

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,

Index No. 451625/2020

Plaintiff,

v.

THE NATIONAL RIFLE ASSOCIATION OF
AMERICA, INC., WAYNE LAPIERRE,
WILSON PHILLIPS, JOHN FRAZER, and
JOSHUA POWELL,

Defendants.

**PLAINTIFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS
TO DEFENDANT NATIONAL RIFLE ASSOCIATION OF AMERICA**

PLEASE TAKE NOTICE that pursuant to Article 31 of the New York Civil Practice Law and Rules, Plaintiff People of the State of New York, by Letitia James, Attorney General of the State of New York, hereby makes this Second Request of Defendant National Rifle Association of America for Production of the Documents described herein, in accordance with the Definitions and Instructions set forth below, by December 20, 2021, at the Office of the Attorney General of the State of New York ("OAG"), 28 Liberty Street, New York, New York 10005.

A. Instructions

1. Please produce the Documents described in Section C of this schedule, in the accordance with the Instructions (Section A), Definitions (Section B) and format (Section D) described below.
2. Time Frame. Except as otherwise noted, this subpoena applies to all Documents in effect, created, recorded, compiled, transmitted or received from **January 1, 2015, through the present** (the “Relevant Period”).
3. Continuing Obligation. The obligation to produce Documents pursuant to this subpoena is a continuing one. Responsive Documents located any time after a response is due or submitted shall be promptly produced at the place and in the manner specified herein.
4. No Documents Responsive to Requests. If there are no Documents responsive to any particular request, You shall so state in writing, identifying the paragraph number(s) of the request concerned.
5. Documents Already Produced. To the extent that You have previously produced Documents responsive to any request during the Investigation or in the Bankruptcy Action (see definition below), it is not necessary to re-produce those documents provided the NRA identifies the Bates numbers of the responsive Documents, the request to which the Documents are responsive and any applicable privilege logs relating to such productions. If any such previously produced responsive Documents were designated as “confidential” in a separate proceeding, that designation will not be applicable in this action. If the NRA contends in good faith that a previously produced Document meets the criteria for confidential treatment under the terms of any applicable confidentiality agreement or order in this action, the NRA shall identify those documents by bates number(s) and re-produce those documents with new confidentiality designations and new unique Bates numbers.
6. Documents No Longer in Your Possession. If any Document requested was formerly in Your possession, custody or control but is no longer available or no longer exists, submit a statement in writing and under oath that: (i) describes in detail the nature of the Document and its contents; (ii) identifies the Person who prepared the Document; (iii) identifies all Persons who have seen or had possession of the Document; (iv) specifies the dates on which the Document was prepared, transmitted or received; (v) specifies the date on which the Document became unavailable; (vi) specifies the reason why the Document is unavailable, including whether it has been misplaced, lost, destroyed or transferred, and, if it has been destroyed or transferred, specifies the conditions of and reasons for such destruction or transfer and the Persons who requested and performed the destruction or transfer; and (vii) identifies all Persons with knowledge of any portion of the contents of the Document.
7. Privilege Placeholders. For each Document (or portion of a Document) withheld on ground of privilege or other legal doctrine, You shall insert one or more placeholder page(s) in the production bearing the same document control number(s) borne by the Document withheld, in the sequential place(s) originally occupied by the Document before it was removed from the production. You shall also submit with the production a statement in writing and under oath (e.g., a privilege log) in accordance with Rule 11-b of the New York Supreme Court Commercial Division Rules.

8. Scope of Possession, Custody, and Control. Documents in the possession of Brewer (as defined in Section B), Aronson (as defined in Section B) or other agent, contractor, consultant or representative of the NRA are considered Documents in Your possession, and must be produced if responsive to the requests, or otherwise logged as privileged.

9. Format for Production: Unless otherwise specified and agreed to by the Office of the Attorney General, responsive Documents shall be produced in their original format, whether hard copy or electronic.

B. General Definitions and Rules of Construction

1. “All” shall mean “each and every.”

2. “Any” shall mean “any and all.”

3. “And” and “or” shall be construed disjunctively or conjunctively, as necessary to bring within the scope of a request all responses and Documents that might otherwise be deemed outside of its scope.

4. “Communication” means any conversation, discussion, letter, email, memorandum, meeting, note, email, text message, social media post, or other transmittal of information or message, whether transmitted in writing, orally, electronically or by any other means, and shall include any Document that abstracts, digests, transcribes, describes, discusses, records or reflects any of the foregoing.

5. “Concerning” or “relating to” means, directly or indirectly, in whole or in part, reflecting, relating to, referring to, referencing, describing, memorializing, reporting, evidencing, or constituting.

6. “Custodian” means any Person or Entity that maintained, possessed, or otherwise kept or controlled the Document.

7. “Document” is used in these requests in the broadest sense of the term and shall mean all records and other tangible media of expression of any nature, including: originals, drafts or finished versions; annotated or nonconforming or other copies, however created, produced or stored (manually, mechanically, electronically or otherwise); electronic mail (“email”), instant messages, text messages, Blackberry or other wireless device messages; voicemail; calendars, date books, appointment books, and diaries; books, papers, files, notes, temporary files, permanent files, desk files, correspondence, memoranda, reports, records, journals, summaries, registers, account statements, analyses, plans, manuals, policies, telegrams, faxes, wires, telephone logs, telephone messages, message slips; minutes, notes, records or transcriptions of conversations, Communications, or meetings; video and audio tape recordings; disks and other electronic media; microfilm, microfiche; electronic data or information stored on thumb drives, cloud storage, servers, and any other electronic platform or device; press releases; contracts, agreements; notices and confirmations. Any non-identical version of a Document constitutes a separate Document within this definition, including without limitation drafts or copies bearing any notation, edit, comment, marginalia, underscoring, highlighting,

marking, or any other alteration of any kind resulting in a difference between two or more otherwise identical Documents. Documents existing in electronic form shall include all items that may have been removed from the email accounts, directories or other locations in which they are ordinarily stored to any other servers, folders, files, archives, or backup devices, whether or not deleted.

8. “Entity” means, without limitation, any corporation, company, limited liability company or corporation, partnership, association, or other firm or similar body, or any unit, division, agency, department, or similar subdivision thereof.

9. “Identify” or “identity” as applied to

- a. *a natural Person* means and includes the provision in writing of the Person’s name, title, any aliases, place of employment, telephone number, email address, mailing address, physical address, and if applicable, employment history;
- b. *an Entity* means the provision in writing of the Entity’s legal name, any d/b/a, former, or other names, any parent, subsidiary, officers, employees, or agents thereof; and any addresses and any telephone numbers thereof;
- c. *an account with a financial institution* means the provision in writing of the institution’s name, its address, the names of the account holders, the account number, the account type, the signatories on the account, and the individuals authorized to use a credit, debit, or ATM card relating to the account;
- d. *a financial transaction* means the provision in writing of the type of transaction (e.g., donation, grant, withdrawal, deposit, or disbursement), the amount, date, payor, grantor, donor or other party disbursing the funds, the payee, grantee, donee or other party receiving the funds, the reason for the transaction, and any applicable terms or restrictions; (v) an agreement shall mean to provide the terms of the agreement and any amendments; and
- e. *a Document*, means the provision in writing of information sufficiently particular to enable Plaintiff to request the Document’s production through document requests or otherwise, including but not limited to (a) the document control number or Bates number, if applicable, (b) document type (letter, memorandum, etc.); (c) the document subject matter; (d) the document date; and (e) the document’s author(s), addressee(s) and recipient(s). In lieu of identifying a document, Plaintiff will accept production of the Document, together with a designation of the Document’s custodian, and identification of each You belief to have received a copy of the Document.

10. “Person” shall mean any natural person or Entity.

11. The singular form of any word used in these requests shall include the plural and vice versa. The use of any tense of any verb includes all other tenses of the verb.

12. Any word used but not defined herein shall be construed consistently with its common meaning.

C. Particular Definitions

1. “Board” means the Board of Directors of the NRA and any Committee or individual member thereof.

2. “Key Person” shall have the same meaning as that term is defined in Not-for-Profit Corporation Law (“N-PCL”) § 102(25).

3. “NRA” means the National Rifle Association of America, Inc., together with (i) any of its directors, officers, agents, employees, consultants, representatives, attorneys, and other Persons acting on its behalf, (ii) any predecessors, successors, parent corporations, subsidiaries, divisions, assigns, “d/b/a” names, and affiliates, and (iii) any entities that, directly or indirectly, control, are controlled by, or are under common control with NRA, including by possessing, directly or indirectly, the power to direct or cause the direction of NRA’s management and policies, whether through membership, the ownership of voting securities, by contract, or otherwise.

4. “You” or “Your” means the NRA.

D. Documents to be Produced

1. All Documents in the NRA’s “Current Main Contracts” file and any other Documents summarizing the status and terms of contracts or agreements between the NRA and its vendors, consultants, employees, or agents.

2. All Documents relating to complaints filed against any Board member pursuant to Art. III, § 11 of the NRA Bylaws. This request includes any recommendations, findings, resolutions, or motions by the NRA, the Board or any subcommittee thereof (including without limitation the Ethics Committee and Committee on Hearings), or any NRA officer, employee, or Key Person relating to such complaints.

3. All quarterly financial reports prepared by the NRA’s Treasurer for the Board from 2005 to the present.

4. All reports concerning NRA membership similar to the report previously produced as NRA-NYAGCOMMDIV-00190075 prepared from 2005 to the present.

5. All regular (e.g., monthly, quarterly, semi-annual, or annual) reports distributed to the Executive Vice President, Treasurer, Secretary, First or Second Vice Presidents, or President including, but not limited to, all Staff Responsibility and Progress Reports.

6. All Documents related to any report or recommendation prepared by or

concerning any external consultant relating to expense reporting policies, procedures, or expense reporting by individual employees, including but not limited to any reports or assessments of accountable plans, compliance with Internal Revenue Service requirements regarding accountable plans, and assessments of excess benefits or potential excess benefits received from the NRA by disqualified persons as defined in Internal Revenue Service regulations.

7. Documents sufficient to identify Your employees and their contract status, titles, reporting structure, hiring date, and termination date (where applicable).

8. To the extent not responsive to other Requests, all Documents relating to any “internal audit,” “course correction,” or “top-to-bottom review of [Your] operations and governance” allegedly undertaken by You or any of Your officers, directors, Key Persons, agents, or outside parties or entities on Your behalf.

9. All Documents responsive to the following Requests from the Plaintiff’s First Request for Production of Documents to Defendant National Rifle Association of America for the time period June 25, 2021 to the present:

- a. Request No. 3;
- b. Request No. 4;
- c. Request No. 5;
- d. Request No. 7;
- e. Request No. 10;
- f. Request No. 11;
- g. Request No. 12;
- h. Request No. 13;
- i. Request No. 14;
- j. Request No. 16;
- k. Request No. 17;
- l. Request No. 19;
- m. Request No. 22;
- n. Request No. 23;
- o. Request No. 24;
- p. Request No. 25;
- q. Request No. 26;
- r. Request No. 27;
- s. Request No. 28;
- t. Request No. 29;
- u. Request No. 30;
- v. Request No. 37;
- w. Request No. 40;
- x. Request No. 41;
- y. Request No. 44;
- z. Request No. 45;

- aa. Request No. 48;
- bb. Request No. 52;
- cc. Request No. 54.

E. Format for Production

Unless otherwise specified and agreed to by the Office of Attorney General, all responsive Documents must be produced in Concordance format in accordance with the following instructions.

1. Concordance Production Components. A Concordance production consists of the following component files, which must be produced in accordance with the specifications set forth below in Section 2.

- A. Metadata Load File*
- B. Extracted or OCR Text Files*
- C. Single-Page Image Files*
- D. Opticon Load File*
- E. Native Files.*

2. Production File Requirements.

- A. Metadata Load File*
 - Required file format:
 - UTF-8
 - .dat file extension
 - Field delimiter: (ASCII decimal character 20)
 - Text Qualifier: þ (ASCII decimal character 254). Multiple value field delimiter: ; (ASCII decimal character 59)
 - The first line of the metadata load file must list all included fields. All required fields are listed in Attachment 1.
 - Fields with no values must be represented by empty columns maintaining delimiters and qualifiers.
 - **Note:** All Documents must have page-level Bates numbering (except Documents produced only in native format, which must be assigned a Document-level Bates number). The metadata load file must list the beginning and ending Bates numbers (BEGDOC and ENDDOC) for each Document.
 - Accepted date formats:
 - mm/dd/yyyy
 - yyyy/mm/dd
 - yyyymmdd
 - Accepted time formats:

- hh:mm:ss (if not in 24-hour format, You must indicate am/pm)
- hh:mm:ss:mmm

B. *Extracted or OCR Text Files*

- You must produce individual Document-level text files containing the full extracted text for each produced Document.
- When extracted text is not available (for instance, for image-only Documents) You must provide individual Document-level text files containing the Document's full OCR text.
- The filename for each text file must match the Document's beginning Bates number (BEGDOC) listed in the metadata load file.
- Text files must be divided into subfolders containing no more than 5000 files.

C. *Single-Page Image Files (Petrified Page Images)*

- Where possible, all produced Documents must be converted into single-page tagged image format ("TIF") files. See Section 7.E below for instructions on producing native versions of Documents You are unable to convert.
- Image Documents that exist only in non-TIF formats must be converted into TIF files. The original image format must be produced as a native file as described in Section 7.E below.
- For Documents produced only in native format, You must provide a TIF placeholder that states "Document produced only in native format."
- Each single-page TIF file must be endorsed with a unique Bates number.
- The filename for each single-page TIF file must match the unique page-level Bates number (or Document-level Bates number for Documents produced only in native format).
- Required image file format:
 - CCITT Group 4 compression
 - 2-Bit black and white
 - 300 dpi
- Either .tif or .tiff file extension.
- TIF files must be divided into subfolders containing no more than 5000 files. Documents should not span multiple subfolders, a Document with more than 5000 pages should be kept in a single folder.

D. *Opticon Load File*

- Required file format:
 - Field delimiter: , (ASCII decimal character 44)
 - No Text Qualifier
 - .opt file extension
- The comma-delimited Opticon load file must contain the following seven fields (as indicated below, values for certain fields may be left blank):
 - ALIAS or IMAGEKEY – the unique Bates number assigned to

each page of the production.

- VOLUME – this value is optional and may be left blank.
- RELATIVE PATH – the filepath to each single-page image file on the production media.
- DOCUMENT BREAK – defines the first page of a Document. The only possible values for this field are “Y” or blank.
- FOLDER BREAK – defines the first page of a folder. The only possible values for this field are “Y” or blank.
- BOX BREAK – defines the first page of a box. The only possible values for this field are “Y” or blank.
- PAGE COUNT – this value is optional and may be left blank.

- **Example:**

ABC00001,,IMAGES\0001\ABC00001.tif,Y,,,2

ABC00002,,IMAGES\0001\ABC00002.tif,,,,

ABC00003,,IMAGES\0002\ABC00003.tif,Y,,,1

ABC00004,,IMAGES\0002\ABC00004.tif,Y,,,1

E. Native Files

- Non-printable or non-print friendly Documents (including but not limited to spreadsheets, audio files, video files and Documents for which color has significance to Document fidelity) must be produced in their native format.
- The filename of each native file must match the Document’s beginning Bates number (BEGDOC) in the metadata load file and retain the original file extension.
- For Documents produced only in native format, You must assign a single Document-level Bates number and provide an image file placeholder that states “Document produced only in native format.”
- The relative paths to all native files on the production media must be listed in the NATIVEFILE field of the metadata load file.
- Native files that are password-protected must be decrypted prior to conversion and produced in decrypted form.
- You may be required to supply a software license for proprietary Documents produced only in native format.

3. Production Folder Structure. The production must be organized according to the following standard folder structure:

- data\ (contains production load files)
- images\ (contains single-page TIF files, with subfolder organization)
- \0001, \0002, \0003...
- natives\ (contains native files, with subfolder organization)
- \0001, \0002, \0003...
- text\ (contains text files, with subfolder organization)
- \0001, \0002, \0003...

4. De-Duplication. You must perform global de-duplication of stand-alone Documents and email families against any prior productions pursuant to this or previously related subpoenas.
5. Paper or Scanned Documents. Documents that exist only in paper format must be scanned to single-page TIF files and OCR'd. The resulting electronic files should be produced in Concordance format pursuant to these instructions. You must contact the Assistant Attorney General whose telephone number appears on the subpoena to discuss (i) any Documents that cannot be scanned, and (ii) how information for scanned Documents should be represented in the metadata load file.
6. Structured Data. Structured data includes but is not limited to relational databases, transactional data, and xml pages. Spreadsheets are not considered structured data. You must first speak to the Assistant Attorney General whose telephone number appears on the subpoena.
 - A. Relational Databases
 1. Database tables should be provided in d or other machine-readable, non-proprietary format, with each table in a separate data file. Each data file must have an accompanying data dictionary that explains the meaning of each column name and explains the values of any codes used.
 2. Dates and numbers must be clearly and consistently formatted and, where relevant, units of measure should be explained in the data dictionary.
 3. Records must contain clear, unique identifiers, and the data dictionary must include explanations of how the files and records relate to one another.
7. Media and Encryption. All Document sets over 2 GB must be produced on CD, DVD, or hard-drive media. All production media must be encrypted with a strong password, which must be delivered independently from the production media. Document sets under 2 GB may be delivered electronically. The OAG offers a secure cloud storage option that can be set up to receive media on a one-time basis, or the OAG will download media from the providing parties' server.

ATTACHMENT 1
Required Fields for Metadata Load File

FIELD NAME	FIELD DESCRIPTION	FIELD VALUE EXAMPLE ¹
BEGDOC	Bates number assigned to the first page of the Document.	ABC0001
ENDDOC	Bates number assigned to the last page of the Document.	ABC0002
BEGATTACH	Bates number assigned to the first page of the parent Document in a Document family (<i>i.e.</i> , should be the same as BEGDOC of the parent Document, or PARENTDOC).	ABC0001
ENDATTACH	Bates number assigned to the last page of the last child Document in a family (<i>i.e.</i> , should be the same as ENDDOC of the last child Document).	ABC0008
PARENTDOC	BEGDOC of parent Document.	ABC0001
CHILDDOCS	List of BEGDOCs of all child Documents, delimited by ";" when field has multiple values.	ABC0002; ABC0003; ABC0004...
COMMENTS	Additional Document comments, such as passwords for encrypted files.	
NATIVEFILE	Relative file path of the native file on the production media.	.\Native_File\Folder\...\BEGDOC.ex t
TEXTFILE	Relative file path of the plain text file on the production media.	.\Text_Folder\Folder\...\BEGDOC.tx t
SOURCE	For scanned paper records this should be a description of the physical location of the original paper record. For loose electronic files this should be the name of the file server or workstation where the files were gathered.	Company Name, Department Name, Location, Box Number...
CUSTODIAN	Owner of the Document or file.	Firstname Lastname, Lastname, Firstname, User Name; Company Name, Department Name...

¹ Examples represent possible values and not required format unless the field format is specified in Attachment 1.

FROM	Sender of the email.	Firstname Lastname <FLastname@domain>
TO	All to: members or recipients, delimited by ";" when field has multiple values.	Firstname Lastname <FLastname@domain>; Firstname Lastname <FLastname@domain>; ...
CC	All cc: members, delimited by ";" when field has multiple values.	Firstname Lastname <FLastname@domain>; Firstname Lastname <FLastname@domain>; ...
BCC	All bcc: members, delimited by ";" when field has multiple values	Firstname Lastname <FLastname@domain>; Firstname Lastname <FLastname@domain>; ...
SUBJECT	Subject line of the email.	
DATERCVD	Date and time that an email was received.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd; hh:mm:ss AM/PM or hh:mm:ss
DATESENT	Date and time that an email was sent.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd; hh:mm:ss AM/PM or hh:mm:ss
CALBEGDATE	Date that a meeting begins.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd; hh:mm:ss AM/PM or hh:mm:ss
CALENDDATE	Date that a meeting ends.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd; hh:mm:ss AM/PM or hh:mm:ss
ATTACHMENTS	List of filenames of all attachments, delimited by ";" when field has multiple values.	AttachmentFileName.; AttachmentFileName.docx; AttachmentFileName.pdf;...
NUMATTACH	Number of attachments.	
RECORDTYPE	General type of record.	IMAGE; LOOSE E-MAIL; E-MAIL; E-DOC; IMAGE ATTACHMENT; LOOSE E-MAIL ATTACHMENT; E-MAIL ATTACHMENT; E-DOC ATTACHMENT
FOLDERLOC	Original folder path of the produced Document.	Drive:\Folder\...\...\
FILENAME	Original filename of the produced Document.	Filename.ext

DOCEXT	Original file extension.	html, xls, pdf
DOCTYPE	Name of the program that created the produced Document.	Adobe Acrobat, Microsoft Word, Microsoft Excel, Corel WordPerfect...
TITLE	Document title (if entered).	
AUTHOR	Name of the Document author.	
REVISION	Number of revisions to a Document.	18
DATECREATED	Date and time that a Document was created.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd; hh:mm:ss AM/PM or hh:mm:ss
DATEMOD	Date and time that a Document was last modified.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd; hh:mm:ss AM/PM or hh:mm:ss
FILESIZE	Original file size in bytes.	
PGCOUNT	Number of pages per Document.	
IMPORTANCE	Email priority level if set.	Low, Normal, High
MD5HASH	MD5 hash value computed from native file (a/k/a file fingerprint).	
SHA1HASH	SHA1 hash value	
MSGINDEX	Email message ID	
CONVERSATIONINDEX	Email Conversation Index	

Dated: November 30, 2021
New York, New York

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