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NYSCEF DOC. NO. 662

INDEX NO. 451625/2020

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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.,

§ 8

AFFIRMATION IN SUPPORT
OF MOTION FOR REVIEW OF SPECIAL
MASTER'S RULING REGARDING
DISCOVERABILILITY OF CERTAIN

REDACTED DOCUMENTS.

Defendants.

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 Redacted 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 Second Amendment to Order re: Aronson Documents of the Honorable O. Peter Sherwood, Special Master for Discovery, dated

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May 12, 2022. The NRA highlighted the specific rows in Exhibit 1 that pertain to the redacted documents at issue in this appeal.

- 5. Attached as **Exhibit 2** is a true and correct copy of the NRA's prior (and currently pending) Motion Pursuant to CPLR 3104(d) for Review of the Special Master's Ruling Regarding Discoverability of Certain Documents, dated April 18, 2022.
- 6. Attached as Exhibit 3 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").
- 7. Attached as **Exhibit 4** is a true and correct copy of the NRA's Opposition to the NYAG's Motion to Compel Production, dated March 24, 2022.
- 8. Attached as **Exhibit 5** is a true and correct copy of the agreement between the National Rifle Association of America and Aronson, LLC, dated November 21, 2019.
- 9. Attached as **Exhibit 6** is a true and correct copy of the agreement between the National Rifle Association of America and Aronson, LLC, dated October 26, 2020.
- 10. Attached as **Exhibit 7** are true and correct copies of the NRA's Categorical Privilege Log of Documents Withheld by Aronson Pursuant to the Direction of the NRA on Privilege Grounds dated March 8, 2022 and March 21, 2022, and the Commercial Division Rule 11-b Certification of Svetlana M. Eisenberg.
- 11. 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 or about May 12, 2022, I advised AAG Fuchs that the NRA intends to appeal certain aspects of the Special Master's rulings. AAG Fuchs did not indicate that an amicable resolution of the dispute is possible. The

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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: May 19, 2022

New York, New York

Respectfully submitted,

/s/ Svetlana M. Eisenberg Svetlana M. Eisenberg