

Exhibit C

Page 1

1 SUPREME COURT OF THE STATE OF NEW YORK
2 COUNTY OF NEW YORK

3 PEOPLE OF THE STATE OF)
NEW YORK, BY LETICIA)
4 JAMES ATTORNEY GENERAL OF) Index No.
THE STATE OF NEW YORK,) 451625/2020

5)
Plaintiffs,)

6) VIDEOCONFERENCE/
vs.) VIDEOTAPED

7)
THE NATIONAL RIFLE) DEPOSITION OF
8 ASSOCIATION OF AMERICA,)
INC., WAYNE LAPIERRE,) PETER R. BROWNELL
9 WILSON PHILLIPS, JOHN)
FRAZER, AND JOSHUA POWELL)

10)
Defendants.)

11)
-----)

12 THE VIDEOCONFERENCE/VIDEOTAPED
13 DEPOSITION OF PETER R. BROWNELL, taken before
14 Gale Sweeney Christensen, Certified Shorthand
15 Reporter, Registered Professional Reporter,
16 and Notary Public of the State of Iowa,
17 commencing at 9:37 a.m., October 1, 2021, at
18 Suite 3300, 801 Grand Avenue, Des Moines,
19 Iowa.

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24 Reported by: Gale Sweeney Christensen,
CSR, RPR

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1 MS. EISENBERG: Can you answer my
2 question? How much more do you have?

3 MS. CONNELL: I would say I have
4 twenty minutes at least.

5 MS. EISENBERG: Okay. So here is
6 my statement on the record: This is Svetlana
7 Eisenberg on behalf of the NRA. So this is a
8 deposition that was noticed by the New York
9 Attorney General's Office. At the beginning
10 on the record, I asked them to clarify
11 pursuant to which procedural Rule they are
12 taking this deposition and that I assumed, in
13 the absence of clarity, that this was being
14 done pursuant to Article 31 of the CPLR. As
15 the record reflects, Ms. Connell refused to
16 provide such clarity, but in the absence of a
17 specific reference to a CPLR section in the
18 subpoena or courtesy of Opposing Counsel
19 providing me with that information, I am
20 currently operating under the assumption that
21 we are, indeed, proceeding within the
22 strictures of Article 31 of the CPLR.

23 Assuming that's where we are, under
24 Rule 3117 of the CPLR, the -- a deposition
25 can be used at a trial or a hearing but on

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1 certain conditions. One of those is that the
2 party against whom it's being used must have
3 been present or represented as of the taking
4 of the deposition. Clearly the NRA was
5 present and represented. But the key
6 provision of that Rule is that it permits use
7 of depositions at trial only, quote, so far
8 as admissible under the Rules of Evidence,
9 closed quote.

10 So that takes us into the Rules of
11 Evidence in New York. And they make crystal
12 clear that the only way the deposition can be
13 used against my client, the NRA, is if the
14 NRA had the opportunity to be represented by
15 Counsel at the deposition but also to
16 cross-examine the witness. And that comes
17 from Section 8.36, part 2, of the Guide to
18 New York Evidence.

19 So here we are. We've been on the
20 record for about seven hours. I have not had
21 an opportunity to ask a single question.
22 Ms. Connell, by my count, has covered over 25
23 different topics. So I do have quite a few
24 cross-examination questions. I have not been
25 given any opportunity to ask my

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1 cross-examination questions with regard to
2 any of the 25 or so topics covered by
3 Ms. Connell. And sitting here right now, I
4 estimate that I will have between two to
5 three hours of cross-examination questions.

6 Now, I do recognize that under the
7 Commercial Division Rule the deponent is
8 presumptively going to be deposed only for
9 seven hours, but the Rules also provide for
10 the flexibility depending on the
11 circumstances and the facts surrounding a
12 particular witness. So I hope that we can
13 work with Mr. Klinefeldt, Mr. Brownell's
14 counsel, and the New York Attorney General's
15 Office to find a mutually convenient time
16 either the next week or the week after so
17 that the NRA can have the opportunity to
18 cross-examine the witness.

19 Of course, if we were denied that
20 opportunity, we would take the position and
21 do take the position that the deposition is
22 not usable at a trial or a hearing against
23 the NRA over the NRA's objections.

24 So we are available to meet and
25 confer with Mr. Klinefeldt and everyone else,

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1 but that is the NRA's position, and we
2 certainly are keeping this deposition
3 continuing and open for the reasons that I
4 just said.

5 MR. KLINEFELDT: Would anyone else
6 like to make a record?

7 MR. CORRELL: Yes. This is Kent
8 Correll on behalf of Wayne LaPierre. I think
9 that Ms. Eisenberg stated it beautifully, and
10 I adopt the same position with respect to
11 Mr. LaPierre.

12 MR. FLEMING: This is William
13 Fleming. I just wanted to get on the record
14 to say that I do have questions for the
15 witness and agree. I hope we can kind of
16 work out a mutually convenient time for
17 everyone. Thank you.

18 MR. MCLISH: Tom McLish for Josh
19 Powell. We reserve our rights to
20 cross-examine the witness and hope that we
21 can work it out to reconvene and finish the
22 deposition.

23 MR. FARBER: Yes, this is Seth
24 Farber on behalf of Mr. Phillips. We'll
25 reserve our rights to ask questions after the