

Motion Sequence 001

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK, §
 BY LETITIA JAMES, ATTORNEY §
 GENERAL OF THE STATE OF NEW §
 YORK §

Plaintiff, §

v. §

THE NATIONAL RIFLE ASSOCIATION §
 et al., §

Defendants. §

INDEX NO. 451625/2020

**AFFIRMATION OF SARAH B. ROGERS IN SUPPORT OF
 THE NATIONAL RIFLE ASSOCIATION'S MOTION TO DISMISS**

I, SARAH B. ROGERS, an attorney duly admitted to practice law in the courts of the State of New York, hereby affirms the following under the penalty of perjury pursuant to CPLR § 2106:

1. I am a partner of the firm Brewer, Attorneys & Counselors, and counsel for Defendant the National Rifle Association ("NRA") in the above-captioned action.

2. I respectfully submit this Affirmation in support of the NRA's motion to dismiss the above-captioned action brought by the Office of the Attorney General for the State of New York ("NYAG").

3. I am familiar with the facts and circumstances of this proceeding. The facts set forth in this Affirmation are based upon the materials and information collected in the course of our investigation of the facts, the exhibits annexed to this Affirmation; and the NYAG Amended Complaint ("Complaint" or "Compl.").

4. I served as lead counsel for the NRA during the entirety of the NYAG's 18-month investigation of the NRA.

EXHIBITS

5. Attached hereto as Exhibit 1 is a true and correct copy of the docket sheet and Amended Complaint filed in the action captioned *National Rifle Association v. James*, Civ. No. 1:20-cv-00889-MAD-TWD (N.D.N.Y.)

6. Attached hereto as Exhibit 2 is a true and correct copy of the Consent Order and Judgment dated March 12, 2015, between the State and the defendants in *People of the State of New York v. Precious Pups Rescue, Inc.*, et al., Index No. 17884/2014, County of Suffolk.

7. Attached hereto as Exhibit 3 are true and correct copies of the Verified Complaint and the executed Stipulation of Settlement dated January 28, 2014, between the State and the defendants in *People of the State of New York v. Mure Associates, L.P.*, et al., Index No. 450190/2014, County of New York.

8. Attached hereto as Exhibit 4 are true and correct copies of the Verified Complaint and the two executed Consent Order and Judgments dated January 8 and January 20, 2016, in *People of the State of New York v. The National Children's Leukemia Foundation*, et al., Index No. 508930/2014, County of Kings.

9. Attached hereto as Exhibit 5 is a true and correct copy of a transcript of New York Attorney General Letitia James' August 6, 2020 press conference prepared and distributed for public use by online audio transcription company Rev.com, as captured from <https://www.rev.com/blog/transcripts/ny-attorney-general-letitia-james-sues-nra-press-conference-august-6> as it appeared on September 24, 2020. The text was copied and pasted into a Word document and converted to PDF for readability.

10. Attached hereto as Exhibit 6 is a true and correct copy of the Petition filed in *People of the State of New York v. Donald J. Trump*, et al., Index No. 451130/2018, County of New York.

11. Attached hereto as Exhibit 7 is a true and correct copy of a February 14, 2014 press release from the Office of the New York Attorney General titled *Office of the Attorney General Announces Settlement with Former Naral President Who Siphoned Funds for Personal Use*” as it appeared on October 19, 2020 at the site <https://ag.ny.gov/press-release/2014/office-attorney-general-announces-settlement-former-naral-president-who-siphoned>.

12. Attached hereto as Exhibit 8 is a true and correct copy of an April 29, 2015 press release from the Office of the New York Attorney General titled *A.G. Schneiderman Announces \$1.025 Million Settlement with Trustees of Nonprofit that Squandered Assets Intended for Underprivileged Children* as it appeared on October 19, 2020 at the site <https://ag.ny.gov/press-release/2015/ag-schneiderman-announces-1025-million-settlement-trustees-nonprofit-squandered>.

13. Attached hereto as Exhibit 9 is a true and correct copy of an November 29, 2017 press release from the Office of the New York Attorney General titled *A.G. Schneiderman Announces Settlement of Lawsuit Against Yisroel Schulman, Former President of NYLAG, for Breaching his Fiduciary Duty to NYLAG and Other Charities* as it appeared on October 19, 2020 at the site <https://ag.ny.gov/press-release/2017/ag-schneiderman-announces-settlement-lawsuit-against-yisroel-schulman-former>.

14. Attached hereto as Exhibit 10 is a true and correct copy of Paul Bedard, *NRA is Back, ‘Highest Ever Membership,’* published in the Washington Examiner on April 1, 2019, as it appeared on September 24, 2020 at the site <https://www.washingtonexaminer.com/washington-secrets/nra-is-back-highest-ever-membership>.

15. Attached hereto as Exhibit 11 is a true and correct copy of the NRA's 2019 annual report.

16. Attached hereto as Exhibit 12 is a true and correct copy of Christina Robb's June 7, 1981 *Boston Globe* article titled "Handguns and the American Psyche: The Attempted Assassination of a President Brings the Issue Into Sharp Focus Once Again. Handguns – What Do They Mean to Americans? To the NRA, They Are A Symbol of Freedom; To Those Frightened of Crime, They Represent Safety – Even if the Owner Doesn't Know How to Use Them; To Gun Control Advocates, They Are Symbols of Ultimate Evil," downloaded from the Newspapers.com print archive.

17. Attached hereto as Exhibit 13 is a true and correct copy of a February 17, 2016 N.Y. Daily News article by Kenneth Lovett, titled *Exclusive: Cuomo Fires Back at Jeb Bush for 'Stupid' and 'Insensitive' Gun Tweet*, as it appeared on October 19, 2020 at the site <https://www.nydailynews.com/news/politics/cuomo-blasts-jeb-stupid-insensitive-gun-tweet-article-1.2534528?barcprox=true>.

18. Attached hereto as Exhibit 14 is a true and correct copy of a press release issued on April 19, 2018 by New York Governor Andrew Cuomo's office titled "Governor Cuomo Directs Department of Financial Services to Urge Companies to Weigh Reputational Risk of Business Ties to the NRA and Similar Organizations, as it appeared on September 24, 2020 at <https://www.governor.ny.gov/news/governor-cuomo-directs-department-financial-services-urge-companies-weigh-reputational-risk>.

19. Attached hereto as Exhibit 15 is a true and correct copy of a New York Times editorial dated August 9, 2018, titled "The New York Times Endorses Zephyr Teachout for Attorney General in Thursday's Primary," as it appeared on September 24, 2020 at <https://www.nytimes.com/2018/08/19/opinion/zephyr-teachout-new-york-attorney-general.html>.

20. Attached hereto as Exhibit 16 is a true and correct copy of a September 6, 2018 article published by Our Time Press titled “Attorney General Candidate, Public Advocate Letitia James,” as it appeared on September 24, 2020 at <https://www.ourtimepress.com/attorney-general-candidate-public-advocate-letitia-james/>.

21. Attached hereto as Exhibit 17 is a true and correct copy of Jon Campbell’s August 19, 2020 article in USA Today titled “NY AG Letitia James Called the NRA a ‘Terrorist Organization.’ Will It Hurt Her Case?”, as it appeared on September 24, 2020 at <https://www.usatoday.com/story/news/politics/2020/08/19/nra-lawsuit-ny-ag-letitia-james-past-comments/5606437002/>.

22. Attached hereto as Exhibit 18 is a true and correct copy of Teddy Grant’s October 31, 2018 article in Ebony Magazine titled “Letitia ‘Tish’ James on Becoming New York’s Next Attorney General,” as it appeared on September 24, 2020 at <https://www.ebony.com/news/letitia-tish-james-on-becoming-new-yorks-next-attorney-general/>.

23. Attached hereto as Exhibit 19 is a true and correct copy of Mike Spies’ September 18, 2018 article in The Trace titled “Tom Selleck Quits NRA Board,” as it appeared on September 24, 2020 at <https://www.thetrace.org/2018/09/tom-selleck-quits-nra-board/>.

24. Attached hereto as Exhibit 20 is a true and correct copy of Mike Spies’ and John Cook’s October 1, 2018 article in The Trace titled “A Top NRA Executive’s Trail of Business Flops and Unpaid Debt,” as it appeared on September 24, 2020 at <https://www.thetrace.org/2018/10/nra-josh-powell/>.

25. Attached hereto as Exhibit 21 is a true and correct copy of Mike Spies’ and John Cook’s August 27, 2018 article in The Trace titled “For the Second Time in Two Years, the NRA Will

Raise Dues on Members,” as it appeared on September 24, 2020 at <https://www.thetrace.org/2018/08/nra-membership-dues-increase/>.

26. Attached hereto as Exhibit 22 is a true and correct copy of Alex Yablon’s and Mike Spies’ August 9, 2018 article in The Trace titled “FAQ: Is the NRA Going Broke?”, as it appeared on September 24, 2020 at <https://www.thetrace.org/2018/08/nra-financial-health-new-york-state-lawsuit-carry-guard/>.

27. Attached hereto as Exhibit 23 is a true and correct copy of Brian Freskos’ July 24, 2018 article in The Trace titled *We Translated Maria Butina’s Russian Blog Posts. Here’s What They Reveal About Her Obsession with the NRA*, as it appeared on October 19, 2020 at <https://www.thetrace.org/2018/07/maria-butina-nra-russian-blog-post-translation/>.

28. Attached hereto as Exhibit 24 is a true and correct copy of David Sherfinski’s April 27, 2019 Washington Times article titled “Letitia James, New York AG, Launches Investigation Into the NRA,” as it appeared on September 24, 2020 at <https://apnews.com/article/54f373783ddac890c13ea83de36e645f>,

29. Attached hereto as Exhibit 25 is a true and correct copy of an August 5, 2020 Twitter post by CBS reporter Stephen Gandel of a press release notification the New York Attorney General’s Office provided to reporters that evening. The tweet is available at <https://twitter.com/stephengandel/status/1291150085326278657>.

30. Attached hereto as Exhibit 26 are true and correct filings of the NRA’s original and amended certificates of incorporation.

31. Attached hereto as Exhibit 27 is a chart prepared at my direction of potential witnesses in this action.

Executed this 19th day of October 2020 in New York, New York.

/s/ Sarah B. Rogers

Sarah B. Rogers

ATTORNEY CERTIFICATION PURSUANT TO COMMERCIAL DIVISION RULE 17

I, Sarah B. Rogers, an attorney duly admitted to practice law before the courts of the State of New York, hereby certify that this Affirmation in Support of the NRA's Motion to Dismiss complies with the word count limit set forth in Rule 17 of the Commercial Division of the Supreme Court (22 NYCRR 202.70(g)) because the affirmation contains 1,415 words, excluding the parts exempted by Rule 17. In preparing this certification, I have relied on the word count of the word-processing system used to prepare this affirmation.

Dated: November 6, 2020
New York, New York

/s/ Sarah B. Rogers
Sarah B. Rogers