

B R E W E R
ATTORNEYS & COUNSELORS

January 20, 2022

VIA EMAIL

Monica Connell
Senior Litigation Counsel
Stephen Thompson
Assistant Attorney General
New York State Office of the Attorney General
28 Liberty Street, New York, NY 10005

Re: *NYAG v. The National Rifle Association of America et al.*,
Index No. 451625/2020

Dear Monica and Stephen,

We write to follow up on our call during which the OAG asked the NRA whether it would agree to an extension of the deadline to complete fact discovery, now set for February 15, 2022. In sum, the NRA opposes any further extensions of the conclusion of fact discovery for the OAG.

Your stated reason for the extension is to obtain more time to review the documentary discovery produced by the NRA. That is not an appropriate ground for the extension sought. As we repeatedly advised you, the OAG's requests for documents are excessive and unduly burdensome. That the NRA has accommodated the OAG's demands and is producing voluminous documentary discovery is not a sufficient reason to extend the deadline for the conclusion of fact discovery. The OAG's position is all the more unreasonable given that the OAG opposes even beginning discovery on the NRA's counterclaims as part of its proposed extended deadline.

The NRA also objects to the OAG's adjournment yesterday, without consulting the NRA, of the depositions of Carolyn Meadows, Lisa Supernaugh, Willes Lee, and Michael Erstling. This is the second time in this proceeding that the OAG has unilaterally cancelled scheduled depositions. The OAG's actions are prejudicial to the NRA, its directors, officers and employees who have taken time to arrange their schedules and make themselves available to the OAG, despite the burdens of travel and social interaction amidst the ongoing pandemic. Indeed, Ms. Meadows and Lt. Col. Lee, as directors, are unpaid volunteers. The OAG has given as a reason, among other things, that it has "substantial questions about the adequacy of the NRA's production." This contention is meritless. The NRA has, to date, produced to the OAG more than one million pages of documents in this proceeding—including work-related texts from personal mobile devices—in addition to the documents produced by the NRA during the OAG's expansive pre-action investigation. The OAG's stated reason is obviously pre-textual. The OAG's effort to prolong this proceeding further prejudices the NRA given the continuing chilling effect on the NRA and its members. Attorney General James continues to make public statements disparaging the NRA, as

B R E W E R

part of a concerted public campaign against the Association. The NRA has gone above and beyond in meeting its discovery obligations and has the right to conclude this proceeding in an expeditious manner.

The NRA is available to discuss the foregoing and reserves all rights.

Sincerely,

/s/ Svetlana M. Eisenberg

William A. Brewer III

Svetlana M. Eisenberg

Mordecai Geisler

BREWER, ATTORNEYS & COUNSELORS

Counsel for the National Rifle Association of
America