

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,

v.

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

Defendants.

Index No. 451625/2020

**SPECIAL MASTER
REPORT ON THE
OFFICE OF THE
ATTORNEY GENERAL'S
MOTION FOR A
PROTECTIVE ORDER**

On March 10, 2022, the parties appeared before the Special Master for oral argument on the Plaintiff's motion for a protective order prohibiting the National Rifle Association of America ("NRA") from deposing the Office of the Attorney General ("OAG") pursuant to its Amended Notice of Rule 11-f Oral Examination of the Office of the Attorney General (the "Rule 11-f Notice").

Each party was given the opportunity to present its arguments. The Special Master gave his rulings on the record along with references to the relevant caselaw as appropriate. This report summarizes those rulings.

The Rule 11-f Notice contains 23 "Matters" upon which the NRA seeks to obtain testimony from the OAG. This report will address each "Matter," but may group several together if the ruling and grounds are the same.

Matters 1, 2, and 3: The Special Master directed the OAG and NRA to further meet and confer on these Matters to see if they can resolved.

Matters 4 and 5: A ruling on these Matters is deferred until after Justice Cohen decides the OAG's motion to dismiss the NRA's counterclaims.

Matter 6: The Special Master granted the motion for a protective order as to Matter 6 on the grounds that it seeks attorney work product, and that the information sought is also protected by the investigative privilege and the public interest privilege.

Matter 7: The Special Master granted the motion for a protective order as to Matter 7 on the grounds that it seeks work product.

Matter 8: The Special Master granted the motion for a protective order as to Matter 8 on the grounds that it seeks was overbroad, is attorney work product and the information sought is also protected by the investigative privilege and the public interest privilege. This branch of the rulings is without prejudice to renew regarding Matter 8(G) following a decision on Everytown's motion to quash the subpoena issued it by the NRA.


Matter 9: The Special Master deferred ruling on Matter 9 and to hear argument on it at the time of argument on the Everytown motion to quash.

Matters 10, 11, 12, 13 and 23: The Special Master granted the motion for a protective order as to Matters 10, 11, 12, 13 and 23 on the grounds that they are now irrelevant given the Supreme Court's dismissal of the causes of action to dissolve the NRA. This decision is without prejudice to re-file should the demand to dissolve the NRA be reinstated.

Matters 14, 15, 16, 17, 18, 19, 20, 21, and 22: The Special Master granted the motion for a protective order as to Matters 14, 15, 16, 17, 18, 19, 20, 21, and 22 on the grounds that the subjects addressed by these matters are more appropriately the subjects of contention interrogatories, which the Commercial Division Rules provide may be served at the late stages of fact discovery (*see* 22 NYCRR Part 202.70 Rule 11-a(d)).

Dated: New York, New York

March 23, 2022


Hon. O. Peter Sherwood
Special Master