

Exhibit E

B R E W E R
ATTORNEYS & COUNSELORS

October 4, 2021

VIA ELECTRONIC MAIL

Nicholas A. Klinefeldt
Faegre Drinker Biddle & Reath LLP
801 Grand Avenue, 33rd Floor
Des Moines, Iowa 50309

Re: *People of the State of New York v. The National Rifle Association, et al.*,
Index No. 451625/2020

Dear Mr. Klinefeldt:

On behalf of the NRA, I write to ask Mr. Brownell to please identify dates in October 2021 for the continuation of his deposition in NYAG v. NRA et al, so that Mr. Brownell may be questioned by defendant and counterclaimant the National Rifle Association of America.

Counsel for the NRA will make an effort to be available on any day that works for Mr. Brownell. (Of course, it is important to ensure that the date works for other parties.)

Otherwise, for the reasons the NRA advised other parties at the deposition on the record, no portion of the deposition can be offered against the NRA over its objection because the NRA had no opportunity whatsoever to cross-examine Mr. Brownell. See also, e.g., 1 NY Evidence Proof of Cases § 7:42 (out-of-court testimony not admissible because of the hearsay rule unless, among other things, the party against whom the testimony is offered “was given a reasonable opportunity to cross-examine”).

On Friday, October 1, 2021, you stated, in sum and substance, that Mr. Brownell “should be done being deposed,” that you object to “any further depositions of Mr. Brownell in this case,” and that you object to the “holding open of this deposition.”

In an effort to meet and confer, I reiterate that the NRA (i) requires approximately three hours for its cross-examination,¹ (ii) has had no opportunity to cross-examine Mr. Brownell, and (iii) for that reason, among others (not relevant here), objects to the use of Mr. Brownell’s testimony to date against it at any hearing or trial. In addition, as noted on the record, the NRA’s alleged failure to reserve time for cross-examination is of no relevance here.

¹ At the deposition, Ms. Connell stated that she intended to continue her questioning of Mr. Brownell. Should such additional questioning in fact occur, the NRA may need more than three hours for its cross-examination.

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By this letter, the NRA also requests other counsel to confirm whether they will require time to examine Mr. Brownell. The NRA reserves all rights and waives none.

Sincerely,

BREWER, ATTORNEYS & COUNSELORS

/s/ Svetlana M. Eisenberg

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