered, “Likely not as mad as me.”<sup>224</sup>

In a separate email thread, Renna wrote Ridley to inquire if he had “any updates to Drum rsvps”<sup>225</sup> and later asked, “Did you meet with sokolich or no?”<sup>226</sup> Ridley replied to the Sokolich question, “Yes!”<sup>227</sup>

One minute later, at 7:20 p.m., Renna returned to her email discussion with Kelly and reported that Ridley was “claiming he did meet with Sokolich too.”<sup>228</sup> Kelly did not immediately react to the reference to Mayor Sokolich, but asked instead, “Are we getting the right phone numbers?”<sup>229</sup> However, at 10:54 p.m., Kelly emailed Renna “I trust Evan’s recaps are pending? And why did he think it was ok to meet with Sokolich?”<sup>230</sup>

In her reply to Kelly the following morning, August 17th, Renna appeared almost apologetic in her explanation for how Ridley’s meeting with Mayor Sokolich had evaded her review and attention. Renna wrote:

Sokolich was in his daily Thursday [Aug. 15] to me as TBD.<sup>231</sup> He never confirmed until I asked him about it.

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<sup>220</sup> Testimony of Renna at 61.

<sup>221</sup> Email from Renna to Kelly (Aug. 16, 2013, at 5:38 p.m.). CGR 24.

<sup>222</sup> Email from Kelly to Renna (Aug. 16, 2013, at 6:32 p.m.). CGR 24.

<sup>223</sup> Email from Renna to Kelly (Aug. 16, 2013, at 6:34 p.m.). CGR 24.

<sup>224</sup> Email from Kelly to Renna (Aug. 16, 2013, at 6:37 p.m.). CGR 24.

<sup>225</sup> Email from Renna to Ridley (Aug. 16, 2013, at 6:39 p.m.). CGR 32.

<sup>226</sup> Email from Renna to Ridley (Aug. 16, 2013, at 7:00 p.m.). CGR 32.

<sup>227</sup> Email from Ridley to Renna (Aug. 16, 2013, at 7:19 p.m.). CGR 32.

<sup>228</sup> Email from Renna to Kelly (Aug. 16, 2013, at 7:20 p.m.). CGR 24.

<sup>229</sup> Email from Kelly to Renna (Aug. 16, 2013, at 8:20 p.m.). CGR 24.

<sup>230</sup> Email from Kelly to Renna (Aug. 16, 2013, at 10:54 p.m.). CGR 24.

<sup>231</sup> See email from Ridley to Renna (Aug. 15, 2013, at 4:56 p.m.). RD-PREF-SCI0001018.



As I think you know, weekly I sit down with each Regional to discuss their week ahead on the road, but with Evan [Ridley] on vacation I did not have a chance. He unilaterally set up New Milford and Fort Lee and I was so focused on Harrison with him on Thursday I never clarified his post Harrison schedule.<sup>232</sup>

In her appearance before the Committee, Renna testified that she was simply trying to “placate” Kelly and that she did not know then—and to this day does not know—why Kelly was upset with Ridley for meeting with Mayor Sokolich.<sup>233</sup>

Kelly replied to Renna’s explanations that Ridley “should not have met with Fort Lee without approval. I’m really upset with him.”<sup>234</sup> Again, Kelly’s unavailability to the Committee leaves unanswered why she cared to the point of being “really upset” that Ridley met with Mayor Sokolich.

In response to Kelly’s email, Renna wrote, “I’m checking with Chris [Stark] to see if Evan [Ridley] asked him or not. I doubt he did....Chris would have flagged it with me, I’m sure. Will let you know.”<sup>235</sup> Once again, the tone of this email suggests that both Renna and Ridley should have been aware that Mayor Sokolich was, for some reason, off-limits and that IGA staffer Chris Stark would likewise have been aware and would have “flagged” a meeting between Ridley and Mayor Sokolich.<sup>236</sup> Nevertheless, Renna testified that neither she nor Ridley nor Stark actually was aware of any concerns regarding Mayor Sokolich,<sup>237</sup> and a contemporaneous exchange of text messages between Renna and Stark lends credibility to Renna’s testimony on this point.

In parallel with her email conversation with Kelly, Renna texted Stark, “Did Evan mention anything to you about meeting with Sokolich in Ft. Lee yesterday or no?”<sup>238</sup> Stark replied, “No,”<sup>239</sup> to which Renna wrote, “I’m not happy with him. BK more so.”<sup>240</sup> Stark subsequently asked, “Was there an issue with sokolich[?]”<sup>241</sup> Renna responded, “Not that I know of, but apparently there is.”<sup>242</sup>

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<sup>232</sup> Email from Renna to Kelly (Aug. 17, 2013, at 7:38 a.m.). CGR 24.

<sup>233</sup> Renna Testimony at 64-66.

<sup>234</sup> Email from Kelly to Renna (Aug. 17, 2013, at 7:43 a.m.). CGR 24.

<sup>235</sup> Email from Renna to Kelly (Aug. 17, 2013, at 7:47 a.m.) (ellipsis in original). CGR 24.

<sup>236</sup> *Id.*

<sup>237</sup> Renna Testimony at 73.

<sup>238</sup> Text message from Renna to Stark (Aug. 17, 2013, time unknown). CGR 34.

<sup>239</sup> Text message from Stark to Renna (Aug. 17, 2013, at 8:59 a.m.). CGR 34.

<sup>240</sup> Text message from Renna to Stark (Aug. 17, 2013, at 9:00 a.m.). CGR 34.

<sup>241</sup> Text message from Stark to Renna (Aug. 17, 2013, at 9:26 a.m.). CGR 34.

<sup>242</sup> Text message from Renna to Stark (Aug. 17, 2013, at 9:28 a.m.). CGR 34.

Stark then asked, “We don’t need a reason, but is it possible to get a list of hands off mayors[?]”<sup>243</sup> Renna wrote back, “You know we won’t get that. And it would change daily anyway. I think we need to get back to weekly one on ones with them and I need to send the list of mayors to BK [*i.e.*, Bridget Kelly] in advance.”<sup>244</sup>

In her Committee testimony, Renna stated that there was no actual list of “hands off” mayors but that Kelly on occasion directly or indirectly communicated that field staff should be less “proactive” with certain mayors than with others.<sup>245</sup> At another point in her testimony, Renna stated that Kelly exercised significant control over the IGA staff’s interactions with local government officials, testifying that all appointments with such officials required Kelly’s pre-approval.<sup>246</sup> According to Renna, however, she often did not know the reason for disfavoring these mayors, which created uncertainty and difficulty for her.<sup>247</sup>

Renna further testified that she never discussed with Kelly her apparent reservations about Mayor Sokolich.<sup>248</sup> Rather, Renna said Kelly “would have shared the information if I need[ed] to know,” and subsequently testified that she never addressed the matter with Kelly because “[i]nformation flowed down; I mean, that’s the only way I can describe it.”<sup>249</sup> Renna’s testimony made clear that Kelly was not someone who subordinates felt they could question in order to better understand why certain positions were being taken within OOG.

On Sunday, August 18, 2013, Ridley emailed Renna summaries of his meetings with Mayor Sokolich and New Milford Mayor Ann Subrizi.<sup>250</sup> Regarding Mayor Sokolich, Ridley wrote, “Still supportive of administration, but no signs of endorsement.”<sup>251</sup> Renna immediately forwarded these recaps to Kelly.<sup>252</sup> In her Committee testimony, Renna said Ridley’s comments on a potential endorsement were not particularly noteworthy: “We knew from the spring that Mayor Sokolich had no interest in endorsing the Governor.”<sup>253</sup> Ridley’s summary nevertheless suggests that, although a Sokolich endorsement did not appear likely, it was a topic of sufficient interest to merit inclusion in Ridley’s report.

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<sup>243</sup> Text message from Stark to Renna (Aug. 17, 2013, at 9:29 a.m.). CGR 34.

<sup>244</sup> Text message from Renna to Stark (Aug. 17, 2013, at 9:43 a.m.). CGR 34.

<sup>245</sup> Renna Testimony at 42; *see also id.* at 54.

<sup>246</sup> *Id.* at 68.

<sup>247</sup> *Id.* at 54.

<sup>248</sup> *Id.* at 64-65.

<sup>249</sup> *Id.* at 65-66.

<sup>250</sup> Email from Ridley to Renna (Aug. 18, 2013, at 8:07 p.m.). CGR 38.

<sup>251</sup> *Id.*

<sup>252</sup> Email from Renna to Kelly (Aug. 18, 2013, at 8:11 p.m.). CGR 38.

<sup>253</sup> Renna Testimony at 66.

These email and text communications reveal an IGA staff whose interactions with local and county officials were closely controlled by Kelly. At a minimum, “proactive outreach” to certain officials was curtailed or restricted based on high-level considerations that were not shared with the field staff who regularly interacted with local officials and who best understood the needs and priorities of communities statewide.

Further, to the extent that Kelly expected Renna and Ridley to have known better than to set up a meeting with Mayor Sokolich without her approval, it indicates that Kelly considered the Mayor’s disfavor to be well understood within IGA and, perhaps, more widely within the administration. Kelly made no effort to conceal her displeasure regarding contact with Mayor Sokolich and seemed unconcerned as to whether Mayor Sokolich would perceive distance or coolness from OOG.

Finally, if Mayor Sokolich himself had detected any deterioration in his relationship with the Governor or with the administration, he evidently did not indicate this to Ridley.<sup>254</sup>

### 3. Fort Lee Chamber of Commerce Invitation

On August 22, 2013, Renna received an email from the Fort Lee Chamber of Commerce inviting Lt. Governor Kim Guadagno to speak at a Chamber event in mid-October, which invitation Renna subsequently forwarded to Kelly.<sup>255</sup> In response, Kelly wrote, “Should we do this in light of the Mayor?”<sup>256</sup> Renna replied, “I guess not. It’s a good Chamber though.”<sup>257</sup>

As with the prior exchanges concerning Ridley’s August meeting with Mayor Sokolich, Kelly’s comment gives the impression that Kelly expected Renna would recognize and understand there was an issue with Mayor Sokolich. Nevertheless, in her Committee testimony, Renna stated she did not know why Kelly was concerned about the Mayor: “And, again, this is me operating under the assumption that something—Mayor Sokolich has done some critical wrong for whatever reason, I don’t know what, or something is going on with the Mayor that I don’t know about.”<sup>258</sup>

Renna later emailed Kelly that, because of his professional obligations, Mayor Sokolich might not attend the Chamber luncheon, particularly “if we don’t tell him,” to which Kelly replied, “Correct. Good call.”<sup>259</sup> Shortly afterwards, Kelly emailed Renna to confirm that the Lieutenant Governor would indeed attend.<sup>260</sup>

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<sup>254</sup> See email from Ridley to Renna (Aug. 18, 2013, at 8:07 p.m.). [CGR 38](#).

<sup>255</sup> Email from Renna to Kelly (Aug. 22, 2013, at 1:31 p.m.). [CGR 40](#).

<sup>256</sup> Email from Kelly to Renna (Aug. 22, 2013, at 1:52 p.m.). [CGR 40](#).

<sup>257</sup> Email from Renna to Kelly (Aug. 22, 2013, at 1:57 p.m.). [CGR 40](#).

<sup>258</sup> Renna Testimony at 46.

<sup>259</sup> Email from Kelly to Renna (Aug. 22, 2013, at 2:01 p.m.). [CGR 40](#).

<sup>260</sup> Email from Kelly to Renna (Aug. 22, 2013, at 2:07 p.m.). [OGNJ-LEG-050261](#).

#### 4. Kelly and Wildstein Text Messages

On August 19, 2013, Wildstein texted Kelly a photograph of Rabbi Mendy Carlebach of South Brunswick Township posing with U.S. Speaker of the House John Boehner.<sup>261</sup> Wildstein later texted Kelly that Rabbi Carlebach “has officially pissed me off.”<sup>262</sup> In response, Kelly wrote, “We cannot cause traffic problems in front of his house, can we?”<sup>263</sup> Wildstein then suggested, apparently in jest, “Flights to Tel Aviv all mysteriously delayed,”<sup>264</sup> to which Kelly replied, “Perfect.”<sup>265</sup>

This exchange occurred only one week after Kelly’s “Traffic Problems” email to Wildstein and three weeks before the lane closures in Fort Lee. The messages lend credence to the view that both Kelly and Wildstein considered the impending lane closures a form of personal retaliation or retribution against Mayor Sokolich.

#### **D. Planning the Lane Closures**

On August 21, 2013, eight days after receiving Kelly’s “Traffic Problems” email, Wildstein contacted GWB General Manager Robert Durando and requested to speak with him.<sup>266</sup> Durando testified that he spoke with Wildstein on this date and that Wildstein inquired whether the Port Authority had any memorandum of understanding or other written agreement with Fort Lee establishing the segregated access lanes.<sup>267</sup> Durando testified that he told Wildstein he was unaware of any such documentation.<sup>268</sup>

One week later, on August 28, 2013, Wildstein, via email, requested that Kelly call him “when you have a chance re: Ft. Lee.”<sup>269</sup> Kelly replied that she was with her children but would call the following morning.<sup>270</sup> That same evening, the Port Authority’s Chief Engineer, Peter Zipf, emailed Wildstein a “suggested modification” to the GWB’s upper level toll plaza.<sup>271</sup> The modification had been prepared by Chief Traffic Engineer Jose Rivera (who was copied on the email) and showed a reduction in

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<sup>261</sup> Text message from Wildstein to Kelly (Aug. 19, 2013, time unknown). DW-017.

<sup>262</sup> Text message from Wildstein to Kelly (Aug. 19, 2013, at 7:26 p.m.). DW-017.

<sup>263</sup> Text message from Kelly to Wildstein (Aug. 19, 2013, at 7:33 p.m.). DW-017.

<sup>264</sup> Text message from Wildstein to Kelly (Aug. 19, 2013, at 7:35 p.m.). DW-017.

<sup>265</sup> Text message from Kelly to Wildstein (Aug. 19, 2013, at 7:35 p.m.). DW-017.

<sup>266</sup> Email from Wildstein to Durando (Aug. 21, 2013, at 9:49 a.m.). NJGA-000581.

<sup>267</sup> Durando Testimony at 85-86.

<sup>268</sup> *Id.*

<sup>269</sup> Email from Wildstein to Kelly (Aug. 28, 2013, at 5:08 p.m.). NJGA-000705.

<sup>270</sup> Email from Kelly to Wildstein (Aug. 28, 2013, at 7:18 p.m.). NJGA-000705.

<sup>271</sup> Email from Zipf to Wildstein (Aug. 28, 2013, at 6:19 p.m.). PA-DW-000001.

Fort Lee's dedicated access lanes from three down to two.<sup>272</sup> Zipf noted, "One additional scenario could be a merge down to one lane, if needed."<sup>273</sup>

The Committee has not received a copy of any written response from Wildstein; however, the evidence suggests he requested that Zipf prepare the one-lane modification: the following day, Rivera emailed Wildstein and Zipf with just such an option, "[a]s discussed."<sup>274</sup>

Following the controversy over the lane closures, Port Authority Executive Director Patrick Foye and his Chief of Staff John Ma interviewed Zipf regarding the reconfiguration.<sup>275</sup> Consistent with the email record, Zipf recalled that in late August or early September Wildstein called him to ask whether throughput on the Bridge could be increased by reducing the Fort Lee Access Lanes from three down to one.<sup>276</sup> Zipf explained to Foye and Ma that "the idea for reducing the lanes did not come from the Engineering Department / Traffic Engineering."<sup>277</sup> Further, Zipf told Foye and Ma that "Traffic Engineering was not asked about the ramifications on traffic in Ft. Lee or overall on the bridge."<sup>278</sup> Rather, the engineering staff's focus "was on safety and the appropriate coning pattern on the entrance ramp approach as traffic merged and reduced from 3 lanes to 1."<sup>279</sup> And finally, to Zipf's knowledge, the idea to reduce the Fort Lee Access Lanes "had not been studied previously and . . . a decision like this would usually require much more thorough study."<sup>280</sup>

On August 30, 2013, Kelly finally got back to Wildstein regarding his request that she call him "re: Ft. Lee," writing, "Will call in about an hour."<sup>281</sup> Due to the unavailability of Kelly and Wildstein, the Committee does not, at this time, know if the requested call actually occurred or what precise topics were discussed.

At some point in the first week of September, Wildstein called PAPD Lt. Thomas "Chip" Michaels to ask what would happen if the Fort Lee Access Lanes were reduced from three to one, and Lt. Michaels explained such a reconfiguration would create a "fucking disaster."<sup>282</sup> When Lt. Michaels

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<sup>272</sup> *Id.*

<sup>273</sup> *Id.*

<sup>274</sup> Email from Rivera to Zipf & Wildstein (Aug. 29, 2013, at 12:54 p.m.). [PA-DW-000006](#).

<sup>275</sup> John Ma, "Notes on Discussion with Peter Zipf, Chief Engineer" (Oct. 21, 2013) ("Zipf Notes"). [PA-JM-000034](#).

<sup>276</sup> *Id.*

<sup>277</sup> *Id.*

<sup>278</sup> *Id.*

<sup>279</sup> *Id.*

<sup>280</sup> *Id.*

<sup>281</sup> Email from Kelly to Wildstein (Aug. 30, 2013, at 3:11 p.m.). [NJGA-000705](#).

<sup>282</sup> Michaels Interview. Lt. Michaels grew up in the same hometown as Wildstein (and Governor Christie), and his older brother, Jeff Michaels, knew Wildstein through common New Jersey political connections. *Id.*

asked Wildstein where the idea to reduce the lanes had come from, Wildstein told him not to worry and hung up.<sup>283</sup>

The Assembly Transportation Committee heard testimony that professional traffic studies are not typically conducted in the manner in which Fort Lee's access lanes were closed off. On December 9, 2013, Hal Simoff of Simoff Engineering Associates testified that he would not have physically diverted lanes in order to assess the potential impacts of reducing Fort Lee's Bridge access.<sup>284</sup> Rather, Simoff said he would have collected data on existing capacity and usage by physically stationing human observers on street corners in Fort Lee.<sup>285</sup> Afterward, he said, he would have run those data through standard, federally issued computer simulations in order to project likely effects.<sup>286</sup> Simoff said such analyses are "standard procedure for a traffic study" and confirmed that computer simulations would allow him to "come up with a projection as to the impact of diverting traffic . . . without actually diverting traffic."<sup>287</sup>

Simoff also testified that it "is standard of other government agencies" to post signage giving motorists advance warning of a lane closing so as to inform them "there are going to be significant delays."<sup>288</sup> He further opined that such advance notifications would not have affected the accuracy of any resulting observations.<sup>289</sup>

As is clear, however, none of the practices outlined or recommended by Simoff were followed. There is no evidence of any attempt to collect and analyze data prior to closing the Fort Lee Access Lanes, and, as detailed below, there were actually explicit instructions not to inform Fort Lee or the broader commuting public in advance about the lane closures.

## **E. Implementing the Lane Closures**

### **1. September 6, 2013 (Friday)**

#### ***a. Wildstein Alerts Durando and Fulton***

On the morning of Friday, September 6, 2013, Wildstein called Durando and instructed him to implement the reduction in Fort Lee Access Lanes.<sup>290</sup> When Durando asked why, Wildstein told him the

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Consequently, Lt. Michaels said, Wildstein and he had exchanged cell phone numbers, and Wildstein felt comfortable calling Lt. Michaels directly for information on the Bridge. *Id.*

<sup>283</sup> *Id.*

<sup>284</sup> Simoff Testimony at 219.

<sup>285</sup> *Id.* at 218.

<sup>286</sup> *Id.* at 219-20.

<sup>287</sup> *Id.*

<sup>288</sup> *Id.* at 220-21.

<sup>289</sup> *Id.* at 221.

<sup>290</sup> Durando Testimony at 82.

reconfiguration was part of “a traffic study.”<sup>291</sup> Durando testified that he found the request “odd” and attempted to explain to Wildstein the impacts such a change could have, including “that the Borough will be congested, and that emergency response vehicles could be impacted, police personnel from Fort Lee would certainly have to be spending more time on the corners managing traffic on a daily basis, and that there was an operational impact to the Bridge.”<sup>292</sup>

In the course of their discussion, Wildstein specifically instructed Durando “not to speak to anyone in Fort lee,” because, Wildstein claimed, “It would impact the study.”<sup>293</sup>

Despite his own misgivings that Wildstein’s request was “wrong,” Durando agreed to implement the lane closures.<sup>294</sup> As he explained to the Assembly Transportation Committee, Durando “was concerned about what Mr. Wildstein’s reaction would be if I did not follow his directive.”<sup>295</sup> Durando even suggested that he was afraid that Wildstein would terminate his employment if he disobeyed, telling the committee, “Anything is possible” and that he “didn’t want to tempt fate.”<sup>296</sup>

After speaking with Durando, Wildstein called TBT Director Cedrick Fulton to inform him of the planned lane closures.<sup>297</sup> This was the first Fulton had heard of Wildstein’s directive.<sup>298</sup> Fulton believed that Wildstein’s instruction was “at variance” to the normal lane closure processes. According to Fulton, under normal procedures, the decision to alter the Bridge lane configurations would have come through him for consideration and approval: he characterized “a direct order given to the General Manager of the Bridge” and bypassing him as unprecedented.<sup>299</sup>

Fulton advised Wildstein:

One, that it was important for the Executive Director [Patrick Foye] to be advised; two, that because this would be such a visible event—no one would miss it—that our media relations should be advised; and that three, the town of Fort Lee would be greatly concerned with this test.<sup>300</sup>

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<sup>291</sup> *Id.* at 87.

<sup>292</sup> *Id.* at 87-88.

<sup>293</sup> *Id.* at 93-94.

<sup>294</sup> *Id.* at 89.

<sup>295</sup> *Id.* at 96.

<sup>296</sup> *Id.* at 97.

<sup>297</sup> Fulton Testimony at 15-16.

<sup>298</sup> *Id.* at 15.

<sup>299</sup> *Id.* at 17.

<sup>300</sup> *Id.* at 18.

Wildstein replied, with respect to alerting Foye, “Don’t worry about that. We will take care of that.”<sup>301</sup> Regarding notice to Port Authority media relations and Fort Lee, Wildstein advised respectively that “he would take care of it” and “[n]ot to worry about that.”<sup>302</sup> In his public testimony, Fulton agreed that the process “seem[ed] wrong.”<sup>303</sup>

*b. Port Authority Engineering and Tunnels, Bridges and Terminals Staff Prepare for Lane Closures*

At 8:11 a.m. on September 6th, Zipf emailed Rivera to inform him that “I was advise[d] that on Monday TBT plans to implement the plan per sheet 4 (neck down to one lane).”<sup>304</sup> This email thread was then forwarded to Fulton in order to coordinate between Engineering and TBT on monitoring the impacts of the lane closures.<sup>305</sup> By 8:51 a.m., Assistant Director of TBT Mark Muriello was formulating a plan to analyze traffic data from the prior week and estimate likely traffic effects during the upcoming lane closures.<sup>306</sup> He predicted, “[T]here are likely to be increased delays and queuing on the local approach roads (River Road, Bruce Reynolds Blvd., Martha Washington Way, etc.).”<sup>307</sup> TBT analyst Jerry Quelch replied back, “[I]f this configuration is during the peak hour it will have a direct impact on the local approach.”<sup>308</sup>

This flurry of email communication within TBT and between TBT and Traffic Engineering suggests that both departments were caught off guard by the requested lane reconfiguration. By 4:14 p.m., TBT General Manager Daniel Jacobs asked, “Is there no way to convert this plan into a two . . . lane configuration, one cash and one E-ZPass? . . . What is driving this?”<sup>309</sup> Quelch replied back, “That is my question as well. 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.”<sup>310</sup>

*c. PAPD Informed*

At some point on September 6th, Durando summoned the PAPD commanding officer for the Bridge, Dep. Insp. Darcy Licorish, to Durando’s office, where he explained that the Fort Lee Access Lanes

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<sup>301</sup> *Id.* at 16.

<sup>302</sup> *Id.* at 19.

<sup>303</sup> *Id.*

<sup>304</sup> Email from Zipf to Rivera (Sept. 6, 2013, at 8:11 a.m.). [NJGA-000441](#).

<sup>305</sup> Email from Zipf to Fulton (Sept. 6, 2013, at 8:22 a.m.). [NJGA-000441](#).

<sup>306</sup> Email from Muriello to Jacobs, *et al.* (Sept. 6, 2013, at 8:51 a.m.). [NJGA-000441](#).

<sup>307</sup> *Id.*

<sup>308</sup> Email from Quelch to Muriello & Jacobs (Sept. 6, 2013, at 9:39 a.m.). [NJGA-000441](#).

<sup>309</sup> Email from Jacobs to Chung, *et al.* (Sept. 6, 2013, at 4:14 p.m.). [BARONI000179](#).

<sup>310</sup> Email from Quelch to Jacobs, *et al.* (Sept. 6, 2013, at 4:37 p.m.). [BARONI000179](#).



would be reduced from three to one beginning Monday morning, September 9th, as part of a “traffic study.”<sup>311</sup> Durando also informed Dep. Insp. Licorish that the changes had been directed by Wildstein, who would be visiting the Bridge on the first day of the closures to observe the operation.<sup>312</sup>

Dep. Insp. Licorish inquired whether the changes would be temporary or permanent, but Durando did not know the answer.<sup>313</sup> Durando also informed Dep. Insp. Licorish that Fort Lee officials had not been forewarned of the lane closures.<sup>314</sup> Although Durando did not specifically direct him not to warn Fort Lee, Dep. Insp. Licorish did not independently attempt to do so.<sup>315</sup> It was Dep. Insp. Licorish’s understanding that the lane reconfiguration was part of a traffic study directed by Port Authority civilian leadership, and he therefore relied on GWB management and the Port Authority’s corporate headquarters to communicate with other stakeholders.<sup>316</sup>

At 3:59 p.m., Dep. Insp. Licorish emailed PAPD Chief Louis Koumoutsos, Assistant Chief Norma Hardy, Assistant Chief Gloria Frank, and others to brief them on his conversation with Durando.<sup>317</sup> In his email, Dep. Insp. Licorish warned, “This measure could impact the volume of traffic from the local streets,” and noted, “Mr. Wildstein is scheduled to visit the facility on the initiating date 9/9/13.”<sup>318</sup> In response, Asst. Chief Frank advised, “I will keep you updated with any information regarding his visit.”<sup>319</sup> Dep. Insp. Licorish had no recollection that Asst. Chief Frank reported back regarding Wildstein’s intended visit.<sup>320</sup>

## 2. September 7, 2013 (Saturday)

On September 7, 2013, Wildstein emailed Kelly to say, “I will call you on Monday AM to let you know how Fort Lee goes.”<sup>321</sup> Kelly replied, “Great. I called you yesterday to talk PATH,” prompting Wildstein to write, “Will call you in 5 minutes.”<sup>322</sup> It is unknown whether Wildstein called Kelly on this date or, if he did, whether their conversation was confined to the subject of PATH or if it included the planned lane closures.

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<sup>311</sup> Licorish Interview.

<sup>312</sup> *Id.*

<sup>313</sup> *Id.*

<sup>314</sup> *Id.*

<sup>315</sup> *Id.*

<sup>316</sup> *Id.*

<sup>317</sup> Email from Dep. Insp. Licorish to Chief Koumoutsos, *et al.* (Sept. 6, 2013, at 3:59 p.m.). [PA-DL-000007](#).

<sup>318</sup> *Id.*

<sup>319</sup> Email from Asst. Chief Frank to Dep. Insp. Licorish (Sept. 6, 2013, at 4:04 p.m.). [PA-DL-000008](#).

<sup>320</sup> Licorish Interview.

<sup>321</sup> Email from Wildstein to Kelly (Sept. 7, 2013, at 9:43 a.m.). [NJGA-000575](#).

<sup>322</sup> Email from Wildstein to Kelly (Sept. 7, 2013, at 9:43 a.m.). [NJGA-000575](#).

### 3. September 8, 2013 (Sunday)

At 10:09 a.m. on September 8, 2013, Wildstein emailed Durando to say, “Will be at bridge early Monday am to view new lane test.”<sup>323</sup> In reply, Durando wrote:

So will I. Ops is on board, Mtce [*i.e.*, Maintenance] is covering signs tonight, and Police are aware that they will be controlling traffic in the intersections for the extended rush. We’ve also brought a toll collector in on overtime to keep toll lane 24 (the extreme right hand toll lane Upper level) in the event the collector assigned to TL 24 needs a personal. See you in the morning.<sup>324</sup>

Wildstein forwarded this email thread to Deputy Executive Director Bill Baroni.<sup>325</sup> This email is the Committee’s first documented instance of Baroni being alerted to the planned lane closures. That the email was forwarded by Wildstein without any explanation, however, suggests that Baroni was already aware of the intended realignment and thus required no additional context to understand the email. During his testimony before the Assembly Transportation Committee, Baroni stated that he thought he first learned of the lane closures “at some point [the] weekend” of September 7-8, 2013.<sup>326</sup>

Also on September 8th, a civilian Port Authority employee asked Lt. Michaels if he was ready for “a new traffic pattern” on the Bridge,<sup>327</sup> which prompted the Lieutenant to email Dep. Insp. Licorish, “Is there going to be a new traffic pattern installed for Monday the 9<sup>th</sup>?”<sup>328</sup> Dep. Insp. Licorish confirmed this and stated that the new pattern was being implemented by “maintenance personnel.”<sup>329</sup> It is not clear why Dep. Insp. Licorish had not previously contacted his subordinate, Lt. Michaels, about the anticipated lane closures. When Lt. Michaels inquired whether the changes would affect “normal rush hour operation,” Dep. Insp. Licorish advised that it “[m]ost likely” would and that “[c]oncerns were made to no avail [*sic*] locally.”<sup>330</sup> Lt. Michaels understood this response to mean that Dep. Insp. Licorish had raised concerns to Asst. Chief Hardy,<sup>331</sup> but Dep. Insp. Licorish explained that, in fact, he meant that Durando had sought reconsideration of the decision from the civilian side, including from Wildstein.<sup>332</sup> Dep. Insp. Licorish said that through the weekend he instructed Lt. Michaels and others to assign officers

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<sup>323</sup> Email from Wildstein to Durando (Sept. 8, 2013, at 10:09 a.m.). [PA-DW-000014](#).

<sup>324</sup> Email from Durando to Wildstein (Sept. 8, 2013, at 10:21 a.m.). [PA-DW-000014](#).

<sup>325</sup> Email from Wildstein to Baroni (Sept. 8, 2013, 10:48 a.m.). [PA-DW-000015](#).

<sup>326</sup> Testimony of William Baroni Before the Assembly Transportation, Public Works and Independent Authorities Committee at 59-60 (Nov. 25, 2013) (“Baroni Testimony”).

<sup>327</sup> Michaels Interview.

<sup>328</sup> Email from Lt. Michaels to Dep. Insp. Licorish (Sept. 8, 2013, at 12:19 p.m.). [PA-DL-000006](#).

<sup>329</sup> Email from Dep. Insp. Licorish to Lt. Michaels (Sept. 8, 2013, at 12:23 p.m.). [PA-DL-000006](#).

<sup>330</sup> Email from Dep. Insp. Licorish to Lt. Michaels (Sept. 8, 2013, at 12:26 p.m.). [PA-DL-000006](#).

<sup>331</sup> Michaels Interview.

<sup>332</sup> Licorish Interview.

as needed to cover any additional traffic management duties.<sup>333</sup> However, he said he did not provide any instruction to Lt. Michaels or others concerning how PAPD officers should respond to commuter questions or complaints about the impending closures.<sup>334</sup>

That evening or early the next morning, GWB maintenance staff laid out a new traffic cone pattern reducing the Fort Lee Access Lanes from three down to one.<sup>335</sup> This configuration would remain in effect until the morning of Friday, September 13, 2013.<sup>336</sup>

#### **F. September 9-13, 2013**

##### **1. DAY 1: September 9, 2013 (Monday)**

###### ***a. Wildstein Tours Congestion***

On September 9, 2013, Lt. Michaels reported to duty at the GWB at his normal time of 5:00 a.m.<sup>337</sup> Wildstein had previously told Durando he would visit the Bridge at 6:00 a.m., and Durando was present at that time to greet him.<sup>338</sup> According to Durando, rush hour traffic begins to build up just before that time.<sup>339</sup> Durando testified that Wildstein initially reported to the GWB communications desk where he was able to view live video feeds of Bridge conditions.<sup>340</sup>

Lt. Michaels recalled that he was alerted to Wildstein's arrival by another Port Authority employee.<sup>341</sup> At 6:52 a.m., Lt. Michaels texted Wildstein, "Want to meet in parking lot?"<sup>342</sup> Wildstein responded, "Come in lobby I'm with bob."<sup>343</sup> About seventeen minutes later, Lt. Michaels texted Wildstein, "Want me to pik u up? Its fkd up here,"<sup>344</sup> which he explained was a reference to the traffic congestion created by the lane closures.<sup>345</sup> Wildstein replied, "Around 7:30."<sup>346</sup>

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<sup>333</sup> *Id.*

<sup>334</sup> *Id.*

<sup>335</sup> Durando Testimony at 133.

<sup>336</sup> *Id.*

<sup>337</sup> Michaels Interview.

<sup>338</sup> Durando Testimony at 102.

<sup>339</sup> *Id.*

<sup>340</sup> *Id.*

<sup>341</sup> Michaels Interview.

<sup>342</sup> Text message from Lt. Michaels to Wildstein (Sept. 9, 2013, at 6:52 a.m.). DW-005.

<sup>343</sup> Text message from Wildstein to Lt. Michaels (Sept. 9, 2013, at 6:52 a.m.). DW-005. Lt. Michaels identified "bob" as Robert Durando. Michaels Interview.

<sup>344</sup> Text message from Lt. Michaels to Wildstein (Sept. 9, 2013, at 7:09 a.m.). DW-005.

<sup>345</sup> Michaels Interview.

<sup>346</sup> Text message from Wildstein to Lt. Michaels (Sept. 9, 2013, at 7:09 a.m.). DW-005.

As requested, Lt. Michaels picked up Wildstein at approximately 7:30 a.m. to drive him down Lemoine Avenue in Fort Lee.<sup>347</sup> According to Lt. Michaels, the two observed the traffic only briefly before agreeing to visit a local diner for breakfast.<sup>348</sup> Lt. Michaels said the two did not discuss the lane closures as they ate but, instead, talked generally about Lt. Michaels' brother, Jeff; the then-current gubernatorial race; and Governor Christie's presidential prospects.<sup>349</sup>

After breakfast, Lt. Michaels drove Wildstein back to the Port Authority's GWB facility, again pointing out the heavy congestion accumulating on Fort Lee's local roads.<sup>350</sup> He asked Wildstein why the access lanes had been closed, and Wildstein referred to a traffic study, prompting Lt. Michaels to inquire, "How's that possible?"<sup>351</sup> In reply, Wildstein stated that twenty counties needed access to the Bridge and he questioned why only "a few" should have the ability to use the Fort Lee Access Lanes.<sup>352</sup> Wildstein then asked Lt. Michaels to continue monitoring the traffic and to alert him when Route 95 traffic broke, that is, when the traffic began to flow freely.<sup>353</sup> At some point, Lt. Michaels recalled asking Wildstein how long the lanes would remain in the new configuration. Wildstein said they could stay that way for up to a month.<sup>354</sup> Lt. Michaels said he silently questioned to himself how that could be possible.<sup>355</sup>

Dep. Insp. Licorish recalled that Fort Lee traffic was "horrendous" on the first day of the lane closures.<sup>356</sup> That morning, he attempted to reach Lt. Michaels by police radio only to learn the Lieutenant was escorting Wildstein around town.<sup>357</sup> Dep. Insp. Licorish requested that, when Lt. Michaels was free, they rendezvous at the intersection of Bruce Reynolds Boulevard and Martha Washington Way.<sup>358</sup> Soon afterwards, Lt. Michaels arrived at the intersection accompanied by

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<sup>347</sup> See, e.g., email from Wildstein to Durando (Sept. 9, 2013, at 7:28) ("Going to take a ride with chip and see how it looks[.]"). NJGA-000584.

<sup>348</sup> Michaels Interview.

<sup>349</sup> *Id.*

<sup>350</sup> *Id.*

<sup>351</sup> *Id.*

<sup>352</sup> *Id.*

<sup>353</sup> *Id.*

<sup>354</sup> *Id.*

<sup>355</sup> *Id.*

<sup>356</sup> Licorish Interview.

<sup>357</sup> *Id.*

<sup>358</sup> *Id.*

Wildstein.<sup>359</sup> As Dep. Insp. Licorish recalls, Wildstein reviewed the traffic, commented, “Don’t look too bad,” and then departed the area.<sup>360</sup>

At 8:31 a.m., Durando emailed Port Authority staff, “DW [*i.e.*, David Wildstein] has left the building. He’ll be ‘checking back’ with me later to discuss how this morning went.”<sup>361</sup>

*b. Fort Lee Reacts to Lane Closures*

FLPD Chief Keith Bendul first became aware of heavy traffic as he was refueling his truck Monday morning at the Department of Public Works.<sup>362</sup> At that time, he heard reports of congestion over the police radio, but was not immediately alarmed as traffic disruptions were relatively routine occurrences during rush hour.<sup>363</sup> He then heard the dispatcher report that two of the three Fort Lee Access Lanes had been closed to local traffic.<sup>364</sup> Upon hearing this, Chief Bendul attempted to survey traffic conditions and, afterwards, returned to FLPD headquarters.<sup>365</sup>

At headquarters, Chief Bendul called Lt. Michaels for information on the lane closures and the resulting traffic and was told the new pattern was part of a month-long test to relieve traffic on Route 95. The Lieutenant attributed the decision to someone from “Jersey City,” that is, a civilian from the Port Authority’s New Jersey headquarters, rather than someone in PAPD.<sup>366</sup>

At some point in the morning, Chief Bendul was put in touch with Durando to discuss the traffic situation.<sup>367</sup> According to Chief Bendul, Durando asked to meet in a municipal parking lot behind the GWB facility.<sup>368</sup> Chief Bendul described Durando as “emphatically” not wanting FLPD personnel to come into the Port Authority building, which Chief Bendul felt was “real strange.”<sup>369</sup>

Consequently, Chief Bendul and FLPD Deputy Chief Timothy Ford met Durando in the parking lot as requested.<sup>370</sup> According to Chief Bendul, Durando stated that, if asked about the encounter, Durando

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<sup>359</sup> *Id.*

<sup>360</sup> *Id.*

<sup>361</sup> Email from Durando to Fulton, *et al.* (Sept. 9, 2013, at 8:31 a.m.). [PA-CF-000025](#).

<sup>362</sup> Bendul Interview.

<sup>363</sup> *Id.*

<sup>364</sup> *Id.*

<sup>365</sup> *Id.*

<sup>366</sup> *Id.*

<sup>367</sup> *Id.*

<sup>368</sup> *Id.*

<sup>369</sup> *Id.*

<sup>370</sup> *Id.*

would deny it had ever happened.<sup>371</sup> Chief Bendul described Durando as afraid and uncomfortable talking to Fort Lee officials.<sup>372</sup> At this point, Chief Bendul “teed off” on Durando, expressing his frustrations with the lane closures and detailing how gridlock had impaired emergency responses to a missing four-year-old boy, a cardiac arrest, and a car accident.<sup>373</sup> He also cited rising road rage as a further danger. In reply, Durando only mentioned a “Route 95 study.”<sup>374</sup> Durando’s suggestion to address the issue was to have Mayor Sokolich call Baroni.<sup>375</sup>

Although Chief Bendul recalled that Durando had been very anxious about being seen meeting with Fort Lee officials, Durando memorialized his interaction with Chief Bendul in a 9:10 a.m. email to Wildstein:

Just got off the phone with 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 thee [sic] 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.<sup>376</sup>

Meanwhile, Chief Bendul and Dep. Chief Ford made their way back to Borough Hall.<sup>377</sup> En route, they encountered other PAPD officers who claimed the lane closures were somehow connected to a decision Mayor Sokolich had made, although the officers did not specify what the decision may have been.<sup>378</sup> Chief Bendul said he recognized many of these officers from interacting with them over the years but did not know individual names.<sup>379</sup> These officers also mentioned that a “suit” from Jersey City named “Wild-something” had been on site reviewing the lane closures.<sup>380</sup>

At Borough Hall, Chief Bendul was joined by city administrator Peggy Thomas in briefing Mayor Sokolich on the situation.<sup>381</sup> The Chief relayed the rumors that the closures were somehow linked to the

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<sup>371</sup> *Id.*

<sup>372</sup> *Id.*

<sup>373</sup> *Id.*

<sup>374</sup> *Id.*

<sup>375</sup> *Id.*

<sup>376</sup> Email from Durando to Wildstein, *et al.* (Sept. 9, 2013, at 9:10 a.m.). [PA-DW-000017](#).

<sup>377</sup> Bendul Interview.

<sup>378</sup> *Id.*

<sup>379</sup> *Id.*

<sup>380</sup> *Id.* Chief Bendul believes that he was given an actual name; however, as he was not then familiar with David Wildstein, the name did not register, and he retained it only as “Wild-something.” *Id.*

<sup>381</sup> *Id.*

Mayor, but the Mayor was dismissive, saying he was not important enough to motivate the lane closures.<sup>382</sup> Nevertheless, Mayor Sokolich asked Chief Bendul to report back if he learned anything further regarding the suggestion.<sup>383</sup>

Shortly before 9:29 a.m., Mayor Sokolich attempted to reach Baroni by telephone regarding an “urgent matter of public safety in Fort Lee.”<sup>384</sup> Soon afterwards, Baroni forwarded to Wildstein an email message concerning Mayor Sokolich’s call. Wildstein immediately directed, “radio silence.”<sup>385</sup> Separately, Wildstein forwarded the message from Mayor Sokolich to Kelly, who asked in response, “Did he call him back?”<sup>386</sup> Wildstein answered, “Radio silence. His name comes right after mayor Fulop.”<sup>387</sup>

Although the current unavailability to the Committee of either Kelly or Wildstein leaves the basis of the reference to “mayor Fulop” unknown, public reports suggest that Jersey City Mayor Steve Fulop was denied access to key appointees of Governor Christie after Mayor Fulop declined to endorse the Governor’s re-election efforts.<sup>388</sup> Wildstein’s reference to another New Jersey mayor who had chosen not to endorse Governor Christie for re-election further suggests political considerations played a part in the lane closures.<sup>389</sup>

Wildstein’s quick forward of Baroni’s email to Kelly underlines the extent to which Wildstein kept Kelly closely informed of developments on the ground during the week of the lane closures. Their back and forth about “radio silence” also suggests a prior understanding that they would ignore Mayor Sokolich’s outreach during the lane closures.

This chain of events also clearly demonstrates that Fort Lee’s response was quick and multi-pronged. Both Mayor Sokolich and Chief Bendul attempted to reach their Port Authority counterparts and other officials who they believed, or hoped, could provide assistance or answers. GWB personnel, including Durando and Lt. Michaels, suggested that concerns be directed to civilian leadership.

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<sup>382</sup> *Id.*

<sup>383</sup> *Id.*

<sup>384</sup> Email from Bell to Baroni & DiMarco (Sept. 9, 2013, at 9:29 a.m.). [PA-BB-000034](#).

<sup>385</sup> Email from Wildstein to Baroni (Sept. 9, 2013, at 9:48 a.m.). [PA-BB-000034](#).

<sup>386</sup> Email from Kelly to Wildstein (Sept. 9, 2013, at 10:06 a.m.). [NJGA-000576](#).

<sup>387</sup> Email from Wildstein to Kelly (Sept. 9, 2013, 10:13 a.m.). [NJGA-000576](#).

<sup>388</sup> Email evidence demonstrates a series of officials cancelling planned meetings with Mayor Fulop in quick succession. *See, e.g.*, email from Warlikowski to Mayor Fulop (July 18, 2013, at 4:53 p.m.) (cancellations by four officials within one hour) [OSTP000020](#); email from Warlikowski to Mayor Fulop (July 19, 2013, at 9:09 a.m.) (cancellation by Baroni) [OSTP000021](#); email from Warlikowski to Mayor Fulop (July 22, 2013, at 11:11 a.m.) (cancellation by Economic Development Authority CEO Michelle Brown) [OSTP000022](#). According to Mayor Fulop, the cancellations came shortly after he communicated his decision not to endorse Governor Christie for re-election. *See, e.g.*, Kate Zernike, “Another Mayor Felt Christie-Tied Reprisal,” *N.Y. Times* (Jan. 14, 2014).

<sup>389</sup> *Id.*

However, Mayor Sokolich's attempt to connect with Baroni—with whom he had exchanged cellular telephone numbers and previously had a friendly and productive relationship—was met with silence. It is currently unclear why Baroni did not reply to Mayor Sokolich or why he would take direction from Wildstein on whether to respond. Nor is it clear how much prior knowledge, responsibility, or participation Baroni had in the closures. Nevertheless, his decision to forward the Mayor's plea to Wildstein and to follow Wildstein's direction of "radio silence" calls into question Baroni's later testimony before the Assembly Transportation Committee that the lane closures were part of a legitimate traffic study.<sup>390</sup>

*c. Midday*

Calls from upset commuters began almost immediately on the first day of the lane closures. Durando reported to Fulton and other TBT staff, "Traffic remains heavy on all approaches. We've taken two calls from irate customers regarding 3 toll lanes being reduced to one. They were advised we're testing a new traffic pattern and referred to the General PA as per DW."<sup>391</sup>

At 10:50 a.m. Lt. Michaels sent Wildstein a text message to report that traffic on Hudson Terrace South had broken but that "Ft. Lee from Martha wash still heavy."<sup>392</sup> Wildstein immediately forwarded this report to Baroni,<sup>393</sup> again suggesting a level of active cooperation and coordination between Wildstein and Baroni.

Shortly before noon, Fort Lee Borough Administrator Peggy Thomas attempted to reach the Port Authority's Director of Government and Community Relations, Tina Lado.<sup>394</sup> Lado emailed Baroni, Wildstein, and Fulton the details of the call, relating that, per Thomas, "there were 2 incidents that Ft Lee PD and EMS had difficulty responding to; a missing child (later found) and a cardiac arrest. She stated additionally that the Borough and PD had no advance notice of the planned change. Also, Bill the Mayor had placed calls to your office."<sup>395</sup>

By the morning of the first day of the lane closures both Baroni and Wildstein had been informed not just of general frustrations with traffic, but of two specific instances in which public safety and emergency response times had been compromised. Furthermore, by this time Baroni was clearly on notice that standard Port Authority policies had been violated, insofar as the borough and its police department had been given no advance notice of the traffic changes. Yet, there is no evidence that

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<sup>390</sup> See Baroni Testimony at 5-6.

<sup>391</sup> Email from Durando to Fulton, *et al.* (Sept. 9, 2013, at 8:14 a.m.). [BARONI000224](#). The initials "DW" appear to be a reference to David Wildstein, which is consistent with others' use of the same initials to refer to Wildstein.

<sup>392</sup> Text message from Lt. Michaels to Wildstein (Sept. 9, 2013, at 10:50 a.m.). [DW-005](#).

<sup>393</sup> Text message from Wildstein to Baroni (Sept. 9, 2013, at 10:51 a.m.). [BARONI000411](#).

<sup>394</sup> See email from Lado to Baroni, *et al.* (Sept. 9, 2013, at 11:24 a.m.). [PA-DW-000018](#).

<sup>395</sup> *Id.*



Baroni inquired further or attempted to intervene in the situation. Indeed, as becomes clear below, he studiously avoided any outreach from Fort Lee and ignored the town's increasingly desperate requests for assistance and basic information.

It is unclear to the Committee what other steps Lado may have taken in response to Thomas's call or why she reached out to Baroni and Wildstein rather than, for example, Durando or the PAPD.

*d. Kelly Emails Ridley and Mowers*

In the afternoon of the first day of the lane closures, Kelly emailed Mayor Sokolich's current and previous contact points with IGA. At 1:50 p.m., Kelly emailed Ridley, copying Renna, to ask, "Have you spoken to the Fort Lee Mayor?"<sup>396</sup> Ridley wrote back, "No, not in a while."<sup>397</sup> A few minutes later, at 1:56 p.m., Kelly also contacted Mowers: "Have you heard from Sokolich in a while?"<sup>398</sup> Mowers replied, "I haven't."<sup>399</sup>

Renna testified that at the time of this exchange she was unaware of the lane closures and that she never discussed with Kelly her email to Ridley.<sup>400</sup> Renna further stated that Kelly did not regularly communicate with Ridley or other IGA regional directors, but she did not consider it "unusual" for Kelly to contact IGA staff directly and copy Renna.<sup>401</sup>

Mowers testified that after responding to Kelly's question about Sokolich he had no further follow up with Kelly by telephone, email, text, or otherwise.<sup>402</sup> Mowers said that he, too, was unaware of the lane closures at this time.<sup>403</sup>

Although the Committee was unable to interview or take testimony from Kelly regarding these email communications, they clearly suggest that Kelly expected that the lane closures would capture Mayor Sokolich's attention and that Kelly was eager to assess the Mayor's reaction.

*e. Afternoon*

By 2:05 p.m., Wildstein had contacted Durando to direct that the lane closures remain in place for another day "so that we can make a business decision with regard to how to proceed."<sup>404</sup> Per

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<sup>396</sup> Email from Kelly to Ridley & Renna (Sept. 9, 2013, at 1:50 p.m.). CGR 42.

<sup>397</sup> Email from Ridley to Kelly & Renna (Sept. 9, 2013, at 1:58 p.m.). CGR 42.

<sup>398</sup> Email from Kelly to Mowers (Sept. 9, 2013, at 1:56 p.m.). Mowers-000688.

<sup>399</sup> Email from Mowers to Kelly (Sept. 9, 2013, at 1:58 p.m.). Mowers-000689.

<sup>400</sup> Renna Testimony at 73-75.

<sup>401</sup> *Id.*

<sup>402</sup> Mowers Testimony at 89.

<sup>403</sup> *Id.* at 90.

<sup>404</sup> Email from Durando to Fulton, *et al.* (Sept. 9, 2013, at 2:05 p.m.). NJGA-000836.

Durando, Wildstein also reported “that Mayor Sokolich called Baroni. BB will get back to the Mayor ‘at some point’.”<sup>405</sup>

Shortly afterward, Durando relayed to Dep. Insp. Licorish that the traffic pattern would continue for another day, which Dep. Insp. Licorish passed along to Asst. Chief Frank.<sup>406</sup> Asst. Chief Frank then directed Dep. Insp. Licorish to inform FLPD that “as per me the traffic pattern will remain in place.”<sup>407</sup> Dep. Insp. Licorish confirmed that he had already informed Chief Bendul “of the continuing pattern.”<sup>408</sup>

Chief Bendul independently recalled being informed by Dep. Insp. Licorish that the lane closures were to continue.<sup>409</sup> He further recounted a telephone conversation with Asst. Chief Frank at some point on this day in which he was told the lane closures were somehow related to a study of Route 95 traffic.<sup>410</sup>

At 5:24 p.m., Durando emailed Fulton to ask if he had talked to Wildstein “about advising the borough that we’ll be continuing the TL 24 operation tomorrow?”<sup>411</sup> Fulton then reported that “[t]he test will continue,” to which Durando replied, “I’ll make the necessary notifications.”<sup>412</sup> Fulton wrote back, “Just to your staff – right?”<sup>413</sup> Fulton’s email suggests that even after the first day of the closures there may have been an instruction not to provide information to anyone beyond Port Authority staff, or at least a fear of internal repercussions if such outside notifications were made.

*f. Evening*

At the end of the day, Mayor Sokolich called Baroni and left a voice message:

Hey Bill, Mark Sokolich. How are you? I know you were in an engagement earlier on . . . I didn’t want to bother you again. If you could give me a call back, it’s kind of important. I’ll give you my cell; it’s [REDACTED]. Regarding traffic in the morning and the toll

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<sup>405</sup> *Id.*

<sup>406</sup> Email from Dep. Insp. Licorish to Asst. Chief Frank (Sept. 9, 2013, at 2:23 p.m.). [PA-DL-000004](#).

<sup>407</sup> Email from Asst. Chief Frank to Dep. Insp. Licorish (Sept. 9, 2013, at 2:35 p.m.). [PA-DL-000004](#).

<sup>408</sup> Email from Dep. Insp. Licorish to Asst. Chief Frank (Sept. 9, 2013, at 2:37 p.m.). [PA-DL-000004](#).

<sup>409</sup> Bendul Interview.

<sup>410</sup> *Id.* Chief Bendul had also called the office of PAPD Chief Louis Koumoutsos seeking information on the lane closures. *Id.* Although the two chiefs did not connect directly, Chief Koumoutsos recalled directing Asst. Chief Frank to make appropriate inquiries and, as a result, was told that the operation had been initiated by Wildstein as part of a traffic study. Interview of Chief Louis Koumoutsos by Special Counsel to the Committee (Aug. 1, 2014) (“Koumoutsos Interview”). Believing that the lane closures had been properly vetted by Wildstein, Chief Koumoutsos did not see a role for PAPD other than to provide traffic management support as necessary. *Id.*

<sup>411</sup> Email from Durando to Fulton (Sept. 9, 2013, at 5:24 p.m.). [NJGA-000838](#).

<sup>412</sup> Email from Durando to Fulton (Sept. 9, 2013, at 6:04 p.m.). [NJGA-000838](#).

<sup>413</sup> Email from Fulton to Durando (Sept. 9, 2013, at 6:07 p.m.). [NJGA-000838](#).

booths for the Martha Washington lanes in Fort Lee. We're running into a big problem. Schools are open. I'll give you the details when I speak with you. I'm sorry to bother you with this; I don't know who else to call and they're telling me to call you.<sup>414</sup>

Baroni did not return this call.<sup>415</sup>

However, later in the evening Port Authority Chair David Samson attempted to call Baroni from Red Lodge, Montana.<sup>416</sup> Samson's first call at 8:23 p.m. lasted only two minutes, indicating he may not have connected.<sup>417</sup> Immediately afterwards, however, Samson called the director of OOG's Authorities Unit, Regina Egea, and the two spoke for seven minutes.<sup>418</sup> In her Committee testimony, Egea stated that she could not recall the exact topic of her conversation with Samson, but that during this period she had been working with Samson on an upcoming Port Authority capital budget.<sup>419</sup> She testified that the call did not concern the GWB or the lane closures.<sup>420</sup>

About ten minutes after his call with Egea, Samson's telephone records show another two-minute call to Baroni, followed immediately by a two-minute call to Wildstein.<sup>421</sup>

Immediately after receiving the call from Samson, Wildstein texted Baroni: "911 / Call me."<sup>422</sup> It is unknown whether Baroni called Wildstein or, if so, what they discussed. In any event, a few minutes later, Baroni called Samson and the two spoke for ten minutes.<sup>423</sup> Two hours later, at 11:09 p.m., Baroni again called Samson in Montana for an eight-minute conversation.<sup>424</sup>

The timing and sequence of these calls raise important questions about whether Samson was aware at this time of the lane closures and whether he discussed the matter with Wildstein or Baroni. As both Samson and Wildstein are currently asserting their Fifth Amendment rights, and Baroni's prior testimony did not touch on these telephone calls, questions remain unanswered regarding this sequence of events.

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<sup>414</sup> Transcript of voicemail message from Sokolich to Baroni (Sept. 9, 2013, at 6:20 p.m.). BARONI003534.

<sup>415</sup> Sokolich Interview.

<sup>416</sup> See Samson Telephone Log Excerpts. NJ-DS-0000037.

<sup>417</sup> *Id.* The times on Samson's telephone logs appear to reflect the time zones in which Samson was physically located when placing or receiving a call. Thus, the times for his calls from Montana have been shifted two hours ahead to reflect Eastern Daylight Time.

<sup>418</sup> *Id.*

<sup>419</sup> Egea Testimony at 162-63.

<sup>420</sup> *Id.* at 163.

<sup>421</sup> See Samson Telephone Log Excerpts. NJ-DS-0000037.

<sup>422</sup> Text message from Wildstein to Baroni (Sept. 9, 2013, at 8:46 p.m.). BARONI000411.

<sup>423</sup> See Samson Telephone Log Excerpts. NJ-DS-0000037.

<sup>424</sup> *Id.*

## 2. DAY 2: September 10, 2013 (Tuesday)

### *a. Baroni Ignores Repeated Requests for Urgent Assistance*

On Tuesday, September 10th, at 7:30 a.m., Chief Bendul met Mayor Sokolich on Martha Washington Way just south of the GWB.<sup>425</sup> The two surveyed the continuing traffic gridlock, and the Mayor again left another urgent voice message for Baroni:

Bill, Mark Sokolich. Sorry to [INAUDIBLE]. It's 7:30. I got to talk to somebody about this new policy at the bridge—it's truly shutting Fort Lee down. Um, I can't get the kids to school, so forth and so on. Please give me a call back: [REDACTED]. I'm here with my Chief now on at the intersection of Lemoine and Main, and it's . . . we're in total gridlock. I'm just trying to figure out who is mad at me. Thanks.<sup>426</sup>

Directly after leaving this voice message, Sokolich then sent two detailed texts to Baroni:

[7:41 a.m.] Bill: Mark Sokolich here...Port Authority has reduced the toll Boots [sic] for Fort Lee from three to only one. As of yesterday we are in total gridlock. Same thing today. Have a town that is ready to revolt. Who's mad at me? What do I do when Redevelopment 5 is online.<sup>427</sup> Would not otherwise bother you however I have no choice. Please call me. Rather urgent.<sup>428</sup>

[7:46 a.m.] 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.<sup>429</sup>

Baroni did not respond to Sokolich,<sup>430</sup> but clearly received the messages since he quickly forwarded the second one to Wildstein.<sup>431</sup>

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<sup>425</sup> Bendul Interview.

<sup>426</sup> Transcript of voicemail message from Mayor Sokolich to Baroni (Sept. 10, 2013, at 7:30 a.m.). [BARONI003535](#). The transcription of this call as provided to the Committee indicates the message was left at 7:30 p.m. However, Chief Bendul recalled that his tour of the streets with Sokolich occurred during the morning, and he further pointed out that traffic would not have been gridlocked at 7:30 p.m. Bendul Interview. Baroni aide Matt Bell also sent an email at 9:06 a.m. alerting Baroni to a message from the Mayor, further confirming that the call was placed in the morning. Email from Bell to Baroni & DiMarco (Sept. 10, 2013, at 9:06 a.m.). [PA-BB-000037](#).

<sup>427</sup> Redevelopment Area 5 comprises a 16-acre property just south of the GWB in Fort Lee. In October 2012, ground was broken on the first phase of what is ultimately expected to be a billion dollar development project, including apartments, retail space, and restaurants. See Erik Wander, "Ground Broken at Fort Lee's 'Redevelopment Area 5,'" *Fort Lee Patch* (Oct. 18, 2012).

<sup>428</sup> Text message from Mayor Sokolich to Baroni (Sept. 10, 2013, at 7:41 a.m.). [BARONI000414](#).

<sup>429</sup> Text message from Mayor Sokolich to Baroni (Sept. 10, 2013, at 7:46 a.m.). [BARONI000414](#).

<sup>430</sup> Sokolich Interview.

In turn, Wildstein forwarded the text to Kelly, prefacing it with, “Sokolich text to Baroni.”<sup>432</sup> Kelly responded one minute later, “Is it wrong that I’m smiling? / I feel badly about the kids / I guess.”<sup>433</sup> Wildstein wrote back, “They are the children of Buono voters / Bottom line is he didn’t say safety.”<sup>434</sup>

These text exchanges demonstrate that Mayor Sokolich’s requests for help were being received in real time. However, rather than respond with information or assistance, Baroni, Wildstein, and Kelly instead shared the messages amongst themselves and did nothing. Wildstein and Kelly, in particular, demonstrated pleasure in learning that the Mayor and citizens of Fort Lee were suffering on account of the lane closures, while the reference to “Buono voters” linked the traffic to the then-current gubernatorial election and the political supporters of Governor Christie’s opponent, state Sen. Barbara Buono.

In addition to his attempts to contact Baroni directly, Mayor Sokolich also reached out to the Port Authority’s Director of Government and Community Relations, Tina Lado. In an 11:30 a.m. email to Baroni, Lado relayed a message from the Mayor:

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 he is trying to “keep a lid on this” (politically) and is getting pressure from members of Borough Council who want to take some action. He feels this is a “life/safety” issue. One example that occurred on Monday 9/9 3 [sic] was Fort Lee volunteer ambulance attendants had to respond on foot, leaving their vehicle, to a emergency call.<sup>435</sup>

Baroni still did not return the Mayor’s call.<sup>436</sup>

Around the same time that Mayor Sokolich requested assistance through Lado, Wildstein informed Durando that he wanted to continue the lane closures for another day.<sup>437</sup>

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<sup>431</sup> Text message from Baron to Wildstein (Sept. 10, 2013, at 7:53 a.m.). BARONI000411.

<sup>432</sup> Text message from Wildstein to Kelly (Sept. 10, 2013, at 8:04 a.m.). DW-017.

<sup>433</sup> Text message from Kelly to Wildstein (Sept. 10, 2013, at 8:05 a.m.). DW-017 to -18.

<sup>434</sup> Text message from Wildstein to Kelly (Sept. 10, 2013, at 8:11 a.m.). DW-018. In fact, Wildstein had been previously alerted to safety issues, including delayed emergency responses to a missing child and a cardiac arrest patient. *See supra* Part IV.F.1.c.

<sup>435</sup> Email from Lado to Baroni (Sept. 10, 2013, at 11:30 a.m.). PA-BB-000060.

<sup>436</sup> Sokolich Interview.

<sup>437</sup> *See* email from Durando to Fulton, *et al.* (Sept. 10, 2013, at 11:25 a.m.). BARONI000232.

*b. Favia Letter*

Also on September 10th, Fort Lee's EMS Coordinator, Paul Favia, drafted a letter to Mayor Sokolich alerting him to "a problem . . . affecting the response times and delay of care and treatment to medical and traumatic injury patients."<sup>438</sup> Favia attributed the problem to a "new traffic pattern . . . causing unnecessary delays for emergency services to arrive on scene" and proceeded to detail four incidents that involved delayed responses: (1) a motor vehicle accident, (2) an unconscious 91-year-old female, (3) a party "with chest pains," and (4) a second party "with chest pains."<sup>439</sup>

*c. Traffic Monitoring*

On Tuesday morning, Lt. Michaels continued to monitor and report on traffic as he had been asked to do by Wildstein.<sup>440</sup> At 8:33 a.m., Lt. Michaels reported to Wildstein that traffic on Route 95 had broken.<sup>441</sup> Wildstein replied back, "At 8:30?"<sup>442</sup> and Lt. Michaels wrote, "Yup / Local ft lee trafic [sic] disaster."<sup>443</sup>

Wildstein then reported to Baroni on the improved Route 95 traffic flow: "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."<sup>444</sup> He then sent an identical text to Kelly, who replied back, "That is good, no?"<sup>445</sup> Wildstein wrote, "Very good."<sup>446</sup>

*d. Data Collection and Analysis*

As traffic flows across the GWB, data on vehicles traversing the Bridge are collected by toll operators in cash lanes and the E-ZPass system in automated lanes.<sup>447</sup> These data are regularly collected for review and analysis by the Port Authority's customer service center.<sup>448</sup> During the week of the lane closures, engineers in TBT and Traffic Engineering were asked to compare the week's data with traffic

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<sup>438</sup> Letter from Favia to Mayor Sokolich (Sept. 10, 2013). OGNJ-LEG-007780.

<sup>439</sup> *Id.*

<sup>440</sup> Michaels Interview.

<sup>441</sup> Text message from Lt. Michaels to Wildstein (Sept. 10, 2013, at 8:33 a.m.). DW-006.

<sup>442</sup> Text message from Wildstein to Lt. Michaels (Sept. 10, 2013, at 8:33 a.m.). DW-006.

<sup>443</sup> Text message from Lt. Michaels to Wildstein (Sept. 10, 2013, at 8:39 a.m.). DW-006.

<sup>444</sup> Text message from Wildstein to Baroni (Sept. 10, 2013, at 8:43 a.m.). BARONI000411.

<sup>445</sup> Text message from Kelly to Wildstein (Sept. 10, 2013, at 8:51 a.m.). DW-018.

<sup>446</sup> Text message from Wildstein to Kelly (Sept. 10, 2013, at 8:51 a.m.). DW-018.

<sup>447</sup> Durando Testimony at 106.

<sup>448</sup> *Id.*

patterns prior to the closures.<sup>449</sup> The data were collected in real time, meaning that Tuesday was the first opportunity to analyze Monday's traffic.<sup>450</sup>

However, on Tuesday afternoon, Port Authority Chief Traffic Engineer Jose Rivera informed Chief Engineer Peter Zipf that an accident the previous day on the Cross Bronx Expressway had skewed Bridge travel times making the collected data unsuitable for assessing traffic impacts of the lane reconfiguration.<sup>451</sup> He suggested data for Tuesday traffic would provide a more useful comparison.<sup>452</sup>

### 3. DAY 3: September 11, 2013 (Wednesday)

Beginning at around 7:18 a.m. on Wednesday, September 11th, Samson and Wildstein traded five brief telephone calls, each lasting between one and three minutes.<sup>453</sup> Given the brevity of the calls, it is not clear that Samson and Wildstein successfully connected. Moreover, at this time, it is unknown what the purpose of the calls may have been.

Traffic in Fort Lee was again gridlocked this morning.<sup>454</sup> Around 8:00 a.m., Durando reported to Lado and Fulton, "Same as the past two days. The mainline on I-95 is running very well. The borough continues to be congested."<sup>455</sup>

By midday, Wildstein was back in touch with Durando and directed that the lane closures remain in effect for yet another day.<sup>456</sup>

#### *a. World Trade Center Memorial Ceremony*

The morning of September 11th, Wildstein, Samson, and Baroni joined Governor Christie at the World Trade Center site for a ceremony honoring victims of the 9/11 terrorist attacks.<sup>457</sup> Moreover, the Governor was photographed conversing with Wildstein and in the company of all three Port Authority officials either before or after the 9/11 ceremony.<sup>458</sup> Wildstein later told OOG Press Secretary Michael

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<sup>449</sup> *Id.*; see also email from River to Zipf, *et al.* (Sept. 9, 2013, at 2:37 p.m.) ("We are still working on travel time numbers on the mainline and will report back."). [PA-RD-000025](#).

<sup>450</sup> Durando Testimony at 107.

<sup>451</sup> Email from Rivera to Zipf, *et al.* (Sept. 10, 2013, at 12:22 p.m.). [PA-RD-000025](#).

<sup>452</sup> *Id.*

<sup>453</sup> See Samson Telephone Log Excerpts. [NJ-DS-0000038](#).

<sup>454</sup> Email from Durando to Lado & Fulton (Sept. 11, 2013, at 7:59 a.m.). [PA-CF-000150](#).

<sup>455</sup> *Id.*

<sup>456</sup> See email from Durando to Fulton, *et al.* (Sept. 11, 2013, at 12:13 p.m.). [NJGA-000823](#).

<sup>457</sup> See, e.g., Ted Mann, "Christie, Official Who Arranged Bridge Closures Were Together During Fiasco," *Wall St. J.* (Jan. 14, 2014).

<sup>458</sup> *Id.*

Drewniak that while at the World Trade Center site he spoke with Governor Christie and told him about the lane closures.<sup>459</sup>

*b. Constituent Complaints to OOG*

At 4:40 p.m., OOG's Constituent Relations liaison for Port Authority matters, Paul Rozenberg, forwarded to the Director of Constituent Relations, Jeanne Ashmore, two email complaints received earlier that day concerning the GWB lane closures.<sup>460</sup> In addition to Kelly's knowledge of the lane closures, these documents reflect additional contact with OOG concerning the closures.

One of the complaints, received at 10:12 a.m. that day, reported "horrible traffic delays and back-ups throughout Ft. Lee and Englewood."<sup>461</sup> The complaint further claimed that the GWB information line "told me on numerous occasions that the decision to limit access to the GWB from local streets was made by the NJ Governors [sic] office. Upon speaking to your office, I was told that the Governor does not make these decision[s]."<sup>462</sup>

*c. "Phone the Mayor's Office"*

Commuters who telephoned the Port Authority to complain or seek information about the lane closures were, in some instances, directed to contact Mayor Sokolich's office, as reflected in handwritten notes taken by Mayor Sokolich's assistant, Maryanne Leodori.<sup>463</sup> Leodori's contemporaneous notes indicate that in one instance, a commuter who asked the Port Authority police for information was told "to speak to the Fort Lee Mayor."<sup>464</sup> In another incident, a caller complained that a "Police Officer told her to phone the Mayor's Office."<sup>465</sup>

Interviews of PAPD personnel, including Chief Koumoutsos, Dep. Insp. Licorish, and Lt. Michaels failed to clearly identify a source for these and other contemporaneous reports that PAPD officers were instructing motorists to contact Mayor Sokolich regarding the lane closures. While Chief Koumoutsos and Lt. Michaels were generally aware of rumors and other chatter linking the lane closures to Mayor Sokolich, neither had first-hand knowledge of how such talk originated or the basis for it.<sup>466</sup>

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<sup>459</sup> Drewniak Testimony at 52.

<sup>460</sup> Email from Rozenberg to Ashmore (Sept. 11, 2013, at 4:40 p.m.). OGNJ-LEG-022147.

<sup>461</sup> *Id.*

<sup>462</sup> *Id.*

<sup>463</sup> Handwritten Telephone Messages (Sept. 11, 2013). NJGA-024779.

<sup>464</sup> *Id.*

<sup>465</sup> *Id.*

<sup>466</sup> Koumoutsos Interview; Michaels Interview.



d. *Data Collection and Analysis*

At 5:10 p.m. Rivera reported to Zipf and others that Traffic Engineering's review of the previous day's data showed "some improvement in the overall travel time on the mainline during the morning peak period (6:00am to Noon)."<sup>467</sup> Commuters on the Route 95 express lanes saw "an average reduction of 4.00 minutes (about 47%) in travel time," while those on the Route 95 local lanes saw "an average 2.76 minutes (about 40%)."<sup>468</sup> Rivera cautioned, however, that those improvements "should be weighed against the deterioration of level of service for the local traffic originating from Fort Lee. The facility and TB&T are assessing those impacts. We will coordinate with them and report back on the findings."<sup>469</sup>

Separately, Durando estimated the lane reconfiguration could cost the Port Authority \$600,000 per year to have an individual on stand-by for every shift in order to cover any restroom breaks the sole Fort Lee toll collector might require.<sup>470</sup>

4. DAY 4: September 12, 2013 (Thursday)

a. *"Contact the Mayor"*

At 12:42 p.m. on Thursday, September 12th, a Fort Lee resident emailed Mayor Sokolich to relay his frustration with the increased traffic congestion occasioned by the reduction in Fort Lee Access Lanes.<sup>471</sup> After detailing the changes and the negative effects, the resident stated, "The Port Authority Police say contact the Mayor and [s]o I am. Is this the legacy you want to leave behind? The Mayor who wrecked Fort Lee?"<sup>472</sup> Another motorist who complained of lengthy commute times "phoned the PA Police & they said to phone the Fort Lee Mayor & then to call the Governor."<sup>473</sup>

b. *Sokolich Continues His Outreach*

Around noon, Mayor Sokolich called Lado regarding the "same issue."<sup>474</sup> Lado asked Baroni aide Matt Bell to "let me know if Bill would like me to return the call." Bell responded, "Of course, I'll mention it to him and let you know what he says."

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<sup>467</sup> Email from Rivera to Zipf, *et al.* (Sept. 11, 2013, at 5:21 p.m.). [NJGA-000790](#).

<sup>468</sup> *Id.*

<sup>469</sup> *Id.*

<sup>470</sup> Email from Durando to Muriello, *et al.* (Sept. 11, 2013, at 9:20 a.m.). [NJGA-000822](#).

<sup>471</sup> Email from constituent to Mayor Sokolich (Sept. 12, 2013, at 12:42 p.m.). [NJGA-024776](#).

<sup>472</sup> *Id.*

<sup>473</sup> Handwritten Telephone Messages (Sept. 12, 2013). [NJGA-024777](#).

<sup>474</sup> See email from Lado to Bell (Sept. 12, 2013, 12:38 p.m.). [PA-MB-000276](#).

Shortly afterwards, the Mayor sent a letter to Baroni via email marked “High” importance.<sup>475</sup> In his letter, Mayor Sokolich explained that the Port Authority had reduced the Fort Lee Access Lanes “[w]ithout any notice whatsoever,” which had “wreaked havoc upon our community during the morning rush hour, visiting upon us complete gridlock.”<sup>476</sup> The Mayor went on to say, “[W]e are reaching the conclusion that there are punitive overtones associated with this initiative,” and added, “Our emergency service vehicles are experiencing tremendous response time delays and my office is overwhelmed with complaints. Unquestionably, this decision has negatively impacted public safety here in Fort Lee.”<sup>477</sup> Finally, he related what his office had been hearing from frustrated drivers, namely that 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.”<sup>478</sup>

Baroni never responded to the letter.<sup>479</sup> Instead, he immediately forwarded it to Wildstein who immediately forwarded it to Bill Stepien and Kelly.<sup>480</sup> Almost simultaneously, Baroni separately forwarded the letter to Stepien with the comment, “Following up.”<sup>481</sup> Shortly afterward, Stepien replied, “Thanks.”<sup>482</sup> This sequence is noteworthy in several respects:

- First, Baroni ignored a lengthy and detailed plea for assistance that again clearly cited troubling public safety issues. Instead of offering answers or relief, he forwarded the correspondence to Wildstein and, at about the same time, to Stepien.
- Second, Wildstein and Baroni’s decisions to forward the letter to Stepien are the first documented instances of Stepien being included in a discussion of the lane closures. However, Baroni’s comment to Stepien that he was “following up” indicates Baroni, and perhaps Wildstein, had previously discussed the lane closures with Stepien. The extent of Stepien’s prior knowledge of the planned closures is unknown based on the current lack of testimony from certain individuals.
- Third, the communications raise questions about why Stepien, who was by this time the manager of Governor Christie’s re-election campaign and no longer involved in official state business, was included in a discussion of the lane closures at all, again suggesting the possibility there were political overtones to the closures.

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<sup>475</sup> Email from Leodori to Baroni (Sept. 12, 2013, 12:44 p.m.). [PA-BB-000056](#).

<sup>476</sup> Letter from Mayor Sokolich to Baroni (Sept. 12, 2013). [PA-BB-000056](#).

<sup>477</sup> *Id.* (emphasis original).

<sup>478</sup> *Id.*

<sup>479</sup> Sokolich Interview.

<sup>480</sup> Email from Wildstein to Stepien & Kelly (Sept. 12, 2013, at 12:52 p.m.). [NJGA-000645](#).

<sup>481</sup> Email from Baroni to Stepien (Sept. 12, 2013, at 12:53 p.m.). [BARONI000288](#).

<sup>482</sup> Email from Stepien to Baroni (Sept. 12, 2013, at 1:12 p.m.). [BARONI000292](#).

- Fourth, Wildstein’s decision to include both Stepien and Kelly on the same email suggests, at the very least, Wildstein was unconcerned that Kelly might object to including Stepien in the conversation.
- Fifth, having been provided Mayor Sokolich’s letter, Stepien was thereby put on notice of the lane closures, the resulting traffic problems in Fort Lee (including attendant safety issues), the Port Authority’s refusal to respond to Mayor Sokolich’s requests for assistance, and the suggestion that the closures were politically motivated. It currently remains unclear whether Stepien notified anyone else in the campaign or OOG of these issues; to whom, if anyone, he may have spoken; and, if he notified no one, why he chose not to elevate an issue that could have had campaign consequences if not addressed.

On September 12th, Mayor Sokolich made contact with Baroni a final time at 5:45 p.m., texting, “My frustration is now trying to figure out who is mad at me.”<sup>483</sup> Baroni again failed to respond to the Mayor and, instead, forwarded the message to Wildstein with the comment, “From Serbia.”<sup>484</sup> Although Mayor Sokolich is actually of Croatian descent, Wildstein and Baroni often referred to him as Serbian.<sup>485</sup>

*c. Sokolich Telephone Call to Ridley*

On September 12th, just after noon, Mayor Sokolich called IGA regional director Evan Ridley on both his cellular and office numbers.<sup>486</sup> The calls lasted only seconds, indicating there was no connection.<sup>487</sup> Mayor Sokolich believed that he was being ignored, so he then called Ridley from a telephone number that the Mayor thought Ridley would not associate with him.<sup>488</sup> Ridley answered, and, according to Mayor Sokolich, seemed surprised to discover the Mayor was on the line.<sup>489</sup> The Mayor then explained to Ridley his frustration with the lane closures and the lack of advance notice.<sup>490</sup> He also noted his public safety concerns and explained that some in the borough felt the lane

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<sup>483</sup> Text message from Mayor Sokolich to Baroni (Sept. 12, 2013, at 5:45 p.m.). [BARONI000414](#).

<sup>484</sup> Text message from Baroni to Wildstein (Sept. 12, 2013, at 6:02 p.m.). [BARONI000411](#).

<sup>485</sup> See, e.g., text message from Baroni to Wildstein (Sept. 17, 2013, at 1:33 p.m.) [DW-009](#); text message from Baroni to Wildstein (Sept. 17, 2013, at 1:56 p.m.) [DW-009](#); and email from Wildstein to Stepien (Sept. 18, 2013, at 5:30 a.m.). [NJGA-000641](#).

<sup>486</sup> Fort Lee Municipal Telephone Logs. [NJGA-011872](#).

<sup>487</sup> *Id.*

<sup>488</sup> Sokolich Interview.

<sup>489</sup> *Id.*

<sup>490</sup> *Id.*

reconfiguration was somehow retribution for something the Mayor had done.<sup>491</sup> Ridley agreed to look into the matter but never called back.<sup>492</sup>

After receiving Mayor Sokolich's call, Ridley returned to the State House in Trenton to relay the conversation in person to his supervisor, IGA Director Christina Renna.<sup>493</sup> Renna took contemporaneous notes of the conversation<sup>494</sup> and afterwards told Ridley to "[h]old" while she sought guidance from Kelly.<sup>495</sup> Ridley asked Renna if OOG had played any role in the lane closures, and Renna responded that she did not know.<sup>496</sup> Renna testified that this was the first time she had heard of the lane closures.<sup>497</sup>

At 3:36 p.m., Renna sent Kelly an email that closely tracked the notes of her conversation with Ridley:

This afternoon, Evan received a call from Mayor Sokolich. It came from a number he was not familiar with that was actually a secretary who patched the Mayor through to Evan.

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

The Mayor told 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.

Sokolich explained that the Council wants to organize a press conference with picketers at the foot of the bridge. The Mayor feels he is about to lose control of the situation and that he looks like a "fucking idiot."

Evan told the Mayor he was unaware that the toll lanes were closed, but he would see what he could find out.<sup>498</sup>

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<sup>491</sup> *Id.*

<sup>492</sup> *Id.*

<sup>493</sup> Renna Testimony at 75.

<sup>494</sup> Renna Handwritten Notes (Sept. 12, 2013). CGR 49.

<sup>495</sup> Renna Testimony at 80.

<sup>496</sup> *Id.* at 76.

<sup>497</sup> *Id.* at 80.

<sup>498</sup> Email from Renna to Kelly (Sept. 12, 2012, at 3:36 p.m.). NJGA-000632.

Ten minutes later, Kelly forwarded Renna's email to Wildstein, who responded, "[C]all me when you have a moment."<sup>499</sup> Kelly, however, was on her way to Seaside, N.J., in response to a boardwalk fire and replied that she would "call later."<sup>500</sup>

It is currently unknown if Kelly and Wildstein discussed Renna's email or Mayor Sokolich's call to Ridley.

Several hours later, at 11:44 p.m., Kelly finally responded to Renna's email—in which Renna had detailed the Mayor's concerns, including safety issues—with one word: "Good."<sup>501</sup>

*d. Fort Lee Council Meeting*

At 7:00 p.m. on September 12th, the Fort Lee Council met in closed session with Mayor Sokolich to discuss, among other things, the lane closures.<sup>502</sup> During the session, the Mayor recounted his unsuccessful efforts to engage with Baroni. The minutes further reveal that someone in attendance stated that "[t]he Port Authority officers are telling people that . . . it [*i.e.*, the decision to close the lanes] was Fort Lee's decision which obviously it was not."<sup>503</sup> The minutes further state:

Chief Bendul spoke to a Port Authority Sergeant who said that this occurred because the Mayor did not support the Governor. Judge DeSheplo said the same thing.

Mayor Sokolich spoke about David Wildstein, the Mayor of Livingston,<sup>504</sup> who is friends with Governor Christie. Mr. Wildstein was observing on Tuesday<sup>505</sup> morning which Chief Bendul told the Mayor to tell the governing body only.

The minutes do not indicate that Chief Bendul attended the Council session,<sup>506</sup> and Chief Bendul's own recollection was that he did not attend.<sup>507</sup> It is therefore unclear who related Chief Bendul's supposed conversation with a Port Authority sergeant; however, Chief Bendul himself could not recall having a conversation in which anyone tied the lane closures to a failure to support Governor Christie.<sup>508</sup> As with

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<sup>499</sup> Email from Wildstein to Kelly (Sept. 12, 2013, at 3:56 p.m.). [NJGA-000632](#).

<sup>500</sup> Email from Kelly to Wildstein (Sept. 12, 2013, at 5:27 p.m.). [NJGA-000632](#).

<sup>501</sup> Email from Kelly to Renna (Sept. 12, 2013, at 11:44 p.m.). [CGR 48](#).

<sup>502</sup> Minutes of Fort Lee Council Session (Sept. 12, 2013) ("Council Minutes"). [NJGA-111149](#).

<sup>503</sup> *Id.*

<sup>504</sup> David Wildstein is a former mayor of Livingston.

<sup>505</sup> There is no corroborating evidence that Wildstein was present on the Bridge on Tuesday. This may be a mistaken reference to Wildstein's Monday visit.

<sup>506</sup> Council Minutes.

<sup>507</sup> Bendul Interview.

<sup>508</sup> *Id.*

Chief Bendul, Judge DeSheplo is not listed as an attendee in the minutes.<sup>509</sup> It is therefore unknown who stated that the Judge had “said the same thing.”

*e. Press Inquiries*

By the fourth day of the lane closure, the ensuing traffic had begun to attract media attention. At 1:17 p.m. on September 12th, John Cichowski of the *Bergen Record*, who writes under the “Road Warrior” byline, emailed Port Authority media relations representative Chris Valens to inquire about the reduction in Fort Lee toll lanes.<sup>510</sup> In turn, Valens forwarded the email to Durando, copying Lado, Fulton, and the Bridge’s deputy general manager, Enrique Ramirez: “Do you have details on the inquiry from our good buddy below?”<sup>511</sup> Fulton forwarded the thread to Wildstein, “FYI”;<sup>512</sup> and Lado forwarded it to Baroni as a “heads up.”<sup>513</sup>

At 3:11 p.m., Wildstein forwarded Cichowski’s inquiry to Kelly and to OOG Press Secretary Michael Drewniak.<sup>514</sup> In his appearance before the Committee, Drewniak testified that he did not know why Wildstein forwarded the Cichowski email, noting that “[i]t was part of [Wildstein’s] nature to send me all kinds of things—often randomly.”<sup>515</sup> Drewniak also testified that, at the time, an email about traffic issues simply would not have registered with him.<sup>516</sup>

Minutes after receiving the forwarded Cichowski questions, Drewniak also received from Wildstein (with a copy to Kelly) a draft statement: “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.”<sup>517</sup> Drewniak testified he did not recall receiving this statement from Wildstein and noted that he was pre-occupied that evening with “an extremely unexpected and unfortunate event,” namely the boardwalk fire at Seaside.<sup>518</sup> Drewniak testified he did not read the email until the following weekend or, perhaps, the following Monday,

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<sup>509</sup> Council Minutes.

<sup>510</sup> Email from Cichowski to Valens (Sept. 12, 2013, at 1:17 p.m.). [PA-BB-000046](#).

<sup>511</sup> Email from Valens to Durando, *et al.* (Sept. 12, 2013, at 1:40 p.m.). [PA-BB-000046](#).

<sup>512</sup> Email from Fulton to Wildstein (Sept. 12, 2013, at 1:58 p.m.). [PA-DW-000020](#).

<sup>513</sup> Email from Lado to Baroni (Sept. 12, 2013, at 3:06 p.m.). [PA-BB-000046](#).

<sup>514</sup> Email from Wildstein to Kelly & Drewniak (Sept. 12, 2013, at 3:11 p.m.). [NJGA-000701](#).

<sup>515</sup> Drewniak Testimony at 19.

<sup>516</sup> *Id.* at 20-21.

<sup>517</sup> Email from Wildstein to Drewniak & Kelly (Sept. 12, 2013, at 3:18 p.m.). [NJGA-000702](#). FLPD Chief Bendul said he was unaware that anyone at the Port Authority had drafted a statement of this sort; however, he said any suggestion that the PAPD and FLPD had been in contact “throughout this transition” would be inaccurate. Bendul Interview.

<sup>518</sup> Drewniak Testimony at 21.

September 16th.<sup>519</sup> Even at that point, Drewniak testified, he did not contact Wildstein to discuss the statement: “[A]gain, it looked like something very minor.”<sup>520</sup>

At 6:27 p.m., Port Authority media relations staff circulated a “Nightly Media Activity Report” to internal Port Authority management and to representatives of Governors Christie and Cuomo.<sup>521</sup> The second item on the report stated, “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.”<sup>522</sup>

The statement contained in the media report was substantially the same as the one Wildstein had shared with Drewniak and Kelly.

Two hours after the Port Authority media report was circulated, Port Authority Board of Commissioners Vice Chair Scott Rechler noticed the Cichowski item and replied back to his own aide, David Garten, and Executive Director Patrick Foye that “[w]e need to get to the bottom of this.”<sup>523</sup> Foye replied, “Agree. Very troubling,” and then forwarded the entire thread to Port Authority Director of Media Relations Lisa MacSpadden.<sup>524</sup>

*f. Data Collection and Analysis*

Traffic Engineering analysis of the preceding day’s data showed improvements in mainline traffic flow.<sup>525</sup> In the Route 95 express lanes, commuters saw “an average reduction of 4.12 minutes (about 52%),” while those in the local lanes saw “an average reduction of 2.72 minutes (about 43%).”<sup>526</sup> As before, the analysis cautioned that the improvements on Route 95 needed to be “weighed against the deterioration of level of service for the local traffic originating from Fort Lee.”<sup>527</sup>

At 5:14 p.m. TBT General Manager Daniel Jacobs emailed TBT Assistant Director Muriello a PowerPoint presentation titled, “Reallocation of Toll Lanes at the GWB: An EARLY assessment of the benefits of the trial.”<sup>528</sup> The analysis estimated that vehicles on the Route 95 mainline could save up to

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<sup>519</sup> *Id.* at 22.

<sup>520</sup> *Id.*

<sup>521</sup> Email from Marisco to Rechler, *et al.* (Sept. 12, 2013, at 6:27 p.m.). [PA-DW-000021](#). Governor Christie’s representative was Drewniak; Governor Cuomo’s representative was Chief of Staff Joshua Vlasto.

<sup>522</sup> *Id.*

<sup>523</sup> Email from Rechler to Garten & Foye (Sept. 12, 2013, at 8:37 p.m.). [PA-PF-000128](#).

<sup>524</sup> Email from Foye to MacSpadden (Sept. 12, 2013, at 8:43 p.m.). [PA-PF-000128](#).

<sup>525</sup> Email from Patel to Rivera (Sept. 12, 2013, at 1:29 p.m.). [NJGA-000511](#).

<sup>526</sup> *Id.*

<sup>527</sup> *Id.*

<sup>528</sup> Email from Jacobs to Muriello (Sept. 12, 2013, at 5:14 p.m.). [NJGA-000495](#).

966 vehicle-hours of reduced delay each year, but at a cost of an additional 2,800 vehicle-hours of delay for cars in the Fort Lee queues.<sup>529</sup> Furthermore, the delays in Fort Lee traffic may have meant that, by the time cars were reaching the toll lanes, the period for peak toll rates had passed, which, over the course of a year, could have resulted in lost Port Authority revenue of \$137,000.<sup>530</sup>

5. DAY 5: September 13, 2013 (Friday)

a. *Re-Opening the Fort Lee Access Lanes*

On September 13th, at 6:01 a.m., Foye emailed Durando, “Please call me after 6am.”<sup>531</sup> Durando then forwarded Foye’s request to Wildstein, who wrote back, “Let’s [sic] me know what he says, thanks.”<sup>532</sup>

By 6:23 a.m., Cichowski’s story, “Changes at GWB take toll on drivers,” appeared on the *Record’s* website, northjersey.com, and Wildstein forwarded a copy to Baroni.<sup>533</sup> At 6:41 a.m., Kelly emailed Wildstein, “Let’s talk on my way in.”<sup>534</sup> Whether Wildstein and Kelly talked and what they may have discussed are currently unknown.

At 6:46 a.m., Durando emailed Wildstein to report that, in his conversation with Foye, Foye had asked “why he wasn’t told.”<sup>535</sup> In reply, Wildstein claimed that “[h]is staff knows, but bb<sup>536</sup> will to him [sic].”<sup>537</sup>

At 7:44 a.m., Foye emailed Fulton and Durando, copying Baroni, Samson, Vice Chair Rechler, and others.<sup>538</sup> Foye stated he had “made inquiries and received calls” and learned that three Fort Lee access lanes had been reduced to one “without notifying Fort Lee, the commuting public we serve, the ED or Media.”<sup>539</sup> Foye continued, “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

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<sup>529</sup> *Id.*

<sup>530</sup> *Id.*

<sup>531</sup> Email from Foye to Durando (Sept. 13, 2013, at 6:01 a.m.). [NJGA-000789](#).

<sup>532</sup> Email from Wildstein to Durando (Sept. 13, 2013, at 6:13 a.m.). [NJGA-000789](#).

<sup>533</sup> Email from Wildstein to Baroni (Sept. 13, 2013, at 6:23 a.m.). [BARONI000293](#).

<sup>534</sup> Email from Kelly to Wildstein (Sept. 13, 2013, at 6:41 a.m.). [NJGA-000631](#).

<sup>535</sup> Email from Durando to Wildstein (Sept. 13, 2013, at 6:46 a.m.). [NJGA-000789](#)

<sup>536</sup> The initials “bb” appear to be a reference to Bill Baroni.

<sup>537</sup> Email from Wildstein to Durando (Sept. 13, 2013, at 7:01 a.m.). [NJGA-000789](#).

<sup>538</sup> Email from Foye to Fulton, *et al.* (Sept. 13, 2013, at 7:44 a.m.). [PA-BB-000001](#). The others copied on the Foye Directive were Port Authority Chief Security Officer Joseph Dunne, PAPD Chief Koumoutsos, Chief Engineer Zipf, and Port Authority General Counsel Darrell Buchbinder.

<sup>539</sup> *Id.* “ED” is likely an abbreviation for “Executive Director.”



effective as soon as TBT and PAPD tell me it is safe to do so today.”<sup>540</sup> Foye cited public safety concerns, economic effects, the Yom Kippur holiday, and his belief that the “hasty and ill-advised decision violated Federal Law and the laws of both States.”<sup>541</sup> Foye concluded by directing Fulton and Durando to “let this group know when access to the three lanes in Fort Lee can be restored as soon as possible today. This is a matter of public safety and time is of the essence.”<sup>542</sup>

At 8:04 a.m. Durando reported that the access lanes had been restored to Fort Lee.<sup>543</sup>

*b. Reactions*

Immediately after receiving Foye’s email, Baroni forwarded it to Wildstein<sup>544</sup> and then, separately, emailed Samson at 7:51 a.m. to ask, “General, can I call you on this now?”<sup>545</sup> While Baroni and Samson spoke later that day,<sup>546</sup> it is unclear if they immediately connected in the morning hours.

Several hours after he received the Foye Directive, Baroni forwarded it to Egea, the Director of OOG’s Authorities Unit, marked “High” importance.<sup>547</sup> Shortly afterwards, Egea sent the email to the OOG attorney with direct oversight responsibility for the Port Authority, Nicole Crifo.<sup>548</sup>

In her appearance before the Committee, Egea testified that Baroni had called her in advance to alert her to the email.<sup>549</sup> She testified that, after reading the email, she and Baroni spoke again.<sup>550</sup> Egea testified that Baroni told her the lane closures had been part of an effort “to improve the traffic flow at the Bridge.”<sup>551</sup> Egea also testified that Baroni felt Foye was simply interfering “in a project that Bill [Baroni] thought was essential to his duties as Deputy.”<sup>552</sup> According to Egea, Baroni assured her that she had nothing “to really be concerned about.”<sup>553</sup> Finally, in her testimony, Egea noted Foye’s remark

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<sup>540</sup> *Id.*

<sup>541</sup> *Id.*

<sup>542</sup> *Id.*

<sup>543</sup> Email from Durando to Foye, *et al.* (Sept. 13, 2013, at 8:04 a.m.). [PA-BB-000032](#).

<sup>544</sup> Email from Baroni to Wildstein (Sept. 13, 2013, at 7:46 a.m.). [PA-BB-000001](#).

<sup>545</sup> Email from Baroni to Samson (Sept. 13, 2013, at 7:51 a.m.). [PA-BB-000003](#).

<sup>546</sup> See Samson Telephone Log Excerpts. [NJ-DS-0000038](#).

<sup>547</sup> Email from Baroni to Egea (Sept. 13, 2013, at 10:44 a.m.). [PA-BB-000005](#).

<sup>548</sup> Email from Egea to Crifo (Sept. 13, 2013, at 11:07 a.m.). [OGNJ-LEG-009395](#).

<sup>549</sup> Egea Testimony at 59.

<sup>550</sup> *Id.*

<sup>551</sup> *Id.* at 31.

<sup>552</sup> *Id.* at 30.

<sup>553</sup> *Id.*

that he would “get to the bottom of it,” which, she said, satisfied her that the Port Authority would conduct “a full investigation,” making it unnecessary for her to take further action.<sup>554</sup>

Egea also testified that she forwarded the Foye Directive to Crifo so Crifo would have a copy for her records.<sup>555</sup> According to Egea, she had a “relatively brief” conversation with Crifo in which she “explained what Bill [Baroni] had told me.”<sup>556</sup> Later in the afternoon, Crifo herself reached out to Wildstein, asking that he “give me a call when you get a chance.”<sup>557</sup> Whether such a call occurred or what was discussed are currently unknown.

While Baroni communicated with Egea, Wildstein emailed Kelly to tell her that the “New York side gave Fort Lee back all three lanes this morning. We are appropriately going nuts. Samson helping us to retaliate.”<sup>558</sup> Kelly replied, “What??”<sup>559</sup> In response, Wildstein wrote, “Yes, unreal. Fixed now.”<sup>560</sup> Less than twenty minutes later, Samson called Baroni and the two spoke for ten minutes.<sup>561</sup> The two spoke twice more that day: at 2:16 p.m. for seven minutes and at 5:22 p.m. for four minutes. The contents of these conversations are currently unknown to the Committee.

### *c. Outside Scrutiny Increases*

Shortly after Durando reported that the Fort Lee Access Lanes had been re-opened, Foye emailed the Port Authority’s Director of Media Relations, Lisa MacSpadden, asking, “[H]ow do we get the word out?”<sup>562</sup> Baroni quickly responded, “Pat we need to discuss prior to any communications.”<sup>563</sup> Shortly afterwards, Baroni wrote, “I am on way to office to discuss. There can be no public discourse.”<sup>564</sup> Foye answered, “Bill that’s precisely the problem: there has been no public discourse on this.”<sup>565</sup>

These exchanges suggest Baroni was concerned about negative publicity surrounding the lane closures and was eager to manage the Port Authority’s public response to the matter. At the time of Foye’s testimony, the Committee had not yet obtained Baroni’s email warning against “public

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<sup>554</sup> *Id.* at 31-32.

<sup>555</sup> *Id.* at 76-77.

<sup>556</sup> *Id.* at 77.

<sup>557</sup> Email from Crifo to Wildstein (Sept. 13, 2013, at 2:11 p.m.). [OGNJ-LEG-050896](#).

<sup>558</sup> Email from Wildstein to Kelly (Sept. 13, 2013, at 11:44 a.m.). [NJGA-000630](#).

<sup>559</sup> Email from Kelly to Wildstein (Sept. 13, 2013, at 11:47 a.m.). [NJGA-000630](#).

<sup>560</sup> Email from Wildstein to Kelly (Sept. 13, 2013, at 12:07 p.m.). [NJGA-000630](#).

<sup>561</sup> Samson Telephone Log Excerpts. [NJ-DS-0000038](#).

<sup>562</sup> Email from Foye to MacSpadden, *et al.* (Sept. 13, 2013, at 8:28 a.m.). [PA-BB-000014](#).

<sup>563</sup> Email from Baroni to Foye & MacSpadden (Sept. 13, 2013, at 8:40 a.m.). [PA-BB-000014](#).

<sup>564</sup> Email from Baroni to Foye & MacSpadden (Sept. 13, 2013, at 9:03 a.m.). [PA-BB-000014](#).

<sup>565</sup> Email from Foye to Baroni, *et al.* (Sept. 13, 2013, at 9:32 a.m.). [PA-BB-000032](#).

discourse.” However, during his appearance, Foye testified that he raised with Baroni on September 13th the “public safety issues” and that Baroni had explained the lack of advance notice as a “communication failure,”<sup>566</sup> which appears to be in direct contradiction to Baroni’s refusal to respond to Mayor Sokolich’s multiple outreach efforts during the week of the lane closures.

By early afternoon, multiple news organizations had contacted the Port Authority’s Deputy Director of Media Relations, Steve Coleman, seeking comment on whether the lanes had indeed been re-opened and why they had been closed in the first place.<sup>567</sup> Coleman requested from Foye and Baroni “whatever guidance you can [provide] on how we can address these inquiries,” and Baroni agreed to “get guidance and get back to you.”<sup>568</sup>

At 3:10 p.m., Baroni provided a statement for Coleman to use: “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.”<sup>569</sup> Baroni also forwarded the statement to Vice Chair Rechler and wrote, “Pat [Foye] and I discussed and he is ok with the below statement.”<sup>570</sup>

There are similarities between the statement Baroni provided and the one Wildstein drafted the previous day. Both refer to a study of “traffic *safety* patterns.” There is no mention of traffic efficiency or how to distribute toll lanes equitably between commuters entering the Bridge from Route 95 and those entering through Fort Lee. Yet, as discussed more fully below, those considerations were later offered as the principal motivation and justification for the purported study.

At the end of the day on September 13th, New Jersey Congressman Bill Pascrell sent a letter to Baroni (via Lado) in which Rep. Pascrell raised questions about the lane closures and indicated he was “deeply concerned” about the lack of advance notice for Fort Lee officials.<sup>571</sup> Lado forwarded the letter to both Baroni and Wildstein,<sup>572</sup> and Wildstein sent it on to Kelly.<sup>573</sup>

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<sup>566</sup> Foye Testimony at 161.

<sup>567</sup> Email from Coleman to Foye, *et al.* (Sept. 13, 2013, at 1:29 p.m.). [PA-DW-000050](#).

<sup>568</sup> Email from Baroni to Coleman, *et al.* (Sept. 13, 2013, at 1:36 p.m.). [PA-BB-000120](#).

<sup>569</sup> Email from Baroni to Coleman, *et al.* (Sept. 13, 2013, at 3:10 p.m.). [PA-BB-000121](#).

<sup>570</sup> Email from Baroni to Rechler (Sept. 13, 2013, at 3:11 p.m.). [PA-BB-000121](#). Foye simultaneously forwarded the statement to Rechler, writing “Media will issue statement below which is fine with me.” Email from Foye to Rechler (Sept. 13, 2013, at 3:11 p.m.). [PA-JM-000115](#).

<sup>571</sup> Email from K. Coleman to Lado (Sept. 13, 2013, at 4:02 p.m.). [PA-DW-000024](#).

<sup>572</sup> Email from Lado to Baroni & Wildstein (Sept. 13, 2013, at 4:05 p.m.). [PA-DW-000024](#).

<sup>573</sup> Email from Wildstein to Kelly (Sept. 13, 2013, at 5:03 p.m.). [NJGA-000628](#).

## G. Mid- to Late September 2013

### 1. Awareness of the Lane Closures Spreads Within OOG

On September 16, 2013, the first Monday following the lane closures, OOG's Deputy Communications Director, Colin Reed, emailed Joseph Dee of the New Jersey Department of Transportation ("NJDOT") to ask if *Record* columnist Cichowski was "really doing something else" on the lane closure story.<sup>574</sup> Dee speculated that Cichowski "won't leave this one alone," which prompted Reed to instruct Dee to ignore the issue until Cichowski called back.<sup>575</sup>

The same day, Paul Rozenberg of OOG Constituent Relations forwarded to his supervisor, Jeanne Ashmore, three messages from commuters complaining about the past week's lane closures.<sup>576</sup> Two of the emails had previously been provided to Ashmore.<sup>577</sup> In his cover email, Rozenberg wrote, "Attached are the 3 emails we got about the traffic pattern at the GWB,"<sup>578</sup> suggesting that Ashmore or someone else had specifically requested Rozenberg to provide communications on this topic.

By this point, information concerning the lane closures had reached OOG via multiple paths: Ashmore herself was aware of constituent complaints; Drewniak had received emails from Wildstein concerning press inquiries and a proposed response; Reed was discussing the matter with NJDOT staff; Ridley had briefed Renna on Mayor Sokolich's urgent request for information and assistance; Egea and Crifo had received the Foye Directive; and, of course, Kelly was independently aware of the situation. It is, however, currently unknown to the Committee whether anyone, at this time, elevated this information to the Governor's Chief Counsel Charlie McKenna, Chief of Staff Kevin O'Dowd, or others.

### 2. Wall Street Journal Inquiries

Also on September 16th, *Wall Street Journal* reporter Ted Mann called Port Authority Deputy Director of Media Relations Steve Coleman "looking to do a story on the Fort Lee toll booth issue."<sup>579</sup> Coleman emailed Foye, Baroni, Wildstein, and others concerning Mann's inquiry, seeking advice on "how we should respond."<sup>580</sup> Immediately afterward, Wildstein privately commented to Baroni, "I call bullshit on this."<sup>581</sup>

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<sup>574</sup> Email from Reed to Dee (Sept. 16, 2013, at 11:02 a.m.). [OGNJ-LEG-037945](#).

<sup>575</sup> Email from Reed to Dee (Sept. 16, 2013, at 1:12 p.m.). [OGNJ-LEG-037945](#).

<sup>576</sup> Email from Rozenberg to Ashmore (Sept. 16, 2013, at 12:06 p.m.). [OGNJ-LEG-022141](#).

<sup>577</sup> See email from Rozenberg to Ashmore (Sept. 11, 2013, at 4:40 p.m.). [OGNJ-LEG-022147](#).

<sup>578</sup> Email from Rozenberg to Ashmore (Sept. 16, 2013, at 12:06 p.m.). [OGNJ-LEG-022141](#).

<sup>579</sup> Email from Coleman to Foye, *et al.* (Sept. 16, 2013, 12:19 p.m.). [BARONI000295](#).

<sup>580</sup> *Id.*

<sup>581</sup> Email from Wildstein to Baroni (Sept. 16, 2013, 12:19 p.m.). [BARONI000295](#).

Baroni instructed Coleman to provide Mann the same statement the Port Authority had released the previous Friday.<sup>582</sup> When Coleman asked Foye if he concurred, Foye replied, “I defer to Bill [Baroni].”<sup>583</sup>

At 1:52 p.m., Coleman sent an update indicating he had given Mann the Port Authority’s previous statement but that Mann had subsequently requested a copy of the traffic study “along with the communication that preceded it, including any proposal of the study and its purpose and scope, and any communication among the Port, PAPD, local law enforcement and the city government of Fort Lee.”<sup>584</sup> Coleman then asked, “Do we have a study we can provide to Ted?”<sup>585</sup> There is no record of any reply to Coleman’s question and, in particular, no record of any study being provided in response.

3. Baroni and Wildstein Seek Direction from Kelly on How to Reply to Inquiries from Mayor Sokolich

On Tuesday, September 17, 2013, Mayor Sokolich sent two texts to Baroni:

[1:31 p.m.] 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.<sup>586</sup>

[1:33 p.m.] A private face-to-face would be important to me. Perhaps someone can enlighten me as to the error of my ways. Let me know if you’ll give me 10 minutes. Regards Mark.<sup>587</sup>

Baroni immediately forwarded to Wildstein both of Sokolich’s texts, indicating that they had come from “Serbia.”<sup>588</sup> One minute later, Wildstein passed the message to Kelly, with the preface, “From sokolich to Baroni.”<sup>589</sup>

Twenty minutes passed before Baroni texted Wildstein again: “Serbia???”<sup>590</sup> Wildstein reached back out to Kelly, asking that she “let me know instructions,”<sup>591</sup> and then informed Baroni, “Have not

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<sup>582</sup> Email from Baroni to Coleman, *et al.* (Sept. 16, 2013, at 12:24 p.m.) [PA-DW-000055](#).

<sup>583</sup> Email from Foye to Coleman, *et al.* (Sept. 16, 2013, at 12:30 p.m.) [PA-DW-000057](#).

<sup>584</sup> Email from Coleman to Foye, *et al.* (Sept. 16, 2013, at 1:52 p.m.) [PA-BB-000145](#).

<sup>585</sup> *Id.*

<sup>586</sup> Text message from Mayor Sokolich to Baroni (Sept. 17, 2013, at 1:31 p.m.) [BARONI000414](#).

<sup>587</sup> Text message from Mayor Sokolich to Baroni (Sept. 17, 2013, at 1:33 p.m.) [BARONI000414](#).

<sup>588</sup> Text message from Baroni to Wildstein (Sept. 17, 2013, at 1:33 p.m.) [DW-009](#).

<sup>589</sup> Text message from Wildstein to Kelly (Sept. 17, 2013, at 1:34 p.m.) [DW-001](#).

<sup>590</sup> Text message from Baroni to Wildstein (Sept. 17, 2013, at 1:56 p.m.) [DW-009](#).

heard back fr Bridget [Kelly].”<sup>592</sup> Baroni responded, “Fck.”<sup>593</sup> These text message suggest that Baroni and Wildstein were dependent on Kelly for direction on how or, perhaps, whether to respond to Mayor Sokolich’s request for information. The tenor of the texts also demonstrates concern in not obtaining quick direction from Kelly.

Kelly eventually responded that she was finishing a meeting but would be available soon.<sup>594</sup> In the meantime, Baroni suggested to Wildstein that they “could sched a meeting to stave off reporters then pull a faps.”<sup>595</sup> Wildstein then suggested doing so on Monday, September 23rd,<sup>596</sup> which Baroni dismissed as “[t]oo cute. Tuesday or later next week.”<sup>597</sup>

A half hour later Wildstein again texted Kelly: “Baroni crazed so let me know when to call.”<sup>598</sup>

It is not clear if or when Kelly spoke with either Wildstein or Baroni. However, roughly twenty minutes after Wildstein’s last text, Baroni aide Gretchen DiMarco emailed Baroni that he was scheduled to meet with Mayor Sokolich at 11:00 a.m. on the following Friday, September 27th.<sup>599</sup> DiMarco wrote, “He said whatever, whenever and he’ll come to you. Very eager.”<sup>600</sup> Baroni forwarded the meeting details to Wildstein.<sup>601</sup>

#### 4. Wall Street Journal Story: September 17, 2013

As Wildstein and Baroni discussed how to respond to Mayor Sokolich, Ted Mann of the *Wall Street Journal* continued his inquiries into the lane closures. At 2:34 p.m., Wildstein texted Baroni, “Ted Mann just called my cell,”<sup>602</sup> prompting Baroni to reply, “Jesus / Call Drewniak.”<sup>603</sup> It is unclear if Wildstein called OOG Press Secretary Drewniak or not—but Baroni’s suggestion creates the impression that he believed Drewniak would have had the necessary background and context to assist in

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<sup>591</sup> Text message from Wildstein to Kelly (Sept. 17, 2013, at 1:57 p.m.). DW-001.

<sup>592</sup> Text message from Wildstein to Baroni (Sept. 17, 2013, at 1:57 p.m.). DW-009.

<sup>593</sup> Text message from Baroni to Wildstein (Sept. 17, 2013, at 1:57 p.m.). DW-009.

<sup>594</sup> Text message from Kelly to Wildstein (Sept. 17, 2013, at 1:58 p.m.). DW-001

<sup>595</sup> Text message from Baroni to Wildstein (Sept. 17, 2013, at 1:59 p.m.). DW-009. The reference to a “faps” is unclear.

<sup>596</sup> Text message from Wildstein to Baroni (Sept. 17, 2013, at 1:59 p.m.). DW-009.

<sup>597</sup> Text message from Baroni to Wildstein (Sept. 17, 2013, at 2:00 p.m.). DW-009.

<sup>598</sup> Text message from Wildstein to Kelly (Sept. 17, 2013, at 2:28 p.m.). DW-002.

<sup>599</sup> Email from DiMarco to Baroni (Sept. 17, 2013, at 2:52 p.m.). BARONI000625.

<sup>600</sup> *Id.*

<sup>601</sup> Email from Baroni to Wildstein (Sept. 17, 2013, at 2:53 p.m.). BARONI000871.

<sup>602</sup> Text message from Wildstein to Baroni (Sept. 17, 2013, at 2:34 p.m.). DW-009.

<sup>603</sup> Text message from Baroni to Wildstein (Sept. 17, 2013, at 2:34 p.m.). DW-009.

responding to Mann. In any event, Wildstein contacted Kelly, texting her, “WSJ just called my cell so I need to speak with you.”<sup>604</sup> Kelly later called Wildstein’s office but received no answer;<sup>605</sup> it is unclear if the two spoke that evening or not.

Around this same time, Mann’s colleague at the *Wall Street Journal*, Heather Haddon, emailed Drewniak and Reed asking, “Was the governor made aware of the closures? Any comment on them? It caused a lot of traffic backup in Fort Lee and local officials said they weren’t aware of it beforehand. Was the state?”<sup>606</sup> Drewniak testified that receiving Haddon’s inquiry jogged his memory of the emails Wildstein had sent on September 12th concerning John Cichowski of the *Record*.<sup>607</sup> According to Drewniak’s testimony, he therefore spoke with Kelly because he recalled she had also been a recipient of Wildstein’s messages.<sup>608</sup> However, according to Drewniak, Kelly was “quick and dismissive, ‘Oh, it’s nothing. It’s Port Authority stuff.’”<sup>609</sup> Drewniak testified he then called Wildstein and was told, “Yeah, we’ve been doing a traffic study,” which Drewniak said was “a very rational explanation.”<sup>610</sup>

Based on his conversation with Wildstein, Drewniak drafted a response to Haddon, which he shared with Wildstein: “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?”<sup>611</sup> Drewniak then sent the statement to Haddon.<sup>612</sup>

By 8:02 p.m., word of the *Wall Street Journal*’s interest had reached Samson, who emailed Vice Chair Rechler that “I am told the ED [*i.e.*, Executive Director Foye] leaked to the WSJ his story about Fort Lee issues—very unfortunate for NY/NJ relations.”<sup>613</sup>

At 11:12 p.m., the *Journal* published its story online: “Bridge Jam’s Cause a Mystery.”<sup>614</sup> The story included speculation that the lane diversions “could be retribution for Mr. Sokolich’s decision not to endorse Mr. Christie in his re-election bid in November.”<sup>615</sup> The next morning, after reading the article, Samson resumed his email discussion with Rechler and again accused Foye of leaking

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<sup>604</sup> Text message from Wildstein to Kelly (Sept. 17, 2013, at 2:36 p.m.). DW-001.

<sup>605</sup> Text message from Kelly to Wildstein (Sept. 17, 2013, at 2:42 p.m.). DW-001.

<sup>606</sup> Email from Haddon to Reed & Drewniak (Sept. 17, 2013, at 2:16 p.m.). OGNJ-LEG-050485.

<sup>607</sup> Drewniak Testimony at 29.

<sup>608</sup> *Id.*; see also email from Drewniak to Kelly (Sept. 17, 2013, at 4:03 p.m.) (“Coming to chat.”). OGNJ-LEG-050483.

<sup>609</sup> Drewniak Testimony at 32.

<sup>610</sup> *Id.* at 34.

<sup>611</sup> Email from Drewniak to Wildstein (Sept. 17, 2013, at 4:24 p.m.). NJGA-000638.

<sup>612</sup> Email from Drewniak to Haddon (Sept. 17, 2013, at 4:34 p.m.). OGNJ-LEG-050485.

<sup>613</sup> Email from Samson to Rechler (Sept. 17, 2013, at 8:02 p.m.). PA-BB-000012.

<sup>614</sup> Ted Mann & Heather Haddon, “Bridge Jam’s Cause a Mystery,” *Wall St. J.* (Sept. 17, 2013). OGNJ-LEG-048778.

<sup>615</sup> *Id.*

information to the media: “I just read it and it confirms evidence of Foye’s being the leak, stirring up trouble . . . in this case, he’s playing in traffic, made a big mistake.”<sup>616</sup>

Later that morning, Samson made several attempts to call Baroni and Wildstein before finally speaking with Baroni for nine minutes.<sup>617</sup> Immediately afterwards, Samson forwarded his email exchange with Rechler to Baroni.<sup>618</sup>

On the morning of September 18th, Wildstein forwarded a copy of the *Journal* article to Stepien, who commented, “It’s fine. The mayor is an idiot though. When [sic] some, lose some.”<sup>619</sup> Wildstein responded, “I had empty boxes ready to take to work today, just in case. It will be a tough November for this little Serbian.”<sup>620</sup> The reference to a “tough November” is unclear as Mayor Sokolich was not up for re-election in November 2013.

Wildstein also sent the story to Drewniak, who later replied, “Not so bad. At least it didn’t run wild with that crazy allegation it was done as political retribution. That was a nutty suggestion.”<sup>621</sup> Wildstein wrote, “I was unusually nervous over this one.”<sup>622</sup> Drewniak testified that he had no understanding “whatsoever” as to why Wildstein claimed to have been “unusually nervous” over the story.<sup>623</sup>

Wildstein’s comments to both Stepien and Drewniak that he “had empty boxes ready” and was “unusually nervous” suggest that he understood the potential for fallout as the story of the lane closures unfolded, and that he was comfortable acknowledging this to both individuals.

The next day, September 19, 2013, Ridley included the *Wall Street Journal* article in his daily report to Renna, under the heading, “Important Notes.”<sup>624</sup> In turn, when Renna prepared her daily report to Kelly, she included Ridley’s reference to the story.<sup>625</sup>

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<sup>616</sup> Email from Samson to Rechler (Sept. 18, 2013, at 5:45 a.m.). [PA-BB-000009](#).

<sup>617</sup> See Samson Telephone Log Excerpts. [NJ-DS-0000038](#). Samson’s two calls to Wildstein lasted one minute each, suggesting they did not connect.

<sup>618</sup> Email from Samson to Baroni (Sept. 18, 2013, at 7:38 a.m.). [PA-BB-000009](#).

<sup>619</sup> Email from Stepien to Wildstein (Sept. 18, 2013, at 5:16 a.m.). [NJGA-000641](#).

<sup>620</sup> Email from Wildstein to Stepien (Sept. 18, 2013, at 5:30 a.m.). [NJGA-000641](#).

<sup>621</sup> Email from Drewniak to Wildstein (Sept. 18, 2013, at 7:36 a.m.). [OGNJ-LEG-013403](#).

<sup>622</sup> Email from Wildstein to Drewniak (Sept. 18, 2013, at 9:24 a.m.). [OGNJ-LEG-049008](#).

<sup>623</sup> Drewniak Testimony at 48.

<sup>624</sup> Email from Ridley to Renna (Sept. 19, 2013, at 4:53 p.m.). [CGR 43](#).

<sup>625</sup> Email from Renna to Kelly (Sept. 19, 2013, at 6:16 p.m.). [CGR 44](#).



## 5. Mayor Sokolich Cancels Meeting with Baroni

One day after arranging a meeting with Baroni, Mayor Sokolich's office called to cancel.<sup>626</sup> Baroni forwarded the cancellation notice to Wildstein, who responded, "What's his play?"<sup>627</sup> Baroni wrote back, "Truly can't figure it out."<sup>628</sup>

A short while later, Baroni aide Matt Bell emailed to explain that "Sokolich's office blamed cancellation on lack of coordination between mayor's office and law office. Said he had law meetings."<sup>629</sup> Mayor Sokolich himself, however, informed Special Counsel to the Committee that he cancelled because he suspected, after further thought, that the lane closures had been punitive and that Baroni was continuing to be distant by scheduling the meeting for ten days out.<sup>630</sup>

## 6. Wall Street Journal Freedom of Information Request

On September 19, 2013, *Wall Street Journal* reporter Mann submitted to the Port Authority a Freedom of Information request for documents related to the lane closures.<sup>631</sup> A few day later, Wildstein forwarded the request to Baroni.<sup>632</sup> In an internal response to the FOI request, Durando confirmed that "[t]here was no communication between myself and the Borough of Ft Lee regarding the matter indicated in the FOI request."<sup>633</sup>

## 7. Sen. Weinberg's Letter to Commissioner Schuber

On September 19, 2013, Sen. Weinberg wrote a letter to Port Authority Commissioner William "Pat" Schuber in which she raised questions about the rationale and the process for the GWB lane closures. Sen. Weinberg, who represents Fort Lee and surrounding communities, requested to meet with Schuber "[i]n the next couple weeks."<sup>634</sup> The letter was copied to Governor Christie, Chair Samson, Mayor Sokolich, and Assemblypersons Valerie Vainieri Huttie and Gordon Johnson.<sup>635</sup>

The next day, OOG's Constituent Relations liaison for Port Authority matters, Paul Rozenberg, emailed a copy of Sen. Weinberg's letter to Constituent Relations Director Ashmore.<sup>636</sup> Three days later,

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<sup>626</sup> Email from DiMarco to Baroni (Sept. 18, 2013, at 9:10 a.m.). [BARONI000624](#).

<sup>627</sup> Email from Wildstein to Baroni (Sept. 18, 2013, at 9:12 a.m.). [BARONI000883](#).

<sup>628</sup> Email from Baroni to Wildstein (Sept. 18, 2013, at 9:13 a.m.). [BARONI000883](#).

<sup>629</sup> Email from Bell to Baroni (Sept. 18, 2013, at 9:20 a.m.). [BARONI000884](#).

<sup>630</sup> Sokolich Interview.

<sup>631</sup> Email from Mann to Duffy, *et al.* (Sept. 19, 2013, at 7:47 p.m.). [PA-DW-000075](#).

<sup>632</sup> Email from Wildstein to Baroni (Sept. 23, 2013, at 3:17 p.m.). [BARONI000298](#).

<sup>633</sup> Email from Durando to Archie, *et al.* (Sept. 24, 2013, at 8:00 a.m.). [PA-CF-000035](#).

<sup>634</sup> Letter from Sen. Weinberg to Schuber (Sept. 19, 2013). [NJGA-000624](#).

<sup>635</sup> *Id.*

<sup>636</sup> Email from Rozenberg to Ashmore (Sept. 20, 2013, at 3:20 p.m.). [OGNJ-LEG-022138](#).

on September 23rd, Ashmore forwarded the letter to Kelly and Crifo.<sup>637</sup> Kelly immediately passed the letter to Wildstein, who replied back, “Call me during your drive home.”<sup>638</sup>

Whether Wildstein and Kelly spoke and what they may have said are currently unknown. But the email chain suggests both were concerned about a state lawmaker potentially adding to the scrutiny that the lane closures had already drawn from elsewhere.

In fact, by Schubert’s account, it was Wildstein who first brought the letter to his attention,<sup>639</sup> at which point Schubert asked Wildstein to draft a reply.<sup>640</sup> On September 25, 2013, Wildstein forwarded to Schubert a proposed response:

Thank you for your letter regarding the recent traffic study performed at the George Washington Bridge. These studies are conducted by staff and not presented to the Board of Commissioners. However, I will ask that our law enforcement professionals notify their local counterparts when future studies occur at our Hudson River crossings.<sup>641</sup>

In reply, Schubert asked Wildstein to “[h]old the letter” as he had already spoken to Sen. Weinberg.<sup>642</sup>

The next day, Samson emailed Schubert to say, “I received a copy of Loretta’s 9/19 letter to you about her being ‘disappointed . . . on a personal level’: what a jerk! do you want me to do anything?”<sup>643</sup> Schubert replied that he had spoken to Sen. Weinberg and that no additional action was necessary, to which Samson said, “[I]f anything further ensues on this (or anything else), I hope you know I am available to contribute whatever you may feel could add value.”<sup>644</sup>

#### **H. *Wall Street Journal* Releases Foye Directive: October 1-2, 2013**

On October 1, 2013, Coleman notified Foye, Baroni, Wildstein, and others that *Wall Street Journal* reporter Mann had obtained a copy of the Foye Directive and was working on a new story

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<sup>637</sup> Email from Ashmore to Kelly & Crifo (Sept. 23, 2013, at 5:17 p.m.). [NJGA-000624](#).

<sup>638</sup> Email from Wildstein to Kelly (Sept. 23, 2013, at 5:59 p.m.). [NJGA-000624](#).

<sup>639</sup> Schubert Testimony at 12.

<sup>640</sup> *Id.* at 76.

<sup>641</sup> Email from Wildstein to Schubert (Sept. 25, 2013, at 9:57 a.m.). [PA-DW-000034](#).

<sup>642</sup> Email from Schubert to Wildstein (Sept. 25, 2013, at 11:27 a.m.). [PA-DW-000034](#)

<sup>643</sup> Email from Samson to Schubert (Sept. 26, 2013, at 9:42 a.m.). [PA-WS-000021](#).

<sup>644</sup> Email from Samson to Schubert (Sept. 26, 2013, at 9:54 a.m.). [PA-WS-000021](#).

“questioning our prior statement on this issue that said the toll lanes were closed because of a test.”<sup>645</sup> Wildstein immediately forwarded the email to Drewniak.<sup>646</sup>

Mann separately emailed Drewniak directly seeking a response to allegations that “these closures were in some way intended as retribution for Mayor Sokolich’s failure to endorse Gov. Christie’s re-election bid.”<sup>647</sup> He also emailed CCFG spokesman Kevin Roberts with the same questions.<sup>648</sup> Roberts forwarded the email to Drewniak, commenting, “Unreal. How did you guys handle before? Just kicked to port [sic] Authority?”<sup>649</sup> Roberts also alerted Stepien—the campaign manager—that he was coordinating with Drewniak on a response.<sup>650</sup> Stepien replied, “Awesome.”<sup>651</sup>

Drewniak, in turn, forwarded Mann’s email to Reed and to Deputy Chief of Staff for Communications Maria Comella, writing, “I think we should talk about this . . . .”<sup>652</sup> He then sent to Reed and Comella the September 17th statement he had provided to Haddon for the first *Wall Street Journal* story.<sup>653</sup>

Shortly afterward, Wildstein sent Drewniak a copy of the Foye Directive.<sup>654</sup> Drewniak testified that, after reading it, his view that the lane closures were a low-level matter changed.<sup>655</sup> He quickly passed the Foye Directive to Comella, who sent it to Reed.<sup>656</sup> According to Drewniak’s Committee testimony, Comella was “dismissive” of the Foye Directive, “in the sense of it just being politics.”<sup>657</sup> Drewniak also testified that he spoke to the Governor’s Chief Counsel, Charlie McKenna, about the Foye Directive and that McKenna was already aware of the issue<sup>658</sup> and was similarly dismissive.<sup>659</sup> According

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<sup>645</sup> Email from Coleman to Foye, *et al.* (Oct. 1, 2013, at 1:12 p.m.). [PA-DW-000038](#).

<sup>646</sup> Email from Wildstein to Drewniak (Oct. 1, 2013, at 1:19 p.m.). [PA-DW-000038](#).

<sup>647</sup> Email from Mann to Drewniak (Oct. 1, 2012, at 1:21 p.m.). [BARONI000301](#).

<sup>648</sup> Email from Mann to Roberts (Oct. 1, 2013, at 1:23 p.m.). [CCFG\\_LSCI\\_00016](#).

<sup>649</sup> Email from Roberts to Drewniak (Oct. 1, 2013, at 1:29 p.m.). [CCFG\\_LSCI\\_00016](#).

<sup>650</sup> Email from Roberts to Stepien (Oct. 1, 2013, at 2:48 p.m.). [CCFG\\_LSCI\\_00021](#).

<sup>651</sup> Email from Stepien to Roberts (Oct. 1, 2013, at 2:51 p.m.). [CCFG\\_LSCI\\_00021](#).

<sup>652</sup> Email from Drewniak to Comella & Reed (Oct. 1, 2013, at 1:40 p.m.). [OGNJ-LEG-050504](#).

<sup>653</sup> Email from Drewniak to Comella & Reed (Oct. 1, 2013, at 1:42 p.m.). [OGNJ-LEG-071540](#).

<sup>654</sup> Email from Wildstein to Drewniak (Oct. 1, 2013, at 1:45 p.m.). [OGNJ-LEG-013119](#).

<sup>655</sup> Drewniak Testimony at 37.

<sup>656</sup> Email from Comella to Reed (Oct. 1, 2013, at 2:13 p.m.). [OGNJ-LEG-013119](#).

<sup>657</sup> Drewniak Testimony at 45.

<sup>658</sup> *Id.* at 46. Drewniak further testified that the Foye Directive was “in the bloodstream at a senior level of the Administration.” *Id.* at 59.

<sup>659</sup> *Id.* at 44-45.

to Drewniak, McKenna said words to the effect of “Look, this is the silly season in politics. There’s bad blood with Foye.”<sup>660</sup>

It is unclear how McKenna may have become aware of the Foye Directive prior to Drewniak providing it to him; however, the document had been in OOG’s possession since Baroni sent it to Egea on September 13th.

At 2:49 p.m. on October 1st, Drewniak replied 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.”<sup>661</sup> Shortly afterward, Roberts responded on behalf of the re-election campaign with a similar statement.<sup>662</sup> Drewniak later forwarded his statement to Wildstein, who passed it along to Baroni.<sup>663</sup>

At 3:26 p.m., Wildstein emailed Kelly to say he and Baroni would be visiting the State House in Trenton the next day.<sup>664</sup> Kelly and Wildstein agreed to meet at 4:00 p.m.<sup>665</sup>

Separately, Stepien reached out Baroni to let him know of the impending *Wall Street Journal* story.<sup>666</sup> Baroni replied, “Yeah, we’re not responding / Per Drewniak.”<sup>667</sup> According to Drewniak’s testimony, at this point in time, he had no reason to question Wildstein’s explanation that the lane closures had been part of a legitimate traffic study.<sup>668</sup> It is therefore unclear why Drewniak would direct the Port Authority not to respond to Mann’s questions, as Baroni’s text indicated he had.

At 10:40 p.m., the *Wall Street Journal* published the Foye Directive and an accompanying story online.<sup>669</sup> The article again mentioned the possibility that the lane closures could have been politically motivated and cast doubt on the existence of a traffic study.<sup>670</sup> About an hour after the story was posted, at 11:39 p.m., Baroni emailed Wildstein, under the subject line “Story up,” a one-word message: “Bad.”<sup>671</sup>

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<sup>660</sup> *Id.*

<sup>661</sup> Email from Drewniak to Mann (Oct. 1, 2013, at 2:49 p.m.). [BARONI000301](#).

<sup>662</sup> Email from Roberts to Mann (Oct. 1, 2013, at 3:14 p.m.). [CCFG LSCI 00013](#).

<sup>663</sup> Email from Wildstein to Baroni (Oct. 1, 2013, at 3:26 p.m.). [BARONI000301](#).

<sup>664</sup> Email from Wildstein to Kelly (Oct. 1, 2013, at 3:26 p.m.). [NJGA-000623](#).

<sup>665</sup> Email from Kelly to Wildstein (Oct. 1, 2013, at 3:34 p.m.). [NJGA-000623](#).

<sup>666</sup> Text message from Stepien to Baroni (Oct. 1, 2013, at 5:25 p.m.). [BARONI000415](#). Stepien also texted Wildstein: “Holy shit, who does he think he is, Capt. America?” Text message from Stepien to Wildstein (Oct. 1, 2013, at 5:48 p.m.). [DW-004](#). It is not currently clear, however, to whom Stepien was referring.

<sup>667</sup> Text message from Baroni to Stepien (Oct. 1, 2013, at 5:28 p.m.). [BARONI000415](#).

<sup>668</sup> Drewniak Testimony at 57.

<sup>669</sup> Ted Mann, “Port Chief Fumed Over Bridge Jam,” *Wall St. J.* (Oct. 1, 2013).

<sup>670</sup> *Id.*

<sup>671</sup> Email from Baroni to Wildstein (Oct. 1, 2013, at 11:39 p.m.). [BARONI000303](#).

The next day, October 2nd, Wildstein forwarded the *Journal* story to Stepien, Drewniak, Kelly, and DuHaime.<sup>672</sup> Stepien replied back, “Ultimately, not an awful story,”<sup>673</sup> to which Wildstein wrote:

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 [Kelly] while there. I feel terrible that I’m causing you so much stress this close to November.<sup>674</sup>

That day, both Wildstein and Baroni visited the State House in Trenton.<sup>675</sup> Although Wildstein indicated he intended to meet with Drewniak, it is not clear that he did.<sup>676</sup>

Just before 3:00 p.m., Samson called Baroni and the two spoke for eight minutes.<sup>677</sup> Baroni also met with Comella and later texted Wildstein, “Comella didn’t think much of the story. Said nobody paying attention / Oh lol.”<sup>678</sup> Wildstein responded, “Bridget [Kelly] same / What did general [Samson<sup>679</sup>] want?”<sup>680</sup> The content of Baroni’s call with Samson is unknown, as is whether Baroni replied to Wildstein’s text inquiry.

The same day, Asm. Wisniewski announced that the Assembly Transportation Committee—which he chaired and which had subpoena powers to investigate Port Authority finances—would hold hearings on the lane closures.<sup>681</sup>

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<sup>672</sup> Email from Wildstein to Stepien, *et al.* (Oct. 2, 2013, at 7:11 a.m.) [NJGA-000633](#); email from Wildstein to DuHaime (Oct. 1, 2013, at 7:11 a.m.) [NJSCI000246](#).

<sup>673</sup> Email from Stepien to Wildstein (Oct. 1, 2013, at 7:15 a.m.). [NJGA-000639](#).

<sup>674</sup> Email from Wildstein to Stepien (Oct. 2, 2013, at 7:28 a.m.). [NJGA-000639](#).

<sup>675</sup> See State House Visitor Sign-In Logs (Oct. 2, 2013). [OGNJ-LEG-001355](#) and [OGNJ-LEG-002249](#).

<sup>676</sup> Email from Wildstein to Crifo (Oct. 2, 2013, at 12:03 p.m.) (“Seeing Drewniak and Bridget early . . .”). [OGNJ-LEG-050519](#). Prior to Wildstein’s arrival, Crifo emailed him to ask that he “pop in” at 3:00 p.m. Email from Crifo to Wildstein (Oct. 2, 2013, at 12:00 p.m.). [OGNJ-LEG-050519](#). About an hour later, Crifo emailed to Egea a link to a *Star-Ledger* story reporting on the now public Foye Directive. Email from Crifo to Egea (Oct. 2, 2013, at 1:11 p.m.). [OGNJ-LEG-010076](#). Per a later text that Wildstein sent to Kelly, the meeting with Crifo (and perhaps Egea) was evidently cancelled. Text message from Wildstein to Kelly (Oct. 2, 2013, at 2:59 p.m.). [DW-002](#). Although it was Crifo who had invited Wildstein to “pop in” at 3:00 p.m., Wildstein said in his text to Kelly that it was Crifo’s boss, Egea, who had cancelled on him. It is therefore unclear whether the 3:00 p.m. meeting was to have been with Crifo, Egea, or both.

<sup>677</sup> See Samson Telephone Log Excerpts. [NJ-DS-0000045](#).

<sup>678</sup> Text message from Baroni to Wildstein (Oct. 2, 2013, at 3:45 p.m.). [DW-010](#).

<sup>679</sup> Samson is a former New Jersey Attorney General and is addressed by Baroni as “General.” See, e.g., email from Baroni to Samson (Sept. 13, 2013, at 7:51 a.m.). [PA-BB-000003](#).

<sup>680</sup> Text message from Wildstein to Baroni (Oct. 2, 2013 at 3:46 p.m.). [DW-010](#).

<sup>681</sup> See, e.g., Steve Strunsky, “Lawmakers and Port Authority’s own chief demand explanation of GWB ramp closings,” *Star-Ledger* (Oct. 2, 2013).

## I. October 2013

### 1. McKenna Briefs Governor Christie on Lane Closures

Media interest in the lane closures increased in the wake of the *Wall Street Journal's* story regarding the Foye Directive. On October 2, 2013, OOG directed a *Star-Ledger* reporter to the Port Authority,<sup>682</sup> while the Port Authority received independent inquiries from the *Star-Ledger*, *Daily News*, *Record*, and NJTV.<sup>683</sup> During the remainder of the week, NJ Today contacted the campaign,<sup>684</sup> the *Star-Ledger* reached out to Wildstein directly,<sup>685</sup> and the *Wall Street Journal* sought from the Port Authority a copy of Rep. Pascrell's September 13th letter to that agency.<sup>686</sup> At 7:11 a.m. on Friday, October 4, 2013, Drewniak emailed Chief of Staff Kevin O'Dowd a *Record* editorial critical of the lane closures.<sup>687</sup>

It is unclear why Drewniak forwarded this particular *Record* editorial to O'Dowd. However, during O'Dowd's Committee appearance, he noted that, through media reports and interactions with Drewniak in late September or early October, he became generally aware of allegations that the lane closures may have been politically motivated.<sup>688</sup> O'Dowd also recalled that in the early October timeframe, he was present when McKenna briefed Governor Christie on the results of McKenna's own inquiries into the controversy.<sup>689</sup> According to O'Dowd's testimony, "McKenna indicated to me and the Governor that he had conferred with the Port Authority and that this was, in fact, a lane closure, a traffic study, and that mistakes were made with respect to notifications."<sup>690</sup> Although O'Dowd was not certain, he testified that he believed McKenna's review was undertaken at the request of the Governor.<sup>691</sup>

What remains unknown to the Committee are (1) what, specifically, prompted Governor Christie to direct McKenna to review the situation; (2) what steps McKenna took to investigate; (3) to whom, precisely, McKenna spoke; and (4) on what basis McKenna concluded the lane closures had been part of a legitimate traffic study. Whatever inquiry was undertaken, it apparently was not sufficiently probing to determine that the traffic study explanation was inaccurate.

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<sup>682</sup> Email from Reed to Strunsky (Oct. 2, 2013, at 2:16 p.m.). [OGNJ-LEG-013162](#).

<sup>683</sup> Email from Marisco to Rechler, *et al.* (Oct. 2, 2013, at 6:01 p.m.). [PA-DW-000094](#).

<sup>684</sup> Email from Pina to Roberts (Oct. 4, 2013, at 9:21 a.m.). [CCFG\\_LSCI\\_00018](#).

<sup>685</sup> Email from Portnoy to Wildstein (Oct. 4, 2013, at 12:15 p.m.). [NJGA-035705](#).

<sup>686</sup> Email from Mann to Coleman (Oct. 4, 2013, at 2:11 p.m.). [PA-DW-000112](#).

<sup>687</sup> Email from Drewniak to O'Dowd (Oct. 4, 2013, at 7:11 a.m.). [OGNJ-LEG-024494](#).

<sup>688</sup> O'Dowd Testimony at 11.

<sup>689</sup> *Id.* at 98.

<sup>690</sup> *Id.*

<sup>691</sup> *Id.* at 104.

## 2. Port Authority Committee Hearings: October 7, 2013

On October 4, 2013, Wildstein forwarded Baroni a news item from the *Wall Street Journal* that noted Sen. Weinberg had requested to speak at a meeting of the Port Authority's Governance and Ethics Committee on October 7th.<sup>692</sup> Wildstein's subject line was "Hard to not let her speak."<sup>693</sup> An hour later, Wildstein texted Baroni, "Did you hear from Charlie [McKenna]?"<sup>694</sup>

During her Committee appearance, Egea testified that Sen. Weinberg's request to speak at a Port Authority committee hearing was unusual and that the Port Authority's bylaws are silent as to whether public comments are permissible: consequently, in Egea's estimation, whether to allow Sen. Weinberg to speak was a policy call.<sup>695</sup> Egea therefore advised Baroni to "discuss it with Charlie [McKenna]."<sup>696</sup> On Sunday, October 6th, the day before the Port Authority hearing, Egea followed up with Baroni, asking, "Where did we come out as to Comm mtg?"<sup>697</sup> Baroni replied:

I spoke with Charlie yesterday. He thought it best that sen Weinberg be told that while we don't have public comment at committee meetings, an exception should be made out of deference to her being a senator. Then apply the standard 3 minute limit with no dialogue. I'm sure her remarks will be harsh.<sup>698</sup>

Later that evening, Kelly emailed Wildstein a *Star-Ledger* story concerning Sen. Weinberg's anticipated appearance, and Wildstein replied, "Loretta [Weinberg] will speak at start of committee meeting (even though there is no public comment at this meeting) and Schuber is chairing."<sup>699</sup>

On October 7th, Sen. Weinberg appeared and spoke before the Port Authority's Governance and Ethics Committee.<sup>700</sup> At the hearing, the Senator expressed her frustration with the many unanswered questions concerning the lane closures and raised the possibility of issuing legislative subpoenas to obtain documents if necessary.<sup>701</sup> The appearance generated media inquiries directed at

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<sup>692</sup> Email from Wildstein to Baroni (Oct. 4, 2013, at 6:32 p.m.). [BARONI000304](#).

<sup>693</sup> *Id.*

<sup>694</sup> Text message from Wildstein to Baroni (Oct. 4, 2013, at 7:25 p.m.). [NJGA-000776](#). "Charlie" is believed to be a reference to Charlie McKenna.

<sup>695</sup> Egea Testimony at 86.

<sup>696</sup> *Id.*

<sup>697</sup> Email from Egea to Baroni (Oct. 6, 2013, at 7:34 a.m.). [BARONI000894](#).

<sup>698</sup> Email from Baroni to Egea (Oct. 6, 2013, at 9:14 a.m.). [BARONI000894](#).

<sup>699</sup> Email from Wildstein to Kelly (Oct. 6, 2013, at 6:49 p.m.). [NJGA-000619](#).

<sup>700</sup> *See, e.g.,* Steve Strunsky, "Lawmaker demands answers to GWB closure mystery at Port Authority meeting," *Star-Ledger* (Oct. 7, 2013).

<sup>701</sup> *Id.*

the Port Authority, which Coleman indicated he would not respond to.<sup>702</sup> Baroni replied, “Agree. No response.”<sup>703</sup>

Later in the day, Drewniak forwarded O’Dowd a press inquiry regarding Sen. Weinberg’s remarks.<sup>704</sup> It is unclear why, at this point, Drewniak was sending GWB-related items to O’Dowd individually.

While the Port Authority permitted Sen. Weinberg to speak, the behind-the-scenes discussions between Egea, Baroni, McKenna, Kelly, and Wildstein suggest a certain level of anxiety and discomfort about the situation and the growing focus on the GWB lane closures.

### 3. Port Authority Board of Commissioners Meeting: October 16, 2013

On October 15, 2013, Foye emailed Baroni a sample “FL gaggle response”: “An internal review is taking place. Upon completion of that review, we will determine what additional steps to take to ensure a similar situation does not recur.”<sup>705</sup> Baroni replied that the last clause about preventing a similar situation was “unhelpful” and asked that it be removed.<sup>706</sup> The next morning, Foye wrote back with the edit Baroni had requested.<sup>707</sup>

On October 16th, Sen. Weinberg attended a Port Authority Board of Commissioners meeting. Afterwards, Egea sent a report to O’Dowd, McKenna, and Drewniak:

Sen Weinberg attended bd mtg but did not speak. Had a hallway conv w Strunsky [*Star-Ledger*] and Ted Mann [*Wall Street Journal*] 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.<sup>708</sup>

Both Drewniak and O’Dowd testified that they were not aware of any particular “script,”<sup>709</sup> and Egea said the message of “all under review” was standard for an authority that had not completed fact-

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<sup>702</sup> Email from Coleman to Foye, *et al.* (Oct. 7, 2013, at 2:17 p.m.). [PA-DW-000120](#).

<sup>703</sup> Email from Baroni to Coleman, *et al.* (Oct. 7, 2013, at 2:27 p.m.). [PA-DW-000120](#).

<sup>704</sup> Email from Drewniak to O’Dowd (Oct. 7, 2013, at 5:41 p.m.). [OGNJ-LEG-050544](#).

<sup>705</sup> Email from Foye to Baroni (Oct. 15, 2013, at 7:52 p.m.). [BARONI000307](#).

<sup>706</sup> Email from Baroni to Foye (Oct. 15, 2013, at 8:25 p.m.). [BARONI000307](#).

<sup>707</sup> Email from Foye to Baroni (Oct. 16, 2013, at 8:15 a.m.). [BARONI000311](#).

<sup>708</sup> *See, e.g.*, email from Egea to O’Dowd, *et al.* (Oct. 16, 2013, at 2:34 p.m.). [OGNJ-LEG-050549](#).

<sup>709</sup> Drewniak Testimony at 162; O’Dowd Testimony at 95.



gathering for a particular issue, such as the lane closures.<sup>710</sup> Following the hearing, Wildstein emailed Drewniak that Sen. Weinberg was expected to seek subpoena power the next day: “Let me know if you get asked about it.”<sup>711</sup>

#### 4. Wall Street Journal Learns of Wildstein’s Role in Lane Closures

On October 17, 2013, *Wall Street Journal* reporter Mann contacted Coleman seeking comment on Mayor Sokolich’s September 12th letter to Baroni, which had detailed the Port Authority’s failure to warn Fort Lee in advance of the lane closures, the resulting traffic gridlock, and the impairment of emergency responders.<sup>712</sup> Mann noted that the Mayor’s letter not only raised the possibility the lane closures had been punitive but also indicated that PAPD officers told motorists the closures were the Mayor’s fault.<sup>713</sup> Coleman forwarded the inquiry to Foye, Baroni, Wildstein, and others, stating that he would not respond “unless instructed otherwise.”<sup>714</sup>

Wildstein quickly forwarded Coleman’s email to Drewniak<sup>715</sup> as well as a copy of Sokolich’s letter.<sup>716</sup>

A few hours later, Mann contacted Coleman again and this time said he had heard that Wildstein “was in Fort Lee directing the lane closure operation on Sept 9.”<sup>717</sup> Again, Coleman emailed Foye, Baroni, Wildstein, and others concerning Mann’s inquiry and wrote that he would not respond “unless directed otherwise.”<sup>718</sup> Wildstein then forwarded the message to Drewniak, writing “DIRECTING lane closures would be grossly inaccurate.”<sup>719</sup>

Later that evening, Drewniak texted O’Dowd, “A new high level of shit is hitting the fan tonight on the Ft Lee/GWB issue. Maybe you should know about it.”<sup>720</sup> Drewniak testified that he alerted O’Dowd to the growing controversy as it had “risen to . . . a political level” such that state lawmakers, including Sen. Weinberg, had begun asking questions about the issue.<sup>721</sup>

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<sup>710</sup> Egea Testimony at 81-82.

<sup>711</sup> Email from Wildstein to Drewniak (Oct. 16, 2013, at 3:48 p.m.). [NJGA-000687](#).

<sup>712</sup> See email from Coleman to Foye, *et al.* (Oct. 17, 2013, at 5:06 p.m.). [PA-DW-000046](#).

<sup>713</sup> See *id.*

<sup>714</sup> *Id.*

<sup>715</sup> Email from Wildstein to Drewniak (Oct. 17, 2013, at 5:13 p.m.). [NJGA-000686](#).

<sup>716</sup> Email from Wildstein to Drewniak (Oct. 17, 2013, at 5:44 p.m.). [NJGA-035711](#).

<sup>717</sup> Email from Coleman to Foye, *et al.* (Oct. 17, 2013, at 7:37 p.m.). [NJGA-000683](#).

<sup>718</sup> *Id.*

<sup>719</sup> Email from Wildstein to Drewniak (Oct. 17, 2013, at 7:53 p.m.). [NJGA-000683](#).

<sup>720</sup> Text message from Drewniak to O’Dowd (Oct. 17, 2013, at 9:48 p.m.). [OGNJ-LEG-050553](#).

<sup>721</sup> Drewniak Testimony at 135.

Similarly, Baroni emailed Samson under the subject line “Wsj update”: “I wanted to update you on a not good turn in the ft lee issue for tomorrow’s paper. I’m on my cell . . . and will be up for some time.”<sup>722</sup> Samson’s telephone logs do not indicate that he and Baroni spoke that evening.<sup>723</sup>

Despite the alarm in OOG and the New Jersey side of the Port Authority, the next day’s *Wall Street Journal* story mentioned only the Sokolich letter and did not immediately connect Wildstein to the lane closures.<sup>724</sup>

About ten days later, on October 28, 2013, Steve Strunsky of the *Star-Ledger* contacted the Port Authority,<sup>725</sup> OOG,<sup>726</sup> CCFG,<sup>727</sup> and the PAPBA<sup>728</sup> regarding Mayor Sokolich’s September 12th letter.

In his email to OOG, Strunsky asked if Governor Christie was aware of any political motivation for the lane closures and, if so, whether the Governor had consented to the closures.<sup>729</sup> Drewniak replied, “No, for goodness sake. The Governor of the State of New Jersey does not involve himself in traffic studies.”<sup>730</sup> Drewniak also directed campaign spokesman Roberts not to reply.<sup>731</sup> Meanwhile, Wildstein forwarded to Drewniak the inquiry received at the Port Authority, prompting Drewniak to comment, “Such a fucking mutt.”<sup>732</sup> Wildstein then forwarded to Baroni both his conversation with Drewniak and Strunsky’s outreach to the PAPBA.<sup>733</sup>

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<sup>722</sup> Email from Baroni to Samson (Oct. 17, 2013, at 10:02 p.m.). [BARONI000312](#).

<sup>723</sup> See Samson Telephone Log Excerpts. [NJ-DS-0000040](#).

<sup>724</sup> See “Greater New York Watch,” *Wall St. J.* (Oct. 17, 2013). The story identifying Wildstein would finally run on November 7, 2013. See *infra* Part IV.J.2.

<sup>725</sup> Email from Coleman to Foye, *et al.* (Oct. 28, 2013, at 2:49 p.m.). [NJGA-000682](#).

<sup>726</sup> Email from Strunsky to Drewniak (Oct. 28, 2013, at 1:41 p.m.). [NJGA-000679](#).

<sup>727</sup> Email from Strunsky to Roberts (Oct. 28, 2013, at 1:56 p.m.). [NJGA-035719](#).

<sup>728</sup> Email from Strunsky to Egbert (Oct. 28, 2013, at 1:41 p.m.). [BARONI000316](#). PABPA is the union representing PAPD officers.

<sup>729</sup> Email from Strunsky to Drewniak (Oct. 28, 2013, at 1:41 p.m.). [NJGA-000679](#).

<sup>730</sup> Email from Drewniak to Strunsky (Oct. 28, 2013, at 2:55 p.m.). [NJGA-000679](#). Despite Drewniak’s claim that the Governor did not involve himself in traffic studies, shortly before the lane closures Wildstein emailed Kelly and suggested the Mayor of Springfield be called and told the “Gov has approved \$60k for their traffic study,” apparently a reference to money earmarked for the township and designated for a “critical Traffic Study for Morris Avenue.” Email from Wildstein to Kelly (Sept. 6, 2013, at 2:50 p.m.). [NJGA-000575](#). Given the unavailability of Wildstein and Kelly, it is not clear whether Governor Christie himself, or rather OOG generally, approved the traffic study funds.

<sup>731</sup> Email from Drewniak to Roberts (Oct. 28, 2013, at 3:59 p.m.). [CCFG LSCI 00037](#).

<sup>732</sup> Email from Drewniak to Wildstein (Oct. 28, 2013, at 3:05 p.m.). [NJGA-000679](#).

<sup>733</sup> Email from Wildstein to Baroni (Oct. 28, 2013, at 3:18 p.m.) [NJGA-000679](#); email from Wildstein to Baroni (Oct. 28, 2013, at 3:21 p.m.) [BARONI000316](#).

Drewniak testified that following his review of the Foye Directive on October 1st, his view of the situation had changed.<sup>734</sup> Yet, as time progressed, Drewniak did not appear to take any additional fact-finding steps or question more rigorously Wildstein's claims of a traffic study. By late October, Drewniak was also aware that Mann claimed to have information placing Wildstein on the Bridge, directing the action on the first day of the closures. However, there is no evidence that Drewniak or anyone else in OOG exercised any skepticism of the "traffic study" story or asked for documentation to support the explanation Wildstein was offering.

## **J. November 2013**

### **1. Election Day: November 5, 2013**

On November 5, 2013, Governor Chris Christie was elected to a second term as Governor of the State of New Jersey.

### **2. Wall Street Journal Publishes Wildstein's Role in Lane Closures: November 7, 2013**

On the day following the Governor's re-election, November 6, 2013, Mann emailed Drewniak that he was working on a story that would name Wildstein as the individual responsible for directing the closures of the Fort Lee Access Lanes.<sup>735</sup> Mann also said his story would reiterate that the official explanation of a "traffic study" appeared to be contradicted by the Foye Directive and that Mayor Sokolich had suggested in his September 12th letter that the closures appeared to have been "punitive."<sup>736</sup> Mann asked Drewniak when Governor Christie became aware of the lane closures and whether the Governor directed Wildstein to implement them.<sup>737</sup> He also referred to a "culture of fear" within the Port Authority driven by Baroni and Wildstein.<sup>738</sup>

Mann contacted Coleman at the Port Authority with similar questions.<sup>739</sup> Coleman noted in an email to Samson, Rechler, Foye, Baroni, Wildstein, and others that Mann would "further refute any notion that this was part of a traffic study."<sup>740</sup> He then stated, "We will not respond to this inquiry unless directed to do so."<sup>741</sup>

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<sup>734</sup> Drewniak Testimony at 37.

<sup>735</sup> Email from Mann to Drewniak (Nov. 6, 2013, at 10:49 a.m.). [NJGA-000677](#).

<sup>736</sup> *Id.*

<sup>737</sup> *Id.*

<sup>738</sup> *Id.*

<sup>739</sup> Email from Coleman to Samson, *et al.* (Nov. 6, 2013, at 10:55 a.m.). [PA-DW-000162](#).

<sup>740</sup> *Id.*

<sup>741</sup> *Id.*

Wildstein forwarded Drewniak the email from Coleman,<sup>742</sup> and Drewniak replied back with the email he had received directly from Mann: “Will talk to you within the next hour.”<sup>743</sup> It is unclear if Drewniak and Wildstein actually spoke; however, at 12:08 p.m., Drewniak forwarded Wildstein a draft statement in response to Mann’s inquiries:

For goodness sake, the Governor of the state of New Jersey does not involve himself in traffic surveys.<sup>744</sup>

‘Culture of fear,’ that’s just silly. This is a bistate agency, and we expect New Jersey’s interests to be represented fully[.] That’s what we advocate for by definition appropriately but aggressively as needed. Maybe your ‘fearful’ sources are confused or disoriented by that.<sup>745</sup>

Wildstein then forwarded this draft to Baroni.<sup>746</sup> It is currently unknown what additional discussion Drewniak may have had with Wildstein, Baroni, or others. However, he ultimately sent to Mann only the first sentence of his proposed response.<sup>747</sup>

The next evening, November 7th, at 11:27 p.m., the *Wall Street Journal* posted online Mann’s story identifying Wildstein as the orchestrator of the lane closures.<sup>748</sup> Wildstein forwarded the story to Baroni<sup>749</sup> and to Drewniak.<sup>750</sup> Drewniak himself emailed a copy to Reed under the subject line, “Ugh.”<sup>751</sup>

Drewniak appeared to recognize the potential for negative fallout from the story. Yet, despite a significant story by a leading national newspaper placing the blame for the closures squarely at the feet of a New Jersey-affiliated member of the Port Authority, there is no evidence that the allegations in the *Journal* story prompted any additional review or inquiry within OOG as to the factual basis for claiming the lane closures had been part of a traffic study. As Drewniak’s statement to Mann indicated, OOG’s public line continued to support Wildstein and his representations.

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<sup>742</sup> Email from Wildstein to Drewniak (Nov. 6, 2013, at 11:13 a.m.). [NJGA-035721](#).

<sup>743</sup> Email from Drewniak to Wildstein (Nov. 6, 2013, at 11:36 a.m.). [NJGA-000677](#).

<sup>744</sup> As previously noted, *supra* fn. 730, there is evidence to the contrary.

<sup>745</sup> Email from Drewniak to Wildstein (Nov. 6, 2013, at 12:08 p.m.). [NJGA-000676](#).

<sup>746</sup> Email from Wildstein to Baroni (Nov. 6, 2013, at 12:11 p.m.). [NJGA-000676](#).

<sup>747</sup> Email from Drewniak to Mann (Nov. 6, 2013, at 1:05 p.m.). [OGNJ-LEG-013181](#).

<sup>748</sup> Ted Mann, “George Washington Bridge Jam Began With Phone Call,” *Wall St. J.* (Nov. 7, 2013).

<sup>749</sup> Email from Wildstein to Baroni (Nov. 8, 2013, at 12:07 a.m.). [BARONI000321](#).

<sup>750</sup> Email from Wildstein to Drewniak (Nov. 8, 2013, at 12:20 a.m.). [NJGA-035730](#).

<sup>751</sup> Email from Drewniak to Reed (Nov. 8, 2013, at 4:55 a.m.). [NJGA-035727](#).

### 3. Wildstein Tells Drewniak of Kelly and Stepien's Knowledge of the Lane Closures

Drewniak testified before the Committee that at some point prior to November 16, 2013, Wildstein stated to him, "Look, this [*i.e.*, closing the Fort Lee Access Lanes] is not something I did without letting people know. . . . I let Stepien and Kelly know about it."<sup>752</sup> Drewniak said he took Wildstein's information to Chief Counsel McKenna,<sup>753</sup> who, according to Drewniak, said, "'We're looking into this,' or words to that effect."<sup>754</sup> Drewniak did not say in his testimony who McKenna might have meant by "we" or what was being looked into.

### 4. Mid-November Developments

On November 7, 2013, Sen. Weinberg introduced Senate Resolution 127 ("S.R. 127") for the purpose of constituting the Senate State Government, Wagering, Tourism and Historic Preservation Committee as a special committee invested with subpoena power to investigate the lane closures.<sup>755</sup> Lado forwarded a copy of the resolution to Samson, Baroni, and Wildstein.<sup>756</sup> And, as previously noted, the Assembly Transportation Committee had also by this time publicly suggested holding hearings on the lane closures.<sup>757</sup>

On November 12, 2013, Wildstein emailed Drewniak to inform him that Sen. Weinberg, Assemblyman Gordon Johnson, and Bergen County Freeholder Jim Tedesco intended to speak at the Port Authority's Board meeting scheduled for the next day.<sup>758</sup> An hour later, Baroni texted Wildstein, "Are we being fired?"<sup>759</sup>

The next morning, November 13th, Asm. Wisniewski also notified the Port Authority of his desire to speak at that day's Board meeting.<sup>760</sup> Lado forwarded the request to Board Secretary Karen Eastman, with copies to Wildstein and Baroni.<sup>761</sup> Wildstein, in turn, sent the information to Drewniak.<sup>762</sup>

Later that day, Baroni and Wildstein discussed the possibility of preventing Sen. Weinberg and Asm. Wisniewski from attending the Board meeting. Wildstein asked, "Do we let Weinberg and wiz

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<sup>752</sup> Drewniak Testimony at 66.

<sup>753</sup> *Id.*

<sup>754</sup> *Id.* at 66-67.

<sup>755</sup> S.R. 127, 215th Leg. (N.J. 2013).

<sup>756</sup> Email from Lado to Samson, *et al.* (Nov. 8, 2013, at 9:42 a.m.). [PA-BB-000038](#).

<sup>757</sup> *See supra* Part IV.H.

<sup>758</sup> Email from Wildstein to Drewniak (Nov. 12, 2013, at 6:28 p.m.). [NJGA035735](#).

<sup>759</sup> Text message from Baroni to Wildstein (Nov. 12, 2013, at 7:24 p.m.). [DW-013](#).

<sup>760</sup> Email from Burton to "Speakers" (Nov. 13, 2013, at 9:56 a.m.). [NJGA-000669](#).

<sup>761</sup> Email from Lado to Eastman, *et al.* (Nov. 13, 2013, at 10:02 a.m.). [NJGA-000669](#).

<sup>762</sup> Email from Wildstein to Drewniak (Nov. 13, 2013, at 10:07 a.m.). [NJGA-000669](#).

attend? Can we stop them?”<sup>763</sup> Baroni answered, “How do we stop them? / It just creates an issue.”<sup>764</sup> Wildstein then replied, “I don’t see how but need to ask you,”<sup>765</sup> to which Baroni said, “Yeah they will beat us up either way.”<sup>766</sup>

During the Board meeting, Sen. Weinberg again raised the possibility of legislative subpoenas pursuant to the pending Senate resolution, S.R. 127. Asm. Wisniewski also discussed issuing subpoenas through the Assembly Transportation Committee, which he chaired. The following day, on November 14, 2013, Port Authority Deputy General Counsel Phil Kwon forwarded to Crifo a copy of S.R. 127.<sup>767</sup> Crifo, in turn, sent the resolution to Egea<sup>768</sup> and separately forwarded it to OOG counsel.<sup>769</sup>

## 5. Baroni Testifies Before Assembly Transportation Committee

### *a. Preparing Baroni’s Opening Statement*

In the period from November 15th to 18th Baroni worked with aide Gretchen DiMarco and Wildstein to craft a statement concerning the lane closures.<sup>770</sup> The origin of the draft and the reasons why, in mid-November, Baroni, DiMarco, and Wildstein were preparing such a document are not clear. However, by this point, S.R. 127 was pending and Asm. Wisniewski had publicly raised the possibility of holding hearings into the lane closures.

On Monday, November 18th, Wildstein continued to refine the statement and throughout the day emailed Baroni five revised versions.<sup>771</sup> The last draft sent by Wildstein that day asserted that, based on E-ZPass data, Fort Lee residents accounted for only 4.5 percent of Bridge traffic, and the statement incorrectly claimed that three of the twelve upper level toll lanes—25 percent—were reserved for this small volume of drivers.<sup>772</sup> (In fact, as confirmed by Foye, the Fort Lee Access Lanes are used by drivers from throughout the region, not just those residing in Fort Lee, and, according to Foye, the percentage of traffic entering the Bridge through those lanes is proportional to the number of

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<sup>763</sup> Text message from Wildstein to Baroni (Nov. 13, 2013, at 12:03 p.m.). DW-012.

<sup>764</sup> Text message from Baroni to Wildstein (Nov. 13, 2013, at 12:04 p.m.). DW-012.

<sup>765</sup> Text message from Wildstein to Baroni (Nov. 13, 2013, at 12:04 p.m.). DW-012.

<sup>766</sup> Text message from Baroni to Wildstein (Nov. 13, 2013, at 12:05 p.m.). DW-012.

<sup>767</sup> Email from Kwon to Crifo (Nov. 14, 2013, at 2:58 p.m.). OGNJ-LEG-009861.

<sup>768</sup> Email from Crifo to Egea (Nov. 14, 2013, at 3:08 p.m.). OGNJ-LEG-010085.

<sup>769</sup> Email from Crifo to Melick & Nurick (Nov. 14, 2013, at 3:30 p.m.). OGNJ-LEG-010081.

<sup>770</sup> *See, e.g.*, email from DiMarco to Baroni (Nov. 15, 2013, at 11:20 p.m.). BARONI000323.

<sup>771</sup> Email from Wildstein to Baroni (Nov. 18, 2013, at 8:43 a.m.) BARONI000326; email from Wildstein to Baroni (Nov. 18, 2013, at 8:55 a.m.) BARONI000331; email from Wildstein to Baroni (Nov. 18, 2013, at 9:16 a.m.) BARONI000336; email from Wildstein to Baroni (Nov. 18, 2013, at 12:06 p.m.) BARONI000341; and email from Wildstein to Baroni (Nov. 18, 2013, at 12:41 a.m.) (“Draft Statement”) BARONI000348 and BARONI000349.

<sup>772</sup> Draft Statement at 1. BARONI000349.

lanes—about 25 percent.<sup>773</sup>) The draft statement also claimed that Wildstein had been motivated to review the Fort Lee Access Lanes as a result of “conversations with members of the Port Authority Police Department.”<sup>774</sup>

Further, the statement asserted that Wildstein conferred with Engineering, Traffic Engineering, and TBT in August 2013 “to review the situation.”<sup>775</sup> According to the statement, the Chief Engineer (*i.e.*, Zipf) informed the Director of TBT (*i.e.*, Fulton) that the study would commence on September 9th.<sup>776</sup> In this regard, the draft statement is in direct contradiction of Fulton’s clear recollection that it had been Wildstein, not Zipf, who so informed him.<sup>777</sup> The draft further claimed that Fulton informed the GWB General Manager (*i.e.*, Durando) of the lane closures,<sup>778</sup> a point plainly contradicted by Durando’s testimony that he was directed by Wildstein, not Fulton.<sup>779</sup>

The draft cites the Traffic Engineering analysis of data collected on Tuesday, September 10th, and Wednesday, September 11th, that showed improvements to mainline traffic flows.<sup>780</sup> And, finally, the draft blamed “communication breakdowns” for the failure to alert Fort Lee officials to the closures,<sup>781</sup> despite Durando’s testimony that Wildstein had explicitly directed him not to speak with Fort Lee,<sup>782</sup> and Baroni’s own repeated failures to simply return one of Mayor Sokolich’s calls or texts.

On or about November 18th, Port Authority Chair Samson telephoned OOG Authorities Unit Director Egea to ask that she assist Baroni in preparing the statement—in effect bringing OOG into the process of assisting a high-ranking Port Authority official in crafting a statement regarding the lane closures that would ultimately be provided to a legislative body.<sup>783</sup> According to Egea’s testimony, she had never previously been requested by Chair Samson to support someone in preparing a written statement or testimony.<sup>784</sup>

According to Egea, she was asked to help make Baroni’s statement “as concise and to the point as we possibly could.”<sup>785</sup> However, rather than receive a copy of the draft statement by email, Egea

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<sup>773</sup> See Foye Testimony at 204-05.

<sup>774</sup> Draft Statement at 4. BARONI000349.

<sup>775</sup> *Id.*

<sup>776</sup> *Id.* at 8.

<sup>777</sup> Fulton Testimony at 15-16.

<sup>778</sup> Draft Statement at 9. BARONI000349.

<sup>779</sup> Durando Testimony at 82.

<sup>780</sup> Draft Statement at 10. BARONI000349.

<sup>781</sup> *Id.* at 11. BARONI000349.

<sup>782</sup> Durando Testimony at 93-94.

<sup>783</sup> Egea Testimony at 204; *see also* Samson Telephone Log Excerpts NJ-DS-0000040.

<sup>784</sup> Egea Testimony at 57.

<sup>785</sup> *Id.* at 37.

testified that a hard copy version was hand delivered to her in Trenton.<sup>786</sup> Egea said this was “unusual,” but that she believed the restriction on email transmission was a way to “retain control” of who had access to the draft—although it is unclear how simply emailing the document directly to Egea alone would have been any different functionally than providing a scanable hard copy to her via hand delivery.<sup>787</sup>

Egea made extensive handwritten edits to the draft statement and recommended shortening it considerably.<sup>788</sup> Among other things, her edits eliminated any references to Wildstein, including his asserted role in conferring with PAPD or Port Authority Engineering in advance of the lane closures.<sup>789</sup> According to her testimony, Egea still believed at this time that the closures had been part of a legitimate traffic study;<sup>790</sup> however, she testified she requested no backup documentation or other materials from Baroni to support that claim.<sup>791</sup> Rather, Egea testified that she worked solely off of the draft statement.<sup>792</sup>

In her committee testimony, Egea recalled a teleconference in which she and Crifo spoke with Baroni and Wildstein about the statement.<sup>793</sup> Egea also recalled a conversation at some point with OOG Chief Counsel McKenna regarding the Baroni statement.<sup>794</sup> However, there is no indication that during this process McKenna noted to anyone that he was aware of—and had even looked into, according to Drewniak’s testimony<sup>795</sup>—allegations by Wildstein that he had informed Stepien and Kelly of the lane closures.

Egea said Kelly also asked to see a copy of Baroni’s statement, and Egea provided one.<sup>796</sup> According to Egea, she felt that it made sense to share the document with Kelly, whose IGA organization worked directly with local officials.<sup>797</sup> Egea said she did not discuss the substance of the draft with Kelly or seek any feedback from her.<sup>798</sup> Nevertheless, her provision of the draft statement to Kelly appears to

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<sup>786</sup> *Id.* at 193-94.

<sup>787</sup> *Id.* It is not clear who bore the cost in terms of labor hours and other expenses of hand delivering the document to Egea in Trenton as opposed to electronically sending it to her.

<sup>788</sup> See Draft Statement with Handwritten Edits. NJGA-000688.

<sup>789</sup> *Id.*

<sup>790</sup> Egea Testimony at 172-73.

<sup>791</sup> *Id.* at 205.

<sup>792</sup> *Id.* at 118.

<sup>793</sup> *Id.* at 170.

<sup>794</sup> *Id.* at 172.

<sup>795</sup> Drewniak Testimony at 66-67.

<sup>796</sup> Egea Testimony at 213-14.

<sup>797</sup> *Id.*

<sup>798</sup> *Id.* at 215.



have defeated the document control purpose asserted as the basis for avoiding email transmission, and it calls into question whether document control was the reason for hand delivering the draft in the first instance.

On November 20, 2013, Baroni was officially invited to testify on November 25, 2013, before the Assembly Transportation Committee concerning the lane closures.<sup>799</sup> Baroni forwarded the invitation to Crifo<sup>800</sup> and to Egea.<sup>801</sup> Crifo then forwarded it to McKenna (and Egea),<sup>802</sup> and McKenna passed a copy along to O'Dowd.<sup>803</sup>

A similar invitation was extended to Wildstein.<sup>804</sup>

On November 22, 2013, Baroni blocked off an hour at 10:00 a.m. and another two hours at 3:00 p.m. to meet with Kwon and Wildstein;<sup>805</sup> however, neither Baroni's nor Kwon's calendar indicates the purpose of these meetings.

*b. Assembly Transportation Committee Testimony: November 25, 2013*

Shortly after 10:00 a.m. on November 25, 2013, Baroni, accompanied by Kwon, testified before the Assembly Transportation Committee.<sup>806</sup> Baroni's testimony was not given under oath. Despite the significant editing proposed by Egea, Baroni's opening statement to the committee contained much of the material Egea had recommend cutting.<sup>807</sup> Baroni testified that, after "multiple conversations with members of the Port Authority Police<sup>808</sup> regarding traffic conditions," Wildstein met in August 2013 with Port Authority staff in Engineering, Traffic Engineering, and TBT "to review the situation."<sup>809</sup> The clear theme of Baroni's testimony was that the lane closures had been part of a bona fide traffic study.<sup>810</sup> During his testimony, Baroni frequently responded to questions by attempting to debate whether it was

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<sup>799</sup> Email from Chance to Baroni (Nov. 20, 2013, at 4:43 p.m.). [OGNJ-LEG-009869](#).

<sup>800</sup> Email from Baroni to Crifo (Nov. 20, 2013, at 5:51 p.m.). [OGNJ-LEG-009869](#).

<sup>801</sup> Email from Baroni to Egea (Nov. 20, 2013, at 5:51 p.m.). [OGNJ-LEG-010248](#).

<sup>802</sup> Email from Crifo to Egea & McKenna (Nov. 20, 2013, at 6:17 p.m.). [OGNJ-LEG-032334](#).

<sup>803</sup> Email from McKenna to O'Dowd (Nov. 20, 2013, at 6:18 p.m.). [OGNJ-LEG-032334](#).

<sup>804</sup> Letter from Asm. Wisniewski to Wildstein (Nov. 20, 2013). [NJGA-000439](#).

<sup>805</sup> Outlook calendar entry (Nov. 22, 2013, at 10:00 a.m.) [BARONI003351](#) and Outlook calendar entry (Nov. 22, 2013, at 3:00 p.m.) [BARONI003356](#).

<sup>806</sup> See Baroni Testimony. On Kwon's attendance, see, e.g., Ted Mann, "Bridge Lane Closures Are Questioned," *Wall St. J.* (Nov. 25, 2013).

<sup>807</sup> Compare Baroni Testimony at 3-8 with Draft Statement with Handwritten Edits [NJGA-000688](#).

<sup>808</sup> Baroni identified the PAPD police personnel as PAPBA President Paul Nunziato and PAPBA Delegate Mike DeFilippis. Baroni Testimony at 29.

<sup>809</sup> *Id.* at 5.

<sup>810</sup> See, e.g., *id.* at 6 ("Mr. Wildstein requested that a one-week *study* be conducted . . .") (emphasis added).

“fair” to maintain the three lanes for traffic passing through Fort Lee.<sup>811</sup> Baroni’s arguments about fairness were largely based on the inaccurate suggestion that 25 percent of the toll lanes were being reserved for only 4.5 percent of commuters.<sup>812</sup>

Following his testimony, Baroni texted Wildstein for feedback.<sup>813</sup> Wildstein responded, “PAPD said all was fine / You did great.”<sup>814</sup> Baroni then asked for feedback from “Trenton.”<sup>815</sup> Wildstein wrote, “Good,”<sup>816</sup> to which Baroni remarked, “Just good? Shit.”<sup>817</sup> Wildstein then replied, “No I have only texted brudget [sic] [Kelly] and Nicole [Crifo] they were VERY happy.”<sup>818</sup> Wildstein later added, “Both said you are doing great / Charlie [McKenna] said you did GREAT.”<sup>819</sup>

Shortly after this exchange, Drewniak emailed Wildstein, “Seems to be going okay overall . . . .”<sup>820</sup> Wildstein replied, “Most importantly Gov was not brought into this.”<sup>821</sup>

The following day Stepien texted Baroni, “Hey, great job yesterday. I know it’s not a fun topic, and not nearly as fun as beating up on Frank Lautenberg, but you did great, and I wanted to thank you.”<sup>822</sup> Baroni replied, “Thanks William. Loretta [Weinberg] and wis [Wisniewski] will keep their nonsense but at least we have explained the counter narrative.”<sup>823</sup>

## 6. Late November 2013

Baroni’s testimony did not quell the controversy surrounding the lane closures and, in fact, calls intensified for an official investigation. On November 27, 2013, *Star-Ledger* editorial writer Jim Namiotka sought comment for an upcoming editorial calling for legislative subpoenas into the matter.<sup>824</sup> When Wildstein forwarded the request to Drewniak, Drewniak wrote back, “Fuck him and the S-L.”<sup>825</sup>

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<sup>811</sup> See, e.g., *id* at 24-27, 30-31 & 44-45,

<sup>812</sup> *Id.* at 4-5, 53 & 57.

<sup>813</sup> Text message from Baroni to Wildstein (Nov. 25, 2013, at 11:56 a.m.). [BARONI000413](#).

<sup>814</sup> Text message from Wildstein to Baroni (Nov. 25, 2013, at 11:58 a.m.). [BARONI000413](#).

<sup>815</sup> Text message from Baroni to Wildstein (Nov. 25, 2013, at 11:59 a.m.). [BARONI000413](#).

<sup>816</sup> Text message from Wildstein to Baroni (Nov. 25, 2013, at 11:59 a.m.). [BARONI000413](#).

<sup>817</sup> Text message from Baroni to Wildstein (Nov. 25, 2013, at 11:59 a.m.). [BARONI000413](#).

<sup>818</sup> Text message from Wildstein to Baroni (Nov. 25, 2013, at 12:00 p.m.). [BARONI000413](#).

<sup>819</sup> Text message from Wildstein to Baroni (Nov. 25, 2013, at 12:00 p.m.). [BARONI000413](#).

<sup>820</sup> Email from Drewniak to Wildstein (Nov. 25, 2013, at 12:45 p.m.). [OGNJ-LEG-050602](#).

<sup>821</sup> Email from Wildstein to Drewniak (Nov. 25, 2013, at 1:00 p.m.). [OGNJ-LEG-050604](#).

<sup>822</sup> Text message from Stepien to Baroni (Nov. 25, 2013, at 9:15 a.m.). [BARONI000415](#).

<sup>823</sup> Text message from Baroni to Stepien (Nov. 25, 2013, at 9:51 a.m.). [BARONI000415](#).

<sup>824</sup> Email from Bell to Baroni, *et al.* (Nov. 27, 2013, at 11:59 a.m.). [BARONI000369](#).

<sup>825</sup> Email from Drewniak to Wildstein (Nov. 27, 2013, at 12:13 p.m.). [BARONI000369](#).

Wildstein replied, “Good,” then forwarded the correspondence to Baroni.<sup>826</sup> Namiotka likewise reached out to the Port Authority, and Baroni directed that the agency not respond.<sup>827</sup>

The same day, state Sen. Richard Codey wrote to the Port Authority’s Office of Inspector General asking that it open an investigation into the lane closures.<sup>828</sup>

Also on November 27th, the Assembly Transportation Committee issued a subpoena for the testimony of Patrick Foye on December 9, 2013.<sup>829</sup> Wildstein forwarded the announcement and a copy of the Foye subpoena to Crifo,<sup>830</sup> who in turn sent them along to McKenna and Egea.<sup>831</sup> Crifo also sent to McKenna and Egea a link to a story about Sen. Codey’s letter to the Port Authority OIG.<sup>832</sup>

## **K. December 2013**

### **1. December 2, 2013 Press Conference**

At 10:28 a.m. on December 2, 2013, OOG media relations staff began preparing sample questions that Governor Christie might field at a press conference planned for later in the day.<sup>833</sup> Comella emailed Drewniak and Reed, “[L]et’s start the list of questions,” and included among the potential topics, “Hearing on GW bridge closure.”<sup>834</sup> Comella later sent the list of topics to O’Dowd, adding a subtopic, “Foye subpoena.”<sup>835</sup>

During his press conference, Governor Christie was in fact asked questions about the lane closures. In response to one reporter’s question, the Governor appeared to joke that he was personally responsible for the closures: “I worked the cones, actually, Matt. Unbeknownst to everybody I was actually the guy out there. I was in overalls and a hat so I wasn’t—but I actually was the guy working the cones out there. You really are not serious with that question.”<sup>836</sup>

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<sup>826</sup> Email from Wildstein to Baroni (Nov. 27, 2013, at 12:36 p.m.). [BARONI000369](#).

<sup>827</sup> Email from Baroni to Coleman, *et al.* (Nov. 27, 2013, at 1:17 p.m.). [PA-DW-000247](#).

<sup>828</sup> See email from Coleman to Foye, *et al.* (Nov. 27, 2013, at 1:35 p.m.). [PA-DW-000248](#).

<sup>829</sup> Subpoena *ad testificandum* to P. Foye (Nov. 27, 2013).

<sup>830</sup> Email from Wildstein to Crifo (Nov. 27, 2013, at 4:04 p.m.). [OGNJ-LEG-019859](#). The recipient of the email is not apparent on its face; however, electronic metadata identifies the email as belonging to Crifo.

<sup>831</sup> Email from Crifo to McKenna & Egea (Nov. 27, 2013, at 4:29 p.m.). [OGNJ-LEG-013745](#).

<sup>832</sup> Email from Crifo to McKenna & Egea (Nov. 27, 2013, at 4:10 p.m.). [OGNJ-LEG-032709](#).

<sup>833</sup> Email from Comella to Drewniak & Reed (Dec. 2, 2013, at 10:28 a.m.). [OGNJ-LEG-023311](#).

<sup>834</sup> *Id.*

<sup>835</sup> Email from Comella to O’Dowd (Dec. 2, 2013, at 11:31 a.m.). [OGNJ-LEG-036305](#).

<sup>836</sup> See email from Saenz to Wildstein (Dec. 3, 2013, at 11:21 a.m.) (excerpting a portion of Governor Christie’s December 2, 2013 press conference). [NJGA-000658](#). The Governor’s mention of “Matt” is a reference to Matt Katz of New Jersey Public Radio, who had asked the Governor a question about the lane closures.

## 2. Wildstein and Drewniak Meet for Dinner: December 4, 2013

On December 3, 2013, Port Authority Deputy Director of Media Relations Coleman emailed Foye, Baroni, Wildstein, and others about a request for comment on the lane closures from a *Star-Ledger* editorial writer.<sup>837</sup> Coleman said he would not respond “unless instructed to do so.”<sup>838</sup> Wildstein forwarded the thread to Drewniak and then later wrote, “Need to talk to you soon, in person, once you get caught up and have some time.”<sup>839</sup>

The next day, December 4, 2013, Drewniak responded to Wildstein’s request to meet, and the two agreed to have dinner that evening at Steakhouse 85 in New Brunswick, N.J.<sup>840</sup>

Drewniak testified that by this point in time he knew that Wildstein would soon be asked to resign from the Port Authority.<sup>841</sup> Drewniak said it was well known that Wildstein was not going to last into the Governor’s second term and that the “mishandling” of the purported “traffic study,” as well as the negative attention it had drawn, helped to accelerate Wildstein’s departure.<sup>842</sup> As he was heading out of the office to meet Wildstein, Drewniak encountered McKenna. Drewniak testified that he asked McKenna what he should say if Wildstein inquired about his future during the dinner, and McKenna told him to use his judgment.<sup>843</sup>

Drewniak testified that during the dinner Wildstein seemed concerned about his future and his reputation.<sup>844</sup> Throughout, according to Drewniak, Wildstein maintained that the lane closures had been part of a legitimate traffic study,<sup>845</sup> and he lamented that he had not been able to “nip this in the bud earlier.”<sup>846</sup> Drewniak also testified Wildstein repeated his earlier allegations that both Kelly and Stepien had known of the lane closures.<sup>847</sup> In Drewniak’s estimation, Wildstein seemed to be “offering

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<sup>837</sup> Email from Coleman to Foye, *et al.* (Dec. 3, 2013, at 3:06 p.m.). [NJGA-000653](#).

<sup>838</sup> *Id.*

<sup>839</sup> Email from Wildstein to Drewniak (Dec. 3, 2013, at 10:51 p.m.). [NJGA-000653](#).

<sup>840</sup> Drewniak Testimony at 106-07 *and* email from Wildstein to Drewniak (Dec. 4, 2013, at 8:40 a.m.). [NJGA-000653](#).

<sup>841</sup> Drewniak Testimony at 107-09.

<sup>842</sup> *Id.* at 108.

<sup>843</sup> *Id.* at 109.

<sup>844</sup> *Id.* at 52.

<sup>845</sup> *Id.* at 53.

<sup>846</sup> *Id.* at 116.

<sup>847</sup> *Id.* at 52.

up” other people, which caused Drewniak some concern.<sup>848</sup> However, Drewniak said Wildstein did not mention email evidence of anyone else’s knowledge or involvement.<sup>849</sup>

Drewniak also testified that during their dinner Wildstein mentioned for the first time that Governor Christie himself had known of the lane closures while they were in effect.<sup>850</sup> According to Drewniak’s testimony, Wildstein told him that he spoke with the Governor at the 9/11 Memorial during the week of the closures: “[Wildstein] said, ‘I told the Governor about the traffic study,’ and [Wildstein] said that he had done that on September 11.”<sup>851</sup>

Drewniak testified that at the conclusion of the dinner, Wildstein placed a file folder on the table and claimed that it contained documentation of the traffic study, stating, “This is the traffic study. We should have been able to get this out there. We could have relied on this. . . . Here is the communications with all the engineers before September 9; here are renderings and options.”<sup>852</sup> Drewniak testified that he did not “pay close attention” to Wildstein’s documents and that Wildstein did not provide him a copy of the folder to keep.<sup>853</sup>

The following day, Drewniak received an email from Wildstein thanking him for “all your sound advice last night.”<sup>854</sup> Drewniak testified that he did not know what “advice” Wildstein had in mind and that he had only acted as Wildstein’s “sounding board,” suggesting that Wildstein wait and “see how things work out.”<sup>855</sup>

### 3. Drewniak Relays Wildstein’s Dinner Comments to Governor

The following day, December 5, 2013, Drewniak was in Chief of Staff O’Dowd’s office when Governor Christie entered.<sup>856</sup> Drewniak then related to Governor Christie what Wildstein had told him the previous evening.<sup>857</sup> In particular, according to Drewniak’s testimony, he told Governor Christie that Wildstein had alleged both Kelly and Stepien had known of the lane closures and that Wildstein “was

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<sup>848</sup> *Id.* at 84 & 130.

<sup>849</sup> *Id.* at 136.

<sup>850</sup> *Id.* at 52 & 118.

<sup>851</sup> *Id.* at 118.

<sup>852</sup> *Id.* at 94.

<sup>853</sup> *Id.* at 94-95.

<sup>854</sup> Email from Wildstein to Drewniak (Dec. 5, 2014, at 8:26 a.m.). [NJGA-000650](#).

<sup>855</sup> Drewniak Testimony at 122.

<sup>856</sup> *Id.* at 119.

<sup>857</sup> *Id.*

angry about it because he felt that he was being treated badly when other people knew that he had done this.”<sup>858</sup>

Moreover, Drewniak testified that he told Governor Christie that Wildstein alleged to have discussed the lane closures with the Governor himself when they were both present at the 9/11 Memorial.<sup>859</sup> According to Drewniak, the Governor was “incredulous,” and said words to the effect of “What? He tells me something about a traffic study and I’m supposed to know what he’s talking about?”<sup>860</sup>

#### 4. Wildstein Resigns: December 6, 2013

On the evening of December 5th, 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.”<sup>861</sup> McKenna replied, “I will talk to Wildstein tomorrow and Bill next week.”<sup>862</sup>

At 11:28 a.m. on December 6, 2013, Wildstein texted Drewniak: “Spoke with Charlie need to speak with you ASAP.”<sup>863</sup> Drewniak replied with a telephone number where he could be reached.<sup>864</sup>

At 12:03 p.m., someone using a Port Authority telephone number called DuHaime and spoke for 26 minutes.<sup>865</sup> While that call was in progress, Drewniak emailed McKenna and Comella a draft statement on Wildstein’s impending resignation: “Mr. Wildstein has been a tireless advocate for New Jersey’s interests at the Port Authority, and we are grateful for his dedication. We wish him well in his next and future endeavors.”<sup>866</sup> McKenna<sup>867</sup> and Comella<sup>868</sup> both emailed back their approval.

At 2:29 p.m., Drewniak emailed Wildstein, “I need to know what’s going on as far as timing and Charlie’s itchiness.”<sup>869</sup> Drewniak also included two slightly revised statements, but cautioned that McKenna and Comella had already approved the original statement, “so I can’t go much further.”<sup>870</sup>

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<sup>858</sup> *Id.*

<sup>859</sup> *Id.*

<sup>860</sup> *Id.*

<sup>861</sup> Text message from Drewniak to McKenna (Dec. 5, 2013, at 8:00 p.m.). [NJGA-028740](#). These text messages were produced using Coordinated Universal Time and have been adjusted here to Eastern Standard Time.

<sup>862</sup> Text message from McKenna to Drewniak (Dec. 5, 2013, at 9:25 p.m.). [NJGA-028740](#).

<sup>863</sup> Text message from Wildstein to Drewniak (Dec. 6, 2013, at 11:28 a.m.). [NJGA-028740](#).

<sup>864</sup> Text message from Drewniak to Wildstein (Dec. 6, 2013, at 11:37 a.m.). [NJGA-028740](#).

<sup>865</sup> See DuHaime Call Logs. [NJSCI008264](#).

<sup>866</sup> Email from Drewniak to McKenna & Comella (Dec. 6, 2013, at 12:20 p.m.). [OGNJ-LEG-071553](#).

<sup>867</sup> Email from McKenna to Drewniak & Comella (Dec. 6, 2013, at 12:24 p.m.). [OGNJ-LEG-072598](#).

<sup>868</sup> Email from Comella to Drewniak & McKenna (Dec. 6, 2013, at 12:34 p.m.). [OGNJ-LEG-072703](#).

<sup>869</sup> Email from Drewniak to Wildstein (Dec. 6, 2013, at 2:29 p.m.). [NJGA-000656](#).

At 3:48 p.m., Drewniak emailed Governor Christie one of the revised statements that he had shared with Wildstein: “Mr. Wildstein has been a tireless advocate for New Jersey’s interests at the Port Authority. We are grateful for his commitment and dedication to the important work of the Port Authority.”<sup>871</sup> The Governor replied back, adding to the end of the statement, “and we thank him for his service to the people of New Jersey and the region.”<sup>872</sup> Governor Christie then forwarded the email thread to his political advisor DuHaime, writing, “FYI . . . keep to yourself.”<sup>873</sup>

At 4:51 p.m., Wildstein texted Drewniak, “My calls are made.”<sup>874</sup> Drewniak replied, “I know. Saw [Record reporter Shawn] Boburg’s story. They are calling here now.”<sup>875</sup> Drewniak then forwarded to Boburg the statement as approved by Governor Christie.<sup>876</sup> Initially, Wildstein intended his resignation to become effective at the end of the year,<sup>877</sup> but the following week Wildstein was asked to step down immediately.<sup>878</sup>

The next evening, December 7, 2013, Drewniak texted Wildstein to see how he was faring after the resignation announcement.<sup>879</sup> Wildstein replied, “Doing fine. A little bummed out, a small amount of growing anger. My father thinks it’s the end of the world. But in the village having dinner and nothing some Valium won’t fix. Thanks for checking in and for being a great friend.”<sup>880</sup>

##### 5. Port Authority Officials Testify Before Assembly Transportation Committee: December 9, 2013

On December 9, 2013, three Port Authority officials appeared and testified under oath before the Assembly Transportation Committee: (1) Executive Director Patrick Foye;<sup>881</sup> (2) TBT Director Cedrick Fulton;<sup>882</sup> and (3) GWB General Manager Robert Durando.<sup>883</sup> As detailed throughout this Report, the

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<sup>870</sup> *Id.*

<sup>871</sup> Email from Drewniak to Governor Christie (Dec. 6, 2013, at 3:48 p.m.). [NJGA-035783](#).

<sup>872</sup> Email from Governor Christie to Drewniak (Dec. 6, 2013, at 3:51 p.m.). [NJGA-035784](#).

<sup>873</sup> Email from Governor Christie to DuHaime (Dec. 6, 2013, at 3:55 p.m.). [NJSCI005787](#).

<sup>874</sup> Text message from Wildstein to Drewniak (Dec. 6, 2013, at 4:51 p.m.). [NJGA-028740](#).

<sup>875</sup> Text message from Drewniak to Wildstein (Dec. 6, 2013, at 4:53 p.m.). [NJGA-028740](#).

<sup>876</sup> Email from Drewniak to Boburg (Dec. 6, 2013, at 5:14 p.m.). [NJGA-000655](#).

<sup>877</sup> See, e.g., Shawn Boburg, “Port Authority official at center of lane-closure controversy quits,” *Record* (Bergen) (Dec. 6, 2013).

<sup>878</sup> See O’Dowd Testimony at 57.

<sup>879</sup> Text message from Drewniak to Wildstein (Dec. 7, 2013, at 8:30 p.m.). [NJGA-028740](#).

<sup>880</sup> Text message from Wildstein to Drewniak (Dec. 7, 2013, at 8:33 p.m.). [NJGA-028740](#).

<sup>881</sup> Foye Testimony.

<sup>882</sup> Fulton Testimony.

<sup>883</sup> Durando Testimony.

testimony raised serious questions about the existence of any traffic study and cited numerous irregularities and violations of Port Authority policy in the way the lane closures had been implemented.

Foye stated during his testimony that he was not aware of any traffic study prepared in connection with the lane closures.<sup>884</sup> He also testified that none of the Port Authority's standard procedures or policies were followed in closing off the Fort Lee Access Lanes.<sup>885</sup> Foye said that he, as the Port Authority's Executive Director, was not informed of the lane closures until the evening of September 12th, *i.e.*, the fourth day.<sup>886</sup> And, finally, Foye testified that he believed the lane closures had violated federal law.<sup>887</sup>

Fulton testified that traffic studies are typically conducted "through the use of technology" embedded in the roadway that provides traffic counts or from actual individuals stationed to monitor traffic flows.<sup>888</sup> He further said it was unprecedented for an instruction on lane closures or diversions to have been given directly to the GWB manager rather than through himself as the director of TBT.<sup>889</sup> According to Fulton, he warned Wildstein, "This will not end well."<sup>890</sup> When asked by the Committee if he would have feared for his employment had he resisted, Fulton stated that he had been concerned he "could be accused of not following the chain of command."<sup>891</sup>

In his appearance, Durando stated it was "odd" and "wrong" for Wildstein to direct changes in Bridge traffic patterns.<sup>892</sup> He also suggested that he implemented the change, despite his reservations, because he believed Wildstein had the authority to terminate his employment and he did not want to "tempt fate."<sup>893</sup> When asked by the Committee if it was possible that he could have been fired for defying Wildstein, Durando testified, "Anything is possible."<sup>894</sup> According to Durando, the changes were made without careful deliberation, without following proper processes, and without notification to the

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<sup>884</sup> Foye Testimony at 167.

<sup>885</sup> *Id.* at 144.

<sup>886</sup> *Id.* at 151.

<sup>887</sup> *Id.* at 187.

<sup>888</sup> Fulton Testimony at 13-14. As noted above, the Assembly Transportation Committee also heard from licensed engineer Hal Simoff, a specialist in traffic engineering. Simoff testified that he would not conduct a traffic study by physically diverting lanes but would instead measure traffic volumes and use computer models to estimate impacts. *See supra* at Part IV.D and Simoff Testimony at 219.

<sup>889</sup> Fulton Testimony at 17.

<sup>890</sup> *Id.* at 28.

<sup>891</sup> *Id.* at 27.

<sup>892</sup> Durando Testimony at 89.

<sup>893</sup> *Id.* at 96-97.

<sup>894</sup> *Id.*



public.<sup>895</sup> Durando testified under oath that he has never seen any traffic study that resulted from the lane closures.<sup>896</sup>

Egea monitored the committee proceedings and, by her own account, texted Governor Christie that the witnesses were professional in their testimony.<sup>897</sup> She described her messages to the Governor as “not at all substantive,”<sup>898</sup> and did not recall receiving any response from the Governor.<sup>899</sup> However, Egea’s cellular telephone records indicate that, in fact, it was actually Governor Christie who initiated a text conversation during Fulton’s testimony.<sup>900</sup> Egea replied twice, and the Governor responded once during Fulton’s testimony.<sup>901</sup> The contents of these messages are currently unknown.

At 12:19 p.m.—around the time that Fulton’s testimony was concluding and Durando’s was beginning—Egea sent two more texts to Governor Christie.<sup>902</sup> During Durando’s testimony, Egea sent two additional texts to the Governor, who immediately replied with a text of his own.<sup>903</sup> Again, the contents of the texts are not currently known.

Foye testified last on December 9th, and in the course of his testimony, Egea sent three texts to the Governor.<sup>904</sup> There is no record of any reply from Governor Christie, nor are the contents of Egea’s texts known.

Subsequently, however, Egea deleted the texts in question and testified that it was her normal practice to delete texts when she no longer needed to refer to them.<sup>905</sup> As these texts are responsive to the subpoenas issued, Special Counsel to the Committee asked OOG to produce any copies of these texts that may exist on Governor Christie’s personal mobile device.<sup>906</sup> In response, counsel for OOG indicated it has been unable to locate any such texts on either the Governor’s or Egea’s mobile telephones.<sup>907</sup> Given Egea’s testimony and the AT&T records, there is little doubt the texts were

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<sup>895</sup> *Id.* at 117-19.

<sup>896</sup> *Id.* at 120.

<sup>897</sup> Egea Testimony at 121.

<sup>898</sup> *Id.* at 124.

<sup>899</sup> *Id.* at 181.

<sup>900</sup> Fulton began testifying at or about 10:00 a.m. on December 9, 2013. Governor Christie first texted Egea at 10:51 a.m. See Egea SMS Records.

<sup>901</sup> *Id.*

<sup>902</sup> *Id.*

<sup>903</sup> *Id.*

<sup>904</sup> *Id.*

<sup>905</sup> Egea Testimony at 186.

<sup>906</sup> Letter from Schar to Southwell (July 30, 2014).

<sup>907</sup> Letter from Southwell to Schar (Aug. 1, 2014).

composed and transmitted. OOG's inability to provide their contents indicates that both Egea and Governor Christie deleted the messages at some unknown point.

The day after the Assembly Transportation Committee hearing, the Port Authority OIG announced an investigation into the lane closures, and Crifo forwarded to Egea a news story of the OIG's decision.<sup>908</sup>

6. Events Rapidly Unfold: December 11-14, 2013

a. *December 11, 2013*

On the morning of December 11, 2013, Governor Christie called political consultant DuHaime, and the two spoke for fifteen minutes.<sup>909</sup> A few hours later, Stepien called DuHaime for an eighteen-minute call.<sup>910</sup> And late that evening, DuHaime called Baroni and spoke for 26 minutes.<sup>911</sup>

While the Committee does not currently know the content of these calls, the timing of the calls—given the events, as described below, over the next two days—raises the prospect that some lane closure issues may have been discussed.

b. *December 12, 2013*

(1) Drumthwacket

On the morning of December 12, 2013, Governor Christie met with Stepien at Drumthwacket.<sup>912</sup> At some point before 11:00 a.m., O'Dowd arrived at Drumthwacket for a separate appointment and encountered the Governor and Stepien speaking in the dining room.<sup>913</sup> O'Dowd testified before the Committee that, when he entered the room, the Governor looked up and stated that the Bridge issue had become a major distraction. The Governor therefore asked O'Dowd to "talk to Bridget Kelly and ask her whether or not she had anything to do with closing the lanes at the Bridge."<sup>914</sup> According to O'Dowd, he did not ask the Governor why he was making such a request, but O'Dowd said it seemed

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<sup>908</sup> Email from Crifo to Egea (Dec. 10, 2013, at 6:49 p.m.). OGNJ-LEG-010105.

<sup>909</sup> See DuHaime Call Logs. NJSCI0008264.

<sup>910</sup> *Id.*

<sup>911</sup> *Id.*

<sup>912</sup> O'Dowd Testimony at 8.

<sup>913</sup> *Id.* It is not clear precisely when the Governor met with Stepien. However, O'Dowd testified that he walked into their meeting just as it was concluding and just as he was entering Drumthwacket for an 11:00 a.m. appointment of his own. *Id.* It therefore appears the Governor and Stepien met sometime in the 10:00 hour, *i.e.*, following DuHaime's 8:55 a.m. call to Stepien.

<sup>914</sup> *Id.* at 9-10.

logical to question Kelly since she oversaw OOG's IGA operation, which "interfaced with local officials."<sup>915</sup>

O'Dowd testified that he and the Governor then proceeded together to their next meeting and left Stepien's presence.<sup>916</sup> According to O'Dowd, while he and the Governor walked together, the Governor said that Stepien "had nothing to do with the closing of the lanes."<sup>917</sup> Despite this characterization of Governor Christie's discussion with Stepien, there remain open questions as to the exact details of what Stepien told the Governor that morning and whether Stepien acknowledged to Governor Christie that he had indeed been informed in advance by Wildstein of the lane closures.<sup>918</sup> O'Dowd testified that the Governor also told him that Stepien's appointment to lead the New Jersey Republican Party had been delayed, but O'Dowd said he could not recall Governor Christie giving a reason for this delay.<sup>919</sup>

(2) Assembly Transportation Committee Subpoenas Documents from Wildstein, Baroni, Foye, Fulton, Durando, Licorish, and Nunziato

At 3:49 p.m. the Assembly Transportation, Public Works and Independent Authorities Committee issued seven subpoenas *duces tecum* to Wildstein, Baroni, Foye, Fulton, Durando, Licorish, and the president of the Port Authority Police Benevolent Association, Paul Nunziato.<sup>920</sup> Copies of the subpoenas were sent to OOG attorney Amy Melick, who promptly forwarded them to Egea, Crifo, and McKenna, among others.<sup>921</sup> Separately, OOG media relations aide Sarah Dolan emailed copies of the subpoenas to DuHaime, Crifo, and Gramiccioni.<sup>922</sup>

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<sup>915</sup> *Id.* at 12.

<sup>916</sup> *Id.* at 22.

<sup>917</sup> *Id.* at 23-24.

<sup>918</sup> The Committee notes that on April 2, 2014, counsel for Stepien sent a letter to outside counsel for OOG stating that on the morning of December 12, 2013, Stepien informed Governor Christie that Wildstein had brought the idea of the lane closures to Stepien prior to their occurrence and Stepien had informed Wildstein the idea would need to be run by OOG. Letter from Marino to Mastro (Apr. 2, 2014) ("Marino Letter"). As the Committee has not heard directly from Stepien on this issue, it does not rely on this representation as part of this Report. However, the letter suggests that Stepien's statements on the matter are relevant before any final determinations are made regarding the sequence of events and the veracity of statements made by other individuals on the matter.

<sup>919</sup> *Id.* at 32.

<sup>920</sup> Email from Buono to Asm. Wisniewski, *et al.* (Dec. 12, 2013, at 3:49 p.m.). [OGNJ-LEG-009687](#).

<sup>921</sup> Email from Melick to Egea, *et al.* (Dec. 12, 2013, at 4:01 p.m.) [OGNJ-LEG-009687](#); email from Melick to McKenna, *et al.* (Dec. 12, 2013, at 4:31 p.m.) [OGNJ-LEG-032712](#).

<sup>922</sup> Email from Dolan to DuHaime, *et al.* (Dec. 12, 2013, at 4:14 p.m.). [NJSCI005280](#). The full list of recipients of this email is not clear from the face of the document; however, the same email has turned up in the productions of Crifo and Gramiccioni. [OGNJ-LEG-010117](#) and [OGNJ-LEG-029263](#).

### (3) O'Dowd Questions Kelly

Later in the day on December 12th, O'Dowd attempted to meet with Kelly in the State House, but Kelly was not in.<sup>923</sup> While on his way to an afternoon meeting with Baroni in Newark,<sup>924</sup> O'Dowd received a text from Kelly: "Barb said you stopped by. Sorry. . . . I'm reachable by cell."<sup>925</sup>

Shortly afterwards, O'Dowd called Kelly.<sup>926</sup> According to O'Dowd's testimony, he asked Kelly if she had "anything to do with closing the lanes at the George Washington Bridge," and she replied, "Absolutely not. Why are you asking me that?"<sup>927</sup> O'Dowd testified he told Kelly that he was inquiring based on direction from the Governor and that Kelly then asked, "Does he think I did?"<sup>928</sup> According to O'Dowd's testimony, he simply replied that the Governor had instructed him to ask the question of her directly, "and so I'm asking you directly." O'Dowd testified that he then instructed Kelly to "[c]heck your e-mails, check your texts. Make sure nobody sent you anything on this, and let me know if you find anything or if anything jogs your memory. Call me or see me tomorrow."<sup>929</sup> O'Dowd testified that he believed Kelly when she denied any involvement in closing the lanes.<sup>930</sup>

### (4) Baroni Resignation

At around 4:30 p.m. on December 12th, O'Dowd met with both McKenna and Baroni in the Governor's Newark office.<sup>931</sup> O'Dowd said that the Governor had asked him to meet with Baroni in order to obtain Baroni's resignation within the next 24 hours and that the accelerated timetable was due to the controversy over the lane closures.<sup>932</sup>

According to O'Dowd's testimony, Baroni was surprised to learn that his last day would be the following one, December 13th.<sup>933</sup> O'Dowd also testified that Baroni assured him and McKenna that all of his testimony before the Assembly Transportation Committee on November 25th had been truthful.<sup>934</sup>

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<sup>923</sup> *Id.* at 45.

<sup>924</sup> *Id.*

<sup>925</sup> Text message from Kelly to O'Dowd (Dec. 12, 2013, at 4:02 p.m.). [OGNJ-LEG-050678](#).

<sup>926</sup> O'Dowd Testimony at 46.

<sup>927</sup> *Id.* at 46-47.

<sup>928</sup> *Id.* at 47.

<sup>929</sup> *Id.*

<sup>930</sup> *Id.*

<sup>931</sup> *Id.* at 51; *see also* Outlook calendar entry (Dec. 12, 2013, at 4:30 p.m.). [BARONI003445](#).

<sup>932</sup> O'Dowd Testimony at 54.

<sup>933</sup> *Id.* at 51.

<sup>934</sup> *Id.* at 55.

(5) Kelly Calls Renna

At approximately 8:46 p.m. on the evening of December 12th, and after O'Dowd's directive to Kelly to check for communications on the lane closures, Kelly and Renna spoke in back-to-back telephone calls for a total of about twenty minutes.<sup>935</sup> Renna testified that Kelly initially asked her to recount the timing of efforts to secure Mayor Sokolich's endorsement.<sup>936</sup> According to her testimony, Renna told Kelly that she could not be sure, as she was not overseeing IGA at the time Mowers made his outreach, but that she thought the endorsement conversations had occurred in April or May 2013.<sup>937</sup>

During the call, according to Renna, Kelly claimed not to have known about the lane closures.<sup>938</sup> Renna testified that she then reminded Kelly that Mayor Sokolich had called Ridley during the week of the lane closures and that Renna had emailed Kelly about it.<sup>939</sup> According to Renna, "that's when the tune started to change; that's when [Kelly's] demeanor changed."<sup>940</sup> In her testimony, Renna stated that Kelly was immediately familiar with the email in question:

She responded to me by saying, "Oh, are you talking about the email I responded to with, 'Good'?" And I said, "Yes." And she said, "Well, 'good' can mean a bunch of different things. You can read that a bunch of different ways," and she sounded very nervous. And then she said, "You know, just do me a favor and get rid of it."<sup>941</sup>

According to her testimony, Renna then clarified with Kelly that she did, in fact, want Renna to delete the email in question, and Kelly responded, "Yes. Listen, I'm getting a lot of questions, and I'm just really nervous. And, you know, I can't take getting grilled about this over and over again."<sup>942</sup>

Renna testified that her call with Kelly dropped at this point.<sup>943</sup> Renna immediately called Kelly back,<sup>944</sup> and, according to Renna, Kelly's demeanor and tone had changed completely: "She was enormously nervous, enormously erratic. She wasn't making a lot of sense. She talked in circles a bit; she repeated herself a lot. She sounded nervous. I was having a hard time following her in the second

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<sup>935</sup> See Renna Call Logs Excerpt. CGR 56.

<sup>936</sup> Renna Testimony at 84.

<sup>937</sup> *Id.* at 85.

<sup>938</sup> *Id.* at 91.

<sup>939</sup> *Id.*; see email from Renna to Kelly (Sept. 12, 2013, at 3:36 p.m.). NJGA-000632.

<sup>940</sup> Renna Testimony at 91.

<sup>941</sup> *Id.*

<sup>942</sup> *Id.*

<sup>943</sup> *Id.* at 91-92.

<sup>944</sup> See Renna Call Logs Excerpt. CGR 56.

part of the conversation.”<sup>945</sup> According to Renna’s testimony, in the second call, Kelly said words to the effect of “If somebody told me to do something, that’s okay.”<sup>946</sup>

The next day, Renna forwarded the September 12th email regarding Mayor Sokolich’s call, including Kelly’s response of “Good,” from her Gmail account to a separate Comcast account.<sup>947</sup> She then deleted the Gmail version.<sup>948</sup> According to Renna’s testimony, she deleted the email in order to be able to tell Kelly, if asked, that she had followed Kelly’s directive, and she preserved a copy in a separate email account because she felt uncomfortable permanently deleting the communication.<sup>949</sup> Renna further testified that she did not speak to anyone about Kelly’s request and, at the time, “didn’t think that it rose to a level of having to go to an ethics officer for it.”<sup>950</sup>

Kelly’s actions on the evening of December 12th raise several issues. First, Kelly’s initial question to Renna regarding the timing of the Sokolich endorsement provides credence to the suggestion that the lane closures were, in fact, related to Mayor Sokolich’s decision not to endorse Governor Christie. Second, Kelly’s effort to hide from O’Dowd this email could indicate that Kelly had previously failed to inform O’Dowd and others within OOG of her role in the lane closures and that she hoped to continue concealing that role; or it could simply mean that, even if O’Dowd or others knew of Kelly’s role, she nevertheless wanted to eliminate evidence that was harmful to her and the Governor’s office. Finally, third, Renna’s testimony raises important questions about whether Kelly’s request that she delete email correspondence relevant to the ongoing investigation by the Assembly Transportation Committee, as well as other ongoing investigations at the time, constitutes witness tampering, see N.J. Stat. § 2C:28-5, and obstruction of justice, see N.J. Stat. § 2C:29-1.<sup>951</sup>

#### (6) DuHaime and Wildstein Calls

At 9:26 p.m. on the evening of December 12th, DuHaime attempted to call Wildstein; however the call lasted only one minute.<sup>952</sup> At 9:38 p.m., Wildstein called DuHaime and spoke with him for twelve minutes.<sup>953</sup> At 11:28 p.m., Wildstein called DuHaime again and this time spoke for 73 minutes.<sup>954</sup> The contents of these calls are currently unknown.

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<sup>945</sup> Renna Testimony at 88.

<sup>946</sup> Renna Testimony at 89.

<sup>947</sup> Email from Renna to Renna (Dec. 13, 2013, at 11:38 a.m.). CGR 48.

<sup>948</sup> Renna Testimony at 93.

<sup>949</sup> *Id.* at 94.

<sup>950</sup> *Id.* at 95.

<sup>951</sup> See below at Part V.C for a fuller discussion of these issues.

<sup>952</sup> See DuHaime Call Logs. NJSCI008264.

<sup>953</sup> *Id.*

<sup>954</sup> *Id.*

c. *December 13, 2013*

(1) Early Morning

At one point on the morning of December 13th, as O'Dowd was walking to his office, he passed the office of Deborah Gramiccioni, then the Deputy Chief of Staff for Policy and Baroni's designated replacement at the Port Authority.<sup>955</sup> Gramiccioni stopped O'Dowd and, according to his testimony, told him that she had heard from Baroni there were documents demonstrating Kelly's knowledge of the lane closures but that Baroni claimed not to have personally seen them.<sup>956</sup>

(2) Senior Staff Meeting

At 9:31 a.m., an email marked "High" importance was circulated to OOG senior staff requesting their attendance for a meeting in the Governor's office at 10:00 a.m.<sup>957</sup>

O'Dowd testified that during the 10:00 a.m. meeting in the Governor's office, Governor Christie asked his senior staff "whether or not anyone in this room had anything to do with closing the lanes."<sup>958</sup> According to O'Dowd, the Governor indicated that he intended to hold a press conference in an hour's time and publicly state that none of his senior staff had anything to do with closing the lanes and that "[i]f anybody had anything different to say on that, they should come see either" O'Dowd, McKenna, or the Governor within the next hour.<sup>959</sup>

(3) Kelly Produces September 12th Email

O'Dowd testified that immediately following the meeting with the Governor, he approached Kelly and asked if she knew what Baroni had been talking about when he told Gramiccioni there were documents showing Kelly had knowledge of the lane closures.<sup>960</sup> According to O'Dowd's testimony, Kelly claimed not to know what Baroni had in mind.<sup>961</sup> However, O'Dowd testified that, either in that same interaction or shortly afterwards in a subsequent conversation in Kelly's office, Kelly shared with him a copy of Renna's September 12th email memorializing Mayor Sokolich's phone call with Ridley.<sup>962</sup> The version of the email that Kelly shared with O'Dowd contained only Renna's base email to Kelly and Kelly's forward to Wildstein; it did not contain Wildstein's reply to Kelly of "Call me when you have a

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<sup>955</sup> O'Dowd Testimony at 65.

<sup>956</sup> *Id.*

<sup>957</sup> Email from O'Brien to Senior Staff (Dec. 13, 2013, at 9:31 a.m.). [OGNJ-LEG-049018](#).

<sup>958</sup> O'Dowd Testimony at 70.

<sup>959</sup> *Id.* at 125.

<sup>960</sup> *Id.* at 72.

<sup>961</sup> *Id.*

<sup>962</sup> *Id.*

moment” or Kelly’s reply to Renna of “Good.”<sup>963</sup> O’Dowd testified that Stepien was in and around the Governor’s office that morning and may have been present for the conversation with Kelly, but he testified that he did not recall Stepien interacting with Kelly.<sup>964</sup>

O’Dowd testified he was surprised to see this email for the first time in mid-December.<sup>965</sup> According to O’Dowd’s testimony, he concluded that this was the email Baroni was referring to when Baroni said evidence existed showing Kelly’s knowledge of the lane closures.<sup>966</sup> It does not appear that O’Dowd either asked Kelly whether she had provided a copy of the email to Baroni or inquired directly of Baroni as to whether this was the documentation Baroni had referenced to Gramiccioni. According to O’Dowd’s testimony, he felt that since the email was sent in the midst of the lane closures, it did not show Kelly had prior knowledge of the closures.<sup>967</sup> He testified that he took a copy of the email and showed it to Governor Christie before the Governor’s press conference later that day.<sup>968</sup> However, according to O’Dowd, after reviewing the email he did not follow up with either Renna—its author—or Ridley, whose account of Mayor Sokolich’s telephone call was described in the message.<sup>969</sup>

Subsequently, but before the Governor’s press conference, Kelly came to O’Dowd in his office.<sup>970</sup> O’Dowd testified that Kelly was concerned about how Governor Christie perceived her and whether he had lost confidence in her.<sup>971</sup> According to O’Dowd, Kelly asked whether she should speak to the Governor, and O’Dowd responded that it was up to her whether to do so, in part because O’Dowd himself anticipated leaving OOG soon to assume the post of New Jersey Attorney General.<sup>972</sup>

#### (4) Stepien Urges DuHaime to Contact Wildstein

At 10:55 a.m., before the Governor’s press conference commenced, Stepien called DuHaime for two minutes.<sup>973</sup> Immediately afterwards, DuHaime attempted unsuccessfully to call Wildstein<sup>974</sup> and then sent a text to Stepien: “Not getting an answer now.”<sup>975</sup> Stepien then asked, “Meaning he is not

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<sup>963</sup> *Id.* at 110.

<sup>964</sup> *Id.* at 76-77.

<sup>965</sup> *Id.* at 75.

<sup>966</sup> *Id.* at 76.

<sup>967</sup> *Id.* at 84.

<sup>968</sup> *Id.*

<sup>969</sup> *Id.* at 152-54.

<sup>970</sup> *Id.* 143.

<sup>971</sup> *Id.*

<sup>972</sup> *Id.* at 143-44.

<sup>973</sup> See DuHaime Call Logs. [NJSCI008264](#).

<sup>974</sup> *Id.*

<sup>975</sup> Text message from DuHaime to Stepien (Dec. 13, 2013, at 10:58 a.m.). [NJSCI008246](#).



telling you, or you cannot connect with him?”<sup>976</sup> DuHaime clarified, “No answer on phone.”<sup>977</sup> This give-and-take suggests that Stepien reached out to DuHaime and asked that DuHaime contact Wildstein and inquire of certain information from Wildstein.

At 11:00 a.m., DuHaime again attempted to call Wildstein<sup>978</sup>—suggesting an urgency to the effort to contact him—and then texted Stepien, “Tried again.”<sup>979</sup>

At 11:07 a.m., Governor Christie called DuHaime, and the two spoke for five minutes.<sup>980</sup> The content of their conversation is unknown.

At 11:10 a.m., Stepien texted DuHaime, “Still nothing?”<sup>981</sup> DuHaime replied, “Nope.”<sup>982</sup> Again, the give-and-take suggests a focus on getting to Wildstein prior to the Governor’s press conference.

#### (5) Governor’s Press Conference

Around 11:20 a.m., Governor Christie appeared for a press conference to announce the resignation of Baroni and the appointment of his replacement, Gramiccioni.<sup>983</sup> During the press conference, the Governor had the following exchange:

*Reporter:* Governor, can you say with certainty that someone else didn’t on your staff or in your administration act on your behalf for the lane closures for political retribution?

*Governor Christie:* Yeah, I have absolutely no reason to believe that, Angie, and I’ve 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.

*Follow up:* Your campaign chief?

*Governor Christie:* Oh yeah. I’ve spoken to Mr. Stepien, who’s the person in charge of the campaign, and he has assured me the same thing.

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<sup>976</sup> Text message from Stepien to DuHaime (Dec. 13, 2013, at 10:59 a.m.). [NJSCI008246](#).

<sup>977</sup> Text message from DuHaime to Stepien (Dec. 13, 2013, at 10:59 a.m.). [NJSCI008246](#).

<sup>978</sup> See DuHaime Call Logs. [NJSCI008264](#).

<sup>979</sup> Text message from DuHaime to Stepien (Dec. 13, 2013, at 11:01 a.m.). [NJSCI008246](#).

<sup>980</sup> See DuHaime Call Logs. [NJSCI008264](#).

<sup>981</sup> Text message from Stepien to DuHaime (Dec. 13, 2013, at 11:10 a.m.). [NJSCI008246](#).

<sup>982</sup> Text message from DuHaime to Stepien (Dec. 13, 2013, at 11:14 a.m.). [NJSCI008246](#).

<sup>983</sup> Governor Chris Christie, Remarks at Press Conference (Dec. 13, 2013). [OGNJ-LEG-057428](#).

Notably, Governor Christie made no reference in the press conference to his conversation with Stepien the previous morning at Drumthwacket.<sup>984</sup> Nor did the Governor mention his pre-press conference conversation with O'Dowd or his review of the Kelly email.<sup>985</sup>

Kelly texted O'Dowd during the press conference, "Let me know what you want me to do."<sup>986</sup> O'Dowd testified that he did not reply.<sup>987</sup> Also during the press conference, DuHaime texted Stepien, "Having a hard time getting it online,"<sup>988</sup> to which Stepien answered, "It's going okay."<sup>989</sup> DuHaime remarked, "Good."<sup>990</sup>

Stepien then asked DuHaime, "Are you able to sit with him in person ASAP?"<sup>991</sup> DuHaime replied, "The boss? Yeah. I can come down or whatever. Just need to move some stuff around this afternoon. Not a problem."<sup>992</sup> Stepien wrote back, "No, not the gov."<sup>993</sup> DuHaime then texted, "Sure. I can try,"<sup>994</sup> to which Stepien answered, "Please do."<sup>995</sup>

At 12:49 p.m., Governor Christie called DuHaime and spoke with him for thirteen minutes.<sup>996</sup> The contents of the call are currently unknown. At 1:08 p.m., Stepien called DuHaime for an eleven-minute conversation.<sup>997</sup> The contents of this call are likewise currently unknown.

#### (6) Kelly Produces Second Email

According to O'Dowd's testimony, after the Governor's press conference Kelly provided O'Dowd a second email concerning the lane closures, namely, an email from Jeanne Ashmore forwarding Sen.

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<sup>984</sup> As previously noted, Stepien's counsel has asserted that during the Drumthwacket meeting Stepien informed the Governor that Wildstein had discussed the lane closures with Stepien in advance and that Stepien had advised Wildstein to take the idea to OOG. *See supra* fn. 918 and Marino Letter.

<sup>985</sup> *See, e.g.*, O'Dowd Testimony at 240.

<sup>986</sup> Text message from Kelly to O'Dowd (Dec. 13, 2013, at 11:38 a.m.). [OGNJ-LEG-076352](#). The timestamp on this text message is in Coordinated Universal Time. Adjusted to Eastern Standard Time, it was sent at 11:38 a.m.

<sup>987</sup> O'Dowd Testimony at 145.

<sup>988</sup> Text message from DuHaime to Stepien (Dec. 13, 2013, at 11:41 a.m.). [NJSCI008246](#).

<sup>989</sup> Text message from Stepien to DuHaime (Dec. 13, 2013, at 11:42 a.m.). [NJSCI008246](#).

<sup>990</sup> Text message from DuHaime to Stepien (Dec. 13, 2013, at 11:42 a.m.). [NJSCI008246](#).

<sup>991</sup> Text message from Stepien to DuHaime (Dec. 13, 2013, at 11:46 a.m.). [NJSCI008246](#).

<sup>992</sup> Text message from DuHaime to Stepien (Dec. 13, 2013, at 11:50 a.m.). [NJSCI008246](#).

<sup>993</sup> Text message from Stepien to DuHaime (Dec. 13, 2013, at 11:50 a.m.). [NJSCI008246](#).

<sup>994</sup> Text message from DuHaime to Stepien (Dec. 13, 2013, at 11:51 a.m.). [NJSCI008246](#).

<sup>995</sup> Text message from Stepien to DuHaime (Dec. 13, 2013, at 11:51 a.m.). [NJSCI008246](#).

<sup>996</sup> *See* DuHaime Call Logs. [NJSCI0008264](#).

<sup>997</sup> *Id.*

Weinberg's September 19th letter to Port Authority Commissioner Pat Schuber.<sup>998</sup> O'Dowd testified that he was annoyed at receiving this second email after the Governor's press conference but that he was not concerned by the substance of the email as it did not indicate involvement in the lane closures or prior knowledge of them.<sup>999</sup>

That afternoon, Kelly also sent a series of text messages to O'Dowd, beginning at 1:59 p.m. with, "Stopped by to see you. Let me know when you have 5 minutes."<sup>1000</sup> An hour later, Kelly texted, "Also needed to tell you that I have to leave early today (3pm) to relieve my mom from taking care of my oldest who still isn't feeling great. I'm sorry. Crappy day for it, but have to be there."<sup>1001</sup> O'Dowd replied, "No problem. Hope she feels better."<sup>1002</sup> Minutes later, Kelly's assistant emailed O'Dowd, "Bridget wanted to be sure you saw her text[.] She had to leave for her daughter. I can explain further."<sup>1003</sup>

*d. December 14, 2013*

On December 14, 2013, the day after the Governor's press conference, DuHaime called Wildstein and spoke to him for twenty minutes.<sup>1004</sup> Immediately afterwards, DuHaime called Stepien for a seven-minute conversation.<sup>1005</sup> About an hour later, DuHaime called O'Dowd for twenty minutes.<sup>1006</sup> The contents of these phone calls are currently unknown.

At about 2:30 p.m., DuHaime and the Governor spoke for a total of 26 minutes.<sup>1007</sup> At about 4:20 p.m., the Governor and DuHaime traded two two-minute calls,<sup>1008</sup> but it is not known if they connected. Again, the contents of these calls are currently unknown.

Another series of calls commenced at 5:38 p.m., when DuHaime called Drewniak for four minutes.<sup>1009</sup> Shortly afterwards, Wildstein called DuHaime, and they spoke for eight minutes.<sup>1010</sup>

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<sup>998</sup> O'Dowd Testimony at 241-42.

<sup>999</sup> *Id.* at 207 & 242.

<sup>1000</sup> Text message from Kelly to O'Dowd (Dec. 13, 2013, at 1:59 p.m.). [OGNJ-LEG-050703](#).

<sup>1001</sup> Text message from Kelly to O'Dowd (Dec. 13, 2013, at 2:48 p.m.). [OGNJ-LEG-050705](#).

<sup>1002</sup> Text message from O'Dowd to Kelly (Dec. 13, 2013, at 3:02 p.m.). [OGNJ-LEG-050707](#).

<sup>1003</sup> Email from Panebianco to O'Dowd (Dec. 13, 2013, at 3:08 p.m.). [OGNJ-LEG-050709](#).

<sup>1004</sup> See DuHaime Call Logs. [NJSCI0008264](#).

<sup>1005</sup> *Id.*

<sup>1006</sup> *Id.*

<sup>1007</sup> *Id.*

<sup>1008</sup> *Id.*

<sup>1009</sup> *Id.*

<sup>1010</sup> *Id.*

Immediately after this conversation, DuHaime again called Drewniak for another four minutes<sup>1011</sup> and then called Wildstein back, also immediately.<sup>1012</sup> Directly after this second call with Wildstein, Stepien called DuHaime for a four-minute conversation.<sup>1013</sup> Shortly afterwards, DuHaime called Drewniak for a third conversation lasting three minutes.<sup>1014</sup>

While the contents of these various calls are also unknown, the back-to-back nature of them gives the appearance that DuHaime was discussing a common topic with Drewniak, Stepien, and Wildstein.

#### 7. Sen. Rockefeller Letter

On December 16, 2013, U.S. Sen. Jay Rockefeller wrote to Port Authority Chair Samson and Vice Chair Rechler concerning the lane closures (the “Rockefeller Letter”).<sup>1015</sup> The letter was accompanied by nine questions related to the GWB events and Port Authority processes.<sup>1016</sup> Samson forwarded the letter to McKenna,<sup>1017</sup> O’Dowd,<sup>1018</sup> and Egea.<sup>1019</sup>

Port Authority Board Secretary Karen Eastman also forwarded the Rockefeller Letter to Crifo, asking that she pass it along to incoming Deputy Executive Director Gramiccioni.<sup>1020</sup> Crifo in turn sent the letter to Gramiccioni, Egea, and McKenna.<sup>1021</sup> She also sent the letter to Port Authority Deputy General Counsel Phil Kwon and to Samson aide Philippe Danielides.<sup>1022</sup>

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<sup>1011</sup> *Id.*

<sup>1012</sup> *Id.*

<sup>1013</sup> *Id.*

<sup>1014</sup> *Id.*

<sup>1015</sup> Letter from Sen. Rockefeller to Chair Samson & Vice Chair Rechler (Dec. 16, 2013). [OGNJ-LEG-010254](#).

<sup>1016</sup> *Id.*

<sup>1017</sup> Email from Samson to McKenna (Dec. 16, 2013, at 9:20 p.m.). [OGNJ-LEG-048467](#).

<sup>1018</sup> Email from Samson to O’Dowd (Dec. 16, 2013, at 9:20 p.m.). [OGNJ-LEG-076223](#). This document, as produced, is missing the Rockefeller Letter as an attachment; however, the attachment line of the email indicates that the letter was part of the forward to O’Dowd.

<sup>1019</sup> Email from Samson to Egea (Dec. 16, 2013, at 9:23 p.m.). [OGNJ-LEG-010252](#).

<sup>1020</sup> Email from Eastman to Crifo (Dec. 16, 2013, at 9:58 p.m.). [OGNJ-LEG-010197](#).

<sup>1021</sup> See email from Crifo to Egea (Dec. 16, 2013, at 10:14 p.m.) [OGNJ-LEG-010262](#) and email from Crifo to Gramiccioni, *et al.* (Dec. 13, 2013, at 10:26) [OGNJ-LEG-028434](#).

<sup>1022</sup> Email from Crifo to Kwon & Danielides (Dec. 16, 2013, at 10:28 p.m.). [OGNJ-LEG-010197](#).

The wide dispersal of the Rockefeller Letter within the top ranks of OOG and the Port Authority suggests that even following the Governor's own inquiries into the lane closures and his December 13th press conference, the matter remained sensitive.<sup>1023</sup>

#### 8. Wildstein Subpoenaed to Testify

On December 30, 2013, the Assembly Transportation Committee issued a subpoena for Wildstein's testimony for January 9, 2014.<sup>1024</sup> The document was quickly circulated within OOG,<sup>1025</sup> again suggesting ongoing sensitivity to the lane closures within the Governor's office.

#### L. **January 2014**

##### 1. January 8, 2014

On the morning of January 8, 2014, Shawn Boburg of the Bergen *Record* emailed Drewniak: "Sources tell me Bridget Anne Kelly, the governor's deputy chief of staff, wrote an e-mail to David Wildstein in mid-August saying something to the effect: 'Time for some traffic problems in Fort Lee.' Going with story. Response?"<sup>1026</sup> Drewniak immediately forwarded the Boburg email to Comella, asking, "You aware of this yet?"<sup>1027</sup> At 9:13 a.m., just as Drewniak typed those words, Boburg's story on Kelly's "Traffic Problems" email appeared online.<sup>1028</sup> Five minutes later, Comella sent O'Dowd a copy of the article.<sup>1029</sup>

Other documents accompanying Boburg's *Record* story included an email between Wildstein and Stepien in which Stepien referred to Mayor Sokolich as "an idiot."<sup>1030</sup>

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<sup>1023</sup> A related letter, in which Sen. Rockefeller urged U.S. Transportation Secretary Anthony Foxx to review the lane closings, was also widely distributed within OOG. See email from Crifo to Gramiccioni, *et al.* (Dec. 17, 2013, at 7:23 a.m.). [OGNJ-LEG-027881](#).

<sup>1024</sup> Subpoena *ad testificandum* to D. Wildstein (Dec. 30, 2013).

<sup>1025</sup> See, e.g., email from Melick to Crifo, *et al.* (Dec. 31, 2013, at 8:58 a.m.) [OGNJ-LEG-010208](#); email from Egea to Porrino (Dec. 31, 2013, at 9:02 a.m.) [OGNJ-LEG-013474](#); email from Egea to DiRocco (Dec. 31, 2013, at 9:28 a.m.) [OGNJ-LEG-010267](#); email from Melick to McKenna & Matey (Dec. 31, 2013, at 9:53 a.m.) [OGNJ-LEG-031392](#); email from Crifo to Gramiccioni (Dec. 31, 2013, at 9:58 a.m.) [OGNJ-LEG-010208](#); email from Matey to O'Dowd, *et al.* (Dec. 31, 2013, at 10:18 a.m.) [OGNJ-LEG-013765](#).

<sup>1026</sup> Email from Boburg to Drewniak (Jan. 8, 2014, at 9:07 a.m.). [OGNJ-LEG-023235](#). It is not clear who Boburg's sources were regarding Kelly's email.

<sup>1027</sup> Email from Drewniak to Comella (Jan. 8, 2014, at 9:13 a.m.). [OGNJ-LEG-023235](#).

<sup>1028</sup> Shawn Boburg, "Christie stuck in a jam over GWB lane closings," *Record* (Bergen) (Jan. 8, 2014), *available at* <http://www.northjersey.com/news/christie-says-he-was-misled-on-gwb-lane-closures-1.705813?page=all> (last visited Oct. 8, 2014).

<sup>1029</sup> Email from Comella to O'Dowd (Jan. 8, 2013, at 9:19 a.m.). [OGNJ-LEG-013124](#).

<sup>1030</sup> See email from Stepien to Wildstein (Sept. 18, 2013, at 5:16 a.m.). [NJGA-000641](#).

O'Dowd testified that following the public release of Kelly's "Traffic Problems" email, Governor Christie contacted him and asked him to organize a meeting of senior staff and advisors at Drumthwacket.<sup>1031</sup> The attendees included at one point or another the following individuals:

- Governor Chris Christie;
- Chief of Staff Kevin O'Dowd;
- incoming Chief Counsel Chris Porrino;
- Deputy Chief Counsel Paul Matey;
- Director of the Authorities Unit Regina Egea;
- Press Secretary Michael Drewniak;
- political consultant Michael DuHaime;
- the Governor's brother, Todd Christie;
- the CEO of the New Jersey Economic Development Authority, Michele Brown;
- advisor Bill Palatucci; and
- former U.S. Sen. Jeff Chiesa.<sup>1032</sup>

Outgoing Chief Counsel Charlie McKenna was not present at the meeting, despite evidence indicating he had previously reviewed the lane closures at the Governor's request.<sup>1033</sup>

According to Egea's testimony, Governor Christie opened the Drumthwacket meeting with a request that anyone who had information relevant to the lane closures come forward.<sup>1034</sup> The participants also reviewed and discussed the materials that had been made public that morning and considered options for responding.<sup>1035</sup>

In the course of the meeting, Drewniak was privately interviewed by Porrino and Matey concerning his knowledge of and involvement in the lane closures.<sup>1036</sup> Drewniak testified that he attempted to reconstruct a timeline of events with Porrino and Matey. Subsequently, the two attorneys left the room and shortly afterwards returned with Governor Christie who, according to Drewniak's testimony, said that Porrino and Matey had reported back on their interview of Drewniak and that the Governor was "comfortable with, at this point, that you had no involvement in this—and you're

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<sup>1031</sup> O'Dowd Testimony at 155-56.

<sup>1032</sup> O'Dowd Testimony at 158.

<sup>1033</sup> *See supra* Part IV.I.1.

<sup>1034</sup> Egea Testimony at 222.

<sup>1035</sup> *Id.*

<sup>1036</sup> Drewniak Testimony at 162-65.

good.”<sup>1037</sup> Drewniak testified that he then re-joined the larger meeting and assisted in preparing the Governor for a news conference the following day.<sup>1038</sup>

According to O’Dowd’s testimony, some participants at the Drumthwacket meeting also discussed the potential need to find legal representation for Kelly and Stepien in order to help them “interface with the media.”<sup>1039</sup>

## 2. January 9, 2014

### a. *Renna Shares the September 12th Email with Egea*

Renna testified that early on January 9, 2014, she printed out a copy of the September 12th email exchange between her and Kelly in which she had described Mayor Sokolich’s upset telephone call to Ridley and to which Kelly had replied, “Good.”<sup>1040</sup> According to her testimony, Renna then took the printout to Egea and explained that the December 13th date on it reflected that, in response to Kelly’s December 12th request that she delete the email, she instead preserved it by forwarding the message the following day from her Gmail account to her Comcast account.<sup>1041</sup>

According to Renna, Egea directed her to provide the same email to OOG’s incoming Chief Counsel, Chris Porrino, and she did.<sup>1042</sup> Renna testified that on Friday, January 10th, she spoke with Porrino for more than two hours and explained to him the events surrounding the email and the request to delete it as well as the basic functions of IGA.<sup>1043</sup>

### b. *Governor Christie’s Press Conference*

Also on the morning of January 9, 2014, Governor Christie participated in a press conference in which he apologized for the lane closures, acknowledged Kelly’s role in them, and announced Kelly’s termination, effective that morning.<sup>1044</sup> And, citing a tone of “callous indifference” in emails sent by Stepien, the Governor announced he was instructing Stepien not to seek the chairmanship of the New Jersey Republican Party and to withdraw as a consultant to the Republican Governors’ Association.<sup>1045</sup>

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<sup>1037</sup> *Id.* at 169.

<sup>1038</sup> *Id.* at 170.

<sup>1039</sup> O’Dowd Testimony at 109.

<sup>1040</sup> Renna Testimony at 95.

<sup>1041</sup> *Id.* at 96 & 113.

<sup>1042</sup> *Id.* at 113-14.

<sup>1043</sup> *Id.* at 118-19.

<sup>1044</sup> Governor Chris Christie, Remarks at Press Conference (Jan. 9, 2014). [OGNJ-LEG-057398](#).

<sup>1045</sup> *Id.*

Governor Christie further disclaimed any knowledge or involvement in the planning or execution of the lane closures.<sup>1046</sup>

*c. Wildstein Testimony*

Also on the morning of January 9th, Wildstein appeared before the Assembly Transportation Committee.<sup>1047</sup> Wildstein, appearing with counsel, repeatedly asserted his Fifth Amendment right against self-incrimination and consistently declined to answer any of the committee's questions.<sup>1048</sup>

## V. CONCLUSIONS

Due to the current unavailability of several critical witnesses, the record in this matter necessarily remains incomplete and leaves several important questions unanswered. Chief among them are two of the most central questions: (1) why did Kelly instruct Wildstein on August 13, 2013, that it was "[t]ime for some traffic problems in Fort Lee" and (2) did Kelly and Wildstein act entirely on their own initiative in implementing the lane closures, or did they act with the knowledge or approval of any other persons, whether in OOG, the Port Authority, CCFG, or elsewhere?

Nevertheless, despite the limitations in the record, several important conclusions can be drawn, as described in this section.

### A. No Evidence of a Legitimate Traffic Study

The record before the Committee contains no evidence of a bona fide, professionally managed traffic study intended to measure the effect of closing two of Fort Lee's three GWB access Lanes. Traffic studies are typically modeled in computer simulations that use empirical data on existing capacity and usage to assess the traffic impacts of proposed alternatives.<sup>1049</sup> Here, there is no evidence that anyone collected such data on Fort Lee's local streets or access lanes. Nor is there any indication that anyone was engaged to conduct computer runs of the proposed realignment.

In fact, according to the notes of a meeting between Port Authority Executive Director Patrick Foye and Chief Engineer Peter Zipf, the Port Authority's in-house engineers did not propose the lane closures nor were they even consulted on the likely "ramifications on traffic in Ft. Lee or overall on the bridge."<sup>1050</sup> Rather, according to the meeting notes, Zipf said the engineering staff simply concentrated "on safety and the appropriate coning pattern" to implement the changes directed by Wildstein.<sup>1051</sup>

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<sup>1046</sup> *Id.*

<sup>1047</sup> Wildstein Testimony.

<sup>1048</sup> *Id. passim.*

<sup>1049</sup> *Supra* Part IV.D.

<sup>1050</sup> Zipf Notes. PA-JM-000034.

<sup>1051</sup> *Id.*



As a matter of course, Bridge traffic is monitored as it passes through the toll lanes. And by Thursday, September 12, 2013, the fourth day of the lane closures, Port Authority staff were able to estimate that the reconfiguration might save mainline traffic 966 vehicle-hours each year in reduced delay at a cost of 2,800 vehicle-hours of increased delay for traffic accessing the Bridge through Fort Lee.<sup>1052</sup> Nevertheless, these assessments appear to have been an ad-hoc attempt to monitor the effects of the lane closures rather than the results of a planned and deliberative review of the Fort Lee Access Lanes conducted under the oversight and guidance of trained traffic engineers. Indeed, all versions of the assessments end with a slide titled “Conclusions” and the single notation “TBD.”<sup>1053</sup>

Furthermore, given (1) Kelly’s “Traffic Problems” email; (2) the irregular and non-standard process for implementing the lane closures; (3) the failure to provide advance notice to the commuting public; (4) Baroni’s refusal to provide basic information about the lane closures to Mayor Sokolich; and (5) the testimony of Foye and Durando that they are not aware of any legitimate traffic study, the record demonstrates that the purported study was, in fact, an excuse to cover up lane closures that were implemented for other reasons.

## **B. Contemporaneous Involvement in the Lane Closures**

### **1. Bridget Anne Kelly and David Wildstein**

The evidence shows that David Wildstein, acting on instructions from Bridget Anne Kelly, implemented the closure of two of Fort Lee’s three GWB access lanes for illegitimate reasons. On August 13, 2013, Kelly emailed Wildstein: “Time for some traffic problems in Fort Lee,”<sup>1054</sup> which set in motion the chain of events leading to the lane closures.

On Friday, September 6, 2013, Wildstein bypassed normal protocols by personally contacting the General Manager of the Bridge, Robert Durando, and instructing him to close the lanes to Fort Lee traffic for an indefinite period of time beginning on the following Monday, September 9th.<sup>1055</sup> Wildstein further instructed Durando not to speak with or alert anyone in Fort Lee about the impending lane closures.<sup>1056</sup>

What remains unclear is *why* Kelly and Wildstein chose to purposely choke Fort Lee with traffic. There has been much speculation that the lane closures were intended as punishment for Mayor Sokolich’s failure to endorse Governor Christie’s re-election efforts. The evidence indicates that the Mayor’s potential endorsement was at least a consideration in deciding to close the lanes: in particular, Kelly called Mowers the evening before she sent her “Traffic Problems” email and verified that an

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<sup>1052</sup> Email from Jacobs to Muriello (Sept. 12, 2013, at 5:14 p.m.). [NJGA-000495](#).

<sup>1053</sup> *See, e.g.*, email from Jacobs to Muriello (Sept. 12, 2013, at 5:14 p.m.). [NJGA-000495](#).

<sup>1054</sup> Email from Kelly to Wildstein (Aug. 13, 2013, at 7:34 a.m.). [NJGA-000573](#).

<sup>1055</sup> *Supra* Part IV.E.1.a.

<sup>1056</sup> *Id.*

endorsement from Mayor Sokolich would not be forthcoming.<sup>1057</sup> Whether the failure to endorse was the deciding factor, it is clear that Kelly and Wildstein were motivated in part by political considerations.

For example, when Mayor Sokolich attempted to contact Baroni for an explanation of the closures, Wildstein forwarded the Mayor's message to Kelly and later indicated that Baroni would not reply, saying Sokolich's name "comes right after mayor Fulop."<sup>1058</sup> And when Kelly texted that she felt sorry for Fort Lee children mired in gridlock on their way to school, Wildstein reminded her that they were "the children of Buono voters."<sup>1059</sup> These references to Jersey City Mayor Steve Fulop (another Democratic mayor who did not endorse the Governor) and to Sen. Barbara Buono (Governor Christie's Democratic challenger in the 2013 elections) suggest that political calculations influenced the decision to close the Fort Lee Access Lanes.

The record further reveals that by August 2013, around the time she wrote her "Traffic Problems" email, Kelly had become wary of any interactions between OOG and Mayor Sokolich. She was upset to learn that IGA staffer Ridley had met with Mayor Sokolich in mid-August<sup>1060</sup> and was reluctant to allow Lt. Governor Guadagno to attend a Fort Lee Chamber of Commerce event for fear that the Mayor might also attend.<sup>1061</sup> However, while it seems clear Kelly disfavored the Mayor, it is not known what precisely triggered this attitude, particularly given the Governor's commanding lead over Sen. Buono at the time of the lane closures.

Evidence also suggests that causing traffic problems was considered a form of retaliation by Kelly and Wildstein. Shortly before they implemented the closures, Kelly and Wildstein joked about creating "traffic problems" at the home of a rabbi who had evidently upset Wildstein.<sup>1062</sup> And on the first day of the lane closures, Kelly reached out to OOG's current and former regional directors for Fort Lee and asked if they had recently heard from Mayor Sokolich, thereby revealing an interest in any reaction the Mayor may have had to the traffic gridlock.<sup>1063</sup>

Taken altogether, the evidence clearly suggests that the lane closures were intended as a punitive measure directed against Mayor Sokolich. What the Committee cannot say for certain is whether the closures were intended as retribution for the Mayor's failure to endorse Governor Christie or for some other, unknown reason. Without current access to Kelly and Wildstein, and certain other witnesses and documents, the Committee remains unable to reach a definite conclusion as to what (and who) may have motivated them.

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<sup>1057</sup> *Supra* Part IV.C.1.

<sup>1058</sup> Email from Wildstein to Kelly (Sept. 9, 2013, at 10:13 a.m.). [NJGA-000576](#).

<sup>1059</sup> Text message from Wildstein to Kelly (Sept. 10, 2013, at 8:11 a.m.). [DW-018](#).

<sup>1060</sup> *Supra* Part IV.C.2.

<sup>1061</sup> *Supra* Part IV.C.3.

<sup>1062</sup> Text message from Kelly to Wildstein (Aug. 19, 2013, at 7:33 p.m.). [DW-017](#).

<sup>1063</sup> *Supra* Part IV.F.1.d.

## 2. Bill Baroni and Bill Stepien

The evidence indicates that Bill Baroni was aware of the impending lane closures before they were implemented.<sup>1064</sup> What remains unclear is precisely when he first learned of the closures, what he knew, and whether he played any role in directing, approving, or authorizing the closures. There is likewise evidence that Governor Christie's campaign manager, Bill Stepien, also knew of the closures in advance,<sup>1065</sup> but what exactly he was told and what involvement he may have had are unclear.

On the first day of the lane closures, Monday, September 9, 2013, Mayor Sokolich attempted to contact Baroni, seeking an explanation for the lane closures.<sup>1066</sup> And although all evidence indicates Baroni and Mayor Sokolich had previously enjoyed a healthy working relationship, Baroni declined to respond to the Mayor's request.<sup>1067</sup> Instead, Baroni forwarded Mayor Sokolich's message to Wildstein, who replied, "radio silence."<sup>1068</sup> The record amply demonstrates that Baroni followed this instruction and continued to follow it throughout the week.

What remains unknown is why Baroni agreed to ignore Mayor Sokolich and what Wildstein, Kelly, or others may have told him in order to convince him to do so. However, it is difficult to imagine that Baroni would not have simply called Mayor Sokolich and explained that the Port Authority was conducting a traffic study if that is, indeed, what Baroni believed at the time. Any explanation that public awareness of the study would have somehow skewed the results would simply not have been credible by this point, as by then the fact of the lane closures was widely known and fully visible.

On the fourth day, Thursday, September 12, 2013, Mayor Sokolich drafted a letter to Baroni, repeating his many frustrations over the lane closures, highlighting public safety concerns, and raising the possibility the closures had "punitive overtones."<sup>1069</sup> Again, Baroni ignored the Mayor's outreach and instead forwarded the letter to Wildstein and Stepien,<sup>1070</sup> who was then leading Governor Christie's re-election efforts. Wildstein also forwarded the letter to Stepien.<sup>1071</sup>

It remains unknown why both Baroni and Wildstein felt the need to inform Stepien of the letter or what Stepien's knowledge of the lane closures had been prior to September 12th. Through his attorney, Stepien has represented that he did, in fact, know of the lane closures in advance, but the

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<sup>1064</sup> *Supra* Part IV.E.3.

<sup>1065</sup> *See, e.g.*, Marino Letter.

<sup>1066</sup> *Supra* Parts IV.F.1.b and IV.F.1.f.

<sup>1067</sup> *Id.*

<sup>1068</sup> Email from Wildstein to Baroni (Sept. 9, 2013, at 9:48 a.m.). [PA-BB-000034](#).

<sup>1069</sup> Letter from Mayor Sokolich to Baroni (Sept. 12, 2013). [PA-BB-000054](#).

<sup>1070</sup> *Supra* Part IV.F.4.b.

<sup>1071</sup> *Id.*

precise timing of his knowledge and his understanding of the reason for the lane closures are currently unknown to the Committee.

The Committee also notes that on September 17th, after receiving additional requests for information from Mayor Sokolich, Baroni appeared desperate to get instruction from Kelly on how to handle the Mayor's questions.<sup>1072</sup> When Kelly was not immediately available to provide feedback, Baroni wrote to Wildstein, "Fck."<sup>1073</sup> These interactions reveal that Baroni was aware by this point, if not earlier, that a high-ranking individual within Governor Christie's administration, Kelly, was involved in the lane closure issues and was providing direction on how to manage the growing controversy. The interactions also suggest Baroni did not truly believe the lane closures were a bona fide traffic study or that his unresponsiveness to Mayor Sokolich was the result of an honest "communication failure."

At the time that Baroni testified before the Assembly Transportation Committee on November 25, 2013, the email and text messages cited above had not yet been subpoenaed or produced, and the members of that committee were therefore unable to question Baroni about them. Nevertheless, given what is now known, there are serious questions as to whether Baroni testified truthfully when he claimed that the lane closures had been part of a traffic study and that Fort Lee had remained in the dark simply because of communications failures between the Port Authority and Fort Lee.

### 3. Governor Christie

At present, there is no conclusive evidence as to whether Governor Chris Christie was or was not aware of the lane closures either in advance of their implementation or contemporaneously as they were occurring. Nor is there conclusive evidence as to whether Governor Christie did or did not have involvement in implementing or directing the lane closures. Nevertheless, according to Michael Drewniak's testimony, Wildstein has claimed that he informed the Governor of the lane closures at a 9/11 Memorial observance that the two attended.<sup>1074</sup> While the Committee currently has no means to independently evaluate Wildstein's reported statement, the statement, as well as the current lack of information from Wildstein, Kelly, Stepien, and others, leaves open the question of when the Governor first learned of the closures and what he was told.

### 4. Assessing Responsibility

In short, it is clear that Kelly and Wildstein were principal actors in closing Fort Lee's access lanes. It is equally clear that Baroni and Stepien were, at the very least, contemporaneously aware of the lane closures. Baroni and Stepien were likewise aware either contemporaneously or shortly after the closures that Kelly also had knowledge and potential involvement in them.

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<sup>1072</sup> *Supra* Part IV.G.3.

<sup>1073</sup> Text message from Baroni to Wildstein (Sept. 17, 2013, at 1:57 p.m.). DW-009.

<sup>1074</sup> Drewniak Testimony at 52 & 118.

Whether Governor Christie had contemporaneous knowledge or involvement in the lane closures is currently unknown to the Committee. Even, however, if Kelly and Wildstein acted alone, they did so with perceived impunity and in an environment, both in OOG and the Port Authority, in which they felt empowered to act as they did, with little regard for public safety risks or the steadily mounting public frustration.

### C. OOG's Response

The Committee's investigation so far has not been able to determine whether others in OOG, in addition to Kelly, knew about and participated in the lane closure decision or learned the truth about it while publicly maintaining to the press and the legislature that the closures were part of a traffic study.

What is clear, however, is that OOG responded very slowly and passively to mounting indications that serious harms had been inflicted on thousands of New Jersey motorists for political rather than legitimate policy reasons. The failure to respond more quickly and directly may have been the result of a series of mistakes involving failure to recognize warning signs and failure to anticipate the seriousness of the problem facing the Governor and his administration. But the sequence of events, coupled with OOG's evident lack of curiosity regarding the actual origin and purpose of the lane closures, at least raises questions (as yet unanswerable by the Committee) about whether key people in OOG, as events unfolded, took increasingly implausible explanations at face value because they knew or suspected a more damaging true story and preferred that it not come to light.

Evidence demonstrates that OOG was aware of the lane closures through multiple channels while they were happening: (1) commuters had complained via email to the Office of Constituent Relations;<sup>1075</sup> (2) Wildstein had contacted OOG Press Secretary Michael Drewniak with a press inquiry and a proposed reply;<sup>1076</sup> (3) Mayor Sokolich had called IGA Regional Director Evan Ridley to forcefully complain of the closures, which Ridley then passed along to Director of IGA Christina Renna;<sup>1077</sup> and, most importantly (4) the Foye Directive had been sent with "High" importance to the Director of OOG's Authorities Unit, Regina Egea, who forwarded it to her deputy assigned to handle Port Authority matters, Nicole Crifo.<sup>1078</sup>

Moreover, on October 1, 2013, just two weeks after its first story on the lane closures, the *Wall Street Journal* publicly released the Foye Directive,<sup>1079</sup> making it virtually impossible to ignore. Foye's email did not simply reveal that the lane closures had occurred and had been terminated. It stated that the closures had been implemented without Foye's knowledge, without any prior communications with local officials in Fort Lee or the commuting public, and in violation of the Port Authority's policies and

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<sup>1075</sup> *Supra* Part IV.F.3.b.

<sup>1076</sup> *Supra* Part IV.F.4.e.

<sup>1077</sup> *Supra* Part IV.F.4.c.

<sup>1078</sup> *Supra* Part IV.F.5.b.

<sup>1079</sup> *Supra* Part IV.H.

procedures.<sup>1080</sup> And it further stated that the closures had endangered public safety and possibly violated state and federal law.<sup>1081</sup>

It is notable how OOG responded (or did not respond) as events unfolded:

- On September 12th, Renna learned of a call between Ridley and Mayor Sokolich in which the Mayor described horrible traffic back-ups, public safety hazards, and the prevailing feeling in Fort Lee that the lane closures had been orchestrated by the Governor or his staff as retribution for something.<sup>1082</sup> She briefed Kelly.<sup>1083</sup> Kelly responded simply, “Good.”<sup>1084</sup> As far as the Committee is aware, Renna did not pursue the issues raised by the Mayor, or any concerns raised by Kelly’s one-word response, with anyone else.
- Egea, who received the Foye Directive on the same day it issued, September 13th, testified that, while she asked Baroni about the matter, she simply accepted his assurances that she had nothing “to really be concerned about.”<sup>1085</sup>
- As early as September 12th, Drewniak received an email from Wildstein forwarding Cichowski’s inquiry on behalf of the Bergen *Record*.<sup>1086</sup> And by September 17th, as Ted Mann of the *Wall Street Journal* was continuing to make inquiries, Baroni texted Wildstein “Jesus / Call Drewniak”<sup>1087</sup>—thus implying Drewniak had enough knowledge and background on the issue to assist in a response. On September 18th, Wildstein forwarded the resulting *Wall Street Journal* story to Drewniak, adding that he had been “unusually nervous over this one” but not explaining why.<sup>1088</sup> Two weeks later the *Wall Street Journal* published the Foye Directive.<sup>1089</sup> Drewniak later testified that this story finally made him view the situation more seriously.<sup>1090</sup> And yet, in his replies to press inquiries from the *Journal* and other publications, Drewniak continued to repeat Wildstein’s stories about a traffic study.<sup>1091</sup>

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<sup>1080</sup> Email from Foye to Fulton, *et al.* (Sept. 13, 2013, at 7:44 a.m.). [PA-BB-000001](#).

<sup>1081</sup> *Id.*

<sup>1082</sup> *Supra* Part IV.F.4.c.

<sup>1083</sup> *Id.*

<sup>1084</sup> Email from Kelly to Renna (Sept. 12, 2013, at 11:44 p.m.). [CGR 48](#).

<sup>1085</sup> *Supra* Part IV.F.5.b.

<sup>1086</sup> *Supra* Part IV.F.4.e.

<sup>1087</sup> Text message from Baroni to Wildstein (Sept. 17, 2013, at 2:34 p.m.). [DW-009](#).

<sup>1088</sup> Email from Wildstein to Drewniak (Sept. 18, 2013, at 9:24 a.m.). [OGNJ-LEG-049008](#).

<sup>1089</sup> *Supra* Part IV.H.

<sup>1090</sup> *Id.*

<sup>1091</sup> *Id.*; see also *supra* Parts IV.I.4 and IV.J.2.

- Drewniak further testified that at some point in late October or early November Wildstein told him that Kelly and Stepien had both had knowledge of the lane closures.<sup>1092</sup> Although Drewniak's testimony is that he relayed this information to McKenna,<sup>1093</sup> there is no indication that anyone in OOG, at this time, questioned Kelly or Stepien about their knowledge. Nor is there any evidence that the alleged involvement of the Governor's Deputy Chief of Staff and his campaign manager caused Drewniak or anyone else to question the traffic study story in communications with others in OOG.
- According to O'Dowd's testimony, McKenna made inquiries in early October, after the *Wall Street Journal* published the Foye Directive, likely at the Governor's request.<sup>1094</sup> O'Dowd also testified that McKenna concluded, presumably after consultation with Baroni, that there had been a legitimate traffic study,<sup>1095</sup> but McKenna apparently did not seek any documentation to support this conclusion.
- Egea was asked by Port Authority Chair Samson to edit Baroni's opening statement for his November 25th testimony confirming that the closures were part of a traffic study.<sup>1096</sup> This was the first time she had ever received such a request.<sup>1097</sup> Earlier that month, the *Wall Street Journal* had identified Wildstein as the operative who ordered the lane closures and even reported on his visit to the Bridge on the first day of the closures.<sup>1098</sup> Yet in their work editing Baroni's opening statement, neither Egea nor Crifo appears to have challenged Baroni's underlying premise that the lane closures were, indeed, part of a traffic study, nor did they seriously question his suggestion that the failure to alert Fort Lee in advance had been unintentional or inadvertent.<sup>1099</sup>
- Egea mentioned her work on the Baroni statement to McKenna.<sup>1100</sup> Although McKenna by this time was aware of Wildstein's statement to Drewniak that Kelly and Stepien had knowledge of the closures, this did not cause him to question the traffic study story that Baroni was about to reaffirm in front of a legislative committee.<sup>1101</sup>

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<sup>1092</sup> *Supra* Part IV.J.3.

<sup>1093</sup> *Id.*

<sup>1094</sup> *Supra* Part IV.I.1.

<sup>1095</sup> *Id.*

<sup>1096</sup> *Supra* Part IV.J.5.a.

<sup>1097</sup> *Id.*

<sup>1098</sup> *Supra* Part IV.J.2

<sup>1099</sup> *Supra* Part IV.J.5.a.

<sup>1100</sup> *Id.*

<sup>1101</sup> *Id.*

- On December 9, 2013, three Port Authority officials testified under oath that the process of implementing the lane closures had been highly irregular and not in keeping with standard procedures.<sup>1102</sup> Foye and Durando further testified that, to their knowledge, no actual traffic study had been conducted.<sup>1103</sup> Foye also repeated his belief that federal law had been violated.<sup>1104</sup> These individuals' testimony may have finally had some effect within the Governor's office. Several days later at Drumthwacket, Governor Christie questioned Stepien about his knowledge and involvement and charged O'Dowd with questioning Kelly.<sup>1105</sup>
- During his December 13th press conference, Governor Christie affirmed that no one on his senior staff or within his re-election campaign had knowledge of the lane closures.<sup>1106</sup> Even putting aside Stepien's counsel's claim that just the day before—during a December 12th meeting at Drumthwacket—Stepien had told the Governor that Wildstein had brought the lane closure idea to Stepien in advance and that Stepien had told Wildstein to take it to OOG,<sup>1107</sup> directly before the press conference O'Dowd shared with the Governor Kelly's September 12th email, indicating that Kelly had at least been aware of the lane closures while they were in effect.<sup>1108</sup> In his testimony before the Committee, O'Dowd stated that "a plain read" of the Governor's denial that his staff was aware of the lane closures appeared "inconsistent" with Kelly's email, which O'Dowd "handed [to Governor Christie] . . . prior to that press conference."<sup>1109</sup>
- Finally, by December 13th, O'Dowd was not just aware of Wildstein's claims that Kelly and Stepien were involved in the lane closures, but he had been informed by Gramiccioni of Baroni's claim that there was email evidence to prove Kelly's connection.<sup>1110</sup> O'Dowd testified that he believed the email Kelly produced to him on December 13th must have been what Baroni had in mind—yet he never directly asked Baroni.<sup>1111</sup> Nor does it appear that anyone directly asked Wildstein what the basis was for his claim that Kelly and Stepien had knowledge of the lane closures. This is particularly striking given that, on December 12th, both Baroni and Wildstein had been subpoenaed for documents by the Assembly Transportation Committee.<sup>1112</sup> Despite

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<sup>1102</sup> *Supra* Part IV.K.5.

<sup>1103</sup> *Id.*

<sup>1104</sup> *Id.*

<sup>1105</sup> *Supra* Part IV.K.6.b.(1).

<sup>1106</sup> *Supra* Part IV.K.6.c.(5).

<sup>1107</sup> *Supra* Part IV.K.6.b.(1) and fn. 918.

<sup>1108</sup> *Supra* Part IV.K.6.c.(3).

<sup>1109</sup> O'Dowd Testimony at 240.

<sup>1110</sup> *Supra* Part IV.K.6.c.(1).

<sup>1111</sup> *Supra* Part IV.K.6.c.(3).

<sup>1112</sup> *Supra* Part IV.K.6.b.(2).



this, there is no evidence that anyone in OOG discussed with Baroni or Wildstein what they might produce in response to the subpoenas or whether there would be anything in their productions that would cause embarrassment to the Governor or his administration.

It is always difficult to judge, with the benefit of hindsight, how people perceived and responded to an unfolding story. And without further testimony or documents from some of the central players firm conclusions are impossible. But it is difficult to review this sequence of events without seeing indications that some of the participants may have known or suspected that the traffic study cover story was a fabrication even as they continued to embrace that story publicly.

#### **D. Politicization of IGA**

As described at length above, IGA staff on occasion blurred the lines between their official state functions and campaign objectives. Outreach efforts to mayors and other local officials were controlled by Kelly based on criteria that she did not share with her field staff,<sup>1113</sup> and the so-called “Top 100 Towns” list may have been compiled in part based on partisan voting trends.<sup>1114</sup>

It is not surprising, of course, that state government employees take an active interest in campaigning. However, here the evidence indicates that IGA staff incorporated campaign intelligence in their official state government reports and addressed campaign matters during business hours.<sup>1115</sup> The blurring of the lines between state and campaign activity erodes public trust and confidence in state institutions and public officials, and efforts should be made to address these issues.

#### **E. Potential Witness Tampering Violation**

As described above, on December 12, 2013, Kelly instructed Christina Renna to delete from her personal Gmail account an exchange in which Renna had reported on Mayor Sokolich’s frustrated telephone call concerning the lane closures, to which Kelly had written in reply, “Good.”<sup>1116</sup> At the time of Kelly’s request to delete this exchange, the Assembly Transportation Committee had, just three days earlier on December 9th, taken sworn testimony from three Port Authority officials: Executive Director Patrick Foye, TBT Director Cedrick Fulton, and GWB General Manager Robert Durando.<sup>1117</sup> A few weeks earlier, Baroni himself had testified, and the evidence indicates Kelly had asked to see a copy of Baroni’s prepared remarks beforehand.<sup>1118</sup> Thus, there is ample evidence that Kelly was well aware of the ongoing legislative investigation. As a result, her request that Renna delete a relevant email message may have violated New Jersey’s witness tampering statute, N.J. Stat. § 2C:28-5.

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<sup>1113</sup> *Supra* Part IV.C.2.

<sup>1114</sup> *Supra* Part IV.A.1.

<sup>1115</sup> *Supra* Part IV.A.1.

<sup>1116</sup> *Supra* Part IV.K.6.b.(5).

<sup>1117</sup> *Supra* Part IV.K.5.

<sup>1118</sup> *Supra* Part IV.J.5.a.

Under this statute, “[a] person commits an offense if, believing that an official proceeding or investigation is pending or about to be instituted or has been instituted, he knowingly engages in conduct which a reasonable person would believe would cause a witness or informant to withhold any testimony, information, document or thing.”<sup>1119</sup> There are thus two relevant elements to this offense: (1) a belief that an official proceeding has been instituted, and (2) knowingly engaging in conduct that would reasonably cause a witness or informant to withhold a document.

Regarding the first element, an “official proceeding” is defined as “a proceeding heard or which may be heard before any legislative . . . agency, arbitration proceeding, or official authorized to take evidence under oath.”<sup>1120</sup> Thus, the tampering statute expressly applies to legislative investigations, including the work of the Assembly Transportation Committee of which Kelly was well aware.

The second element of witness tampering simply requires that a reasonable person would believe that Kelly’s conduct would cause Renna (a witness or informant) to withhold a document. And a reasonable person would likely conclude that Kelly’s request that Renna delete an email would cause Renna—Kelly’s subordinate—to do so. Importantly, it does not matter that Renna never actually deleted the email completely. Rather, “[t]he evil to be addressed is approaching the witness rather than the likelihood of successfully convincing that witness not to testify or to alter such testimony.”<sup>1121</sup>

Accordingly, there is good reason to believe Kelly may have violated the witness tampering statute.<sup>1122</sup>

## **F. Port Authority Processes**

### **1. Divisions Between New Jersey and New York Appointees**

The Fort Lee lane closures ran for four days before Port Authority Executive Director Foye first became aware of them—and when he did learn, it was through a media activity report item prompted

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<sup>1119</sup> N.J. Stat. § 2C:28-5a(2).

<sup>1120</sup> *Id.* § 2C:27-1d.

<sup>1121</sup> *State v. Speth*, 731 A.2d 1232, 1244 (N.J. Super. Ct. App. Div. 1999).

<sup>1122</sup> Kelly’s request that Renna delete a relevant email communication may also qualify as obstruction of justice under state law. See N.J. Stat. § 2C:29-1 Under this statute, a person commits a criminal offense if he or she “purposely obstructs, impairs or perverts the administration of law or other governmental function . . . by means of flight, intimidation, force, violence, or physical interference or obstacle, or by means of any independently unlawful act.” *Id.* § 2C:29-1a. The New Jersey Legislature intended this statute “to prohibit a broad range of behavior designed to impede or defeat the lawful operation of government.” New Jersey Criminal Law Revision Commission, Final Report Volume II: Commentary 280 (1971). And assuming that Kelly could be successfully charged with witness tampering under § 2C:28-5, the witness tampering charge would serve as an “independently unlawful act” for an obstruction charge. See *State v. Scherzer*, 694 A.2d 196, 228 (N.J. Super. Ct. App. Div. 1997) (charging the defendant with tampering and obstruction for confronting a grand jury witness about her intended testimony the day before she testified); *State v. Kent*, 418 A.2d 1322, 1325–26 (N.J. Super. Ct. App. Div. 1980) (charging the defendant with tampering and obstruction for inducing others to mislead an unlicensed-adoption investigation and withhold facts).

by a reporter's questions.<sup>1123</sup> This noteworthy fact underscores the deep divisions that separate the New Jersey and New York appointees within the bi-state agency. The same divisions were also on display when Wildstein referred to unspecified "retaliat[ion]" to be taken in response to Foye's instruction to re-open the lanes.<sup>1124</sup>

The evidence reveals an agency splintered and handicapped by its internal divisions. Commissioner Schubert testified before the Committee that there is a "built-in tension" at the highest levels of Port Authority governance, *i.e.*, among the Commissioners themselves, "with regard to making sure that each state gets its fair share of the dollars that the Port generates."<sup>1125</sup> He also described the agency's Executive and Deputy Executive Directors as both having "day-to-day management of the operation" in a "dual head" model.<sup>1126</sup> Those divisions, he said, translated to the staff level as well, and led in part to his not following up on the Foye Directive's claims: Commissioner Schubert told the Committee that he "just didn't want to be a part" of the "tension between some of the New Jersey permanent staffers and the New York staffers."<sup>1127</sup>

## 2. Fear of Reprisal

Contributing to the divisions discussed above was a clear sense within the Port Authority that employees could face retribution for elevating issues or concerns to senior executives. Fulton and Durando testified that they considered Wildstein's directive to reduce Fort Lee's access lanes to have been "odd" or "wrong" or "unprecedented"—and yet both acquiesced.<sup>1128</sup> Durando testified that he believed Wildstein had the authority to fire him and that he did not want to "tempt fate."<sup>1129</sup> And when asked if it was possible that, in fact, he could have been fired for defying Wildstein, Durando stated, "Anything is possible."<sup>1130</sup> Similarly, when Fulton was asked repeatedly if he was concerned that he might have jeopardized his employment had he elevated the lane closures directly to Foye, he answered that, had he done so, he could have been accused of not respecting the chain of command.<sup>1131</sup>

It is clear that Fulton and Durando were uncomfortable with the lane closures and believed that normal procedures were not being followed. Yet neither felt empowered to resist Wildstein's direction or to raise their concerns to more senior leadership. This evidence speaks to a breakdown of proper controls and mechanisms for reporting suspected impropriety. It also indicates an environment of

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<sup>1123</sup> *Supra* Part IV.F.4.e.

<sup>1124</sup> Email from Wildstein to Kelly (Sept. 13, 2013, at 11:44 a.m.). [NJGA-000630](#).

<sup>1125</sup> Schubert Testimony at 19.

<sup>1126</sup> *Id.* at 92.

<sup>1127</sup> *Id.* at 17.

<sup>1128</sup> *Supra* Part IV.K.5.

<sup>1129</sup> *Id.*

<sup>1130</sup> Durando Testimony at 96-97.

<sup>1131</sup> *Id.*

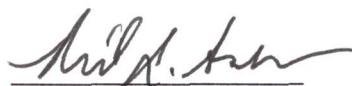
intimidation in which employees could be pressured to act against their better judgment for fear of potential reprisals.

These divisions within the Port Authority, and the atmosphere of fear within the organization, highlight the need for thoughtful legislative approaches to ensure a situation like the lane closures never occurs again.

## **VI. TRANSMITTAL**

The preceding interim Report represents the best efforts of Special Counsel to the Committee to gather, review, and analyze evidence related to the September 2013 closure of George Washington Bridge access lanes in Fort Lee, N.J. This Report will be supplemented should additional material information be obtained.

Respectfully submitted,



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## **APPENDICES**

## Appendix 1

### Acronyms

Acronym	Full Name
ARC	Access to the Region's Core
CCFG	Chris Christie for Governor, Inc.
GWB	George Washington Bridge
FLPD	Fort Lee Police Department
FOI	Freedom of Information
IGA	Intergovernmental Affairs
OIG	Office of Inspector General
OOG	Office of the Governor
PANYNJ	Port Authority of New York and New Jersey
PAPBA	Port Authority Police Benevolent Association
PAPD	Port Authority Police Department
TBT	Tunnels, Bridges, and Terminals

## Appendix 2

### Key Individuals and Affiliations

NAME	AFFILIATION
Ashmore, Jeanne	Director of Constituent Relations, OOG
Baroni, Bill	Deputy Executive Director, Port Authority ( <i>former</i> )
Bell, Matt	Special Assistant to Port Authority Deputy Executive Director Baroni ( <i>former</i> )
Bendul, Keith	Chief of Police, Fort Lee Police Department
Boburg, Shawn	Reporter, <i>Bergen Record</i>
Buono, Barbara	Senator (and 2013 Democratic nominee for Governor)
Christie, Chris	Governor of the State of New Jersey
Cichowski, John	Reporter, <i>Bergen Record</i>
Coleman, Steven	Deputy Director of Media Relations, Port Authority
Comella, Maria	Deputy Chief of Staff for Communications, OOG
Crifo, Nicole	Senior Counsel, Authorities Unit, OOG
Danielides, Philippe	Senior Aide to Port Authority Board Chair Samson ( <i>former</i> )
DiMarco, Gretchen	Assistant to Port Authority Deputy Executive Director Baroni ( <i>former</i> )
Dolan, Sarah	Media Relations Aide, OOG
Drewniak, Michael	Press Secretary, OOG
DuHaime, Michael	Political Advisor to Governor Christie
Durando, Robert	General Manager, George Washington Bridge, Port Authority
Egea, Regina	Director of Authorities Unit, OOG
Foye, Patrick	Executive Director, Port Authority
Frank, Gloria	Assistant Chief of Police, PAPD
Fulton, Cedrick	Director, Tunnels, Bridge, and Terminals, Port Authority
Garten, David	Aide to Port Authority Board Vice Chair Rechler
Gramiccioni, Deborah	Deputy Chief of Staff for Operations, OOG ( <i>former</i> )
Guadagno, Kim	Lieutenant Governor of the State of New Jersey
Haddon, Heather	Reporter, <i>Wall Street Journal</i>
Hardy, Norma	Assistant Chief of Police, PAPD
Jacobs, Daniel	General Manager, Tunnels, Bridges, and Terminals, Port Authority
Kelly, Bridget Anne	Deputy Chief of Staff for Legislative and Intergovernmental Affairs, OOG ( <i>former</i> )
Koumoutsos, Louis	Chief of Police, PAPD
Kwon, Phil	Deputy General Counsel, Port Authority
Lado, Christina	Director of Government and Community Relations, Port Authority
Licorish, Darcy	Deputy Inspector, PAPD
Ma, John	Chief of Staff to Port Authority Executive Director Foye
MacSpadden, Lisa	Director of Media Relations, Port Authority ( <i>former</i> )
Mann, Ted	Reporter, <i>Wall Street Journal</i>
Matey, Paul	Deputy Chief Counsel, OOG
McKenna, Charlie	Chief Counsel, OOG ( <i>former</i> )
Melick, Amy	Special Counsel, OOG

NAME	AFFILIATION
Michaels, Thomas “Chip”	Lieutenant, PAPD
Mowers, Matt	Regional Director for Intergovernmental Affairs, OOG ( <i>former</i> ); Political Director, CCFG ( <i>former</i> )
Nunziato, Paul	President, PAPBA
O’Dowd, Kevin	Chief of Staff, OOG
Porrino, Chris	Chief Counsel, OOG
Quelch, Jerry	Analyst, Tunnels, Bridges, and Terminals, Port Authority
Rechler, Scott	Vice Chair, Port Authority Board of Commissioners
Reed, Colin	Deputy Director of Communications, OOG
Renna, Christina	Director of Intergovernmental Affairs, OOG ( <i>former</i> )
Ridley, Evan	Regional Director for Intergovernmental Affairs, OOG
Rivera, Jose	Chief Traffic Engineer, Port Authority
Roberts, Kevin	Spokesman, CCFG
Rozenberg, Paul	Constituent Relations Liaison, OOG
Samson, David	Chair, Port Authority Board of Commissioners ( <i>former</i> )
Schuber, William “Pat”	Commissioner, Port Authority Board of Commissioners
Sheridan, Pete	Director of Regional Intergovernmental Affairs, OOG ( <i>former</i> )
Sokolich, Mark	Mayor of the Borough of Fort Lee
Stark, Chris	Regional Director for Intergovernmental Affairs, OOG
Stepien, Bill	Deputy Chief of Staff for Legislative and Intergovernmental Affairs, OOG ( <i>former</i> ); Campaign Manager, CCFG ( <i>former</i> )
Strunsky, Steve	Reporter, <i>Star-Ledger</i>
Thomas, Peggy	Borough Administrator, Fort Lee
Valens, Chris	Media Relations Representative, Port Authority
Weinberg, Loretta	Senator; Co-Chair of New Jersey Legislative Select Committee on Investigation
Wildstein, David	Director of Interstate Capital Projects, Port Authority ( <i>former</i> )
Wisniewski, John	Assemblyman; Co-Chair of New Jersey Legislative Select Committee on Investigation
Zipf, Peter	Chief Engineer, Port Authority