

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 PHILLIPS, JOHN FRAZER, and
JOSHUA POWELL

Defendants.

Index No. 451625/2020
Motion Seq. No. 31

**AFFIRMATION IN SUPPORT OF PLAINTIFF'S OPPOSITION TO
THE NRA'S MOTION PURSUANT TO CPLR 3104(d) FOR REVIEW OF THE
SPECIAL MASTER'S DENIAL OF THE NRA'S APPLICATION FOR AN ORDER
PURSUANT TO COMMERCIAL DIVISION RULE 11 REGARDING
THE PLAINTIFF'S DISCLOSURES**

STEPHEN C. THOMPSON, an attorney duly admitted to the Bar of this State,
affirms under penalties of perjury pursuant to Civil Practice Law and Rules 2016 as follows:

1. I am an Assistant Attorney General in the Office of Letitia James, Attorney General of the State of New York, who appears on behalf of the People of the State of New York in this action.

2. I submit this Affirmation in support of Plaintiff's opposition to the National Rifle Association of America's ("NRA") motion pursuant to CPLR 3104(d) for review of the Special Master's denial of the NRA's application for an order pursuant to Commercial Division Rule 11 regarding the Office of the Attorney General's ("OAG") disclosures (Mot. Seq. No. 31).

3. I am familiar with the facts and circumstances set forth in this Affirmation, which are based upon my personal knowledge and information contained in the files of the Office of the Attorney General.

4. In February of 2021, the OAG produced the nonprivileged portions of its investigatory file to the parties in this action. That file contained approximately 1.5 million pages of documents and testimony obtained by the OAG during its investigation.

5. Attached as Exhibit A to this Affirmation is a true and correct copy of the OAG's Commercial Division Rule 11-b Certification and Categorical Privilege Log dated December 3, 2021.

6. The NRA has issued a testimonial subpoena for one nonparty source of information identified on the OAG's categorical privilege log: RSM US LLP ("RSM"), dated June 3, 2022. The NRA ultimately declined to take RSM's deposition.

7. Attached as Exhibit B to this Affirmation is a true and correct copy of the June 30, 2021 memorandum to the Administrative Board of the Courts from the Commercial Division Advisory Council concerning proposed amendments to Commercial Division Rule 11.

8. On November 26, 2021, the NRA issued notices of deposition for OAG Chief of Staff Ibrahim Khan and Attorney General Letitia James.

9. On December 31, 2021, the NRA issued a Commercial Division Rule 11-f notice of deposition to the OAG.

10. On April 12, 2022, the NRA issued notices of deposition for OAG Charities Bureau Principal Accountant Judith Welsh-Liebross; OAG Director of Research and Analytics Jonathan Werberg; OAG Data Scientist Chansoo Song; and OAG Legal Assistant Nina Sargent.

11. On May 19, 2022, the NRA served a second Commercial Division Rule 11-f notice of deposition to the OAG, as well as a notice of deposition to OAG Charities Bureau Chief James Sheehan.

12. Attached as Exhibit C is a true and correct copy of the NRA's Third Set of Requests for Production from the OAG, dated May 11, 2022.

13. Attached as Exhibit D is a true and correct copy of the NRA's First Notice to Admit to the OAG, dated May 11, 2022.

Dated: New York, New York
July 5, 2022

/s/ Stephen Thompson
Stephen C. Thompson

Attorney Certification Pursuant to Commercial Division Rule 17

I, Stephen Thompson, an attorney duly admitted to practice law before the courts of the State of New York, certify that the Affirmation of Stephen Thompson in Support of Plaintiff's Opposition to the NRA's Motion Pursuant to CPLR 3104(d) for Review of the Special Master's Denial of the NRA's Application for an Order Pursuant to Commercial Division Rule 11 Regarding the Plaintiff's Disclosures complies with the word count limit set forth in Rule 17 of the Commercial Division of the Supreme Court (22 NYCRR 202.70(g)) because the memorandum of law contains 468 words, excluding the parts exempted by Rule 17. In preparing this certification, I have relied on the word count of the word-processing system used to prepare this memorandum of law and affirmation.

Dated: July 5, 2021
New York, New York

/s/ Stephen Thompson
Stephen C. Thompson

EXHIBIT A

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 PHILLIPS, JOHN FRAZER, and
JOSHUA POWELL,

Defendants.

Index No. 451625/2020
Hon. Joel M. Cohen

COMMERCIAL DIVISION RULE 11-b CERTIFICATION

1. I am an Assistant Attorney General (“AAG”) in the Enforcement Section of the Charities Bureau of the New York State Office of the Attorney General (“OAG”).
2. I provide this certification in connection with the preparation of the attached Categorical Privilege Log pursuant to Rule 11-b(b)(1) of the Commercial Division Rules.
3. The attached Categorical Privilege Log was prepared in response to the National Rifle Association of America’s First Requests for Production to Plaintiff People of the State of New York, by Letitia James, Attorney General of the State of New York dated February 3, 2021.
4. The categories withheld on the basis of privilege include:
 - a. Category 1: Communications with witnesses or their counsel, including document preservation notices and subpoenas. Production of these documents would result in the disclosure of law enforcement techniques and procedures, and compromise confidential sources. Furthermore, these documents reflect communications with public officers in the performance of their duties, and the public interest requires that such communications should not be divulged.

b. Category 2: Correspondence with law enforcement agencies. Production of these documents would result in the disclosure of law enforcement techniques and procedures. Furthermore, the OAG has a common interest with the D.C. Office of the Attorney General in connection with the investigation of the NRA and its affiliated entities. The OAG has shared work product and trial preparation materials with the D.C. Office of the Attorney General in connection with that common interest. Furthermore, these documents reflect communications with public officers in the performance of their duties, and the public interest requires that such communications should not be divulged.

c. Category 3: Correspondence with consultants. The OAG has communicated with consultants on various technical matters related to the NRA investigation. Disclosure of these communications would result in the disclosure of protected work product and trial preparation materials. Furthermore, these documents reflect communications with public officers in the performance of their duties, and the public interest requires that such communications should not be divulged.

d. Category 4: Draft and final interview memoranda. The OAG's interview notes and memoranda are protected work product and trial preparation materials. Disclosure of these materials would also reveal law enforcement techniques and procedures, and compromise confidential sources. The OAG has provided a list of the non-confidential persons interviewed to permit the NRA to subpoena and/or speak to those witnesses. Furthermore, these documents reflect communications with public officers in the performance of their duties, and the public interest requires that such communications should not be divulged.

e. Category 5: Communications with and documents obtained from or relating to complainants and confidential sources. The OAG received documents from complainants and confidential sources concerning the NRA. Disclosure of these documents would reveal law enforcement techniques and procedures, and compromise confidential sources. Furthermore, these documents reflect communications with public officers in the performance of their duties, and the public interest requires that such communications should not be divulged.

5. With respect to all five categories of the attached Categorical Privilege Log, the Office of the Attorney General ("OAG") collected and applied search terms to the OAG email accounts for the following custodians for the time period September 1, 2018 through August 6, 2020:

- a. Charities Bureau Principal Accountant Judith Welsh-Liebross
- b. Charities Bureau Accountant Darren Beauchamp
- c. Charities Bureau Accountant Charles Aganu

- d. AAG Jonathan Conley
- e. AAG Monica Connell
- f. AAG Erica James
- g. AAG John Oleske
- h. AAG Sharon Sash
- i. AAG Stephen Thompson
- j. AAG William Wang
- k. Director of Research and Analytics Jonathan Werberg
- l. Data Scientist Chansoo Song
- m. Legal Assistant Nina Sargent
- n. Former AAG Laura Wood
- o. Charities Bureau, Enforcement Section Co-chief Emily Stern
- p. Charities Bureau, Enforcement Section Co-chief Yael Fuchs
- q. Charities Bureau Deputy Chief Karin Kunstler Goldman
- r. Charities Bureau Chief James Sheehan
- s. Deputy Solicitor General Steven Wu
- t. Chief Deputy Attorney General for Social Justice Meghan Faux
- u. First Deputy Attorney General Jennifer Levy
- v. Chief of Staff Ibrahim Khan
- w. Attorney General Letitia James

6. The search terms used, with the exception of those used to capture and identify confidential subjects or information, are included in the attached Schedule A.

7. A combination of batch coding, threading, and individual review was used for the review of emails that hit on search terms. Attachments to emails were coded according to the coding of the parent email.

a. With respect to batch coding, where a collection of emails was apparently relevant or not relevant based on recipients or subject, coding was applied en masse. For example, email chains with similar subject lines related to communications with law enforcement agencies concerning unrelated investigations or litigation were batch coded as not relevant. At the same time, emails with counsel who were known to only have communications with the custodians regarding a relevant witness were batch coded as relevant.

b. With respect to threading, an algorithm available on the document review platform used by the OAG was utilized whereby coding applied to the most recent email in an email chain was automatically applied to the remainder of the email chain.

8. Due to the unavailability of one attorney to consult on search terms prior to production of this privilege log, and ongoing technological issues with the OAG's document review platform, the total document number for Category 1 may increase. The list of witnesses, however, is complete to the best of my knowledge.

9. With respect to Categories 1, 5, and 6, I undertook a review of the internal shared drive used by OAG attorneys for the NRA investigation and litigation for correspondence, subpoenas, draft and final interview memoranda, and documents received from confidential sources.

10. The OAG reserves the right to amend the attached Categorical Privilege Log. In particular, in regard to Category 5, the OAG is still in the process of ensuring that all relevant ESI was captured and reviewed, and documents within this Category are still under review for potential de-designation.

Dated: December 3, 2021
New York, New York

/s/ Stephen Thompson
Stephen Thompson
Assistant Attorney General
NYS Office of the Attorney General
28 Liberty Street
New York, New York 10005
(212) 416-6183
Stephen.Thompson@ag.ny.gov

SCHEDULE A

@akingump.com
@bakerbotts.com
@clayro.com
@winston.com
abarry@clinewilliams.com
AJeffers@dunnington.com
Alice Fisher
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Andre Barry
Andrew Lankler
Arthur Meola
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Brendan Sullivan
Brian Mason
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Charles Clayman
Chris Cox
Christopher Boehning
Christopher D'Agostino
Christopher.D'Agostino@lw.com
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Cynthia Neidl
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Daniel Ward
David Rody
David Sterling
David Yoshimura
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David.yoshimura@faegredrinker.com
Deborah Lifshey
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dollar@clayro.com
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Dunnington Bartholow & Miller
Eric Dupont
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gruber.mike@dorsey.com
Hayley Booker
Jason Lilien
Jay Willis (GQ)
jlilien@loeb.com

Joseph Perry
Judge Journey
LMcgrath@dunnington.com
Luke McGrath
Mallory Edel
Mann@clm.com
Marcus Owen
Marcus Owens
Mark Dycio
Mark MacDougall
Mark w/2 dycio
Mark Werbner
mason.brian@dorsey.com
Matthew Saxon
mburrage@whittenburragelaw.com
mdycio@dyciolaw.com
medel@sidley.com
Michael Burrage
Mike Gruber
Mowens@Loeb.com
MSaxon@winston.com
mwerbner@werbnerlaw.com
mwerbner@winston.com
NeidlC@gtlaw.com
nic* w/2 klinefeldt
Nicholas Klinefeldt
Nick Suplina
Nick.klinefeldt@faegredrinker.com
operations@everytown.org
Pamela Mann
Patricia Sawyer
psawyer@whittenburragelaw.com
SCady@wc.com
Seth Farber
sfarber@winston.com
sryan@mwe.com
Stephen Ryan
Steve Cady
Steve Ryan
TBuchana@winston.com
tdharrison@mwe.com
tdouglas@loeb.com
Thomas Dollar
Thomas McLish
Todd Harrison
Tom Buchanan

Tom Kissane
Winston & Strawn

Categorical Privilege Log					
Category No.	Date Range	Document Type	Category Description	Privilege Justification	Documents Withheld, Including Families
1	9/1/2018-8/6/2020	Document Preservation Notices, Subpoenas, Correspondence, and Documents	<p>Documents relating to communications with the following witnesses or their counsel, including document preservation notices, and document and testimonial subpoenas:</p> <p>Dan Boren; Esther Schneider; Julie Golob; Pete Brownell; Richard Childress; Steve Hornady; Bank of America; Branch Banking and Trusts; Fifth Third Bank; First Citizens Bank; Wells Fargo; AmEx; Ackerman McQueen; RSM; Oliver North; Chris Cox; Wayne Sheets / HWS; McKenna & Associates; Woody Phillips; Pearl Meyer; Ready to Roll Transportation; Josh Powell; Under Wild Skies; 501c Solutions LLC; Associated Television International; Allegiance Creative Group; American Media & Advocacy Group LLC; Braztech International; Brownells Inc.; Chubb Group Holdings; Concord Social and Public Relations; Diamondback Firearms, LLC; Heritage Manufacturing; Illinois Union Ins. Co.; Infocision; Lockton Affinity; Lockton Companies; Membership Marketing Partners; Mercury Group; National Media Research, Planning, and Placement; OnMessage; Red Eagle Media Group; Sharpe Group; Starboard Strategic; Taurus International Manufacturing; Confidential source</p>	Law Enforcement Privilege, Public Interest Privilege	1,134
2	9/1/2018-8/6/2020	Correspondence and Documents	Correspondence with law enforcement agencies	Law Enforcement Privilege, Work Product Privilege, Common Interest Privilege, Trial Preparation, Public Interest Privilege	1,183
3	9/1/2018-8/6/2020	Correspondence and Documents	Correspondence with consultants	Law Enforcement Privilege, Work Product Privilege, Trial Preparation, Public Interest Privilege	303
4	9/1/2018-8/6/2020	Memoranda	<p>Draft and final interview memoranda relating to the following witnesses:</p> <p>David Boren Peter Brownell Richard Childress Chris Cox Seth Downing Zachary Fortsch Julie Golob Mildred Hallow David Jones Tony Makris Steve Marconi Andrew McKenna Melanie Montgomery Oliver North Esther Schneider Nader Tavangar Al Weber Bill Winkler Confidential source</p>	Law Enforcement Privilege, Work Product Privilege, Trial Preparation, Public Interest Privilege	84
5	9/1/2018-8/6/2020	Correspondence and Documents	Communications with and documents obtained from or relating to complainants and confidential sources	Law Enforcement Privilege, Public Interest Privilege	38
Total unique documents					2,666

EXHIBIT B

**NEW YORK STATE****Unified Court System**

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS
CHIEF ADMINISTRATIVE JUDGE**EILEEN D. MILLETT**
COUN SEL**MEMORANDUM**

To: All Interested Persons

From: Eileen D. Millett

Re: Request for Public Comment on Proposal to Amend Commercial Division Rule 11 to Include a Preamble on Proportionality and Reasonableness and to Add Provisions Allowing the Court to Direct Early Case Assessment Disclosures and Analysis

Date: September 14, 2021

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The Administrative Board of the Courts is seeking public comment on a proposal, proffered by the Commercial Division Advisory Council ("CDAC"), to amend Commercial Division Rule 11 to include a preamble about proportionality and reasonableness and to add provisions allowing the Court to direct early case assessment disclosures and analysis prior to and after the preliminary conference (Ex. A – CDAC memo). CDAC notes that proportionality and reasonableness "must govern discovery in all cases" (Ex. A, p. 3), and CDAC states that similar provisions relating to early case assessment documents are utilized in other courts (Ex. A, p. 3).

=====

Persons wishing to comment on the proposal should e-mail their submissions to rulecomments@nycourts.gov or write to: Eileen D. Millett, Esq., Counsel, Office of Court Administration, 25 Beaver Street, 11th Fl., New York, New York, 10004. Comments must be received no later than November 15, 2021.

All public comments will be treated as available for disclosure under the Freedom of Information Law and are subject to publication by the Office of Court Administration. Issuance of a proposal for public comment should not be interpreted as an endorsement of that proposal by the Unified Court System or the Office of Court Administration.

EXHIBIT A

June 30, 2021

TO: The Administrative Board of the Courts

FROM: The Commercial Division Advisory Council

RE: Proposed Modifications to Commercial Division Rule 11

This memorandum provides suggested modifications to Commercial Division Rule 11 that the Commercial Division Advisory Council's Subcommittee on Best Practices for Judicial Case Management has recommended. The Advisory Council now respectfully submits the following proposed Rule revision for the Administrative Board's consideration and approval.

Rule 11. (Discovery).

A. Current Version of Rule 11

Rule 11. Discovery.

(a) The preliminary conference will result in the issuance by the court of a preliminary conference order. Where appropriate, the order will contain specific provisions for means of early disposition of the case, such as (i) directions for submission to the alternative dispute resolution program, including, in all cases in which the parties certify their willingness to pursue mediation pursuant to Rule 10, provision of a specific date by which a mediator shall be identified by the parties for assistance with resolution of the action; (ii) a schedule of limited-issue discovery in aid of early dispositive motions or settlement; and/or (iii) a schedule for dispositive motions before disclosure or after limited-issue disclosure.

(b) The order will also contain a comprehensive disclosure schedule, including dates for the service of third-party pleadings, discovery, motion practice, a compliance conference, if needed, a date for filing the note of issue, a date for a pre-trial conference and a trial date.

(c) The preliminary conference order may provide for such limitations of interrogatories and other discovery as may be necessary to the circumstances of the case. Additionally, the court should consider the appropriateness of altering prospectively the presumptive limitations on depositions set forth in Rule 11-d.

(d) The court will determine, upon application of counsel, whether discovery will be stayed, pursuant to CPLR 3214(b), pending the determination of any dispositive motion.

B. Proposed Revision to Rule 11

Preamble to Rule 11. Acknowledging that discovery is one of the most expensive, time-consuming aspects of litigating a commercial case, the Commercial Division aims to provide practitioners with a mechanism for streamlining the discovery process to lessen the amount of time required to complete discovery and to reduce the cost of conducting discovery. It is important that counsel's discovery requests are both proportional and reasonable in light of the complexity of the case and the amount of proof that is required for the cause of action.

Rule 11. Discovery.

- (a) **The court may direct plaintiff to produce a document stating clearly and concisely the issues in the case prior to the preliminary conference. If there are counterclaims, the court may direct the party asserting such counterclaims to produce a document stating clearly and concisely the issues asserted in the counterclaims. The court may also direct plaintiff and counterclaim plaintiff to each produce a document stating each of the elements in the causes of action at issue and the facts needed to establish their case.**
- (b) **The court may further direct, if a defendant filed a motion to dismiss and the court dismissed some but not all of the causes of action, plaintiff and counterclaim plaintiff to revisit the documents to again state, clearly and concisely, the issues remaining in the case, the elements of each cause of action and the facts needed to establish their case.**
- (c) The preliminary conference will result in the issuance by the court of a preliminary conference order. Where appropriate, the order will contain specific provisions for means of early disposition of the case, such as (i) directions for submission to the alternative dispute resolution program; (ii) a schedule of limited-issue discovery in aid of early dispositive motions or settlement; and/or (iii) a schedule for dispositive motions before disclosure or after limited-issue disclosure.
- (d) The order will also contain a comprehensive disclosure schedule, including dates for the service of third-party pleadings, discovery, motion practice, a compliance conference, if needed, a date for filing the note of issue, a date for a pre-trial conference and a trial date.
- (e) The preliminary conference order may provide for limitations on interrogatories and other discovery as may be necessary to the circumstances of the case. Additionally, the court should consider the appropriateness of altering prospectively the presumptive limitations on depositions set forth in Rule 11-d.
- (f) The court will determine, upon application of counsel, whether discovery will be stayed, pursuant to CPLR 3214(b), pending the determination of any dispositive motion.

C. Rationale for Revision

The Advisory Council recommends Rule 11 be modified to include a Preamble about proportionality and reasonableness—two concepts that must govern discovery in all cases, including the most intricate, difficult and complex Commercial Division case. These concepts are included in a Preamble so that no party or counsel may argue that these concepts are modifying any legal standards or Rules that apply to the scope of discovery.

The Advisory Council also recommends the addition of provisions allowing the court to direct early case assessment disclosures and analysis prior to and after the preliminary conference. The goal of these recommendations is to streamline the discovery process so that discovery is aligned with the needs of a case and not a search for each and every possible fact in the case. Similar provisions for early case assessment documents are utilized in other international fora and federal courts.

We thank you for your consideration of these proposed changes to Rule 11.

EXHIBIT C

**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 FRAZIER, AND JOSHUA
POWELL,**

Defendants.

and

**THE NATIONAL RIFLE ASSOCIATION OF
AMERICA,**

**Defendant-Counterclaim
Plaintiff,**

v.

**LETITIA JAMES, ATTORNEY
GENERAL OF THE STATE OF NEW
YORK, IN HER OFFICIAL AND
INDIVIDUAL CAPACITIES,**

**Plaintiff-Counterclaim
Defendants.**

Defendants.

Index No. 451625/2020

**THIRD SET OF REQUESTS FOR PRODUCTION
OF DEFENDANT-COUNTERCLAIM-PLAINTIFF, THE NATIONAL RIFLE
ASSOCIATION OF AMERICA TO PLAINTIFF-COUNTERCLAIM-DEFENDANT
LETITIA JAMES, ATTORNEY GENERAL OF THE STATE OF NEW YORK,
IN HER OFFICIAL AND INDIVIDUAL CAPACITIES**

**THIRD SET OF REQUESTS FOR PRODUCTION OF
DEFENDANT-COUNTERCLAIM-PLAINTIFF, THE NATIONAL
RIFLE ASSOCIATION OF AMERICA TO PLAINTIFF-COUNTERCLAIM-
DEFENDANT LETITIA JAMES, ATTORNEY GENERAL OF THE STATE
OF NEW YORK, IN HER OFFICIAL AND INDIVIDUAL CAPACITIES**

Pursuant to Article 31 of the CPLR, Defendant-Counterclaim-Plaintiff, the National Rifle Association of America (“NRA”), by and through its undersigned counsel, hereby demands that Plaintiff-Counterclaim-Defendant Letitia James, Attorney General of the State of New York in her official and individual capacities (the “Attorney General,” “You,” “Your,” or “James,” as defined below in Section II.2.) produce all documents and other things specified in the request(s) set forth below for inspection and copying at the offices of counsel for the NRA, Brewer, Attorneys & Counselors, 750 Lexington Avenue, 14th Floor, New York, New York, 10022, within twenty (20) days after service of these Third Requests for Production (the “Requests”), or upon a shortened time if ordered by the Court.¹

I.
INSTRUCTIONS

1. Unless otherwise specified, these Requests apply to all Documents and things in effect, created, recorded, compiled, transmitted, or received from January 1, 2015, through the present.

2. To the extent provided by the CPLR or Commercial Division Rules, the NRA’s Requests are intended to be continuing in nature. Responsive Documents or things located any time after a response is due or submitted shall be promptly produced at the place and in the manner specified herein and You are requested and required to supplement Your responses when appropriate or necessary to make correct and complete responses to the full extent provided by the

¹ The NRA objects to the caption of the Amended Complaint filed by the Attorney General on the ground that the above-captioned action is purportedly brought in the name of “the People” rather than “the State.” See CPLR 1301 (“An action brought in behalf of the people ... shall be brought in the name of the state.”); *New York ex rel. Boardman v. Natl R.R. Passenger Corp.*, 233 F.R.D. 259, 265 (N.D.N.Y. 2006) (“Although New York’s general statutory scheme is for the Attorney General to prosecute lawsuits, ... *the case has to be prosecuted in the name of the State of New York.*”) (emphasis added). The NRA further notes that the caption incorrectly references “The National Rifle Association of America, Inc.”; although the NRA is a corporation, it is not denominated “Inc.”

CPLR and/or any other applicable rules or orders of the Court.

3. If there are no Documents or things responsive to any particular request, You shall so state in writing, identifying the number(s) of the Request concerned. To the extent you claim that Documents or things responsive to any particular request are not in Your possession, custody or control, identify with particularity any Persons and/or entities with possession, custody or control of such Documents or things.

4. To the extent that You have previously produced to the NRA in the above-captioned action (the “Action”) or another proceeding Documents or things responsive to any Request, it is not necessary to re-produce those documents provided You identify (i) the Bates numbers of the responsive Documents or things, (ii) the request to which the Documents or things are responsive, and (iii) any applicable privilege logs relating to such productions. If any such previously produced responsive Documents or things were designated as “confidential” in a separate proceeding, that designation will not be applicable in this Action. If You contend in good faith that a previously produced Document or thing meets the criteria for confidential treatment under the terms of any applicable confidentiality agreement or order in this Action, You shall identify those documents or things by Bates number(s) and re-produce those documents with new confidentiality designations and new unique Bates numbers.

5. To the extent You believe that any of the following Requests are vague or ambiguous, You are requested to notify the NRA immediately and a clarification will be provided.

6. These Requests are intended to include all Documents and things in the possession, custody, or control of the Attorney General, or subject to the Attorney General’s custody or control, whether directly or indirectly. A Document is deemed to be within the Attorney General’s possession, custody, or control if: (1) it is within Your actual possession, custody, or control; or

(2) it is within the possession of any other person or entity and You have the right to obtain the Document from such person or entity, and You: (a) own the Document in whole or in part; (b) have a right by contract, statute, or otherwise to use, inspect, examine, or copy such Document on any term; or (c) as a practical matter, have been able to use, inspect, examine, or copy such Document when You have sought to do so. For the avoidance of doubt, these Requests are intended to, in addition to hard copy or paper records, include, but are not be limited to, all Documents and things subject to Your possession, custody, or control that are stored on any computers, tablets, cloud spaces, or cellular devices, including Blackberries, iPhones, iPads, or other smart phones or devices.

7. If any Document or thing requested was formerly in Your possession, custody or control but is no longer available or no longer exists, submit a statement in writing and under oath that: (i) describes in detail the nature of the Document and its contents; (ii) identifies the Person who prepared the Document; (iii) identifies all Persons who have seen or had possession, custody, or control of the Document; (iv) specifies the dates on which the Document was prepared, transmitted and/or received; (v) specifies the date on which the Document became unavailable; (vi) specifies the reason why the Document is unavailable, including whether it has been misplaced, lost, destroyed or transferred; (vii) if it has been destroyed or transferred, specifies the conditions of and reasons for such destruction or transfer and the Persons who requested and performed the destruction or transfer; and (viii) identifies all Persons with knowledge of any portion of the contents of the Document.

8. Unless otherwise indicated, the use in these Requests of You, Your name or the name of any party, individual, business organization, or other legal entity, shall specifically include all of that individual's or entity's present or former employees, officers, directors, agents,

representatives, members, departments, bureaus, sections, affiliates, subsidiaries, parents, attorneys, and all other persons acting on his/her or its behalf.

9. These Requests seek production of responsive Documents or things in their entirety, without abbreviation, deletion, or redaction. For the avoidance of doubt, each responsive email message or other Document should be produced with all of its respective emails or other attachments, and each responsive email attachment should be produced with its respective parent email message and with all email attachments to that respective parent email message. To the extent that You consider an email message and its corresponding email attachment(s) to constitute separate Documents, the NRA requests the production of all Documents attached to each responsive email message, as well as all e-mail messages to which a responsive Document is attached and all other Documents attached to said email messages. For the further avoidance of doubt, all responsive electronic Documents should be produced with all their corresponding metadata, including, at minimum, the types of metadata listed below in Appendix A. To the extent that You consider an electronic Document's metadata to constitute a separate Document, the NRA requests the production of all metadata that correspond to each responsive electronic Document and all electronic Documents that correspond to each responsive piece of metadata.

10. Should You interpose an objection to a Request or Requests, You should clearly indicate to which part or portion of the Request or Requests the objection is directed and provide all Documents and things to which objection is not made as if such part or portion were propounded as a separate request.

11. For each Document (or portion of a Document) withheld on any ground, You shall insert one or more placeholder page(s) in the production bearing the same document control number(s) borne by the Document withheld, in the sequential place(s) originally occupied by the

Document before it was removed from the production. You shall also submit with the production a statement in writing and under oath that provides, for each Document withheld: (i) a description of the nature of the Document and its contents; (ii) the date of the Document; (iii) the Document's authors and recipients; and (iv) the legal ground for withholding it from production. If the legal ground is attorney-client privilege, please also indicate the names of the attorneys involved in the Document or Communication and the nature of their involvement (e.g., as authors). Such statement (or log) shall accompany each production. Further, for any Document withheld on any ground, the relevant production shall include placeholder pages equivalent in number to the page-length of the withheld Document.

12. You are to produce the Documents as they are kept in the regular course of business or to organize and label them to correspond to the categories in the Requests.

13. Unless otherwise specified herein or subsequently agreed to, all responsive documents must be produced in the form specified in Appendix A.

II. **DEFINITIONS**

1. "All" and "any" shall be construed so as to bring within the scope of the Requests all Documents which might otherwise be construed to be outside the scope.

2. "Attorney General," "You," and "Your" shall mean the Office of the Attorney General of the State of New York, and all other persons acting or purporting to act with, for, or on its or her behalf, including, but not limited to, consultants, advisors, attorneys, or any person acting in an advisory, agency, or consulting capacity, including, but not limited to: (i) Attorney General Letitia James ("James"), in her official and/or individual capacity; and (ii) where applicable, other agencies, offices, bureaus, departments or divisions of the State of New York or their constituent

personnel.

3. “Communication(s)” shall mean any oral, written, or recorded utterance, notation, or statement of any nature whatsoever, by and to whomsoever made, including, but not limited to, correspondence, emails, text messages (including text messages sent or received over work issued or personal devices), conversations, facsimiles, letters, telegrams, cables, telexes, dialogues, discussions, negotiations, interviews, consultations, telephone calls, agreements, and other understandings, among two or more persons. The term “Communication(s)” includes written summaries of any of the foregoing Communications. Drafts of Communications—including unsent drafts which may or may not have been sent to or received by another person and hence may not thus have been “among two or more persons”—are encompassed by the term “Communication(s).”

4. “Document(s)” has the broadest meaning permitted by the CPLR and any other applicable laws and rules including, without limitation, any written, recorded, graphic, or other matter, whether sent or received or made or used internally, however produced or reproduced and whatever the medium on which it was produced or reproduced (whether on paper, cards, charts, files, printouts, tapes, discs, belts, video tapes, audiotapes, tape recordings, cassettes, or other types of voice recording or transcription, computer tapes, databases, emails, pictures, photographs, slides, films, microfilms, motion pictures, mobile devices, smart phones, or any other medium), and any other tangible item or thing of readable, recorded, or visual material of whatever nature including without limitation originals, drafts, electronic documents with included metadata, and all non-identical copies of each Document (which, by reason of any variation, such as the presence or absence of handwritten notes or underlining, represents a separate Document within the meaning of this term). The foregoing specifically includes information stored electronically,

whether in a computer database or otherwise, regardless of whether such Documents are also presently in documentary form.

5. “Investigation” shall mean any investigation, inquiry, inquest, examination, inspection, audit, survey, surveillance, interrogation, enforcement action, or other work performed or undertaken by You relating to the affairs, management, governance, accounts, membership, or conduct of the NRA, before or after commencement of the Action, including, but not limited to: (i) any investigation(s) commenced, or sought to be commenced, during the tenure of former New York State Attorney General Eric Schneiderman; (ii) any investigation(s) or adverse action(s) against the NRA referenced by, promised by, or known to James during her campaign for New York State Attorney General in 2018; (iii) the investigation referenced in the “Document Preservation for New York State Attorney General Investigation” dated April 26, 2019, annexed hereto as Exhibit A; and/or (iv) any investigation of the NRA continuing after the commencement of the Action.

6. “Bankruptcy Matter” shall mean the lawsuit styled *In Re: National Rifle Association of America and Sea Girt LLC*, Chapter 11 Case No. 21-30085-hdh11, Jointly Administered in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division.

7. “Action” shall mean the lawsuit styled *People of the State of New York, by Letitia James, Attorney General of the State of New York v. The National Rifle Association of America, et al.*, Index No. 451625/2020, pending in the Supreme Court of the State of New York, County of New York.

8. “Time Records” shall mean any Document evidencing the amount of time an individual spent performing work, including, but not limited to, time sheets, reports or other

employee records.

9. “NRA” shall mean the National Rifle Association of America and any person acting, or who has so acted on its behalf, including, but not limited to, any of their current or former agents, representatives, officers, directors, employees, independent contractors, attorneys, and each and every person acting on their behalf or at their direction or on whose behalf they were acting with respect to the matters referred to herein.

10. “Campaign” shall mean the campaign or campaigns of Letitia James to be elected or re-elected as the New York State Attorney General.

11. “Person” and “persons” includes natural persons, groups of natural persons acting in a collegial capacity (e.g., a committee or counsel), firms, corporations, partnerships, associations, joint ventures, trusts, and any other incorporated or unincorporated business, governmental, public, or legal entity.

12. “Relating to,” or “concerning” shall mean relating to, concerning, reflecting, referring to, having a relationship to, pertaining to, identifying, containing, pertinent to, comprising, setting forth, showing, disclosing, describing, explaining, summarizing, evidencing, or constituting, directly or indirectly, in whole or in part, or to be otherwise factually, legally, or logically connected to, the subject matter of the particular Request; with respect to the Investigation, Documents and things “relating to” or “concerning” the Investigation shall be construed to encompass all Documents and things provided to, considered by, examined by, or prepared by You in connection with the Investigation.

13. Whenever appropriate, the singular form of a word shall be interpreted in the plural, and vice-versa, and the words “and” and “or” shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of the Requests all Documents that might

otherwise be construed to be outside their scope.

III.
REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: For each individual you admit performed work on the Investigation, the Bankruptcy Matter, or this Action in response to Request for Admission Nos. 5 through 66 in NRA's First Notice to Admit, produce any and all Time Records.

REQUEST FOR PRODUCTION NO. 2: If you admit Request for Admission Nos. 77 through 79 in NRA's First Notice to Admit, produce any and all Time Records for each individual not named in Request for Admission Nos. 5 through 66 in NRA's First Notice to Admit who performed work on the Investigation, Bankruptcy Matter, or this Action.

Dated: May 11, 2022
New York, New York

By: s/Philip J. Furia
William A. Brewer III
wab@brewerattorneys.com
Sarah B. Rogers
sbr@brewerattorneys.com
Philip J. Furia
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APPENDIX A**INSTRUCTIONS FOR PRODUCING ELECTRONICALLY STORED INFORMATION**

Document Image Format. Documents and ESI are to be produced in Tagged Image File Format (“TIFF”). If a document does not contain redactions, you are directed to produce an extracted text (.TXT) file containing searchable text for each electronic document and an Optical Character Recognition (“OCR”) text file for each imaged paper document along with image load files.

For documents that contain redactions, you are directed to provide an OCR text file for the unredacted portions of such documents.

Every TIFF file in each production must be referenced in the production’s corresponding load file.

The total number of TIFF files referenced in a production’s load file should match the number of TIFF files in the production.

Load files of the static images should be created and produced together with their associated static images to facilitate the use of the produced images by a document management or litigation support database system.

Metadata load files should contain, if available, the non-privileged metadata listed in the following table.

Field Name	Field Description	Document Type
BEGPRODBATE	Beginning Production Number	ALL
ENDPRODBATE	Ending Production Number	ALL
PROD_VOLUME	Production Volume (ex. MOF-PD001)	ALL
BEGPRODATT	Beginning Production Family Number	ALL
ENDPRODATT	Ending Production Family Number	ALL
CUSTODIAN	Custodian of records name. I.E. Doe, John.	ALL

Field Name	Field Description	Document Type
CONFIDENTIALITY	Confidentiality designations (if applicable)	ALL
PARENTID	BeginBates number for the parent email of a family (will not be populated for documents that are not part of a family)	ALL
PAGES	Total page count per document	ALL
FILENAME	Document File Type	EDOCS
FILEEXT	File extension of original document	EDOCS
LOCATION	Original file path for electronic documents or folder path from mailbox for email	ALL
SENT_DATE	Email Sent Date (MM/DD/YYYY)	EMAILS
SENT_TIME	Email Sent Time (HH:MM:SS) GMT	EMAILS
LASTMODDATE	Document Last Modified Date (MM/DD/YYYY)	EDOCS
CREATION_Date	Email: (Empty) Native: Date the document was created.	EDOCS
DATERCVD	Email: Date the email was received. Native: (Empty)	EMAILS
FILESIZE	Document file size in bytes	EDOCS
AUTHOR	Creator of document	EDOCS
SUBJECT	Email Subject	EMAILS
FROM	Author of Email	EMAILS
RECIPIENT	Recipient of Document	EMAILS
CC	Copies on Communications	EMAILS
BCC	BCC	EMAILS
NATIVELINK	Location of native file in volume if provided	EDOCS
MD5HASH	MD5HASH of Electronic Loose File or Attachments	EDOCS
MESSAGEID	Internet message identifier	EMAILS
TEXTPATH	Location of OCR Text File in volume.	ALL

You are not obligated to populate manually the fields in the table that cannot be extracted from a document, with the exception of the custodian.

Production of Native Files. Unless such materials contain privileged or redacted information, Microsoft Excel, Microsoft Project, Microsoft Access, other spreadsheets, and database files should be produced in native format. If these files, however, contain privileged or redacted information, they need not be produced in native format but shall be produced with the

extracted text and metadata fields set forth in these instructions and definitions if possible, except to the extent the extracted text or metadata fields are themselves redacted. Excel files that contain privileged information should be produced as an Excel file in a manner that does not prevent Excel functions from performing, but with privileged information redacted. Each native file produced should be accompanied with its metadata as outlined in the table above, and an image placeholder designating the document was produced in native format. The native file should be produced in a folder labeled with the Bates number of the native file document in the following format:

- a. Single file per document.
- b. Filenames should be of the form:
 - i. <Bates num><designation>.<ext>

Where <Bates num> is the BATES number of the document, <designation> any designation applicable to the document, and <ext> the appropriate extension for the document (.ppt, .xls, etc.);

Document Unitization and Load Files. For files not produced in their native format, each page of a document shall be electronically saved as an image file.

If a document consists of more than one page, the unitization of the document and any attachments and/or affixed notes shall be maintained as it existed in the original when creating the image files. The producing party shall produce a unitization file (“load file”) for all produced documents in accordance with the following formatting:

- a. Document Unitization Load File. Document productions should include Concordance document load files containing the metadata listed in the table above.

b. OCR and Extracted Text Files (.TXT Files). There should be a single text file per document containing all the document's pages. Pages must be separated by form feed character (decimal 12, hex 0xC). Filenames should be of the following form:

- i. <Bates num>.txt
- ii. Where <Bates num> is the BATES number of the first page in the document.
- iii. Text must be encoded in ASCII, except where documents contain characters requiring UTF-8 in order to be read. Such documents shall be produced in UTF-8 format.

Image Files. Image files should be single page per image and single image per file. TIFF is the default format unless the following formats are agreed to: jpeg, jpeg2000, gif, png, single image tiff, and bmp. Filenames should be of the following form:

- a. <Bates num>.<ext>
- b. Where <Bates num> is the BATES number of the page, and <ext> is the appropriate extension for the image format (.jpg, .tif, .png, etc.).

Metadata Load Files. Filenames should be of the following form:

- a. Comma Separated Value (.CSV) files (commonly .DAT files).
- b. The first line must contain the column/field names.
- c. Every row must have the same number of columns/fields (empty values are acceptable).
- d. Text must be encoded in ASCII.
- e. Values must be enclosed by ASCII character 254.
- f. Multiple entries in a field must be separated by ASCII character 174.

g. New line value in data must be indicated by ASCII character 059.

Values must be separated by ASCII character 020.

Duplicates. If you have more than one identical copy of an electronic document (i.e., the documents are exact duplicates as that term is used in the electronic discovery field), only produce a single copy of that document (as long as all family relationships are maintained). You may de-duplicate ESI across each party's custodians or sources. De-duplication will be based on MD5 hash values.

Encryption. Please make reasonable efforts to ensure that all encrypted or password-protected documents are successfully processed for review and production, and if produced in native form, that the decrypted document is produced. To the extent encrypted or password-protected documents are successfully processed according to the requirements set forth herein, you have no duty to identify the prior encrypted status of such documents. To the extent such documents are not successfully processed despite use of reasonable efforts, including reasonable efforts to obtain passwords, produce an inventory of such files that are determined to have a reasonable likelihood of containing relevant information as is apparent without decryption such as attachments to responsive files, or metadata suggestive of responsiveness, such as relevant file names, and in any case shall include any containers files such as PST or ZIP files. The inventory shall contain any required metadata and document identifying information, including family relationships, to the extent that such information can be extracted using reasonable efforts during document processing. The inventory shall be produced in accordance with the Load File specifications.

System and Program Files. System and program files, defined as the NIST, need not be processed, reviewed or produced. Additional files may be excluded by mutual agreement of the parties.

Black and White. All files shall be produced in black and white. At a party's request, the parties shall meet and confer regarding production of color image(s) for specific documents.

Bates Numbering - Document Images. Each page of a produced document shall have a unique page identifier ("Bates Number") electronically "burned" onto the image at a location that does not unreasonably conceal or interfere with any information from the source document. Any confidentiality legend, if applicable, shall be "burned" onto each document's image at a location that does not unreasonably obscure any information from the source document.

Bates Numbering - Native Format Documents. Documents produced in Native Format will be produced with a placeholder TIFF image. Each TIFF placeholder will contain the Bates Number and confidentiality designation, if any.

Production Media. Documents shall be produced by FTP site or on CD-ROM, DVD, external hard drive (with standard PC compatible interface), or other readily accessible computer or electronic media (the "Production Media"). Each item of Production Media shall be produced in a Bates labeled folder corresponding to the Bates label on the image placeholder. Each native file produced will be accompanied with its metadata.

Attachments. Email attachments and embedded files or links must be mapped to their parent by the document or production number. If attachments and embedded files are combined with their parent documents, then "BeginAttach" and "EndAttach" fields listing the unique beginning and ending number for each attachment or embedded document must be included.

Compressed Files. Compression file types (e.g., .CAB, .GZ, .TAR, .Z, and .ZIP) shall be decompressed in a reiterative manner to ensure that a zip within a zip is decompressed into the lowest possible compression resulting in individual folders and/or files.

Embedded. If a document has information from another file embedded in it (e.g., a Word document containing an embedded spreadsheet), produce the document with all embedded information, but the NRA reserves the right to request that the embedded file be produced as a standalone file.

Form of Production for Electronic Messages: Electronic messages (defined above) shall be produced in a searchable format that preserves the presentational features of the original messages, such as emojis, images, video files, animations, and the like. Electronic messages must not be converted to rasterized or non-unitized file formats such as PDF or TIFF. In general, messages should be produced in the same format as that in which they were exported for purposes of collection, search, or review. As a general rule, messages can be produced in CSV (Comma Separated Values) format.

Identifying Sources of Electronic Messages: In responding to requests for electronic messages, you should consider any software applications used by the parties and individual custodians of data as potential sources of electronic messages. Even applications that primarily serve other purposes may contain built-in messaging systems. As an example, customer relationship management software and practice management software often include messaging systems. Your search and production should take account all reasonably available sources of electronic messages.

EXHIBIT D

**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 FRAZIER, AND JOSHUA
POWELL,**

Defendants.

and

**THE NATIONAL RIFLE ASSOCIATION OF
AMERICA,**

**Defendant-Counterclaim
Plaintiff,**

v.

**LETITIA JAMES, ATTORNEY
GENERAL OF THE STATE OF NEW
YORK, IN HER OFFICIAL AND
INDIVIDUAL CAPACITIES,**

**Plaintiff-Counterclaim
Defendants.**

Defendants.

Index No. 451625/2020

**FIRST NOTICE TO ADMIT OF DEFENDANT-COUNTERCLAIM-PLAINTIFF, THE
NATIONAL RIFLE ASSOCIATION OF AMERICA TO PLAINTIFF-
COUNTERCLAIM-DEFENDANT LETITIA JAMES, ATTORNEY GENERAL OF THE
STATE OF NEW YORK, IN HER OFFICIAL AND INDIVIDUAL CAPACITIES**

**FIRST NOTICE TO ADMIT OF DEFENDANT-COUNTERCLAIM-PLAINTIFF, THE NATIONAL RIFLE
ASSOCIATION OF AMERICA TO PLAINTIFF-COUNTERCLAIM-DEFENDANT LETITIA JAMES, ATTORNEY
GENERAL OF THE STATE OF NEW YORK, IN HER OFFICIAL AND INDIVIDUAL CAPACITIES** PAGE 1

PLEASE TAKE NOTICE, that Pursuant to Civil Practice Law and Rules 3123, you are hereby requested to admit the truth of any matters set forth in this request. Defendant National Rifle Association of America (“NRA”) by and through its undersigned counsel, requests that, within twenty (20) days after service of this Notice, Plaintiff People of the State of New York, by Letitia James, Attorney General of the State of New York (the “Attorney General” or “You”) furnish written admissions under oath of the matters set forth in the First Set of Requests for Admissions (the “Requests”) below.

I.
INSTRUCTIONS

1. Under CPLR 3123, each of the following Requests are deemed admitted unless, within twenty (20) days after service of this Notice, you serve on the undersigned attorneys for Defendant a sworn statement specifically denying each Request, or stating in detail the reasons why you cannot truthfully admit or deny each Request, based on your knowledge or knowledge obtained after reasonable inquiry.

2. If any Request cannot be fairly admitted without some material qualification or explanation, you should admit the Request and set forth in detail the qualification or explanation in a sworn statement.

3. If you contend that any Request seeks information that would reveal a trade secret or confidential or privileged information, set forth in detail the basis of your contention in a sworn statement.

4. Unless otherwise specified, these Requests apply to all Documents and things in effect, created, recorded, compiled, transmitted, or received from January 1, 2015, through the present.

II. **DEFINITIONS**

1. “**Action**” shall mean the lawsuit styled *People of the State of New York, by Letitia James, Attorney General of the State of New York v. The National Rifle Association of America, et al.*, Index No. 451625/2020, pending in the Supreme Court of the State of New York, County of New York.

2. “**Attorney General**,” “**You**,” and “**Your**” shall mean the Office of the Attorney General of the State of New York, and all other persons acting or purporting to act with, for, or on its or her behalf, including, but not limited to, consultants, advisors, attorneys, or any person acting in an advisory, agency, or consulting capacity, including, but not limited to: (i) Attorney General Letitia James (“James”), in her official and/or individual capacity; and (ii) where applicable, other agencies, offices, bureaus, departments, bureaus or divisions of the State of New York or their constituent personnel.

3. “**Work**” shall mean services, labor, consulting, legal advising, or any activity under Your direction or control, or as Your employee, or otherwise under contract with You.

4. “**Investigation**” shall mean any investigation, inquiry, inquest, examination, inspection, audit, survey, surveillance, interrogation, enforcement action, or other work performed or undertaken by You relating to the affairs, management, governance, accounts, membership, or conduct of the NRA, before or after commencement of the Action, including, but not limited to: (i) any investigation commenced, or sought to be commenced, during the tenure of former New York State Attorney General Eric Schneiderman; (ii) any investigation(s) or adverse action(s) against the NRA referenced by, promised by, or known to James during her campaign for New York State Attorney General in 2018; (iii) the investigation referenced in the “Document Preservation for New York State Attorney General Investigation” dated April 26, 2019; and/or (iv) any investigation of

the NRA continuing after the commencement of the Action.

5. “**Bankruptcy Matter**” shall mean the lawsuit styled *In Re: National Rifle Association of America and Sea Girt LLC*, Chapter 11 Case No. 21-30085-hdh11, Jointly Administered in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division.

6. “**All**” and “**any**” shall be construed so as to bring within the scope of the request all documents which might otherwise be construed to be outside the scope.

7. All definitions and rules of construction contained in the Civil Practice Law and Rules are incorporated herein by reference.

III.

FIRST SET OF REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1: You have created one or more budgets for this Action.

REQUEST FOR ADMISSION NO. 2: You have created one or more budgets for the Investigation.

REQUEST FOR ADMISSION NO. 3: You have created one or more budgets for the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 4: Your budgets for this Action include estimates prepared by one or more accountants.

REQUEST FOR ADMISSION NO. 5: Your budgets for the Investigation include estimates prepared by one or more accountants.

REQUEST FOR ADMISSION NO. 6: Your budgets for the Bankruptcy Matter include estimates prepared by one or more accountants.

REQUEST FOR ADMISSION NO. 7: Personnel from departments, bureaus, or teams within the Office of the Attorney General, other than the Charities Bureau, performed work on the Investigation.

REQUEST FOR ADMISSION NO. 8: Personnel from departments, bureaus, or teams within the Office of the Attorney General, other than the Charities Bureau, performed work on the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 9: Personnel from departments, bureaus, or teams within the Office of the Attorney General, other than the Charities Bureau, performed work on this Action.

REQUEST FOR ADMISSION NO. 10: Jonathan Conley performed work on the Investigation.

REQUEST FOR ADMISSION NO. 11: Jonathan Conley performed work on the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 12: Jonathan Conley performed work on this Action.

REQUEST FOR ADMISSION NO. 13: Monica Connell performed work on the Investigation.

REQUEST FOR ADMISSION NO. 14: Monica Connell performed work on the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 15: Monica Connell performed work on this Action.

REQUEST FOR ADMISSION NO. 16: Erica James performed work on the Investigation.

REQUEST FOR ADMISSION NO. 17: Erica James performed work on the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 18: Erica James performed work on this Action.

- REQUEST FOR ADMISSION NO. 19:** John Oleske performed work on the Investigation.
- REQUEST FOR ADMISSION NO. 20:** John Oleske performed work on the Bankruptcy Matter.
- REQUEST FOR ADMISSION NO. 21:** John Oleske performed work on this Action.
- REQUEST FOR ADMISSION NO. 22:** Sharon Shash performed work on the Investigation.
- REQUEST FOR ADMISSION NO. 23:** Sharon Shash performed work on the Bankruptcy Matter.
- REQUEST FOR ADMISSION NO. 24:** Sharon Shash performed work on this Action.
- REQUEST FOR ADMISSION NO. 25:** Stephen Thompson performed work on the Investigation.
- REQUEST FOR ADMISSION NO. 26:** Stephen Thompson performed work on the Bankruptcy Matter.
- REQUEST FOR ADMISSION NO. 27:** Stephen Thompson performed work on this Action.
- REQUEST FOR ADMISSION NO. 28:** William Wang performed work on the Investigation.
- REQUEST FOR ADMISSION NO. 29:** William Wang performed work on the Bankruptcy Matter.
- REQUEST FOR ADMISSION NO. 30:** William Wang performed work on this Action.
- REQUEST FOR ADMISSION NO. 31:** Emily Stern performed work on the Investigation.
- REQUEST FOR ADMISSION NO. 32:** Emily Stern performed work on the Bankruptcy Matter.
- REQUEST FOR ADMISSION NO. 33:** Emily Stern performed work on this Action.
- REQUEST FOR ADMISSION NO. 34:** Yael Fuchs performed work on the Investigation.

REQUEST FOR ADMISSION NO. 35: Yael Fuchs performed work on the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 36: Yael Fuchs performed work on this Action.

REQUEST FOR ADMISSION NO. 37: James Sheehan performed work on the Investigation.

REQUEST FOR ADMISSION NO. 38: James Sheehan performed work on the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 39: James Sheehan performed work on this Action.

REQUEST FOR ADMISSION NO. 40: Steven Wu performed work on the Investigation.

REQUEST FOR ADMISSION NO. 41: Steven Wu performed work on the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 42: Steven Wu performed work on this Action.

REQUEST FOR ADMISSION NO. 43: Meghan Fox performed work on the Investigation.

REQUEST FOR ADMISSION NO. 44: Meghan Fox performed work on the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 45: Meghan Fox performed work on this Action.

REQUEST FOR ADMISSION NO. 46: Jennifer Levy performed work on the Investigation.

REQUEST FOR ADMISSION NO. 47: Jennifer Levy performed work on the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 48: Jennifer Levy performed work on this Action.

REQUEST FOR ADMISSION NO. 49: Letitia James performed work on the Investigation.

REQUEST FOR ADMISSION NO. 50: Letitia James performed work on the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 51: Letitia James performed work on this Action.

REQUEST FOR ADMISSION NO. 52: Eric Schneiderman performed work on the Investigation.

REQUEST FOR ADMISSION NO. 53: Eric Schneiderman performed work on the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 54: Eric Schneiderman performed work on this Action.

REQUEST FOR ADMISSION NO. 55: Laura Wood performed work on the Investigation.

REQUEST FOR ADMISSION NO. 56: Laura Wood performed work on the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 57: Laura Wood performed work on this Action.

REQUEST FOR ADMISSION NO. 58: Linda Lacewell performed work on the Investigation.

REQUEST FOR ADMISSION NO. 59: Linda Lacewell performed work the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 60: Linda Lacewell performed work on this Action.

REQUEST FOR ADMISSION NO. 61: Judith Welsh-Liebross performed work on the Investigation.

REQUEST FOR ADMISSION NO. 62: Judith Welsh-Liebross performed work on the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 63: Judith Welsh-Liebross performed work on this Action.

REQUEST FOR ADMISSION NO. 64: Jonathan Werberg performed work on the Investigation.

REQUEST FOR ADMISSION NO. 65: Jonathan Werberg performed work on the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 66: Jonathan Werberg performed work on this Action.

REQUEST FOR ADMISSION NO. 67: Chansoo Song performed work on the Investigation.

REQUEST FOR ADMISSION NO. 68: Chansoo Song performed work on the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 69: Chansoo Song performed work on this Action.

REQUEST FOR ADMISSION NO. 70: Ibrahim Khan performed work on the Investigation.

REQUEST FOR ADMISSION NO. 71: Ibrahim Khan performed work on the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 72: Ibrahim Khan performed work on this Action.

REQUEST FOR ADMISSION NO. 73: Charles Aganu performed work on the Investigation.

REQUEST FOR ADMISSION NO. 74: Charles Aganu performed work on the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 75: Charles Aganu performed work on this Action.

REQUEST FOR ADMISSION NO. 76: Nina Sargent performed work on the Investigation.

REQUEST FOR ADMISSION NO. 77: Nina Sargent performed work on the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 78: Nina Sargent performed work on this Action.

REQUEST FOR ADMISSION NO. 79: Jason Lillien performed work on the Investigation.

REQUEST FOR ADMISSION NO. 80: Jason Lillien performed work on the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 81: Jason Lillien performed work on this Action.

REQUEST FOR ADMISSION NO. 82: Other individuals not named in Requests for Admission Nos. 5 through 76 performed work on the Investigation.

REQUEST FOR ADMISSION NO. 83: Other individuals not named in Requests for Admission Nos. 5 through 76 performed work on the Bankruptcy Matter.

REQUEST FOR ADMISSION NO. 84: Other individuals not named in Requests for Admission Nos. 5 through 76 performed work on this Action.

Dated: May 11, 2022
New York, New York

By: s/Philip J. Furia
William A. Brewer III
wab@brewerattorneys.com
Sarah B. Rogers
sbr@brewerattorneys.com
Philip J. Furia
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