

Exhibit 2

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VIA NYSCEF

Hon. Joel M. Cohen
Justice, Supreme Court of New York County
Commercial Division
60 Centre Street
New York, NY 10007

Re: *People v. Nat'l Rifle Ass'n of Am., Inc., Wayne LaPierre, Wilson Phillips,
John Frazer and Joshua Powell*, Index No. 451625/2020

Dear Justice Cohen,

Pursuant to Your Honor's request dated November 12, 2020, that the parties file letters setting forth their positions, if any, with respect to the issues raised in the letter from an Alabama attorney purporting to represent several members of the National Rifle Association ("NRA"), I respectfully submit this letter on behalf of my client, defendant Wayne LaPierre.¹

Like the NRA, Mr. LaPierre is receptive to member concerns raised through appropriate channels, but views the procedure prescribed by N-PCL § 1104 as inappropriate for this complex plenary action. Mr. LaPierre also believes that any requirement that the NRA furnish to the Court "the name and address of each member" (N-PCL § 1104(a)) would be objectionable to many NRA members and would jeopardize their privacy and constitutional rights.²

Importantly, the Douglas Letter misstates facts regarding Mr. LaPierre's prior attorney-client relationship with the NRA's counsel in this action, Brewer, Attorneys and Counselors ("BAC"). As the accompanying affidavit makes clear, Mr. LaPierre was formerly represented—but is no longer represented—by BAC in the *Ackerman* and *Dell'Aquila* matters the Douglas

¹ See letter from George Douglas to Hon. Joel M. Cohen dated November 11, 2020 ("Douglas Letter") (NYSCEF Doc. No. 155-1).

² See *NAACP v. Alabama*, 357 U.S. 449, 466 (1958) ("We hold that the immunity from state scrutiny of membership lists which the Association claims on behalf of its members is here so related to the right of the members to pursue their lawful private interests privately and to associate freely with others in so doing as to come within the protection of the Fourteenth Amendment. And we conclude that Alabama has fallen short of showing a controlling justification for the deterrent effect on the free enjoyment of the right to associate which disclosure of membership lists is likely to have. Accordingly, the judgment of civil contempt and the \$100,000 fine which resulted from petitioner's refusal to comply with the production order in this respect must fall.").

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Letter cites.³ The claims against Mr. LaPierre in the *Dell'Aquila* action were dismissed in their entirety on September 30, 2020, and the deadline for filing a notice of appeal of that dismissal has expired. *See* Fed. R. Civ. P. 4(a)(1)(a). In the *Ackerman* matter, BAC has formally withdrawn as counsel, and I have now appeared. It is my understanding that Mr. LaPierre asked BAC to represent him in those lawsuits, and in connection with the Attorney General's investigation, with full foreknowledge that BAC would prioritize and continue its representation of the NRA if any conflict arose. It is my understanding that it was Mr. LaPierre's wish that BAC continue to represent the NRA, even if it required BAC to cease its representation of him individually, and that that remains Mr. LaPierre's wish. Finally, it is my understanding that Mr. LaPierre executed conflict waivers to preclude and foreclose any potential challenges to that representation, which are described and excerpted in his affidavit.

Thank you for affording Mr. LaPierre an opportunity to be heard on this matter.

Very truly yours,

/s/ P. Kent Correll

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³ *See* Douglas Letter (NYSCEF Doc. No. 155-1) at 3, citing *Nat'l Rifle Ass'n of Am. v. Ackerman McQueen, et al.*, Civ. No. 3:19-cv-02074-G (N.D. Tx.) and *Dell'Aquila, et al. v. Wayne LaPierre, et al.*, Civ. No. 3:19-cv-00679 (M.D. Tn.).