

**SUPREME COURT OF THE STATE OF NEW YORK,  
COUNTY OF NEW YORK: PART 3**

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PEOPLE OF THE STATE OF NEW YORK, BY  
LETITIA JAMES, ATTORNEY GENERAL OF THE  
STATE OF NEW YORK,**Plaintiff(s)****Present:****Hon. Joel M. Cohen**

- against -

**Index No:** 451625.2020THE NATIONAL RIFLE ASSOCIATION OF A  
AMERICA, INC., WAYNE LAPIERRE,  
WILSON PHILLIPS, JOHN FRAZER, and  
JOSHUA POWELL**Defendant(s)****RJI Filing Date:** 8/6/2020**DCM Track:**

- ☐ Expedited  
☐ Standard  
☒ Complex

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**PRELIMINARY CONFERENCE ORDER****I. APPEARANCES:****Plaintiff:** Assistant Attorneys General James Sheehan, Emily Stern, Monica Connell and Jonathan Conley**Defendant(s):**\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**II. CONFIDENTIALITY AGREEMENT AND ORDER**Do the parties anticipate the need for a Confidentiality Order?   X Yes   ☐ NoIf yes, have the parties entered into a Confidentiality Agreement? ☐ Yes   X No

If needed, the parties are directed to use the Model Confidentiality Agreement found in Attachment B of the Rules of the Trial Courts found at:

[https://www.nycourts.gov/rules/trialcourts/202.70\(g\)%20-%20Rule%2011-g%20\(attachment\).pdf](https://www.nycourts.gov/rules/trialcourts/202.70(g)%20-%20Rule%2011-g%20(attachment).pdf)

People \_\_\_\_\_ v. NRA et al \_\_\_\_\_  
Index No: 451625/2020

Page: 2 of 6  
Date: March 9, 2021

### III. PRE-ANSWER MOTIONS

Have any Pre-Answer Motions been filed? ☒ Yes ☐ No

If yes, has a Decision been rendered by the Court? ☒ Yes ☐ No

If yes, has the Decision been appealed? ☐ Yes ☐ No

What Causes of Action remain: No causes of action were dismissed.

### IV. FACT DISCOVERY

**This Part strictly adheres to all discovery end dates. Parties should be prepared to complete discovery and file Note of Issue by the date provided herein absent extraordinary circumstances and upon good cause shown.**

**Parties confirm that they understand this:**

**Plaintiff(s)** X Yes ☐ No

**Defendant(s)** X Yes ☒ No

1. The End Date for Fact Discovery is: December 17, 2021 (For “expedited track” cases, absent extraordinary circumstances and a showing of good cause, this date shall be no more than **3 months** from today’s conference date; For and “standard track” cases, absent extraordinary circumstances and a showing of good cause, this date shall be no more than **4 months** from today’s conference date for “complex cases”, absent extraordinary circumstances and a showing of good cause this date shall be no more than **6 months** from today’s conference date.
2. All parties, on or before, See addendum, shall serve Demands for discovery, including document demands, Notices to Admit, and Interrogatories (if applicable).
3. All parties, on or before See addendum, are to provide written responses, document production and/or objections to all discovery demands.
4. All parties and non-parties are to be deposed by December 17, 2021.

People \_\_\_\_\_ v. NRA et al  
Index No: 451625/2020

Page: 3 of 6  
Date: March 9, 2021

## V. EXPERT DISCOVERY

Parties are to serve CPLR 3101(d) expert disclosure by January 21, 2022 (absent extraordinary circumstances and a showing of good cause date not to exceed 45 Days following the close of Fact Discovery).

## VI. END DATE FOR ALL DISCOVERY

Parties are to complete all discovery no later than April 15, 2022 (absent extraordinary circumstances and a showing of good cause date not to exceed 14 days following close of Expert Discovery).

Parties may stipulate to modify the *intermediate* deadlines set forth in Sections III and IV above. However, any proposed extension of the End Date for All Discovery must be requested by Order to Show Cause and must demonstrate good cause for the requested extension. If stipulated extensions to intermediate deadlines have created the proposed need for an extension of the End Date, the request for such an extension is unlikely to be granted. In other words, parties who stipulate to extension of intermediate discovery deadlines do so at their own risk.

## VII. NOTE OF ISSUE

Parties are to file Note of Issue by April 20, 2022 (for “expedited” matters absent extraordinary circumstances and a showing of good cause this date shall be no later than **7 months** from the RJI filing; for “standard track” matters absent extraordinary circumstances and a showing of good cause this date shall be no later than **8 months** from the RJI filing for “complex track” matters absent extraordinary circumstances and a showing of good cause this date shall be no later than **10 months** from the RJI filing).

**NOTE: Absent extraordinary circumstances and with good cause shown, the Note of Issue filing deadline will NOT be adjourned.**

## VIII. DISPOSITIVE MOTION PRACTICE

Parties are to file Motions for Summary Judgment by May 18, 2022 (absent extraordinary circumstances and a showing of good cause this date shall be no more than

People \_\_\_\_\_ v. NRA et al  
Index No: 451625/2020

Page: 4 of 6  
Date: March 9, 2020

30 days following the filing of Note of Issue).

## **IX. COMPLIANCE CONFERENCE**

Parties are to return for a Compliance Conference on October 12, 2021, 9:30 a.m. (to be set by Court).

**FAILURE TO COMPLY WITH ANY OF THESE DIRECTIVES MAY RESULT IN THE IMPOSITION OF COSTS OR SANCTIONS OR OTHER ACTION AUTHORIZED BY LAW. WHILE DISCOVERY END DATES, NOTE OF ISSUE FILING DATES AND DISPOSITIVE MOTION FILING DEADLINES MAY NOT BE ADJOURNED EXCEPT WITH ADVANCE APPROVAL OF THE COURT, INTERIM DEADLINES (I.E. DEPOSITION DATES AND EXCHANGE OF DOCUMENT DISCOVERY) MAY BE AMENDED ONLY IF ALL PARTIES CONSENT.**

**Plaintiff:** */s/Emily Stern*

**Defendant:** \_\_\_\_\_

**Defendant:** \_\_\_\_\_

**Defendant:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

**SO ORDERED:**

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**J.S.C.**

**People v. The National Rifle Association of America et al, Index No. 451626/2020**  
**Addendum to Preliminary Conference Order**

**Requests to Admit:**

Each party may serve a reasonable number of requests to admit on any other party.

**Interrogatories:**

The limitations on number, substance, and timing of interrogatories set forth in Rule 11-a of the Commercial Division Rules shall presumptively apply, but the parties may seek permission to modify the presumptive limitations where it would enhance efficiencies in the discovery process.

**Depositions:**

Depositions shall be conducted in accordance with Rule 11-d of the Commercial Division Rules, except:

The number of depositions shall be modified, as set forth below.

- (i) Plaintiff may conduct thirty (30) fact depositions;
- (ii) Defendant NRA may conduct thirty (30) fact depositions; and
- (iii) The individual defendants shall be allotted additional fact depositions as follows, with the understanding that Defendants shall coordinate in good faith to avoid duplication, and the individual defendants shall utilize their additional allowance only as necessary for discovery on issues specific to that particular individual defendant:
  - a. ten (10) depositions for LaPierre
  - b. five (5) depositions for Frazer
  - c. five (5) depositions for Phillips
  - d. five (5) depositions for Powell
- (iv) Each party reserves the right to take additional depositions on consent of the parties or good cause shown to the Court.

The duration of depositions may be extended beyond 7 hours on a witness-by-witness basis and on the consent of the parties or good cause shown to the Court.

**Responses to Discovery Requests:**

The timing for responses to document demands, interrogatories, and requests to admit shall be governed by the CPLR, except as provided by the discovery schedule set forth below.

**The Discovery Schedule:**

The Parties shall adhere to the following schedule for discovery. Except as to those deadlines governing the end dates for Fact and Expert discovery set forth in the Preliminary Conference Order, the parties may agree amongst themselves to change these interim deadlines without leave of the Court.

<b>Event</b>	<b>Deadline</b>
Parties may begin noticing party and non-party document demands, interrogatories	1/25/2021
Non-party responses to document demands will be due in accordance with the demands	
Party responses to written discovery will not be due until 20 days after the preliminary conference order is entered	
Parties may begin noticing non-party fact witness depositions	1/25/2021
Answers due	2/23/2021
Parties may begin noticing depositions of parties	2/23/2021
Preliminary conference	3/9/2021
Depositions start (party and non-party)	5/24/2021
Complete document production by parties	10/8/2021
Fact witness depositions completed	12/17/2021
End of fact discovery – (including all responses to discovery demands served and document production completed)	12/17/2021
Parties serve expert reports	1/21/2022
Parties serve rebuttal expert reports	2/25/2022
Expert depositions	3/14/2022 -- 4/15/2022
End of expert discovery	4/15/2022
Note of Issue	4/20/2022
Deadline for dispositive motions and/or motions directed to experts	5/18/2022