

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

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PEOPLE OF THE STATE OF NEW YORK, BY  
LETITIA JAMES, ATTORNEY GENERAL OF  
THE STATE OF NEW YORK,

INDEX NO.: 451625/2020

MOTION SEQUENCE 30

Plaintiff,

-against-

THE NATIONAL RIFLE ASSOCIATION OF  
AMERICA, WAYNE LAPIERRE, WILSON  
PHILLIPS, JOHN FRAZER, and JOSHUA  
POWELL,

Defendants.

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**AFFIRMATION OF SVETLANA M. EISENBERG IN FURTHER SUPPORT OF THE  
NATIONAL RIFLE ASSOCIATION'S MOTION TO DISMISS THE FIRST CAUSE OF  
ACTION OF THE SECOND AMENDED VERIFIED COMPLAINT**

I, SVETLANA M. EISENBERG, an attorney duly admitted to practice law in the courts of the State of New York, hereby affirm the following under penalty of perjury pursuant to CPLR § 2106:

1. I am a Partner at Brewer, Attorneys & Counselors, 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 Reply Memorandum of Law in Further Support of Its Motion to Dismiss the NYAG'S First Cause of Action of the Second Amended Verified Complaint.

3. Attached as Exhibit A is the Memorandum of State Department of Law, McKinney's 1966 Session Laws of New York, vol. 2 (189th Session – 1966). Relevant passages

have been highlighted for the Court's convenience. This document was attached as Exhibit C (without highlighting) to Ms. Connell's affirmation in opposition to the Motion.

4. Attached as Exhibit B is an article entitled *Issues Regarding Corporate Structure, IRS Approval, State Regulation, Liability, Governance & Operation of New York & Delaware Nonprofits* by David Lowden, dated 2010. The article appears in Westlaw but may be difficult to locate. It is provided here for the Court's convenience.

5. Attached as Exhibit C is a news article from *Our Time Press* entitled "Attorney General Candidate, Public Advocate Letitia James," dated September 6, 2018.

6. Attached as Exhibit D is a Tweet by Attorney General (then-Candidate) James, dated November 8, 2018.

7. Attached as Exhibit E is a news article by Savannah Rychcik from the *Independent Journal Review* entitled "New York Attorney General Letitia James Announces She Will Run for Governor," dated October 29, 2021.

Dated: August 15, 2022  
New York, New York

/s/ Svetlana Eisenberg  
Svetlana Eisenberg

**Certification of Compliance with Word Count**

I, Svetlana M. Eisenberg, an attorney duly admitted to practice law before the courts of the State of New York, certify that the foregoing affirmation 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 it contains 271 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 reply memorandum of law.

By: /s/ Svetlana S. Eisenberg  
Svetlana S. Eisenberg