FILED: NEW YORK COUNTY CLERK 04/18/2022 11:46 PM

NYSCEF DOC. NO. 631

INDEX NO. 451625/2020

RECEIVED NYSCEF: 04/18/2022

## SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK COMMERCIAL DIVISION

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

INDEX NO. 451625/2020

Plaintiff,

Hon. Joel M. Cohen

v.

THE NATIONAL RIFLE ASSOCIATION OF AMERICA et al.,

AFFIRMATION IN SUPPORT
OF MOTION FOR REVIEW OF SPECIAL

MCA et al.,

MASTER'S RULING REGARDING DISCOVERABILILITY OF CERTAIN

Defendants.

**DOCUMENTS.** 

- I, SVETLANA M. EISENBERG, an attorney duly admitted to practice law in the courts of the State of New York, affirm the following under penalty of perjury pursuant to CPLR § 2106:
- 1. I am a partner at Brewer, Attorneys & Counselors ("Brewer"), counsel for the National Rifle Association of America (the "NRA") in the above-captioned action.
- 2. I respectfully submit this Affirmation in support of the NRA's Motion for Review of Special Master's Ruling Regarding Discoverability of Certain Documents.
- 3. I am familiar with the facts and circumstances of this action, either because I personally participated in the events described or through my conversations with my colleagues at Brewer and my review of case files.
- 4. Attached as **Exhibit 1** is a true and correct copy of the Amended Order of the Honorable O. Peter Sherwood, Special Master for Discovery, dated April 12, 2022.

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5. Attached as **Exhibit 2** is a true and correct copy of the agreement between the National Rifle Association of America and Aronson, LLC, dated November 21, 2019.

- 6. Attached as **Exhibit 3** is a true and correct copy of the agreement between the National Rifle Association of America and Aronson, LLC, dated October 26, 2020.
- 7. The NYAG's Amended and Supplemental Verified Complaint, dated August 16, 2021, is filed on NYSCEF as Docket No. 333.
- 8. Attached as **Exhibit 4** is a true and correct copy of the Order for Appointment of a Special Master for Discovery, dated February 7, 2022 (NYSCEF No. 579).
- 9. Attached as **Exhibit 5** is a true and correct copy of the NYAG's motion seeking an order by the Special Master to Compel Production of Documents, dated March 18, 2022 ("Motion to Compel Production").
- 10. Attached as **Exhibit 6** is a true and correct copy of the NRA's Opposition to the NYAG's Motion to Compel Production, dated March 24, 2022.
- 11. Attached as **Exhibit 7** is a true and correct copy of the Transcript of Proceedings Before Hon. O. Peter Sherwood, dated April 7, 2022.
- 12. Attached as **Exhibit 8** is a true and correct copy of an email message from Joshua M. Dillon to the Honorable O. Peter Sherwood, dated April 8, 2022 transmitting a link to 81 documents (including 58 redacted and 23 withheld documents) for *in camera* review.
- 13. Attached as Exhibits 9 and 10 are redacted email message threads to which the Documents at issue in the Motion were attached.
- 14. In compliance with 22 New York Codes, Rules and Regulations (NYCRR) §§ 202.7 and 202.20-f, I conferred with the Office of the Attorney General of the State of New York in a good faith effort to resolve the issues raised by the annexed motion by email. On April 14, 2022, I

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advised them that the NRA intends to appeal certain aspects of the Special Master's rulings. AAG Yael Fuchs indicated that an amicable resolution of the dispute is not forthcoming. The parties

also had attempted to resolve this dispute amicably previously, including during meet and confers

involving myself and AAG Yael Fuchs in March 2022.

Dated: April 18, 2022

New York, New York

Respectfully submitted,

/s/ Svetlana M. Eisenberg

Svetlana M. Eisenberg