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VIA NYSCEF

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

Re: *People of the State of New York, by Letitia James, Attorney General of the State of New York v. The National Rifle Association of America, Inc. et al.,*
Index No. 451625/2020

Dear Justice Cohen:

I write on behalf of the plaintiff, People of the State of New York by the Attorney General of the State of New York (“OAG”) in regard to the following: (1) to resolve the outstanding protective order issues; (2) to request permission to submit the preliminary conference order pending such resolution; and (3) to inform the Court of the OAG’s intention to amend and supplement the Complaint.

I. Resolution of Outstanding Protective Order Issues

At the March 9, 2021 conference in this case, the Court approved a discovery plan and directed the OAG to submit a preliminary conference order upon the parties’ resolution of one outstanding issue – the National Rifle Association of America (“NRA”) and certain other defendants’ request for a confidentiality order.

The parties were unable to reach an agreement on certain provisions of the protective order. On July 12, 2021, the OAG submitted a letter regarding the remaining issues to be resolved. (Dkt. Nos. 309-311.) On July 26, 2021, defendant NRA submitted a response.¹ (Dkt. No. 326.)

¹ The OAG did not respond to the NRA’s submission, as it believes that the issues that the parties need resolved are sufficiently set out in the letters. The only exception is the NRA’s allegation that it has a heightened need for confidentiality in light of issues relating to donor identity. During the OAG investigation, the NRA’s now-concluded bankruptcy proceeding and this proceeding, the OAG has not sought donor lists or donor information and has agreed to protections for the same. Indeed, the OAG proposed and agreed to a specific provision in the proposed confidentiality order designating the identities of NRA donors as confidential information. (Dkt. # 311, ¶

I write to ask: (1) if a phone conference would aid the Court in resolving the protective order issues as document production and depositions are proceeding and the need for a protective order is becoming more pressing; and (2) whether, pending the resolution of the protective order, the OAG may be permitted to submit the preliminary conference order. A copy of the preliminary conference order is attached.

II. Amendment of the Complaint

The Attorney General seeks to amend and supplement the Complaint in this matter. We will shortly be circulating the proposed amended pleading in an effort to obtain the parties' consent to its filing and, failing that, will be moving and will propose a briefing schedule.

I thank the Court for its attention to these matters.

Respectfully,

/s/ Monica Connell
Special Counsel
Assistant Attorney General

cc: All Counsel of Record

3(a.) Since donor information is already protected under provisions agreed to by the parties, this appears to be a non-issue.