

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

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

Plaintiff and Counterclaim-Defendant,

v.

THE NATIONAL RIFLE ASSOCIATION OF  
AMERICA,

Defendant and Counterclaim-Plaintiff,

and

WAYNE LAPIERRE, WILSON PHILLIPS,  
JOHN FRAZER, and JOSHUA POWELL,

Defendants.

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: Index No. 451625/2020  
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: Hon. Joel M. Cohen  
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: **STIPULATION AND ORDER**  
: **FOR THE NON-WAIVER**  
: **AND CLAW-BACK OF**  
: **DOCUMENTS AND**  
: **INFORMATION PRODUCED**

**WHEREAS**, the people of the State of New York, by Letitia James, the Attorney General of the State of New York, and defendant/counterclaim plaintiff The National Rifle Association of America, and defendants Wayne LaPierre, Wilson Phillips, John Frazer, and Joshua Powell (individually “Party” and collectively “Parties”) have agreed to proceed in discovery in accordance with Appendix E to the Rules of the Commercial Division pursuant to Commercial Division Rule 11-g(c);

**WHEREAS**, the Parties have asked the Court to enter an order directing that discovery in this action proceed in conformity with the claw-back provision set forth in Appendix E to the Rules of the Commercial Division, pursuant to Commercial Division Rule 11-g(c);

NOW, THEREFORE, with all Parties consenting to the relief sought and no Parties objecting, IT IS hereby **ORDERED** that:

1. In connection with their review of electronically stored information and hard copy documents for production (the “Documents Reviewed”) the Parties agree as follows:
  - a. to implement and adhere to reasonable procedures to ensure Documents Reviewed that are protected from disclosure pursuant to CPLR 3101(c), 3101(d)(2) and 4503 (“Protected Information”) are identified and withheld from production.
  - b. if Protected Information is inadvertently produced, the Producing Party shall take reasonable steps to correct the error, including a request to the Receiving Party for its return.
  - c. upon request by the Producing Party for the return of Protected Information inadvertently produced the Receiving Party shall promptly return the Protected Information and destroy all copies thereof. Furthermore, the Receiving Party shall not challenge either the adequacy of the Producing Party’s document review procedure or its efforts to rectify the error, and the Receiving Party shall not assert that its return of the inadvertently produced Protected Information has caused it to suffer prejudice.
2. This Stipulation can be executed in counterparts and by using electronic, scanned or telefaxed signatures, with the same effect as original signatures.

For Plaintiff and Counterclaim-Defendant

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OF THE STATE OF NEW YORK

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For Defendant and Counterclaim-Plaintiff The National Rifle Association of America

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**SO ORDERED**

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J.S.C