

**Avicore Reporting - 15 Constitution Drive, Suite 1A - Bedford, NH 03110**

STATE OF NEW HAMPSHIRE

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NEW HAMPSHIRE PORT AUTHORITY \*  
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INTERVIEW OF GOVERNOR SUNUNU - 8/6/24  
TRANSCRIBED FROM AUDIO

Prepared for: Autumn Sayball, Paralegal  
N.H. Department of Justice  
1 Granite Place South  
Concord, NH 03301

1           INTERVIEWER: All right, my recorder has  
2 started and my name is Investigator Tom Desfosses  
3 with the New Hampshire Attorney General's Office.  
4 Today's date is August 6<sup>th</sup>, 2024 and it's  
5 approximately 4:13 p.m. And this is a recorded  
6 telephone call with all parties consenting to my  
7 knowledge. If you can all just introduce yourself  
8 and acknowledge that you are in fact consenting to  
9 the phone call, I'd appreciate it, or to the  
10 recording.

11           GOVERNOR SUNUNU: Sure, it's Chris Sununu,  
12 Governor Sununu, and yes, I'm consenting to the  
13 recording.

14           INTERVIEWER: Thank you.

15           GOVERNOR SUNUNU: Is this a --

16           ATTORNEY OGDEN: Rudy Ogden, legal counsel.

17           GOVERNOR SUNUNU: Oh, sorry, go ahead, Rudy.

18           ATTORNEY OGDEN: Rudy Ogden, legal counsel  
19 to Governor Sununu, I consent to the recording.

20           INTERVIEWER: Assistant Attorney General Joe  
21 Fincham, I consent.

22           INTERVIEWER: All right, thank you all. And  
23 so I wanted to go back to the discussion on Justice

1 Hantz Marconi and the meeting. Do you recall,  
2 Governor, if there were any calls to Chief Justice  
3 prior to the meeting with Justice Hantz Marconi?

4 GOVERNOR SUNUNU: Yeah, I -- I don't, I  
5 don't remember having a conversation. It, it could  
6 have happened if Gordon thinks that there was a call  
7 I, I have no reason to doubt him, but I personally  
8 don't remember that call specifically, but it could  
9 have happened I suppose.

10 INTERVIEWER: Okay, and do you remember  
11 having more than one conversation with Chief Justice  
12 regarding Justice Hantz Marconi?

13 GOVERNOR SUNUNU: I, I -- the best I can  
14 remember I, I know I spoke with him afterwards and  
15 that was very, you know that had a substance in it.  
16 I do talk to Gordon from time-to-time so I, again I,  
17 I could have talked to him beforehand. I personally  
18 don't remember that but I, like I said, it could have  
19 happened. I, yeah, that's all I can, that's really  
20 all I can tell you.

21 INTERVIEWER: Okay, and in any conversations  
22 that you may have had with Chief Justice, I know when  
23 we spoke on the 31<sup>st</sup>, I don't recall any mention

1 specifically of John Formella. After the passage of  
2 a little bit of time has, is that still accurate, or  
3 did anything change regarding John Formella's name  
4 coming up in discussions with Chief Justice?

5 GOVERNOR SUNUNU: Oh, no, not that I -- you  
6 mean, I -- I'm trying to understand your question.  
7 Are you asking me do I remember speaking about  
8 Attorney General Formella with the Chief Justice?

9 INTERVIEWER: Yes, only in --

10 GOVERNOR SUNUNU: Is that the question?

11 INTERVIEWER: -- yes, but only in the  
12 capacity or in the context that Justice Hantz Marconi  
13 would have relayed potentially something regarding  
14 John Formella?

15 GOVERNOR SUNUNU: Yeah, I -- I don't  
16 remember, I don't remember that coming up at all  
17 with, with my discussions with the Chief Justice,  
18 with -- with the Chief Justice, I -- I don't remember  
19 anything of that nature coming up.

20 INTERVIEWER: Okay, do you recall if Justice  
21 Hantz Marconi described anyone in particular in that  
22 meeting with you as being weak, or strong, or  
23 anything similar to that?

1                   GOVERNOR SUNUNU: Like, like specific  
2 individuals or anything like that? No, I can tell  
3 you the, in terms of being weak or strong, let me  
4 back up. The only thing I can remember her, her  
5 truly saying was she had, she had indicated that she  
6 thought that the initial allegations were personal,  
7 or political. Not that those were personal or  
8 political within the Attorney General's Office, but  
9 personal or political within whoever had kind of  
10 started these initial allegations, but she never  
11 brought up names or anything like that. She never  
12 said, I mean, give me 30 seconds. I don't, I don't  
13 specifically remember her bringing up any names in  
14 terms of who she was referring to or talking about.  
15 It was more just, you know, generally she thought  
16 that the claims were baseless.

17                   INTERVIEWER: Okay.

18                   GOVERNOR SUNUNU: And had some, some type  
19 of, you know, historical backing, you know. This  
20 goes back a long way and this is personal, and  
21 there's politics involved, and other than someone,  
22 let me -- let me, other than bringing back she  
23 referenced, I think we already spoke about this, she

1 referenced something that happened at Rye Harbor.

2 INTERVIEWER: Correct.

3 GOVERNOR SUNUNU: But that wasn't a person,  
4 it was just something at Rye Harbor, but I don't  
5 think she ever brought up any specific names other  
6 than that.

7 INTERVIEWER: Okay, do you recall any  
8 specific complaints that Justice Hantz Marconi made  
9 about any person or agency?

10 GOVERNOR SUNUNU: A person or, or an agency?  
11 No, no, no.

12 INTERVIEWER: Okay.

13 GOVERNOR SUNUNU: No.

14 INTERVIEWER: Okay, have there been any  
15 discussions with Chief Justice following our  
16 conversation on July 31<sup>st</sup> regarding Hantz Marconi to  
17 the extent that is relevant to what we've spoken  
18 about?

19 GOVERNOR SUNUNU: No, no, I haven't talked  
20 to Justice MacDonald at all.

21 INTERVIEWER: Okay, all right. Joe, do you  
22 have anything?

23 INTERVIEWER: Just a couple quick follow-

1 ups, Governor. Did Justice Hantz Marconi ever  
2 describe the Attorney General's Office, or the  
3 Attorney General as being weak, or strong, or  
4 politically motivated in any direction?

5 GOVERNOR SUNUNU: No, not the Attorney  
6 General's Office, no.

7 INTERVIEWER: And when you called the Chief  
8 Justice, were you calling from a land line or a cell  
9 phone?

10 GOVERNOR SUNUNU: I assume my cell phone  
11 'cause I make almost all of my calls from the cell  
12 phone, so I, I don't remember exactly but I, I -- a  
13 99 percent chance it was probably from my cell phone.  
14 I do everything off my cell phone 'cause it was, let  
15 me back -- let me back up. It was in my office and I  
16 almost never use my office line so yeah, probably my  
17 cell phone.

18 INTERVIEWER: Okay, and would you have been  
19 calling the Chief Justice's cell phone?

20 GOVERNOR SUNUNU: Good question, it could  
21 have been but I, I -- I honestly don't know. Would I  
22 have called him on his office line, you know, out of  
23 ease I probably, I -- I believe, I'm 99 percent sure

1 I would have called his cell phone.

2 INTERVIEWER: Okay.

3 GOVERNOR SUNUNU: Because that's, that's 99  
4 percent of the time that's how I get in touch with  
5 him. I don't think I would have even thought to call  
6 his, his office line. That's just, I -- I normally  
7 call everybody on their cell phone to be honest. If  
8 I have their cell number, I'm 99 percent of the time  
9 using their cell number, not -- not an office line.

10 INTERVIEWER: Okay, and Governor, I promise  
11 we will protect this information but could you  
12 provide us your cell phone number?

13 GOVERNOR SUNUNU: My cell phone number,  
14 sure, [REDACTED], [REDACTED].

15 INTERVIEWER: And could you provide us with  
16 the cell phone number you have for the Chief Justice?

17 GOVERNOR SUNUNU: Yeah.

18 ATTORNEY OGDEN: I don't know if he has  
19 that, like we're on my phone so I don't know if he  
20 has that.

21 INTERVIEWER: Oh, okay. If you could have  
22 Rudy send that to us just so --

23 ATTORNEY OGDEN: Yeah, we'll --



1           GOVERNOR SUNUNU: Yeah, well, hold on, I'd  
2 rather just, let me -- if you guys can just give me  
3 30 seconds, let me go grab -- my phone's in the other  
4 room. Give me 30 seconds, I'll go grab it, one  
5 second.

6           INTERVIEWER: Yes, sir.

7           GOVERNOR SUNUNU: Hey, you guys still there?

8           INTERVIEWER: Yes, sir.

9           GOVERNOR SUNUNU: Hello, oh, hi, sorry. The  
10 number I have which I believe is the number I, I  
11 used, [REDACTED]. That's likely the number I would  
12 have called him on, [REDACTED]. Let me just, I  
13 would imagine. I, I could have called him at work  
14 but I'm, I'm -- I usually call everybody on the cell  
15 phone so that's probably what I used.

16           INTERVIEWER: All right, thank you.

17           INTERVIEWER: Okay, well, Tom, that's all  
18 I've got.

19           INTERVIEWER: All right, Governor, Rudy, I  
20 appreciate your time today and I don't want to take  
21 up any more than we need to, so I will end the  
22 recording. It's 4:22 p.m.  
23 (End.)

CERTIFICATE

I, Mary Mielke, a court-approved transcriptionist, do hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceeding in the above-entitled matter to the best of my professional skill and ability.

  
\_\_\_\_\_  
Mary Mielke  
Avicore Reporting

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**Avicore Reporting - 15 Constitution Drive, Suite 1A - Bedford, NH 03110**

STATE OF NEW HAMPSHIRE

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NEW HAMPSHIRE PORT AUTHORITY \*  
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INTERVIEW OF RUDY OGDEN - 7/9/24  
TRANSCRIBED FROM AUDIO

Prepared for: Autumn Sayball, Paralegal  
N.H. Department of Justice  
1 Granite Place South  
Concord, NH 03301

1 INTERVIEWER: The audio recording has  
2 started and today is July 9<sup>th</sup>, 2024. It's  
3 approximately 9:33 a.m., and we're in Interview Room  
4 108B at the Attorney General's Office. My name's  
5 Investigator Tom Desfosses and in the room with me on  
6 this audio recording is, can you introduce yourself?

7 ATTORNEY OGDEN: My name is Rudy Ogden and  
8 I'm okay with being recorded.

9 INTERVIEWER: Okay.

10 INTERVIEWER: Dan Jimenez, I'm okay being  
11 recorded.

12 INTERVIEWER: Steve Johnson, I'm okay with  
13 being recorded.

14 INTERVIEWER: Joe Fincham, I'm okay with  
15 being recorded.

16 INTERVIEWER: All right, thank you. So I'm  
17 not intimately familiar with the, how your, what your  
18 capacity is with the Governor, so I'm gonna ask some  
19 questions just so I can kind of --

20 ATTORNEY OGDEN: Okay.

21 INTERVIEWER: -- better understand that as  
22 well, okay. So if you can just kind of explain to me  
23 what your capacity is for Governor Sununu?

1           ATTORNEY OGDEN:  So I'm legal counsel for  
2 Governor Sununu.

3           INTERVIEWER:  Okay.

4           ATTORNEY OGDEN:  So essentially serve as  
5 General Counsel for the Office of the Governor.

6           INTERVIEWER:  Okay, so does that mean that  
7 anything that comes through an official capacity for  
8 the Governor that you are providing legal guidance  
9 for?

10          ATTORNEY OGDEN:  Correct.

11          INTERVIEWER:  Okay, was there a meeting  
12 recently between Governor Sununu and Justice Hantz  
13 Marconi that you're aware of?

14          ATTORNEY OGDEN:  Yes.

15          INTERVIEWER:  Okay, do you know when that  
16 was specifically?

17          ATTORNEY OGDEN:  On June 6<sup>th</sup>.

18          INTERVIEWER:  Okay, and do you know what  
19 time that was approximately?

20          ATTORNEY OGDEN:  I think it was around 2  
21 o'clock or so, it was in the afternoon I remember.

22          INTERVIEWER:  Okay, and how did you become  
23 aware of that meeting?

1           ATTORNEY OGDEN:  So probably about an hour  
2 and a half, two hours before the meeting, the  
3 Governor had come into my office and said, hey, I  
4 want to ask you a favor.  Justice Marconi's gonna  
5 come in for a meeting this afternoon, would you mind  
6 sitting in.

7           INTERVIEWER:  Okay, and you said he asked a  
8 favor.  So was this outside of the official capacity?

9           ATTORNEY OGDEN:  No, it's just that that's,  
10 he generally, whatever he wants me to do, he asks me  
11 to do, but --

12          INTERVIEWER:  Sure.

13          ATTORNEY OGDEN:  -- he generally that's how  
14 he'll ask, you know, hey, can you do this.

15          INTERVIEWER:  Okay.

16          INTERVIEWER:  Is, is that his normal speak  
17 to say --

18          ATTORNEY OGDEN:  Yeah.

19          INTERVIEWER:  -- ask you to do --

20          ATTORNEY OGDEN:  Yes, it's like can I ask  
21 you to do a favor, write this memo.  It's like, yes,  
22 it's just how he, how he speaks.

23          INTERVIEWER:  Okay, thank you.  So where was



1 this meeting to take place?

2 ATTORNEY OGDEN: In his office.

3 INTERVIEWER: Okay, and was anybody present  
4 with yourself, Governor Sununu, and presumably  
5 Justice Hantz Marconi?

6 ATTORNEY OGDEN: No, just the three of us.

7 INTERVIEWER: Okay, and is that unusual for  
8 there to just be the Governor and yourself?

9 ATTORNEY OGDEN: No, so -- no, so quite  
10 often they'll be meetings where he'll say, those  
11 meetings of course where I know well in advance  
12 that --

13 INTERVIEWER: Um-hum.

14 ATTORNEY OGDEN: -- okay, something's on the  
15 calendar, but it's not atypical for him to just say,  
16 hey, someone's coming in, can -- can you sit in with  
17 me on this.

18 INTERVIEWER: Okay.

19 ATTORNEY OGDEN: So that's not atypical.

20 INTERVIEWER: Did you know at that two-hour  
21 mark what the intended purpose of this meeting was?

22 ATTORNEY OGDEN: No.

23 INTERVIEWER: Okay, is that normal, or do

1 you just kind of go where directed?

2 ATTORNEY OGDEN: No, that's somewhat normal  
3 in the sense of he certainly gets calls from folks  
4 from time-to-time that might be coming in and we  
5 don't necessarily know the nature --

6 INTERVIEWER: Um-hum.

7 ATTORNEY OGDEN: -- of what they'll be  
8 looking for perhaps. It's not like often that we  
9 don't know what the meeting is about, but it happens  
10 from time-to-time.

11 INTERVIEWER: Okay, and so was there any  
12 discussion that you're able to share prior to that  
13 meeting?

14 ATTORNEY OGDEN: Just again in part we were  
15 wondering what the meeting was for.

16 INTERVIEWER: Okay.

17 ATTORNEY OGDEN: We, we did have a  
18 discussion. We just said, you know, I don't know why  
19 she's coming in.

20 INTERVIEWER: Okay, and so as the, as the  
21 meeting begins, what did you learn of the purpose of  
22 the meeting?

23 ATTORNEY OGDEN: So and I just want to be

1 clear, I think you and I had spoken on the phone. I  
2 did not during the course of the meeting take notes.  
3 I, I oftentimes won't take notes during the course of  
4 the meeting if I think it might come across as  
5 awkward. What I did do, and I do do after meetings  
6 like that, is after I did come out of the meeting I  
7 did kind of jot down, you know, what I felt was okay,  
8 this was brought up. This was brought up. This was  
9 brought up.

10 INTERVIEWER: Okay.

11 ATTORNEY OGDEN: So I just want to make that  
12 clear in times is that I might be referring to my  
13 notes. I just want to be clear what that, where  
14 that's coming from, and what that's about.

15 INTERVIEWER: Okay.

16 ATTORNEY OGDEN: So in terms of when Justice  
17 Marconi came in, my recollection she basically  
18 started as something to the effect of, oh, you know,  
19 there's a lot going on and she says, you know, it's  
20 kind of a difficult time. And she made a point of  
21 saying, you know, she's really, a lot going on, tough  
22 because she's kind of a two, two minds or wearing two  
23 hats. And the reason I'm highlighting that is that

1 comment came up multiple times throughout the  
2 conversation, but she basically started with that,  
3 that a lot going on and, you know, I come at it from  
4 two angles.

5       And she says, you know, she -- I think she  
6 brought up you know there's a lot going on with Geno,  
7 and she said, you know, that's where it's, it's  
8 really tough. She said, you know, as a wife I'm very  
9 familiar with everything he does, and everything he  
10 does is subject to oversight. And everything he does  
11 has multiple layers of oversight, so I really don't  
12 know what any of this is about, and it's really hard  
13 to, to deal with and, and see as his wife because I  
14 just imagine this is all petty, or all personal  
15 stuff. And then she said, and then the -- she said  
16 but that's the wife side of me, she said. And then  
17 as the judge side of me it's really difficult because  
18 as you know she said it's difficult on my colleagues.  
19 And she said that, you know, do you know, she asked  
20 this as a question, do you know that, you know, I've  
21 recused myself from all of the Attorney General  
22 cases. And you know that's a lot of work on my  
23 colleagues.

1           So that's kind of how it started as she came in  
2 and said, a lot going on. You know, tough, it's  
3 tough as a wife because of this. It's tough as a  
4 judge because of the strain it's putting on my  
5 colleagues. When she made the comment about the DOJ  
6 cases, she had said it's a lot. The Governor at that  
7 point did interject and said, oh, it's a lot of the  
8 cases? And she said, yes, that's it about 30 or 40  
9 percent of the cases so it's hard. So she said it's  
10 hard on everyone else and you know I really hope that  
11 they need to wrap this up quickly. At that point,  
12 the Governor said, well, you know, I'm -- I'm aware  
13 of stuff going on but I don't really know anything  
14 other than what everyone else knows and, and what's  
15 out there in the public.

16           At that point she then went again into saying,  
17 I've lived with this man, I know what he works on,  
18 everything that he works on is subject to oversight  
19 by the Board, and by statute and regulation and I  
20 think this is petty and personal stuff. And she  
21 said, I -- this is the point where I think she first  
22 brought up, she said I think it probably has to do  
23 with Rye Harbor. She said that it's hard because

1 they were doing, I believe there's some, and I don't  
2 -- I, I -- in my notes I put Association of Ports but  
3 I don't know what, she explained that there was some  
4 conference going on, or some event going on at the  
5 Port and she said it was hard because Mr. Marconi had  
6 been part of that association or group, and had a lot  
7 to do with planning the events for it. And because  
8 of all of this stuff he, he wasn't able to take part  
9 in this. So, so it's hard. So she said it needs to  
10 move quickly and, you know, I think that this is  
11 again just small and petty stuff and that, you know,  
12 I can't believe that, you know, this is what's going  
13 on.

14 I think she again mentioned Rye Harbor. At this  
15 point the Governor did interject because he said, you  
16 keep mentioning Rye Harbor. I don't know what that  
17 is. And then she said something to the effect of  
18 just small stuff from a long time ago. And people  
19 saying rules were not being followed. But she said  
20 something to the effect of having a hard time  
21 believing that that's what DOJ was following up on  
22 or, or dealing with.

23 INTERVIEWER: Okay, so if I have this

1 correct, Justice Hantz Marconi was telling the  
2 Governor that this needs to move quickly, referring  
3 to the investigation?

4           ATTORNEY OGDEN: Yeah, so she said on a  
5 couple of occasions kind of the common refrains  
6 throughout was this idea of, you know, she's of two  
7 minds, or there's two parts of this. It's hard as a  
8 wife, it's hard as a judge. That was brought up  
9 several times, also brought up several times was, you  
10 know, this needs to move quickly. It should move  
11 quickly.

12           INTERVIEWER: Okay, is --

13           INTERVIEWER: And I think, sorry if I'm  
14 interjecting here, Tom, I think you said that she  
15 said that they, is she referring to, they need to  
16 wrap this up quickly, is she referring to the  
17 Department of Justice?

18           ATTORNEY OGDEN: That's what I took it to  
19 mean because it was in the context, when it was  
20 brought up, it was in the context of it would be in  
21 the vein of, it's hard on my colleagues so anything  
22 that can, you know, this needs to end quickly because  
23 it's a strain on my colleagues, or also again it

1 needs to go quickly 'cause I believe this is just all  
2 stuff, and small stuff.

3 INTERVIEWER: Yeah, just -- you lack of a  
4 better term, nonsense and it needs to wrap up --

5 ATTORNEY OGDEN: Correct.

6 INTERVIEWER: -- quickly. Okay, sorry, Tom.

7 INTERVIEWER: That's okay. Was there any  
8 response you can speak to as far as the Governor  
9 being told an investigation needs to move quickly?

10 ATTORNEY OGDEN: No, the -- so the Governor  
11 throughout, he really just -- he spoke very seldom.

12 INTERVIEWER: Um-hum.

13 ATTORNEY OGDEN: I've highlighted again to  
14 -- he did, as I go through my notes there's a couple  
15 more parts where he interjected, but he never --  
16 there's a part later on where he mentioned that he  
17 was at the Board meeting, but that's the most that it  
18 ever got in terms of a response of him actually  
19 saying anything about what was going on, or not going  
20 on.

21 INTERVIEWER: So is it fair to say this was  
22 more of a monologue than a dialog?

23 ATTORNEY OGDEN: Correct, yeah, I mean it



1 was largely her just talking. There were even a  
2 couple of what I would consider somewhat awkward  
3 poses in terms of where she would talk and then the  
4 Governor, and I didn't say anything throughout the  
5 whole meeting other than pleasantries at the  
6 beginning and end. The, the monologue like she would  
7 talk and then the Governor would not really respond  
8 and then she would continue talking, or occasionally,  
9 like I said, have said a few times, he would ask like  
10 a, oh, like they do do a lot of cases because I think  
11 he was generally curious, he didn't realize or know  
12 the level of cases, or in terms of the docket that  
13 DOJ's involved in at the Supreme Court.

14 INTERVIEWER: Okay, so can you recall any  
15 examples where she would speak and then there would  
16 be an, an awkward pause where there wasn't really a  
17 response offered?

18 ATTORNEY OGDEN: So even at the, so even at  
19 the very beginning where she said, you know, there's  
20 a lot going on and, you know, there's a lot going on,  
21 the Governor really didn't say anything, like he just  
22 sat there and was like, you know, okay, and then  
23 that's where she went onto kind of explaining again

1 these two sides that she as his wife, you know, sees  
2 everything he does and, and believes everything he  
3 does is, has oversight and then as the Judge seeing  
4 the strain it's putting on her colleagues.

5 INTERVIEWER: Do you recall approximately  
6 how long the meeting lasted?

7 ATTORNEY OGDEN: I don't think it was more  
8 than 20 minutes.

9 INTERVIEWER: And do you recall who  
10 concluded the meeting?

11 ATTORNEY OGDEN: She basically came, well, I  
12 can -- let me go through my notes, she -- I believe  
13 she concluded the meeting in terms of, you know, it's  
14 like was there anything else and then she's like no,  
15 I just wanted to come in and talk to you and, and let  
16 you know, 'cause there's a lot going on and it's  
17 hard.

18 INTERVIEWER: Okay, was there anything that  
19 Justice Hantz Marconi asked for? Was there any  
20 relief that she was looking for?

21 ATTORNEY OGDEN: No, there was no specific,  
22 no, there was no request, or there was no do this, or  
23 do that.

1 INTERVIEWER: Okay, was there anything that  
2 was intimated or alluded to based on --

3 ATTORNEY OGDEN: No, I think other than  
4 again there was repeated reference to this needs to  
5 end quickly, but to be clear there was never a, this  
6 needs to end quickly and can you please ask DOJ to  
7 end this quickly. There was never anything like  
8 that. It was again, if you're saying intimated, then  
9 I think the closest you could say to that would be  
10 the fact that on more than one occasion it was  
11 brought up that this needs to end quickly.

12 INTERVIEWER: Okay, did Justice Hantz  
13 Marconi share why she thought the Governor could have  
14 impact on this, or was it her belief that he could  
15 have impact on this?

16 ATTORNEY OGDEN: No, and that's why I say in  
17 terms of her not asking for anything, it -- it never  
18 was, it never went more than saying this needs to end  
19 quickly.

20 INTERVIEWER: Um-hum.

21 ATTORNEY OGDEN: Like it was never it needs  
22 to end quickly and geez, if you talk to them you  
23 should tell them that, or this needs to end quickly

1 and I think you can do that. It was never anything  
2 like that. It was just that on multiple occasions it  
3 was brought up that, you know, this should, this  
4 should be wrapped up. This should end quickly.

5 INTERVIEWER: Okay, so Geno Marconi's name  
6 was brought up in this conversation at one point, or  
7 multiple times?

8 ATTORNEY OGDEN: Multiple times, it was  
9 definitely at the beginning. It was definitely with  
10 the part about how it's hard because he had a role,  
11 or has a role in that organization that's planning  
12 that conference or event. So he was specifically  
13 brought up there and then again he was brought up a  
14 couple times relative to this idea of everything that  
15 he does is subject to oversight, so she would make --  
16 she made the comment a few times about, you know, I'm  
17 -- his job, everything that he does is subject to  
18 multiple layers of oversight and there's regulations,  
19 and statutes, and all of that, so that he came up in  
20 those contexts.

21 INTERVIEWER: Okay, did she, sorry, when I  
22 say she, did Justice Hantz Marconi discuss any other  
23 investigations that needed to end quickly, or that

1 were impacting this, two angles that she was having  
2 to deal with?

3 ATTORNEY OGDEN: No.

4 INTERVIEWER: Okay.

5 ATTORNEY OGDEN: And they never really got  
6 into the specifics of what, again there was this talk  
7 about Rye Harbor. She said, you know, I think that  
8 this is all Rye Harbor and that's when the Governor  
9 said, like you keep saying Rye Harbor. I don't know  
10 what that is. That's the most they ever talked about  
11 anything in terms of like what it was actually about.  
12 It was more just this like nebulous, you know there's  
13 stuff going on. It needs to wrap up quickly and it's  
14 hard, like that was basically the kind of tone and  
15 tenor of the conversation.

16 INTERVIEWER: Okay, did Justice Hantz  
17 Marconi say that she was discussing this with anyone  
18 else?

19 ATTORNEY OGDEN: No.

20 INTERVIEWER: Okay, and you mentioned that  
21 you had taken, you had wrote down some thoughts after  
22 the meeting and I had asked before if you were  
23 willing to share those with us, is that something

1 you're willing to share?

2 ATTORNEY OGDEN: Yeah, sure.

3 INTERVIEWER: Okay.

4 ATTORNEY OGDEN: It's in my handwriting  
5 which is not the neatest but --

6 INTERVIEWER: Do you mind, do you mind going  
7 over a little chronologically what you have for your  
8 notes? Are they in chronological order, or are they  
9 just like kind of scattered shots?

10 ATTORNEY OGDEN: No, they're in basically my  
11 memory of what had happened in terms of the  
12 conversation.

13 INTERVIEWER: Okay.

14 ATTORNEY OGDEN: Do you want me to like read  
15 them, or do you -- like I don't --

16 INTERVIEWER: Are you okay with it or --

17 INTERVIEWER: I'll let you go.

18 INTERVIEWER: Well, first is it, how  
19 voluminous is it? Is it just a couple pages or is it  
20 20 pages?

21 ATTORNEY OGDEN: Like five of these pages.

22 INTERVIEWER: Okay, that would be fine, just  
23 in case there's any potential for us to misconstrue

1 the handwriting, it would probably be --

2 ATTORNEY OGDEN: Adequate.

3 INTERVIEWER: -- probably be ideal.

4 INTERVIEWER: I, I just noticed we had a  
5 difficulty with this before, that's the reason I  
6 mentioned it.

7 INTERVIEWER: Okay.

8 ATTORNEY OGDEN: So what do you want me to  
9 do, just read down?

10 INTERVIEWER: Yeah, sure, please.

11 ATTORNEY OGDEN: Tough topic, a lot going  
12 on, come at it from two places, wife and then other  
13 hat. As wife it's hard, as I know everything he does  
14 is subject to oversight, so can't imagine what this  
15 is about, other than petty personal stuff. Outside  
16 of wife side it is making life difficult on my  
17 colleagues. I have had to withdraw from DOJ cases  
18 and that makes it hard on everyone else. This is an  
19 interjection from the Governor, oh, it's a lot. And  
20 then back to Justice -- and apologies when I was  
21 reading that was Justice Marconi talking.

22 INTERVIEWER: Okay.

23 ATTORNEY OGDEN: Interjection Governor, back

1 to Justice Marconi. 30 to 40 percent of the cases  
2 are DOJ so it's a lot. It's hard on everyone else so  
3 I just think this needs to wrap up, whatever it is,  
4 quickly. This is Governor interjected essentially  
5 saying I'm aware that something's going on but I  
6 don't know anything else beyond what's out there  
7 publicly. Justice Marconi, I've lived with this man.  
8 I know everything that he does is covered by statute  
9 and regulation. There's a lot of oversight so it's  
10 hard to know what this could be about, other than  
11 petty or personal things like Rye Harbor.

12 It's hard, the Association of Ports and I'm  
13 acknowledging I don't believe that that's like the  
14 actual title of what, but it was something to event  
15 (sic) of there's like an Association of Port  
16 Directors, or there's an Association of Port,  
17 something like that. They're doing a conference in  
18 Portsmouth and it's hard because he was supposed to  
19 be there and he's not. This should move, be moved  
20 quickly. I can't imagine there's anything there  
21 other than small petty stuff like Rye Harbor and it's  
22 such a small piece of what he does. The Governor,  
23 you keep mentioning Rye Harbor, I don't know what



1 that is. Is that lobster traps? I don't know what  
2 that reference is to. I, I don't know what that  
3 reference is to but the Governor said, I don't know  
4 what Rye Harbor is, is this lobster traps?

5 Just small, this is back to Justice Marconi, just  
6 small stuff from a long time ago, there are rules and  
7 people were saying that rules were not being  
8 followed, or fishermen were being given preference,  
9 small petty stuff. I can't believe DOJ is following  
10 up on that. That's the wife side. The other side  
11 looks at why I was put on the bench to do the work,  
12 we have important cases coming. You know when you  
13 put me on you told me you have to, that I had to do a  
14 full term and that's what I'm trying to do but it's  
15 hard. The Governor at this point interjected, this  
16 would be when I referenced earlier kind of like an  
17 awkward pause when she said, you know, you told me I  
18 had to do a full term and, you know, that's what I'm  
19 trying to do. The Governor was like, yeah, well, you  
20 know, do what you have to do but it was, that was a  
21 little bit of an awkward moment.

22 Back to Justice Marconi, it's hard on my  
23 colleagues. Gordon, I'm not trying to be overly

1 familiar but she said Gordon, Justice MacDonald --

2 INTERVIEWER: Yeah.

3 ATTORNEY OGDEN: -- is, is already off some  
4 cases and we have, we have a limited pool to pull  
5 from so it's hard on everyone. This is again the  
6 Governor interjecting, oh, is that how it works, you  
7 have a pool? Again, and that's what I said earlier  
8 that my take on the conversation was is that the  
9 Governor was primarily her just talking, occasionally  
10 when she would say something he would have one of  
11 these interjections like this where again she  
12 references how the justices handle if there's someone  
13 recused and their pulling someone else, and I think  
14 he doesn't know about that process, so I think he was  
15 just curious and oh, there's a pool. She said, yes,  
16 we pull from a, a group and there are only so many,  
17 so it's hard so this just needs to wrap up.

18 And then she did mention, and people are talking  
19 and they're not supposed to talk, but they get pulled  
20 in with investigators and they talk. And then they  
21 come out and talk and it's all small petty stuff, and  
22 such a small part of what he does, and he's been a  
23 long-time loyal employee. And then she said that's

1 the wife side. This is where the Governor, where he  
2 kind of became the most expansive and he said, like I  
3 said, I don't really know more about it than what's  
4 out in the public. He did say, though, that I was at  
5 the meeting. He did acknowledge to her that he was  
6 at the meeting and he had explained to her that he  
7 was at a meeting with DOJ and the Pease Board so he  
8 knows that there was something going on but it's  
9 really nothing more than what's out there publicly,  
10 and he said I do trust DOJ to do a good job and not  
11 put petty or political things. I think that they,  
12 they do what's right and he said again, it's  
13 difficult but, you know, that's really all I have.

14 And then she said it is difficult, you know,  
15 obviously like I said, I just hope it comes to a  
16 conclusion. And then it was just the thanks for  
17 stopping by, wish it was under better circumstances  
18 that we were seeing each other.

19 INTERVIEWER: Okay.

20 ATTORNEY OGDEN: So that's the run of the  
21 conversation.

22 INTERVIEWER: Thank you. Do you know if  
23 there have been previous meetings with, between

1 Justice Marconi and the Governor?

2 ATTORNEY OGDEN: I don't believe there have  
3 been.

4 INTERVIEWER: Okay.

5 ATTORNEY OGDEN: Yeah, I don't believe there  
6 have been.

7 INTERVIEWER: All right, and following  
8 meetings is that kind of your, your normal procedure  
9 to take notes, or to document things?

10 ATTORNEY OGDEN: Yeah, so oftentimes I do  
11 always carry my notebook with me but if I, I try and  
12 take meeting like notes in the meeting but there are  
13 meetings where I don't want to look like I'm just  
14 ascribing everything that people are saying.

15 INTERVIEWER: Sure.

16 ATTORNEY OGDEN: In, when -- when that  
17 happens, yes, my typical practice is I'll go back to  
18 my desk, or whenever I have the time and I will try  
19 and get some rundown of what was said. My main thing  
20 I'm trying to figure out is, is there anything that  
21 is open as an action item for me, like is there  
22 anything that they asked me to do, or is there  
23 anything that, you know, he would be looking for me

1 to follow up on.

2 INTERVIEWER: Okay, is there anything that  
3 you felt was inappropriate in this conversation?

4 ATTORNEY OGDEN: To me the oddest part was  
5 the fact that it was like potentially, again and I  
6 come from the prism of well, I'm concerned about the  
7 Governor, that's --

8 INTERVIEWER: Right.

9 ATTORNEY OGDEN: -- my principal concern so  
10 for me I was most uncomfortable with, we're talking  
11 about the, her husband with her and like that felt  
12 odd to me. Again I was wondering was she asking him  
13 to do anything. She did several times bring up about  
14 things concluding quickly but she didn't overtly say  
15 wrap things up quickly, so that's where it got the  
16 closest to me as in terms of a concern, like was she  
17 actually asking for him to do something.

18 INTERVIEWER: So it was things need to  
19 conclude or finish quickly, this investigation needs  
20 to end quickly versus Governor, can you --

21 ATTORNEY OGDEN: Yeah, to be clear she never  
22 said you should get this to conclude quickly, or --  
23 or like DOJ, you should engage with DOJ to get them

1 to conclude quickly. It was always this, you know,  
2 this needs to be wrapped up. It's hard, and it's  
3 hard on both me and my colleagues.

4 INTERVIEWER: Okay.

5 ATTORNEY OGDEN: So that was, that was when  
6 it came up.

7 INTERVIEWER: I don't know if you can speak  
8 to this and if, if you can't certainly let me know,  
9 but do you know if any of the other justices have  
10 reached out to the Governor to say that this is  
11 posing a hardship on them?

12 ATTORNEY OGDEN: My understanding is no  
13 other justices have reached out and talked about it  
14 being a hardship.

15 INTERVIEWER: Okay, do you know if anything  
16 like that has happened before?

17 ATTORNEY OGDEN: To my knowledge, no.

18 INTERVIEWER: Okay, guys?

19 INTERVIEWER: How long have you been the  
20 Governor's counsel?

21 ATTORNEY OGDEN: About a year now.

22 INTERVIEWER: A year, what did you do  
23 before?

1           ATTORNEY OGDEN: I was Deputy Commissioner  
2 at Labor.

3           INTERVIEWER: Okay, how long have you known  
4 the Governor?

5           ATTORNEY OGDEN: About six years.

6           INTERVIEWER: Okay, so in speaking, you're  
7 -- you're just able to speak for in terms of whether,  
8 you know, Hantz Marconi has ever met with the  
9 Governor, you can only really speak to that year that  
10 you know of, correct?

11          ATTORNEY OGDEN: Correct.

12          INTERVIEWER: That's what I'm just trying to  
13 get at, so you're just speaking towards that year.  
14 You don't know what happened beforehand?

15          ATTORNEY OGDEN: I don't know what happened  
16 before, the only thing I would say is that in our  
17 conversation in terms of geez, I wonder what she's  
18 coming in for before, my sense was that they had not,  
19 it wasn't a regular thing or a frequent occurrence.

20          INTERVIEWER: In the past year, has the  
21 Governor ever met with any -- after confirmation,  
22 after appointment to the bench, has the Governor met  
23 with any justices regarding any personal matters?

1           ATTORNEY OGDEN: Not, I'm not aware of any  
2 meetings on personal matters. I know that there have  
3 been meetings with Justice MacDonald in terms of, as  
4 you know, Justice MacDonald actually runs the court  
5 system as well.

6           INTERVIEWER: Yes.

7           ATTORNEY OGDEN: So they've had meetings in  
8 terms of I think relative to budget, or I want to say  
9 even once on judicial vacancies, but in terms of, to  
10 my knowledge on personal matters, no.

11           INTERVIEWER: And any other just speaking of  
12 the Supreme Court, any other justices, has the  
13 Governor met with any other justices, associate  
14 justices, about any matters in the past year other  
15 than Chief Justice MacDonald?

16           ATTORNEY OGDEN: Not to my knowledge. There  
17 was a meeting but I guess it wouldn't have been, it  
18 was a ceremonial swearing in with Justice Countway.  
19 I believe they may have talked a little bit before  
20 that, but --

21           INTERVIEWER: I'm sure, that's what I mean,  
22 is after their appointment to the bench. You know, I  
23 understand there's meetings and nominations.



1           ATTORNEY OGDEN: Yeah.

2           INTERVIEWER: And all of the things that go  
3 into that.

4           ATTORNEY OGDEN: No, so no.

5           INTERVIEWER: I mean, you know, once they're  
6 -- you know, you're a member of the judiciary, have  
7 -- are there any meetings aside from maybe Gordon or  
8 even the Administrative Justices in the Superior  
9 Court, or the Circuit Court, is there regular  
10 meetings with any other justices that --

11          ATTORNEY OGDEN: I know there have been  
12 discussions with Justice Howard in his role as Chief  
13 of the Superior Court. There have been discussions  
14 but again not on, my -- to my knowledge on personal  
15 type matters, no. I think it's all been on relative  
16 to either budget, or relative to initiatives, or  
17 relative to other things, more administrative in  
18 capacity.

19          INTERVIEWER: So this type of meeting  
20 talking about personal matters with a, an associate  
21 justice about their personal life is highly unusual?

22          ATTORNEY OGDEN: Yeah, I would consider it  
23 atypical.

1           INTERVIEWER:  Yep, excuse me.  Let's see,  
2 anyone else?

3           INTERVIEWER:  How was the meeting arranged?

4           ATTORNEY OGDEN:  I don't know if she reached  
5 out to him directly or reached out to his scheduler,  
6 I don't know that.

7           INTERVIEWER:  I believe when you were  
8 reading your notes she said something about being put  
9 on the court for a reason, or to do a full term.  Was  
10 there ever any mention of any pending or impending  
11 litigation coming before the Supreme Court that she  
12 would be recused off of that she wanted to be a part  
13 of?

14          ATTORNEY OGDEN:  No, the -- the closest to  
15 that would have been I think in that same sections I  
16 referenced, she said something about, you know, we  
17 have important cases coming up.

18          INTERVIEWER:  Did she say what those cases  
19 were?

20          ATTORNEY OGDEN:  No, she didn't mention  
21 specific cases.

22          INTERVIEWER:  But is she referring to DOJ  
23 cases specifically since she's recused?

1           ATTORNEY OGDEN: That wasn't clear from the  
2 comment, yeah, like that was not clear from the  
3 comment.

4           INTERVIEWER: You said she would sort of do  
5 the wife hat and the judge hat, and when with the  
6 wife hat she would say I can't imagine what this is  
7 about, it's only personal or petty. And then she  
8 talked about the judge hat and the hardship that it  
9 was causing from her recusal. Did she ever express a  
10 legal opinion about the merits of the investigation  
11 into Geno?

12           ATTORNEY OGDEN: No, other than again there  
13 was reference to the fact that her belief was this  
14 was all just small petty stuff and but in terms of a  
15 legal conclusion, no, just reference to the fact that  
16 again her feeling was this is all small and minor  
17 stuff. She can't imagine it being anything other  
18 than that.

19           INTERVIEWER: Okay, and you said this is an  
20 atypical meeting, she comes in, she sort of just says  
21 this is hard and this wraps up quickly, that's pretty  
22 much the overall thrust of the conversation?

23           ATTORNEY OGDEN: Yes.

1           INTERVIEWER:  And you're not aware of any  
2 other time a justice has just told the Governor, hey,  
3 this is a problem, not that you can do anything about  
4 it, but this is a problem?

5           ATTORNEY OGDEN:  No, yeah, I'm not aware,  
6 I'm not aware of that.

7           INTERVIEWER:  Was there a phone call  
8 afterwards with, about this meeting with Chief  
9 Justice MacDonald?

10          ATTORNEY OGDEN:  Yes.

11          INTERVIEWER:  Were you part of that phone  
12 call?

13          ATTORNEY OGDEN:  I was there when the phone  
14 call happened.

15          INTERVIEWER:  Can you just tell us what  
16 happened?

17          ATTORNEY OGDEN:  So after she left, the  
18 Governor said, I'm gonna let Gordon know.  Again, I'm  
19 not trying to be overly familiar.  He said I'm gonna  
20 let Gordon know.  He called Chief Justice MacDonald  
21 and he said, hey, he said, I believe he called her  
22 Bobbie, he said, just came in.  You know, she was  
23 talking about, he -- he said she was talking about,

1 you know, there's a lot going on. You know, it's  
2 putting a strain on everyone. You know, I hope this  
3 wraps up quickly. And Justice MacDonald said, well,  
4 you know, what do you mean putting a strain on  
5 everyone and he was like, oh, well, she was saying  
6 how, you know, she's off of all these cases and you  
7 people have to pull from a pool, and it's hard on  
8 everybody. And Justice MacDonald said, hey, there's  
9 no problem, he said, we can, you know, the -- the  
10 work is happening. We can do the work, yes, it's --  
11 it's, it's not ideal but we can do the work, there's  
12 no problem. And then the Governor said, you know, I  
13 -- I don't know she said, you know, he basically just  
14 reiterated like, re-intimated essentially the  
15 conversation again. That was basically it, just he  
16 -- he called Justice MacDonald and said, she said  
17 it's hard, you know. Said it's, it's putting a  
18 burden on everyone, putting a strain on everyone.  
19 And you know, she's trying to do, do the work but  
20 it's hard.

21 INTERVIEWER: Other than Justice MacDonald  
22 stating that, you know, it's not ideal but we're  
23 getting the work done, did he say anything else?

1           ATTORNEY OGDEN: I'm trying to think, don't  
2 -- okay, the only other thing would have been is I  
3 think when, I think the Governor did say something to  
4 the effect of, you know, she said important cases and  
5 Justice MacDonald said, she said important cases, but  
6 then they kind of moved on from that. So that was  
7 the, yeah, that's all else I can remember in terms of  
8 what he said.

9           INTERVIEWER: Were you on the phone call, or  
10 was it speaker, or how --

11          ATTORNEY OGDEN: It was speaker, the  
12 Governor was holding his cell phone.

13          INTERVIEWER: And was that just yourself,  
14 the Governor, and the Chief Justice on speakerphone  
15 as far as you're aware?

16          ATTORNEY OGDEN: I want to say I believe  
17 Jayne Millerick is the Governor's Chief of Staff.

18          INTERVIEWER: Okay.

19          ATTORNEY OGDEN: And the Governor did, I --  
20 I'm not 100 percent on that but I do believe Jayne  
21 was there as well. And the Governor said when the  
22 call started that we were -- I know, I can clearly  
23 remember he said I'm here with Rudy.

1 INTERVIEWER: Okay.

2 ATTORNEY OGDEN: And so after the Governor  
3 said his stuff and, and Chief Justice MacDonald had  
4 responded, the Governor did say, Rudy, am I missing  
5 anything else? And I just said no, and I kind of  
6 rehashed again my, you know, just this idea of she  
7 said this, she said.

8 INTERVIEWER: Did Justice MacDonald state  
9 any action he may take, or anything like that?

10 ATTORNEY OGDEN: No, no, that conversation  
11 seemed more, it was like more focused on, I think he  
12 -- I don't mean to speak for him. He seemed very  
13 focused on the idea that she was saying like they're  
14 not, they're struggling and they're not gonna get the  
15 work done. He was like, we're getting the work done.  
16 Like that was, I -- my biggest takeaway from that  
17 conversation is he was trying to say to the Governor,  
18 we'll -- we get the work done, the work is getting  
19 done.

20 INTERVIEWER: How long --

21 INTERVIEWER: So he's refuting it, what  
22 she's saying?

23 ATTORNEY OGDEN: I think it was more trying

1 to reassure the Governor, like that, that it's not a  
2 problem. I don't know that it was like he was saying  
3 it's not hard, he was more saying we can do it, but  
4 we're doing it, so --

5 INTERVIEWER: But let me just be clear, she  
6 came in and said it's a problem, and then Gordon,  
7 sorry for calling the Chief Justice Gordon, he hired  
8 me here, but is, Gordon says it's not a problem, is  
9 that right?

10 ATTORNEY OGDEN: Maybe it wasn't that he was  
11 saying it's not a problem, he was just saying we can  
12 handle it, I want you to know we can handle it, like  
13 we will do the work.

14 INTERVIEWER: But she said it was a problem?

15 ATTORNEY OGDEN: Yeah, she was saying it's  
16 putting a strain on them and that it's hard on her  
17 colleagues, and that yes, it's a problem. She was  
18 saying it was a problem.

19 INTERVIEWER: And Gordon's saying we're  
20 getting the work done?

21 ATTORNEY OGDEN: Yes.

22 INTERVIEWER: Okay.

23 INTERVIEWER: Was it, was there a, you know,



1 a discussion between you and the Governor before,  
2 before this call and that an explanation to why he  
3 thought you should call the, the Chief Justice? Or  
4 he just kind of announced to you, or how did that --  
5 how did that kind of come about?

6 ATTORNEY OGDEN: I think it was kind of just  
7 announced, I think he just said I'm gonna give Gordon  
8 a call.

9 INTERVIEWER: So you don't know why he  
10 decided to give Gordon a call?

11 ATTORNEY OGDEN: No, I don't, yeah.

12 INTERVIEWER: That's fine.

13 ATTORNEY OGDEN: Yeah, I don't -- again, I  
14 think it was more just after she left it was okay,  
15 and then I think he just kind of announced, he's like  
16 I'm gonna, I'm gonna give Gordon a call.

17 INTERVIEWER: And as, as best as you know,  
18 did the Governor have an idea of, of the reason  
19 behind this meeting at all?

20 ATTORNEY OGDEN: No, so as I think I said  
21 earlier, part -- like I think he was genuinely  
22 curious as to why she was coming, like he didn't know  
23 why she was coming.

1           INTERVIEWER: Did he, you know, suggest to  
2 you that it was odd that she was coming or --

3           ATTORNEY OGDEN: He didn't suggest it was  
4 odd, just that he didn't know what it was about.

5           INTERVIEWER: Okay, did he have any guesses  
6 about what it was, or do you?

7           ATTORNEY OGDEN: I thought potentially she  
8 was going to resign. I also wondered is the next  
9 week we had G&C, the G&C breakfast was at the Supreme  
10 Court and I was wondering if she was just gonna say,  
11 hey, even as I say it out loud it seems kind of odd,  
12 but I'm just like running through my mind like what  
13 she was gonna bring up, I thought she might say, hey,  
14 it's kind of awkward right now so I'm not gonna be at  
15 the breakfast next week. I know that sounds goofy  
16 but like when I was running through my theories, my  
17 -- if I, if someone had said you have to guess what  
18 this is about, I would have said I thought she was  
19 gonna resign. And I think I maybe even said to the  
20 Governor, maybe she's gonna resign. And he said,  
21 well, wouldn't she give her notice to Gordon first,  
22 and I said, well, she might give it to you first  
23 because you're the one who nominated her. So that,

1 you know, again, that was, that was kind of a guess.

2 INTERVIEWER: But the discussion to call the  
3 Chief Justice was the Governor's?

4 ATTORNEY OGDEN: Yeah.

5 INTERVIEWER: Not your, you didn't suggest  
6 that, you know, maybe you should fill him in or  
7 anything like that?

8 ATTORNEY OGDEN: No, I don't, I don't  
9 remember it being like a conversation about whether  
10 to call him or not. I think it was more --

11 INTERVIEWER: Yeah.

12 ATTORNEY OGDEN: -- just as we wrapped up  
13 with her, it was like I'm gonna call.

14 INTERVIEWER: So shortly after the meeting?

15 ATTORNEY OGDEN: Oh, literally -- yeah, like  
16 within a minute after the meeting.

17 INTERVIEWER: So it's clear in your mind  
18 that the, that the Governor had no idea what this  
19 meeting was about?

20 ATTORNEY OGDEN: Absolutely, yeah.

21 INTERVIEWER: Did he, did he make any, you  
22 know, as you're kind of running it through his, your  
23 head, did he say anything about what he was thinking

1 about why this was occurring?

2           ATTORNEY OGDEN: He thought it might be about  
3 the, the -- like Geno stuff and he says, I don't know  
4 anything, so I don't know why, you know, I don't  
5 know --

6           INTERVIEWER: So he did, he did in his own  
7 mind think that it might have been over this, this  
8 issue?

9           ATTORNEY OGDEN: He thought it could be,  
10 yeah. He said I, you know, he -- he said I don't  
11 know why, what -- what's she coming in for. And then  
12 I had said something to the effect of maybe she's  
13 resigning. And then he said, maybe it's about the  
14 Geno stuff. But he said, I don't know anything. I  
15 can't say anything so why, she knows that, so why  
16 would she come in for that. So then it was --

17           INTERVIEWER: Do you, do you often have the,  
18 is it common that he'll have meetings where he has no  
19 idea exactly what the agenda is?

20           ATTORNEY OGDEN: Not, it's not like  
21 frequent, but I will say there are times where some  
22 people will ask for a meeting and he'll, he'll take  
23 the meeting without a clear, like 100 percent

1 understanding. I think I referenced earlier, there  
2 are times where we have individuals come in and we  
3 don't exactly know 100 percent what the agenda will  
4 be. It's not like frequent but it's not a total --

5 INTERVIEWER: What kinds of individuals have  
6 those meetings? I mean this isn't just a guy off the  
7 street walking down and --

8 ATTORNEY OGDEN: Correct.

9 INTERVIEWER: -- I want to talk to the  
10 Governor.

11 ATTORNEY OGDEN: Yeah, correct, it would be  
12 like some agency heads from time-to-time, or -- or,  
13 you know -- you know, different people who, you know,  
14 had worked with us in the past and are done with  
15 them.

16 INTERVIEWER: In your, in your year as, as  
17 counsel, have you ever had anybody in those meetings  
18 when they come in want to talk about a, an  
19 investigation that's going on?

20 ATTORNEY OGDEN: No.

21 INTERVIEWER: So this would be a unique --

22 ATTORNEY OGDEN: So there was one other time  
23 when an individual had come in and wanted to know

1 about, it wasn't an investigation but a pending  
2 matter.

3 INTERVIEWER: Okay, but an investigation  
4 that, to the Department of Justice's family?

5 ATTORNEY OGDEN: Yeah, no, that's --

6 INTERVIEWER: That's in the year that you've  
7 been the counsel, that's never occurred?

8 ATTORNEY OGDEN: No.

9 INTERVIEWER: Did it occur to you that that  
10 was an odd thing for -- that an Associate Justice to  
11 be doing?

12 ATTORNEY OGDEN: Yes, I didn't, yeah, I  
13 didn't really understand and especially after the  
14 conversation, I thought it was an odd conversation.

15 INTERVIEWER: I'm gonna ask you some  
16 questions that are pretty obvious to I think everyone  
17 in the room, I just need it on the record. Is it  
18 true that the Governor appoints the Attorney General  
19 in the State of New Hampshire?

20 ATTORNEY OGDEN: Yes.

21 INTERVIEWER: And they serve at a four-year  
22 term and whatever Governor is sitting at the next  
23 term re-appoints that individual, is that right?

1           ATTORNEY OGDEN: Yes.

2           INTERVIEWER: And are you aware of any, you  
3 know, aside from a professional relationship, is  
4 there any personal relationship between Attorney John  
5 Formella and the Governor?

6           ATTORNEY OGDEN: What do you mean personal  
7 relationship?

8           INTERVIEWER: Having, how long have they  
9 known each other?

10          ATTORNEY OGDEN: Oh, quite a -- yeah, quite  
11 a long time.

12          INTERVIEWER: Quite a long time?

13          ATTORNEY OGDEN: Yeah, the Attorney General,  
14 you guys are familiar with this, was previously his,  
15 Governor Sununu's legal counsel. I think for four or  
16 five years.

17          INTERVIEWER: Are you aware if they  
18 communicate regularly?

19          ATTORNEY OGDEN: I think that they  
20 communicate fairly regularly.

21          INTERVIEWER: Okay, if you don't know the  
22 answer to this question, fine. Are you aware if  
23 Justice Hantz Marconi knows about that relationship

1 between Governor Sununu and the Attorney General?

2           ATTORNEY OGDEN: I'm not aware if she does.  
3 My assumption would be she does and the only reason  
4 I'm -- the basis of that assumption is my  
5 understanding is John, when he was legal counsel, I  
6 believe he did like -- in, in my capacity I prepare  
7 judicial candidates, so when folks are being  
8 appointed to be a judge they come in. I meet with  
9 them, I help prep them for the hearing and  
10 everything. The only reason I bring that up is my  
11 assumption is John would have done that with Justice  
12 Marconi when she was appointed to the bench, so like  
13 in my mind she would have known at least that he was  
14 Governor Sununu's legal counsel from several years  
15 ago. That's an assumption on my part but --

16           INTERVIEWER: No, thank you for clarifying.

17           INTERVIEWER: Who was legal counsel before  
18 you?

19           ATTORNEY OGDEN: James Scully.

20           INTERVIEWER: Do you know how long he was  
21 legal counsel for?

22           ATTORNEY OGDEN: I think almost two years,  
23 or two years, probably two years.



1                   INTERVIEWER: You mentioned at one point  
2 that Justice Hantz Marconi mentioned that people  
3 talk, and they don't want to, they get pulled in with  
4 investigators, I remember that section in your notes.  
5 What was that, can you unpack that a little bit  
6 'cause I was listening to you read that and I didn't  
7 want to interrupt?

8                   ATTORNEY OGDEN: Oh, no, that's fine, so I  
9 think what it was about was the idea that this is all  
10 supposed to be, she was talking about what was going  
11 on. So it was something like people are talking and  
12 she was saying they're, that -- so it was people are  
13 talking, they're not supposed to talk. They get  
14 pulled in to talk to investigators, and then when  
15 they come out they all, they all talk. That was kind  
16 of the comment, so it was in the vein of, you know,  
17 this is hard. It's, it's a lot going on and people  
18 are talking, and they're not supposed to talk. And  
19 that was when she did again reference the fact that  
20 when they, when they are talking it's all small petty  
21 stuff.

22                   INTERVIEWER: So did she say who the people  
23 were?

1           ATTORNEY OGDEN:  No.

2           INTERVIEWER:  And she said they didn't want  
3 to talk but they get pulled in and so they do, and  
4 from her understanding it's all small and petty stuff  
5 they're talking about?

6           ATTORNEY OGDEN:  Yeah.

7           INTERVIEWER:  So she indicated that she knew  
8 what witnesses were saying to investigators?

9           ATTORNEY OGDEN:  At least in the sense of  
10 when they were coming, like so I'm taking -- what I  
11 took this comment at is like I'm imagining where they  
12 work, people are out talking about it and kind of  
13 gossiping, and -- and spreading, you know, what  
14 they're talking about in those meetings.  That's kind  
15 of how I took her comment.

16          INTERVIEWER:  And she said that  
17 investigators were talking to people?

18          ATTORNEY OGDEN:  Yeah, she said that they're  
19 being pulled, they're being brought, people are being  
20 brought in, they're talking to investigators.  
21 They're not supposed to talk about what they're --  
22 but then they talk about what they're talking about.

23          INTERVIEWER:  And so assuming investigators

1 haven't spoken with anybody at the courts, would you  
2 know who she was talking about?

3           ATTORNEY OGDEN: No, she didn't say who. I  
4 took it to be people who work with her husband,  
5 that's -- that's what I was taking it as.

6           INTERVIEWER: Okay.

7           INTERVIEWER: Did she ever mention any of  
8 the people that have these petty beefs, did she ever  
9 mention a name at all, even a first name or anything  
10 like that?

11           ATTORNEY OGDEN: No, I -- I don't, I don't  
12 -- she never said a name, like a -- a name of, of any  
13 of this stuff. The only, again she referenced the  
14 Rye Harbor, but that was again not as a, you know,  
15 Joe Smith talking about Rye Harbor. It was just  
16 small petty stuff.

17           INTERVIEWER: And did she ever mention the  
18 fact that, you know, she was concerned about the,  
19 their financials being examined or anything like  
20 that?

21           ATTORNEY OGDEN: No.

22           INTERVIEWER: Just so, I just want to just  
23 off of what Joe said, and you know, she says

1 investigators are pulling in, talking to people, and  
2 they're talking when they're not supposed to but then  
3 when they are talking it's small petty stuff, so  
4 she's minimizing or I shouldn't say minimizing, she's  
5 saying that whatever it is that the investigators are  
6 talking to them about is, doesn't amount to anything,  
7 is that fair to say?

8 ATTORNEY OGDEN: Yeah, yes.

9 INTERVIEWER: And just so that I understand  
10 the sequence right, they're not supposed to talk but  
11 then they do talk to investigators?

12 ATTORNEY OGDEN: Yeah, she presented it as  
13 basically like people are talking, you know, they're  
14 not supposed to be talking but they are.

15 INTERVIEWER: Okay.

16 INTERVIEWER: Meaning talking amongst  
17 themselves --

18 ATTORNEY OGDEN: Yeah.

19 INTERVIEWER: -- after or before?

20 ATTORNEY OGDEN: Well, that's how I took  
21 that whole piece was that she was basically talking  
22 about, and again, she didn't say work with my  
23 husband, but my take on all of this is she was

1 talking about people working up there gossiping and,  
2 and talking about what's going on and, and all of  
3 that. That's how I took it.

4 INTERVIEWER: Okay, was that just a passing  
5 reference or did she spend some time on that?

6 ATTORNEY OGDEN: It was just a passing  
7 reference in the vein of again, this is hard and, and  
8 you know, it all seems -- don't understand why this  
9 is going on at all, small petty stuff.

10 INTERVIEWER: Um-hum.

11 ATTORNEY OGDEN: And it was kind of a  
12 passing reference.

13 INTERVIEWER: Okay, so it was more the focus  
14 on this needs to move along quickly?

15 ATTORNEY OGDEN: Yeah, the absolute focus of  
16 this was it needs to move along quickly, it's all  
17 small petty stuff and her saying, you know, I'm a --  
18 you know, I'm dealing with two things. I'm his wife  
19 and I'm trying to do my job.

20 INTERVIEWER: Okay, and at any point did  
21 Justice Hantz Marconi ask for the Governor's opinion  
22 on anything, or ask him for a specific response on  
23 anything, or --

1           ATTORNEY OGDEN: No, again, other than there  
2 were definitely, I think again I referenced this  
3 earlier, a couple parts in the conversation where  
4 it's, you know how a conversation works, it's like  
5 someone talks and then they wait. And again, the  
6 Governor, he really -- other than those few times  
7 where he glommed onto a particular point, he didn't  
8 really engage much, so I don't know if she was  
9 looking for him to offer something when she would say  
10 something, but he didn't offer something.

11           INTERVIEWER: But he clearly said I don't  
12 know, I know there's something going on but I, I  
13 don't know what it is. .

14           ATTORNEY OGDEN: Yeah.

15           INTERVIEWER: So one would assume from that  
16 that there was some attempt to fish at, at -- you  
17 know, if he had knowledge of what was going on.

18           ATTORNEY OGDEN: Possibly again, yeah, there  
19 were -- the way the conversation was, I mean she  
20 could have, she was saying like, you know, it's hard,  
21 whatever and then there's like a pause, and it's like  
22 at that point maybe he could have said, well, you  
23 know, this is what's going on, whatever. But it

1 never got to that point because again he either  
2 didn't say anything, or when he did say something, he  
3 said, all I know is what's out in the public.

4 INTERVIEWER: Did this feel like an  
5 uncomfortable conversation?

6 ATTORNEY OGDEN: No, other than again there  
7 were a couple awkward moments, like I said, it was  
8 awkward. The -- some of the pauses were awkward.  
9 The most awkward part of it was that part where she  
10 had said about, and this might be my theorizing  
11 leading into it, but again I was thinking she might  
12 resign and when she was on that one part of the  
13 conversation where she said, you know, you had wanted  
14 me to -- you said when I was put on I had to do a  
15 full term and that's what I'm trying to do. That was  
16 like an awkward pause and that's where the Governor  
17 was like, oh, well, you know, do what you've gotta do  
18 but like that, that just seemed awkward to me, but  
19 that's maybe because like in my head I thought she  
20 was gonna resign, I don't know.

21 INTERVIEWER: Okay, are you aware of any  
22 other documentation from this meeting?

23 ATTORNEY OGDEN: No.

1 INTERVIEWER: Okay.

2 ATTORNEY OGDEN: The only other thing is I'm  
3 not 100 percent sure, it might be on an Outlook  
4 calendar.

5 INTERVIEWER: Okay.

6 ATTORNEY OGDEN: It might be, there might be  
7 a reference to it.

8 INTERVIEWER: That'd be kept on the  
9 Governor's schedule?

10 ATTORNEY OGDEN: Not on his schedule, it may  
11 have been dumped onto mine.

12 INTERVIEWER: And did either of you inform,  
13 after this meeting so informed the Chief Justice of  
14 this meeting shortly afterwards, did you tell anyone  
15 else about this meeting?

16 ATTORNEY OGDEN: I at some point talked with  
17 John Formella about it.

18 INTERVIEWER: Okay, was that shortly after  
19 the meeting or do you know approximately how long  
20 afterwards?

21 ATTORNEY OGDEN: Maybe a week.

22 INTERVIEWER: Okay.

23 ATTORNEY OGDEN: It may have been a week or



1 two weeks, I don't know.

2 INTERVIEWER: Okay, anything else, Joe?

3 INTERVIEWER: Oh, do you know if she came  
4 with anyone else?

5 ATTORNEY OGDEN: I don't believe she did  
6 because when we walked her out there was no one out  
7 there waiting.

8 INTERVIEWER: Are you talking about inside,  
9 walked her out of the office?

10 ATTORNEY OGDEN: Well, walked her out like  
11 so you go through the --

12 INTERVIEWER: Yeah, tell me, tell me -- tell  
13 me how the -- I, I actually have never been to the  
14 Governor's Office so if you can just describe that a  
15 little bit for us?

16 ATTORNEY OGDEN: Okay, so have you been to  
17 the G&C, Governor --

18 INTERVIEWER: No.

19 ATTORNEY OGDEN: -- and Council chambers?

20 INTERVIEWER: Nope.

21 ATTORNEY OGDEN: So that's like the public  
22 room where they actually hold G&C, that's basically  
23 almost the lobby to the Governor's Office. There are

1 secured doors that you can go through there. When  
2 you first go through there, the Governor's Scheduling  
3 Assistant, Maddy, she sits right out there. Then you  
4 go through another set of doors and the Governor sits  
5 there. So he's in that corner office, so the meeting  
6 was in his corner office. When we were done with the  
7 meeting, we just -- and this is how we typically end  
8 meetings, we just -- we walk them out basically  
9 through Maddy's office and then we open the, they  
10 open the door and they go out to the chambers and  
11 walk out from there. And again my recollection when  
12 she went out to the chambers I don't think anyone was  
13 there with her.

14 INTERVIEWER: You didn't walk her out of the  
15 building?

16 ATTORNEY OGDEN: No, no, we just walk her  
17 out through, through Maddy's space.

18 INTERVIEWER: Are there cameras in the  
19 Governor's Office?

20 ATTORNEY OGDEN: Not in, I want to say there  
21 is a camera in the hall to the Governor's Office, and  
22 there may be a camera actually in the Governor &  
23 Council Chambers but I'm not 100 percent sure.

1 INTERVIEWER: Okay, no Nixon recording  
2 devices?

3 ATTORNEY OGDEN: Not, no, no, nothing's set  
4 up like that.

5 INTERVIEWER: Is there anything else that  
6 we've missed that you think we should know?

7 ATTORNEY OGDEN: No, I think that about  
8 covers it.

9 INTERVIEWER: And there's been no  
10 conversations with Justice Hantz Marconi following  
11 this, or have there been any follow-up conversations?

12 ATTORNEY OGDEN: No, other than I think I  
13 referenced we had the G&C breakfast at the Supreme  
14 Court the following, I think it was the following  
15 week, or the week after -- so it was within a week or  
16 two of that, and just I talked with her a little bit  
17 at that but none of it, there was no follow-up to  
18 this. It was all relative to work they're doing at  
19 the Supreme Court.

20 INTERVIEWER: Are you aware of any important  
21 cases coming up in the Supreme Court?

22 ATTORNEY OGDEN: Yeah, every case is  
23 important.

1 INTERVIEWER: Yeah, well, they also have to  
2 review all divorce matters so I'm setting aside the  
3 divorce matters.

4 ATTORNEY OGDEN: Yeah, no, so yeah, I mean,  
5 so we have, there's important --

6 INTERVIEWER: Like what?

7 ATTORNEY OGDEN: Education funding is, is a  
8 big case for us. Yeah, there are several, there's --  
9 there's big cases for us.

10 INTERVIEWER: Has anyone else aside from  
11 Justice Hantz Marconi come to talk to the Governor  
12 about the -- this investigation?

13 ATTORNEY OGDEN: No, well, we had the -- we  
14 did have the meeting with the Board.

15 INTERVIEWER: After the Board meeting?

16 ATTORNEY OGDEN: Yeah, no.

17 INTERVIEWER: No other meetings with any  
18 members of the Board?

19 ATTORNEY OGDEN: Not to my knowledge, no.

20 INTERVIEWER: Okay, so I'm gonna end the  
21 recording and we'll work on getting a copy of your  
22 notes afterwards if that's okay.

23 ATTORNEY OGDEN: Yeah, sure.

1                   INTERVIEWER:  It's 10:29 a.m. by my watch  
2  and the recording is ending.

3  (End.)

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CERTIFICATE

I, Mary Mielke, a court-approved transcriptionist, do hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceeding in the above-entitled matter to the best of my professional skill and ability.

  
\_\_\_\_\_  
Mary Mielke  
Avicore Reporting

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**Avicore Reporting - 15 Constitution Drive, Suite 1A - Bedford, NH 03110**

STATE OF NEW HAMPSHIRE

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\*  
NEW HAMPSHIRE PORT AUTHORITY \*  
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\* \* \* \* \*

INTERVIEW OF RUDY OGDEN - 8/2/24  
TRANSCRIBED FROM AUDIO

Prepared for: Autumn Sayball, Paralegal  
N.H. Department of Justice  
1 Granite Place South  
Concord, NH 03301



1           INTERVIEWER: Okay, the recording is on and  
2 it is August 2<sup>nd</sup>, 2024, at approximately 1:51 p.m. by  
3 my watch and in the Executive Council chambers and  
4 again, this is Investigator Tom Desfosses with the  
5 New Hampshire Attorney General's Office. And if I  
6 can have each of you just introduce yourself and  
7 indicate whether or not you consent to audio  
8 recording.

9           INTERVIEWER: Assistant Attorney General Joe  
10 Fincham, I'm okay with being recorded.

11           ATTORNEY OGDEN: Rudy Ogden, legal counsel  
12 to Governor Sununu, I'm okay with being recorded.

13           INTERVIEWER: Okay, so you want to, you okay  
14 if I start it or do you want to?

15           INTERVIEWER: Yeah, you go.

16           INTERVIEWER: Okay, so we had a conversation  
17 today and we just wanted to clarify some things that,  
18 that we have heard. Can you recall anything specific  
19 that wasn't noted previously that may have been said,  
20 let me back up. Do you recall more than one phone  
21 call being made by the Governor to the Chief Justice?

22           ATTORNEY OGDEN: No.

23           INTERVIEWER: All right, did you leave the

1 room at any point in time following the conversation  
2 with Justice Hantz Marconi?

3           ATTORNEY OGDEN: When the conversation  
4 ended, we did walk her out through, you guys I think  
5 last time we spoke I, I explained to you guys, and  
6 you guys may have even noticed it the other day, you  
7 walk through that kind of room where Maddy sits into  
8 the Governor, so the conversation with Justice  
9 Marconi ended, walked her through there, went back  
10 into his office. I don't remember, no, I don't  
11 remember leaving the room after, other than that to  
12 walk her basically to the extent of getting out of  
13 Maddy's office.

14           INTERVIEWER: Okay, and so that's just maybe  
15 a 10 second process?

16           ATTORNEY OGDEN: Yeah, really brief, yeah.

17           INTERVIEWER: Okay, and were you alone  
18 walking her out, or did the Governor walk her out as  
19 well?

20           ATTORNEY OGDEN: I think the Governor was in  
21 the lead, so she got up and he was kind of almost  
22 side-by-side with her and then I was very close  
23 behind them as we kind of walked her out, said

1 goodbye, and then went back into his office.

2 INTERVIEWER: Okay, so are you aware that a  
3 second phone call may have taken place, is it  
4 possible, prior to the meeting?

5 ATTORNEY OGDEN: No, and prior to the  
6 meeting, no. I'm not aware of another phone call.

7 INTERVIEWER: Okay, and how, how soon prior  
8 to the meeting with Justice Hantz Marconi did you go  
9 into the Governor's office?

10 ATTORNEY OGDEN: A few minutes at most.

11 INTERVIEWER: Okay.

12 ATTORNEY OGDEN: I think it was, he came out  
13 and I'm sorry, I don't know how familiar -- you guys  
14 I don't think are familiar with the back space but so  
15 you go, you came in that way, if you go out the other  
16 way there's the Chief of Staff's office, then there's  
17 my office, it's embarrassing but my office has like  
18 this almost Plexiglas cutout in it that's in part of  
19 the wall so occasionally you'll just see the  
20 Governor's head will appear there, so --

21 INTERVIEWER: Okay.

22 ATTORNEY OGDEN: -- literally saw his head,  
23 he said, I think she's here, got up and went and it

1 may have been like we got into his office and may  
2 have been like getting a minute, two minutes,  
3 something like that. It was literally like he came,  
4 grabbed me, we went in, and then they opened the door  
5 and she came in.

6 INTERVIEWER: Okay, and so prior to that,  
7 how much time had passed between when the Governor  
8 had said, or asked if you would accompany him for  
9 this meeting? I don't recall was, was there some  
10 passage of time?

11 ATTORNEY OGDEN: Yeah, so I don't -- it may  
12 have been about like a half hour, an hour, or 40  
13 minutes or something. It was something where I think  
14 when we had initially spoken and talked about it, I  
15 don't know if I described it, but it was like hey,  
16 would -- could you do me a favor, you know, she's  
17 gonna be coming in, will you sit in on the meeting.  
18 And then like I said, half hour, hour after that was  
19 the, you know, I think she's here, you know, come --  
20 come on in.

21 INTERVIEWER: Okay.

22 ATTORNEY OGDEN: So there was some time, I'm  
23 not -- I'm not exact on the time but there definitely

1 was some time.

2 INTERVIEWER: Okay, so Justice Hantz Marconi  
3 arrived and you provided notes as to what you recall  
4 from that meeting. Do you recall anything  
5 specifically noted about any other members of State  
6 branches?

7 ATTORNEY OGDEN: Do you mean --

8 INTERVIEWER: From Justice Hantz Marconi,  
9 did she speak to your recollection about her opinions  
10 on any other persons in State government?

11 ATTORNEY OGDEN: No, I think the only other  
12 branch that was mentioned was there was the comment  
13 about, you know, I -- I can't, you know, if that's  
14 what the Department of Justice is -- there was, there  
15 was reference to the Department of Justice and like,  
16 you know, I have a hard time believing that like what  
17 they're, you know, looking at is like this petty  
18 personal stuff, so there was some, that was the other  
19 reference to the Department of Justice. I don't  
20 remember another reference to another State agency.

21 INTERVIEWER: Okay, so you don't -- do you  
22 recall any reference to the Attorney General, the  
23 Attorney General's Office with any opinions of

1 either?

2           ATTORNEY OGDEN: No, other than that comment  
3 which again my recollection was essentially I can't  
4 believe that like there, that if that's what they're  
5 looking at is this petty personal stuff. I don't  
6 remember anything like opinion or a comment on the  
7 agency itself, or a person individually. It was more  
8 this idea of I can't, you know, if that's what the  
9 Department of Justice, I have a hard time believing  
10 that's what the Department of Justice is like looking  
11 at. I don't know why, you know, it's all petty  
12 personal stuff so I don't know why.

13           INTERVIEWER: Do you remember hearing  
14 anything about anyone being politically driven, or  
15 anything relating to politics?

16           ATTORNEY OGDEN: I, I think because it was  
17 said a few times about that petty personal stuff, I  
18 want to say at least once it was petty personal  
19 political, I do believe at least one of the times  
20 that refrain was given. I do think political was  
21 mentioned.

22           INTERVIEWER: And --

23           ATTORNEY OGDEN: But in that context.

1           INTERVIEWER:  So in the context of the  
2  investigation, it was petty political and it wasn't  
3  referring to anyone, it was the investigation?

4           ATTORNEY OGDEN:  Yeah, it was in the context  
5  of this is all, you know, small -- I think it's all  
6  petty personal stuff and again I believe at least one  
7  time it may have been petty personal political stuff.

8           INTERVIEWER:  Okay, and do you recall if  
9  Justice Hantz Marconi made any statements about what  
10 she knows about the investigation?

11          ATTORNEY OGDEN:  No, I -- I don't believe  
12 she, no, she -- I don't remember her ever saying  
13 anything other than she was, she communicated that I  
14 know everything he does, being her husband, and then  
15 her saying it's all petty personal political stuff  
16 and if I'm thinking of it, there was the commentary  
17 about, you know, people talking and it seems like  
18 it's all petty -- like so I think at one point she  
19 may have mentioned, I think it came in the context of  
20 people are interviewed, and they're not supposed to  
21 talk.  But then when they get out of the interviews  
22 they talk, and it just seems like it's all this petty  
23 personal stuff.  So I, I'm only saying that to again

1 that would be the closest I think there was to any  
2 type of indication as to what this was about, or her  
3 suggesting she had an understanding of what it was  
4 about.

5 INTERVIEWER: Okay, and did she indicate any  
6 people that were being spoken to?

7 ATTORNEY OGDEN: No.

8 INTERVIEWER: It was just a global people  
9 are talking?

10 ATTORNEY OGDEN: No, and I think when you  
11 guys, when we first spoke, my takeaway from it was,  
12 my assumption was I was thinking she was referring to  
13 people working at the Port. That was my assumption.  
14 I'll admit she did not say people at the Port are  
15 being interviewed, she said people are being brought  
16 in to be interviewed and they're not supposed to  
17 talk, but when they leave then they all talk. And  
18 again, in my -- how I was taking that was to say  
19 like, oh, this is like gossip stuff like happening at  
20 the workplace. But again that was an assumption of  
21 mine.

22 INTERVIEWER: Okay, were there any  
23 complaints that you recall Justice Hantz Marconi



1 complaining about anything in particular?

2           ATTORNEY OGDEN: No, there was reference to,  
3 you know -- you know, this should wrap up but I, she  
4 did not say it's going slow, if that makes sense.  
5 I'm not trying to be, I'm not trying to not be clear,  
6 but I guess --

7           INTERVIEWER: Yeah.

8           ATTORNEY OGDEN: -- no, there was no  
9 complaints about saying it's going slow, or they're  
10 doing a bad job.

11           INTERVIEWER: I'm sorry, not specific to the  
12 investigation, just did she complain about an agency,  
13 a person, or anything?

14           ATTORNEY OGDEN: No, other than again saying  
15 it was hard.

16           INTERVIEWER: Okay, and she did say that she  
17 knew everything that Geno knew?

18           ATTORNEY OGDEN: Yeah, she --

19           INTERVIEWER: Is that accurate?

20           ATTORNEY OGDEN: -- yeah, she made some  
21 comment about, you know, I've lived with this man  
22 for, you know, I don't remember what she said for  
23 time, but she may have just said I, she made some

1 comment I've lived with this man, I know everything  
2 that he does. And I know everything that he does is  
3 subject to oversight, and there's statutes and  
4 regulations, and multiple boards and oversight. So  
5 yeah, she said something about I know what he does.

6 INTERVIEWER: Okay, substantially similar to  
7 I know everything he knows, or is that  
8 interpretation?

9 ATTORNEY OGDEN: I think it was more  
10 everything he does.

11 INTERVIEWER: Okay.

12 ATTORNEY OGDEN: Yeah, I think it was more  
13 everything he does. I don't, I don't remember it as  
14 being everything he knows. I think it was that I  
15 know everything he does, and everything he does is  
16 subject to oversight. It was in that --

17 INTERVIEWER: Okay.

18 ATTORNEY OGDEN: -- yeah, that's how I  
19 remember it.

20 INTERVIEWER: And was, was that comment made  
21 before or after she, Justice Hantz Marconi says that  
22 effectively there isn't anything here, it's petty and  
23 personal?

1           ATTORNEY OGDEN: I don't know because she  
2 said that multiple times so I'm having a hard time,  
3 she said that about petty personal multiple times.

4           INTERVIEWER: Okay.

5           ATTORNEY OGDEN: So I'm having a hard time  
6 remembering if that was ever said before. It was  
7 definitely said after, but I don't remember if it was  
8 specifically, if that was said before or after.

9           INTERVIEWER: Okay, all right, Joe?

10          INTERVIEWER: You were on the call with the  
11 Chief Justice that was after this meeting?

12          ATTORNEY OGDEN: Yep, yes.

13          INTERVIEWER: Do you recall the Chief  
14 Justice being told that Justice Hantz Marconi had  
15 complained about John Formella in particular?

16          ATTORNEY OGDEN: I don't remember that.

17          INTERVIEWER: So either in the meeting, or  
18 on the call, to your recollection was there any  
19 discussion about John Formella being strong or weak,  
20 political or apolitical, anything like that?

21          ATTORNEY OGDEN: No, I don't, I don't  
22 remember on that call John specifically being  
23 referenced. I believe it was referenced about it

1 needs to, that she had mentioned things need to, you  
2 know, things need to wrap up but I don't remember it  
3 being John Formella.

4 INTERVIEWER: Okay.

5 ATTORNEY OGDEN: Well, the only, the -- the  
6 Governor at one point did say, I believe he said  
7 something to the effect of I told her that, that DOJ  
8 does a good job and, and they'll -- they'll do, I  
9 believe he may have mentioned that to Justice  
10 MacDonald. I'm not remembering him saying John  
11 Formella specifically but if I'm just trying, I'm  
12 sorry, I'm just trying to go through -- he may have  
13 said something to the effect of they're not political  
14 and they'll do a good job, but I don't remember him  
15 saying John's not political, or John's apolitical, or  
16 John's political.

17 INTERVIEWER: Or that Justice Hantz Marconi  
18 had complained that John is political, or weak, or  
19 anything like that?

20 ATTORNEY OGDEN: No, I remember it as being  
21 that she, him (sic) saying something to the effect of  
22 it needs to wrap up and it's all petty personal stuff  
23 and she's saying it just needs to wrap up. I don't

1 remember it specifically referencing John Formella.

2 INTERVIEWER: Okay, okay.

3 INTERVIEWER: Not, not specifically by name  
4 it could just be the Office of the Attorney General?

5 INTERVIEWER: Or the Attorney General, yeah.

6 INTERVIEWER: Complaining about the Attorney  
7 General or the office?

8 ATTORNEY OGDEN: My recollection on that,  
9 the call with Justice MacDonald was if anything the  
10 reference that I'm remembering may have been on the  
11 back end of, she said this and I told her hey,  
12 they'll -- they'll do a good job, it'll -- it'll,  
13 it'll get, you know, they'll do what's supposed to be  
14 done or something like that.

15 INTERVIEWER: And that was in response to  
16 her saying that it's petty personal political?

17 ATTORNEY OGDEN: Yeah, so I think when we  
18 spoke last that, when we spoke last, the three -- the  
19 three of us, whatever, there was actually four of you  
20 guys there, the call with Justice MacDonald when it  
21 started, it was like a run through -- like it was  
22 like we ran through the call, and that's why I'm  
23 saying I do think the Governor kind of gave like an

1 overview of like, you know, she said this. I said  
2 that, and then the focus really was like Justice  
3 MacDonald's focus was, well, you don't have to, like  
4 the work is getting done. And the Governor's like,  
5 oh, okay, like the work is getting done. But there  
6 was like a, we -- we went over the call, like there  
7 was a discussion. But again in that I don't remember  
8 it being said, Department of Justice or John Formella  
9 is political, apolitical, strong or weak. I remember  
10 it was the Governor saying she said that, and I told  
11 her that, well, I think they'll do a good job,  
12 they'll do what they're supposed to do.

13 INTERVIEWER: Okay, and do you recall if  
14 there was any demeanor change in the Chief Justice  
15 during that conversation? Meaning was it kind of a  
16 monotone, calm conversation like we're having, or  
17 did, did it kind of change at any point?

18 ATTORNEY OGDEN: It was, I think so after  
19 the Governor spoke, again I told you guys last time,  
20 the Governor then said, hey, did I leave out  
21 anything? And I kind of just went through what I  
22 remembered from the call and I do think when I had  
23 said about, you know, she says that there's important

1 cases, I think that at that point Justice MacDonald  
2 may have said, she said there's important cases? And  
3 there was like that type of, and I'm not like a great  
4 voice actor but there was like a --

5 INTERVIEWER: Sure.

6 ATTORNEY OGDEN: -- little bit of a, and  
7 then I said, yeah, no, she said that. And then, and  
8 then it's, so there was some inflection at that  
9 point, but then it was, it was much more, my memory  
10 of his response was much more like it was pretty  
11 monotone. It was like more don't worry, Governor,  
12 the work is all getting done. Again, when I did say  
13 that one thing to him, I do think he was like, I  
14 sensed some type of like surprise.

15 INTERVIEWER: Okay.

16 ATTORNEY OGDEN: But other than that, it was  
17 fair, I didn't sense much kind of modulation or  
18 variance in the voice.

19 INTERVIEWER: Okay, anything? All right,  
20 anything you can think of that has changed or  
21 anything else that you need to add before we  
22 conclude?

23 ATTORNEY OGDEN: No, you're good.

1                   INTERVIEWER:  Okay, I appreciate you taking  
2 the time.  It is 2:09 p.m. by my watch and I'm gonna  
3 end the recording.

4  (End.)

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CERTIFICATE

I, Mary Mielke, a court-approved transcriptionist, do hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceeding in the above-entitled matter to the best of my professional skill and ability.

  
\_\_\_\_\_  
Mary Mielke  
Avicore Reporting

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