

**Thompson, Stephen**

---

**From:** Thompson, Stephen  
**Sent:** Thursday, August 26, 2021 11:58 AM  
**To:** Mordecai Geisler; Sarah Rogers  
**Cc:** Conley, Jonathan; James, Erica; Connell, Monica; Stern, Emily  
**Subject:** RE: People of the State of New York v National Rifle Association of America, et al. - Document Production  
**Attachments:** 2021-08-26 People v NRA ESI Parameters v2.xlsx

Mordecai and Sarah,

Please find attached our proposed revisions and additions to the search terms and custodians. We would appreciate getting a hit report similar to the type we received during the investigation so that we can tailor the terms if necessary. If possible, please deduct from the hit report documents that have been previously withheld as privileged or that the NRA has already produced to us. For some of the terms, we have suggested running the search in the body of emails only (excluding attachments and other non-email ESI).

We also have a few questions regarding the NRA's position on a few items:

- Does the NRA have custody or control of documents in the possession of Ms. LaPierre?
- From the deposition of Mr. Phillips, is it the NRA's position that the existence and terms of any joint defense or indemnification agreement between the NRA and any party or witness is privileged?
- Will the NRA accept a deposition notice for Mr. Coy, or should we speak with Wit Davis regarding a subpoena for his testimony?

Finally, there are a number of categories of documents that do not require, and in many instances are less susceptible to being captured by, ESI search terms that are relevant, and should be produced as soon as possible. Please see the categories below, all of which are subject to agreements we reached during our meet and confer as reflected in our August 4, 2021 letter. Please let us know when we can expect to receive responsive documents.

- **Request #3:** All transcripts, recordings, or notes of meetings of the listed committees.
- **Request #4:** Documents provided to, reviewed by, or prepared in connection with any meeting of or action by any of the specified board committees.
- **Request #5:** All recordings or transcripts of public statements – including statements on social media platforms—made by the NRA or on the NRA's behalf relating to this Action, the allegations in the Complaint, or the Bankruptcy.
- **Request #6:** Documents sufficient to identify all social media usernames or identification used by the NRA or others formally or informally authorized to communicate on the NRA's behalf.
- **Request #9:** All documents produced by the NRA in the Bankruptcy and/or identified on the NRA's exhibit list in the Bankruptcy.
- **Request #13:** Documents relied upon in the preparation of the NRA's IRS Form 990s for the relevant period.
- **Request #14:** All Documents used, reviewed, relied on, consulted, considered, or referenced, in whole or in part, by the NRA in preparing, drafting, or finalizing, in whole or in part, the IRS Forms 990.
- **Request #19:** Documents relating to information reviewed, relied upon, consulted, considered, given by or to, or generated by the Board concerning the NRA's financial status.
- **Request #20:** Contracts, agreements, invoices, arrangements, payments relating to (1) any Person paid in excess of \$10,000 per year under the Executive, Public Relations, or Office of Advancement accounts, or under any sponsorship or consultant account (regardless of department) during the Relevant Period, and (2) any services provided in connection with those payments.

- **Request #21:** Invoices or other requests for reimbursement from the NRA for expenses incurred on behalf of the listed NRA persons by a third party.
- **Request #23:** All documents given to, received from, or copied to any outside accountant, financial expert, or independent auditor.
- **Request #28:** Any packets or briefing materials prepared for any NRA Board member, officer, or key person related to the election of Board members.
- **Request #29:** Any marketing or promotional materials disseminated by or prepared on behalf of or for the benefit of the NRA in connection with candidates for the annual election of Board members
- **Request #30:** Any packets or briefing materials prepared for any NRA Board member, officer, or key person related to directors elected at the Annual Meeting of Members.
- **Request #31:** Non-privileged or appropriately redacted invoices or bills from the Brewer firm.
- **Request #34:** Invoices, contracts, billing statements, or other agreements with any of the persons or entities enumerated in this request.
- **Request #35:** Any HR materials for Ms. Sterner.
- **Request #36:** Invoices, contracts, billing statements, or other arrangements with Under Wild Skies or Tony Makris.
- **Request #37:** Analyses concerning the fundraising effectiveness of and/or value placed on the name and likeness of current and former NRA officers and directors.
- **Request #38:** All written contracts with any McKenzie Entity, and any invoices to or from any such entity.
- **Request #39:** All written contracts with Brad O'Leary or any of the entities in this request, and any invoices to or from Mr. O'Leary or any such entity.
- **Request #40:** Any written performance evaluations of any person listed in this request.
- **Request #41:** Indemnification agreements between the NRA and any Board member, officer, or key person, whether directly or indirectly through a third person.
- **Requests #46, 47, 49, 56, 58:** Contracts, RFPs, and invoices related to the entities identified in these requests.
- **Request #50:** Documents constituting or reflecting invoices, receipts, expense reports, or similar evidence of travel expenses incurred by or on behalf of Mr. LaPierre.
- **Request #51:** Documents constituting or reflecting invoices, receipts, expense reports, or similar evidence of payments sought from, or remitted by, the NRA for the items enumerated in this request.
- **Request #54:** Transcripts, declarations, and affidavits in the actions identified by the NRA in its response to this request, as well as in the Cox arbitration.
- **Request #58:** Expense reports for NRA officers, key persons, and board members.
- **Request #59:** Calendars, day planners, and any other documents reflecting LaPierre's day-to-day schedule.
- **Request #60:** All documents reflecting handwritten notes by LaPierre relevant to the allegations in the complaint.

Best,  
Stephen

**Stephen C. Thompson | Assistant Attorney General**

New York State Office of the Attorney General

28 Liberty Street, New York, NY 10005

Tel: (212) 416-6183 | [Stephen.Thompson@ag.ny.gov](mailto:Stephen.Thompson@ag.ny.gov)

---

**From:** Mordecai Geisler <mxg@brewerattorneys.com>

**Sent:** Wednesday, August 18, 2021 7:46 PM

**To:** Connell, Monica <Monica.CConnell@ag.ny.gov>; Sarah Rogers <sbr@brewerattorneys.com>

**Cc:** Thompson, Stephen <Stephen.Thompson@ag.ny.gov>; Conley, Jonathan <Jonathan.Conley@ag.ny.gov>; James, Erica <Erica.James@ag.ny.gov>

**Subject:** RE: People of the State of New York v National Rifle Association of America, et al. - Document Production

Monica: Thank you. I cannot give an anticipated date, but we are working through the documents now. We will let you know as soon as we can determine a more specific timeline.

**Mordecai Geisler | Counsel**  
**Brewer, Attorneys & Counselors**  
750 Lexington Avenue, 14th Floor  
New York, New York 10022  
Office Main: 212.489.1400  
Office Direct: 212.224.8813  
[mxg@brewerattorneys.com](mailto:mxg@brewerattorneys.com)

---

**From:** Connell, Monica <[Monica.Connell@ag.ny.gov](mailto:Monica.Connell@ag.ny.gov)>  
**Sent:** Wednesday, August 18, 2021 7:44 PM  
**To:** Mordecai Geisler <[mxg@brewerattorneys.com](mailto:mxg@brewerattorneys.com)>; Sarah Rogers <[sbr@brewerattorneys.com](mailto:sbr@brewerattorneys.com)>  
**Cc:** Thompson, Stephen <[Stephen.Thompson@ag.ny.gov](mailto:Stephen.Thompson@ag.ny.gov)>; Conley, Jonathan <[Jonathan.Conley@ag.ny.gov](mailto:Jonathan.Conley@ag.ny.gov)>; James, Erica <[Erica.James@ag.ny.gov](mailto:Erica.James@ag.ny.gov)>  
**Subject:** RE: People of the State of New York v National Rifle Association of America, et al. - Document Production

Thanks Mordecai. We will get the search terms back to you shortly. Do you have any anticipated timeline for your continued production?

Thanks.

Monica

---

**From:** Mordecai Geisler <[mxg@brewerattorneys.com](mailto:mxg@brewerattorneys.com)>  
**Sent:** Wednesday, August 18, 2021 7:36 PM  
**To:** Connell, Monica <[Monica.Connell@ag.ny.gov](mailto:Monica.Connell@ag.ny.gov)>; Sarah Rogers <[sbr@brewerattorneys.com](mailto:sbr@brewerattorneys.com)>  
**Cc:** Thompson, Stephen <[Stephen.Thompson@ag.ny.gov](mailto:Stephen.Thompson@ag.ny.gov)>; Conley, Jonathan <[Jonathan.Conley@ag.ny.gov](mailto:Jonathan.Conley@ag.ny.gov)>; James, Erica <[Erica.James@ag.ny.gov](mailto:Erica.James@ag.ny.gov)>  
**Subject:** RE: People of the State of New York v National Rifle Association of America, et al. - Document Production

**[EXTERNAL]**

Monica: We are currently reviewing documents in an effort to potentially produce additional non-confidential, non-privileged documents. We note that, as you indicated, we sent proposed ESI search terms and are awaiting a response. In addition, we are working on a comprehensive response following our meet and confer conferences and your letter of August 4, which we expect will reduce the number of outstanding issues concerning our future document productions.

Regards,

**Mordecai Geisler | Counsel**  
**Brewer, Attorneys & Counselors**  
750 Lexington Avenue, 14th Floor  
New York, New York 10022  
Office Main: 212.489.1400  
Office Direct: 212.224.8813  
[mxg@brewerattorneys.com](mailto:mxg@brewerattorneys.com)

---

**From:** Connell, Monica <[Monica.Connell@ag.ny.gov](mailto:Monica.Connell@ag.ny.gov)>  
**Sent:** Tuesday, August 17, 2021 3:01 PM  
**To:** Mordecai Geisler <[mxg@brewerattorneys.com](mailto:mxg@brewerattorneys.com)>; Sarah Rogers <[sbr@brewerattorneys.com](mailto:sbr@brewerattorneys.com)>

Cc: Thompson, Stephen <[Stephen.Thompson@ag.ny.gov](mailto:Stephen.Thompson@ag.ny.gov)>; Conley, Jonathan <[Jonathan.Conley@ag.ny.gov](mailto:Jonathan.Conley@ag.ny.gov)>; James, Erica <[Erica.James@ag.ny.gov](mailto:Erica.James@ag.ny.gov)>

Subject: People of the State of New York v National Rifle Association of America, et al. - Document Production

Sarah and Mordecai,

As you know, in our meet and confer on July 30<sup>th</sup> and in subsequent discussions, we addressed the NRA's representation in its document responses that it would produce documents responsive to many of the requests at a mutually agreeable time and place. We indicated that we would like production immediately. You shared search terms that had been used and we are preparing a response to those. But you also agreed that the NRA would begin production of non-privileged, non-confidential documents last week. The first document production was comprised of less than 40 documents and you have not indicated the volume or timing that you propose for the remaining production. While we work on the search terms, we do not want production of other responsive documents to stop. Please let us know at your earliest convenience your anticipated schedule and the volume of production.

Thanks,

Monica

Monica A. Connell  
*Special Counsel*  
New York State Office of the Attorney General  
28 Liberty Street  
New York, New York 10005  
212-416-8965  
[Monica.Connell@ag.ny.gov](mailto:Monica.Connell@ag.ny.gov)

-----  
The information contained in this e-mail and any attachments to this e-mail is privileged and confidential information, and is intended only for the use of the individuals or entities named as addressees. If the reader of this message is not the intended recipient or the employee, agent, or service-provider responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone at 212-416-8965. The address, email address and fax numbers provided herein are not for service of papers absent express agreement to the same. Thank you.

**IMPORTANT NOTICE:** This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.

**CAUTION:** This email is from outside the organization. DO NOT CLICK a link or open an attachment unless you know the content is safe and are expecting it from the sender. If in doubt, contact the sender separately to verify the content.

=====

**CAUTION:** This email is from outside the organization. DO NOT CLICK a link or open an attachment unless you know the content is safe and are expecting it from the sender. If in doubt, contact the sender separately to verify the content.

=====