

At IAS Part 3 of the
Commercial Division of
the Supreme Court of the
State of New York,
County of New York, held
at the Courthouse located
at 60 Centre Street, New
York, New York, on
January __, 2022.

P R E S E N T: Hon. Joel M. Cohen, J.S.C.

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

Plaintiff,

v.

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

Defendants.

Index No. 451625/2020

Hon. Joel M. Cohen

Motion Seq. No. __

ORDER TO SHOW CAUSE

Upon the Affirmation of Assistant Attorney General Monica Connell, dated January 21, 2022 and accompanying exhibits, the Plaintiff's Memorandum of Law in Support of Order to Extend Pretrial Schedule Due to Defendant NRA's Discovery Non-Compliance and for Related Relief; and all prior pleadings and proceedings had herein, and with no previous application for the relief requested herein having been made to this or any other court, it is hereby:

ORDERED that Defendant National Rifle Association of America ("NRA") show cause before the Hon. Joel M. Cohen, at the New York County Courthouse, 60 Centre Street, New York, New York, at IAS Part 3 in Courtroom __, on the __ day of January, 2022, at ____ o'clock __.m. of that day, why this Court should not enter an Order, granting Plaintiff's order to show

cause to:

- (i) extend each of the deadlines in the current Scheduling Order (NYSCEF 463) by three months from the certified completion of the NRA's document production, including privilege logs. This extension is necessary to allow the Special Master O. Peter Sherwood, whose appointment is imminent in light of the parties' agreement, to address the OAG's request for an order compelling the NRA to complete its document production, including documents post-dating the filing of this action, and privilege logs, by February 2, 2022 or such other date set by the Special Master;
- (ii) compel the NRA to complete its review and/or production of the third party documents it demanded to review for privilege, and production of privilege logs, in particular arbitration documents it was previously ordered to review for production from Christopher Cox, documents in the possession of Defendant Joshua Powell that is was also directed by the Court to produce promptly, and communications with the NRA's outside auditor, Aronson LLP, along with accompanying privilege logs, by January 28, 2022 or such other date set by the Court or forego or waive any right to such review, although the parties' claw back provision would remain in effect for any privileged documents inadvertently produced; and
- (iii) grant such other and further relief as the Court deems just, fair and appropriate;

ORDERED that the deadlines for discovery set out in the pre-trial scheduling order (NYSCEF 463) are hereby extended pending determination of the application brought on by this order to show cause;

ORDERED that service of a copy of this Order and the papers upon which it is based upon

the Parties by e-mail on or before _____, 2022 shall be deemed good and sufficient service thereof;

ORDERED that the Parties' opposition papers, if any, shall be served so as to be received by the New York State Office of the Attorney General on or before 5:00 p.m. on the ____ day of January, 2022; and it is further

ORDERED that reply papers, if any, shall be served by Plaintiff on or before the ____ day of January, 2022.

ENTER:

Hon. Joel M. Cohen, J.S.C.