

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, WAYNE LAPIERRE, WILSON PHILLIPS,
JOHN FRAZER, and JOSHUA POWELL,

Defendants.

Index No. 451625/2020

Hon. Joel M. Cohen

**FOURTH REVISED
SCHEDULING ORDER**

WHEREAS, on or about March 9, 2021, the Parties in the above-captioned action entered into a proposed Preliminary Conference Order (the "PPCO") (NYSCEF 330) and an Addendum thereto (both annexed here as Exhibit A);

WHEREAS, the parties submitted a proposed Revised Scheduling Order ("RSO") as necessary to ensure an adequate opportunity for pre-trial discovery and preparation which was "So Ordered" by the Court on December 1, 2021 (NYSCEF 463)(attached hereto as Exhibit B);

WHEREAS, on January 21, 2022, Plaintiff moved by order to show cause to extend the discovery schedule (NYSCEF 546-558) and, following oral argument of that application on February 15, 2022, the Court granted that application, gave the parties until February 28, 2022 to complete party document discovery and production of privilege logs, with a one-time extension until March 10, 2022, with a three month extension of all other discovery dates, and directed the parties to submit a new schedule to be so ordered;

WHEREAS, the Parties, in compliance with the directions in the Court's Decision and Order, filed on February 16, 2022 (NYSCEF 587), respectfully submitted a proposed Second Revised Scheduling Order on the terms as set forth below and the Court so-ordered the Second Amended Scheduling Order (NYSCEF 607);

WHEREAS, the NRA did not complete its document production and certification of completion of the same by March 10, 2022 as required and continues its document production now, necessitating an application to discovery Special Master the Hon. O. Peter Sherwood for relief including an extension of discovery to allow the NRA to complete and certify its production as complete;

WHEREAS discovery has proceeded under supervision of the Special Master, who ruled in a report filed on June 22, 2022 (NYSCEF 712) that there is good cause to extend fact discovery until July 15, 2022 as requested but stated that any application to extend the overall discovery schedule that would change the Note of Issue date would need to be approved by the Court;

WHEREAS, there are a number of depositions for which adjournments were requested and agreed upon because of the scheduling or health concerns of deponents or the scheduling needs of defense counsel, the parties have agreed to schedule such depositions after the previous end date for fact discovery, June 29, 2022; and

WHEREAS the agreed extension of the time to take fact depositions to July 15, 2022 has intruded upon the time permitted for expert disclosures, necessitating adjustments to the Third Revised Scheduling Order:

NOW, THEREFORE, IT IS STIPULATED, AGREED, AND ORDERED that the dates set forth in the RSO shall be amended as follows:

	Previous Dates in the Second Revised Scheduling Order	Proposed New Dates
Party Document and Privilege Log Production	Party productions regarding the enforcement action due by May 10, 2022	May 10, 2022
Fact Depositions Completed	June 29, 2022	July 15, 2022¹
End of Fact Discovery (including all responses to discovery demands served and document production completed)	June 29, 2022	July 15, 2022
Parties Serve CPLR 3101(d) Expert Disclosure	August 3, 2022	August 19, 2022
Parties Serve Rebuttal Expert Reports	August 24, 2022	September 9, 2022
Expert Depositions	September 7, 2022 – October 3, 2022	September 23 – October 19, 2022
End of Expert Discovery/End of all Discovery	October 3, 2022	October 19, 2022
Note of issue	October 7, 2022	October 26, 2022
Deadline for dispositive motions and/or motions directed to experts	November 14, 2022	December 2, 2022

¹ Upon agreement of all parties or order of the Special Master, fact depositions may be taken after this date if necessary. Specifically, counsel for Susan LaPierre has asked that her deposition be moved to July 21, 2022. If all parties agree or the Special Master so orders, that fact deposition may take place after July 15, 2022.

IT IS FURTHER STIPULATED, AGREED, AND ORDERED that this Stipulation can be executed in counterparts and by using electronic, scanned or telefaxed signatures, with the same effect as original signatures.

IN WITNESS WHEREOF, this Stipulation is executed by counsel for the Parties on June 29, 2022.

For Plaintiff-Counterclaim-Defendant

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SO ORDERED

James Cohen 7/1/22
HON. JOSE M. COHEN

J.S.C.
ABSENT A MATERIAL CHANGE IN
CIRCUMSTANCES, AND SUBJECT TO THE
RECOMMENDATION OF JUDGE
STERWOOD, THE PARTIES SHOULD ASSUME
THAT NO FURTHER EXTENSIONS IMPACTING
THE FINAL DATE ON THIS SCHEDULE
WILL BE GRANTED. James