

EXHIBIT 2

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,

Plaintiff,

-against-

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

Defendants

and

THE NATIONAL RIFLE ASSOCIATION OF
AMERICA,

Defendant-Counterclaim Plaintiff,

-against-

LETITIA JAMES, ATTORNEY GENERAL OF
THE STATE OF NEW YORK, IN HER
OFFICIAL AND INDIVIDUAL CAPACITIES,

Plaintiff-Counterclaim Defendants.

Index No.: 451625/2020

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

Pursuant to Article 31 of the New York Civil Practice Law and Rules (the "CPLR") and the Rules of the Commercial Division of the Supreme Court of the State of New York (the "Commercial Division Rules"), Defendant the National Rifle Association of America (the "NRA") hereby responds and objects to the Second Request for Production of Documents, dated November 30, 2021, served by Plaintiff, People of the State of New York, by Letitia James, Attorney General

of the State of New York (“Plaintiff” or “NYAG”) in the above-captioned action (the “Requests” and each, a “Request”) as follows:

I.

GENERAL OBJECTIONS

Each of the following General Objections is incorporated as an objection to each document request, whether or not specific reference to it is made.

1. The NRA objects to the Requests on the grounds and to the extent that they are vague and ambiguous, are overbroad or unduly burdensome, seek information that is not relevant to the claim or defense of any party to this action nor reasonably calculated to lead to the discovery of admissible evidence, or attempt to impose any burdens inconsistent with or in addition to the obligations under the CPLR, the Commercial Division Rules, this Court's local rules, or any other applicable law.

2. The NRA objects to the Requests to the extent they are duplicative of the NYAG's First Set of Requests for Production of Documents (“NYAG's First Set of Requests”).

3. The NRA objects to the Requests on the grounds and to the extent that they seek information available from a more convenient source or through other means of discovery that are more convenient, more efficient, and more practical, including interrogatories or depositions, and/or seek information that is publicly available or otherwise as readily obtainable by the NYAG as the NRA.

4. The NRA objects to the Requests on the grounds and to the extent that they seek information outside of the NRA's possession, custody, or control, including documents already in the possession of the NYAG or to which the NYAG has equal or greater access.

5. The NRA objects to the Requests to the extent that they seek the production of

documents protected from discovery by the attorney-client privilege, the work product doctrine, and/or any other applicable privilege or immunity. The NRA responds to the Requests without waiving or intending to waive, but rather preserving and intending to preserve, any applicable privilege or immunity. Any inadvertent production of any privileged documents shall not be deemed to constitute a waiver of the attorney-client privilege, the work product doctrine, and/or any other applicable privilege, immunity, or protection. The NRA reserves the right to request the return of any privileged document that is inadvertently produced.

6. The NRA objects to the Requests to the extent that they purport to call for personally identifying information pertaining to NRA donors, and/or similar information protected from disclosure by the First Amendment of the United States Constitution. Moreover, the NRA reserves the right to redact information identifying its donors or members to the extent their support for the NRA is not publicly known. In addition, in the event that the NRA produces any records without such redactions, such production is inadvertent and shall not constitute a waiver of any applicable privileges or protections. The NRA reserves the right to request the return or destruction of any documents or information inadvertently produced.

7. Productions that may be made by the NRA in response to the Requests are produced subject to (i) the proposed confidentiality order agreed to by all parties, submitted to the Court on September 28, 2021 (NYSCEF No. 394) and (ii) the stipulation and order for the non-waiver and claw-back of documents and information produced, agreed to by all parties and so-ordered by the Court on November 24, 2021 (NYSCEF No. 461).

8. The NRA objects to the Requests on the grounds and to the extent that they argue legal premises or purport to call for legal conclusions. Any production by the NRA shall not be construed as providing a legal conclusion regarding the meaning or application of any terms or

phrases used in the Requests, definitions, or instructions.

9. The NRA objects to the Requests on the grounds and to the extent that they seek expert materials that either are protected from disclosure or are not yet required to be disclosed.

10. The NRA objects to the definition of “NRA,” “You,” “Your,” as vague, ambiguous, indeterminable, overbroad, and unduly burdensome to the extent that they purport to encompass all “agents . . . consultants, representatives, attorneys, and other persons acting on its behalf” of each respective entity over a multi-year period. For purposes of its response to the Requests, the NRA construes “NRA,” “You,” and “Your” to mean the National Rifle Association of America, along with its officers, directors, and employees.

11. The NRA objects to the definitions of “concerning” and “relating to” as vague, ambiguous, and overbroad to the extent that they encompass materials that relate only indirectly to a particular subject, and therefore may be unduly voluminous, irrelevant, and not readily identifiable by the NRA.

12. The NRA objects to the definition of “Identify,” as used in reference to Documents on the grounds that it is vague and ambiguous and requires the NRA to formulate new information or records rather than produce existing tangible materials. The NRA further objects to the definition on the grounds that it is overbroad and unduly burdensome and seeks information not authorized by requests for production, including listing(s) of Documents and multiple categories of information relating to each Document. The NRA further objects to the definition on the grounds that it requests information that should be the subject of interrogatories and seeks to circumvent the limitation on the number of interrogatories set forth in the Commercial Division Rules.

13. The NRA objects to the Instructions to the extent that they impose obligations on

the NRA inconsistent with or greater than the obligations under the CPLR, the Commercial Division Rules, this Court's local rules, or any other applicable law, including, without limitation: an obligation that the NRA produce all documents in their "original" electronic format where TIFF images accompanied by metadata would be more efficient; (ii) an obligation to identify, and provide multi-part, interrogatory-style responses describing documents no longer in the NRA's possession; and (iii) an obligation to provide privilege log entries or privilege placeholders exceeding, or different from, the categorical privilege log format preferred pursuant to the Commercial Division Rules.

14. The NRA objects to the Instructions and the Requests to the extent that they purport to require the NRA to produce documents previously produced in response to the NYAG's First Set of Requests. The NRA further objects to the Instruction to the extent it purports to require the NRA to identify the Bates numbers of responsive Documents previously produced in the Investigation, the Bankruptcy Action and/or in response to the NYAG's First Set of Requests , as well as any applicable privilege logs relating to such productions.

15. The NRA objects to the Instructions and the Requests to the extent that they purport to require the NRA to gather, review, and produce documents in the possession of third parties, particularly to the extent that the Instructions and Requests purport to: (i) require a voluminous collection and review of documents possessed by outside litigation counsel concerning the subject matter of this litigation; and/or (ii) require burdensome, cumulative, and duplicative collection and production of documents separately produced, slated to be produced, or expected to be produced by third parties pursuant to third-party subpoenas.

16. The NRA objects to the Instructions as unduly burdensome to the extent that they purport to impose a continuing production obligation, particularly an ongoing obligation to search

for and produce voluminous electronically stored information (“ESI”).

17. The NRA further incorporates all of its general and specific objections set forth in its Responses and Objections the NYAG’s First Set of Requests for Production, dated July 25, 2021 (“Responses and Objections to the NYAG’s First Set of Requests”).

18. The NRA reserves the right to amend, modify, and/or supplement these Responses and Objections. Irrespective of whether the NRA produces documents, the NRA reserves the right to revise, correct, supplement, or clarify the content of these Responses and Objections and to object to further discovery in this action. The NRA’s responses reflect only the current state of its knowledge or information regarding the documents requested. Further investigation may identify additional facts or information that could lead to additions and/or changes to these Responses and Objections.

19. Any response to any Request indicating that the NRA will produce responsive documents shall not be construed as an admission that such responsive documents exist. Such responses indicate only that the NRA will make a reasonably diligent search for responsive documents and will produce responsive, non-privileged documents identified in that search.

20. Nothing contained in any response shall be deemed to be an admission, concession, or waiver by the NRA as to the relevance, materiality, or admissibility of any information or subject matter.

II.**SPECIFIC OBJECTIONS AND RESPONSES****REQUEST FOR PRODUCTION NO. 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.

RESPONSE:

The NRA objects to this Request as vague, ambiguous, indeterminable, overbroad, and unduly burdensome with respect to the term "Current Main Contracts" file. On its face, the term appears to be intended as a defined term given the capitalization and quotation marks, but no definition has been provided. The NRA requests the NYAG clarify what specific file is contemplated. The NRA further objects to this Request to the extent that it purports to call for the production, disclosure, or identification of information subject to the attorney-client privilege, the work product doctrine, and/or any other applicable privilege or immunity. The NRA further objects to this request as overbroad and unduly burdensome because it seeks information that is not relevant to the claim or defense of any party to this action nor reasonably calculated to lead to the discovery of admissible evidence. The NRA further objects to this Request as unreasonably cumulative and duplicative of requests in the NYAG's First Set of Requests, including but not limited to, Request Nos. 20, 38, 47, 49, 53, 56 and 58. The NRA hereby incorporates the specific objections to Request 20, 38, 47, 49, 53, 56 and 58 as set forth in its Responses and Objections to the NYAG's First Set of Requests and adopts them as if fully set forth herein. Subject to and without waiving the foregoing objections and General Objections, and the incorporated objections, the NRA states that it will conduct a reasonably diligent search of available and accessible sources

and will produce non-privileged documents responsive to this Request at a mutually agreeable time and place, to the extent such documents exist and have not previously been produced.

REQUEST FOR PRODUCTION NO. 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.

RESPONSE:

The NRA objects to this Request as vague, ambiguous, indeterminable, overbroad, and unduly burdensome. The NRA further objects to this Request to the extent that it purports to call for the production, disclosure, or identification of information subject to the attorney-client privilege, the work product doctrine, and/or any other applicable privilege or immunity. The NRA further objects to this Request as unreasonably cumulative and duplicative of requests in the NYAG's First Set of Requests, including but not limited to, Request No. 16 set forth in the NYAG's First Set of Requests. The NRA hereby incorporates the specific objections to Request No. 16 as set forth in its Responses and Objections to the NYAG's First Set of Requests and adopts them as if fully set forth herein. Subject to and without waiving the foregoing objections and General Objections, and the incorporated objections, the NRA states that it will conduct a reasonably diligent search of available and accessible sources and will produce non-privileged documents responsive to this Request at a mutually agreeable time and place, to the extent such documents exist and have not previously been produced.

REQUEST FOR PRODUCTION NO. 3:

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

RESPONSE:

The NRA objects to this Request as overbroad, unduly burdensome and because it seeks information that is not relevant to the claim or defense of any party to this action nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, the Request seeks 16 years of records, the vast majority of which do not relate to the claims or defenses in this case, and which predate by many years the allegations in the NYAG's Amended and Supplemental Complaint. The NRA further objects to this Request as unreasonably cumulative and duplicative of other Requests herein, including but not limited to Request No. 9, as well as requests in the NYAG's First Set of Requests, including but not limited to, Request Nos. 4 and 19 set forth in the NYAG's First Set of Requests. The NRA hereby incorporates the specific objections to Request Nos. 4 and 19 as set forth in its Responses and Objections to the NYAG's First Set of Requests and adopts them as if fully set forth herein. Subject to and without waiving the foregoing objections and General Objections, and the incorporated objections, the NRA states that it is willing to meet and confer with the NYAG regarding an appropriate limitation to this Request.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

The NRA objects to this request as overbroad, unduly burdensome and because it seeks information that is not relevant to the claim or defense of any party to this action nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, the request seeks 16 years

of records, the vast majority of which do not relate to the claims or defenses in this case, and which predate by many years the allegations in the NYAG's Amended and Supplemental Complaint. The NRA further objects to this Request as unreasonably cumulative and duplicative of other Requests herein, including but not limited to, Request No. 9, as well as requests in the NYAG's First Set of Requests, including but not limited to, Request No. 37 set forth in the NYAG's First Set of Requests. The NRA hereby incorporates the specific objections to Request No. 37 as set forth in its Responses and Objections to the NYAG's First Set of Requests and adopts them as if fully set forth herein. The NRA further objects to this Request to the extent that it purports to call for the production, disclosure, or identification of information of personally identifying information pertaining to NRA donors, and/or similar information protected from disclosure by the First Amendment of the United States Constitution, and/or any other applicable privilege or immunity. Subject to and without waiving the foregoing objections and General Objections, and the incorporated objections, the NRA states that it is willing to meet and confer with the NYAG regarding an appropriate limitation to this Request.

REQUEST FOR PRODUCTION NO. 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.

RESPONSE:

The NRA objects to this Request as vague, ambiguous, indeterminable, overbroad, and unduly burdensome. Specifically, with respect to the term "reports," the term appears to encompass any report on any topic regardless of its relevance to the claims or defenses in this case and is therefore vague, ambiguous, indeterminable, overbroad, and unduly burdensome. The NRA further objects to this request as overbroad and unduly burdensome because it seeks information

that is not relevant to the claim or defense of any party to this action nor reasonably calculated to lead to the discovery of admissible evidence. The NRA further objects to this Request as unreasonably cumulative and duplicative of other Requests herein, including but not limited to Request 9, as well as requests in the NYAG's First Set of Requests, including but not limited to Request Nos. 19, 53 and 57 set forth in the NYAG's First Set of Requests. The NRA hereby incorporates the specific objections to Request Nos. 19, 53 and 57 as set forth in its Responses and Objections to the NYAG's First Set of Requests and adopts them as if fully set forth herein. The NRA further objects to this Request to the extent that it purports to call for the production, disclosure, or identification of information subject to the attorney-client privilege, the work product doctrine, and/or any other applicable privilege or immunity. Subject to and without waiving the foregoing objections and General Objections, and the incorporated objections, the NRA states that it will conduct a reasonably diligent search of available and accessible sources and will produce non-privileged documents responsive to this Request at a mutually agreeable time and place, to the extent such documents exist and have not previously been produced.

REQUEST FOR PRODUCTION NO. 6:

All Documents related to any report 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.

RESPONSE:

The NRA objects to this Request as vague, ambiguous, indeterminable, overbroad, and unduly burdensome. Specifically, with respect to the terms "report," "reports," "reporting,"

“assessments,” “accountable plans,” such terms are vague, ambiguous, indeterminable, overbroad, and unduly burdensome, including but not limited to, because they could be interpreted to any possible document that was considered by any person whether formally or informally because such documents could “relate” to any “assessment”. The NRA further objects to this Request to the extent that it purports to call for the production, disclosure, or identification of information subject to the attorney-client privilege, the work product doctrine, and/or any other applicable privilege or immunity. The NRA further objects to this Request as unreasonably cumulative and duplicative of other Requests herein, including but not limited to Request No. 9, as well as requests in the NYAG’s First Set of Requests, including but not limited to Request Nos. 14, 18, 22, 26, 27, 44, 45 and 49 set forth in the NYAG’s First Set of Requests. The NRA hereby incorporates the specific objections to Request Nos. 14, 18, 22, 26, 27, 44, 45 and 49 as set forth in its Responses and Objections to the NYAG’s First Set of Requests and adopts them as if fully set forth herein. Subject to and without waiving the foregoing objections and General Objections, and the incorporated objections, the NRA states that it is willing to meet and confer with the NYAG regarding an appropriate limitation to this Request.

REQUEST FOR PRODUCTION NO. 7:

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

RESPONSE:

The NRA objects to this Request as vague, ambiguous, indeterminable, overbroad, and unduly burdensome. Specifically, with respect to the term “employees,” the term is vague, ambiguous, indeterminable, overbroad, and unduly burdensome, including but not limited to, because it (i) does not adequately specify which employees are referenced and (ii) seeks records for employees whose records are irrelevant to the claims or defenses at issue. The NRA further

objects to this request as overbroad and unduly burdensome because it seeks information that is not relevant to the claim or defense of any party to this action nor reasonably calculated to lead to the discovery of admissible evidence. The NRA further objects to this Request as unreasonably cumulative and duplicative of other Requests herein, including but not limited to Request Nos. 1 and 9, as well as requests in the NYAG's First Set of Requests, including but not limited to, Request Nos. 7, 16, 45 and 52 set forth in the NYAG's First Set of Requests. The NRA hereby incorporates the specific objections to Request Nos. 7, 16, 45 and 52 as set forth in its Responses and Objections to the NYAG's First Set of Requests and adopts them as if fully set forth herein. The NRA further objects to this Request to the extent that it purports to call for the production, disclosure, or identification of information subject to the attorney-client privilege, the work product doctrine, and/or any other applicable privilege or immunity. Subject to and without waiving the foregoing objections and General Objections, and the incorporated objections, the NRA states that it is willing to meet and confer with the NYAG regarding an appropriate limitation to this request.

REQUEST FOR PRODUCTION NO. 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.

RESPONSE:

The NRA objects to this Request as vague, ambiguous, indeterminable, overbroad, and unduly burdensome. The NRA requests the NYAG clarify what specific files are contemplated. The NRA further objects to this Request to the extent that it purports to call for the production, disclosure, or identification of information subject to the attorney-client privilege, the work

product doctrine, and/or any other applicable privilege or immunity. The NRA further objects to this Request as unreasonably cumulative and duplicative of other Requests herein, including but not limited to Request No. 9, as well as requests in the NYAG's First Set of Requests, including but not limited to, Request Nos. 16, 22, 27, 44 and 45 set forth in the NYAG's First Set of Requests. The NRA hereby incorporates the specific objections to Request Nos. 16, 22, 27, 44 and 45 as set forth in its Responses and Objections to the NYAG's First Set of Requests and adopts them as if fully set forth herein. Subject to and without waiving the foregoing objections and General Objections, and the incorporated objections, the NRA states that it will conduct a reasonably diligent search of available and accessible sources and will produce documents responsive to this Request at a mutually agreeable time and place, to the extent such documents exist and have not previously been produced.

REQUEST FOR PRODUCTION NO. 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.**

RESPONSE:

With respect to the Requests set forth in the NYAG's First Set of Requests identified in this Request, the NRA hereby incorporates the specific objections to such Requests as set forth in its Responses and Objections to the NYAG's First Set of Requests and adopts them as if fully set

forth herein. The NRA objects to this Request as vague, ambiguous, indeterminable, overbroad, and unduly burdensome. The NRA further objects to this Request because it does not relate to the claims or defenses in this case, and which postdate by many years the allegations in the NYAG's Amended and Supplemental Complaint. The NRA further objects to this Request as unreasonably cumulative and duplicative of the other Requests herein and the NYAG's First Set of Requests. Subject to and without waiving the foregoing objections and General Objections, and the incorporated objections, the NRA states that it is willing to meet and confer with the NYAG regarding an appropriate limitation to this Request.

Dated: December 20, 2021

Respectfully submitted,

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