

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

Motion Seq. No. __

**AFFIRMATION OF KRISTEN W. CHIN IN SUPPORT OF DEFENDANT
JOSHUA POWELL'S MOTION FOR SUMMARY JUDGMENT**

I, Kristen W. Chin, an attorney duly admitted to practice before the Courts of the State of New York, affirm under the penalties of perjury as follows:

1. I am an attorney with the law firm of Akin Gump Strauss Hauer & Feld LLP and counsel for Defendant Joshua Powell ("Powell").
2. I respectfully submit this Affirmation in support of Powell's Motion for Summary Judgment ("Motion") in order to place before the court documentary evidence and deposition testimony relevant to the motion.
3. Attached hereto as Exhibit 1 is a true and correct copy of the New York State Attorney General's ("NYAG") Amended Complaint, dated August 16, 2021.
4. Attached hereto as Exhibit 2 is a true and correct copy of the NYAG's Second Amended Complaint (the "SAC"), dated May 2, 2022.

5. Attached hereto as Exhibit 3 is a true and correct copy of the National Rifle Association of America, Inc.'s ("NRA") Voluntary Petition for Non-Individuals Filing for Bankruptcy in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division. *In re National Rifle Association of America and Sea Girt LLC*, Case No. 21-30085 (Bankr. N.D. Tex. March 24, 2021) (Judge Harlin DeWayne Hale) (hereinafter the "Bankruptcy Action").

6. Attached hereto as Exhibit 4 is a true and correct copy of the order dismissing the Bankruptcy Action, dated May 11, 2021.

7. Attached hereto as Exhibit 5 is a true and correct copy of an employment agreement between the NRA and Powell.

8. Attached hereto as Exhibit 6 is a true and correct copy of an NRA Personnel Authorization Change Form, dated July 13, 2016.

9. Attached hereto as Exhibit 7 is a true and correct copy of an NRA Personnel Authorization Change Form, dated June, 29, 2017.

10. Attached hereto as Exhibit 8 is a true and correct copy of an NRA Personnel Authorization Change Form, dated November 8, 2017.

11. Attached hereto as Exhibit 9 is a true and correct copy of an NRA Personnel Authorization Change Form, dated March 20, 2018.

12. Attached hereto as Exhibit 10 is a true and correct copy of an e-mail exchange between Wilson Phillips and Linda Crouch, dated July 13, 2016.

13. Attached hereto as Exhibit 11 is a true and correct copy of an e-mail exchange between Wilson Phillips and Linda Crouch, dated June 29, 2017.

14. Attached hereto as Exhibit 12 is a true and correct copy of an e-mail exchange between Wilson Phillips and Linda Crouch, dated November 8, 2017.

15. Attached hereto as Exhibit 13 is a true and correct copy of an e-mail exchange between Wilson Phillips and Linda Crouch, dated March 20, 2018.

16. Attached hereto as Exhibit 14 is a true and correct copy of the report of Defendant Wayne LaPierre's expert Michael Dennis Graham, Consultant Grahall, LLC, dated September 16, 2022.

17. Attached hereto as Exhibit 15 is a true and correct copy of excerpts of the deposition of Wayne LaPierre, dated March 22, 2021, at pgs. 130–31.

18. Attached hereto as Exhibit 16 is a true and correct copy of excerpts of the deposition of John Frazer in the Bankruptcy Action, dated March 15, 2021, at pgs. 61–62.

19. Attached hereto as Exhibit 17 is a true and correct copy of excerpts of the deposition of Wilson Phillips, dated August 11, 2021, at pg. 298.

20. Attached hereto as Exhibit 18 is a true and correct copy of excerpts of the deposition of Craig Spray, dated January 14, 2022, at pg. 195.

21. Attached hereto as Exhibit 19 is a true and correct copy of excerpts of the deposition of Lisa Supernaugh, dated May 5, 2022, at pgs. 199, 298, 303–04, 306–07, 311–12, 317–18, 377, 401–02, 406, 412–15, 418–19.

22. Attached hereto as Exhibit 20 is a true and correct copy of excerpts of the deposition of Michael Erstling, dated June 16, 2022, at pgs. 128–29, 166.

23. Attached hereto as Exhibit 21 is a true and correct copy of excerpts of the deposition of Wayne LaPierre, dated June 28, 2022, at pgs. 464–65, 467–70, 533–36, 543–55, 557–58.

24. Attached hereto as Exhibit 22 is a true and correct copy of excerpts of the deposition of Susan LaPierre, dated July 21, 2022, at pgs. 264–65.

25. Attached hereto as Exhibit 23 is a true and correct copy of excerpts of the deposition of John Frazer, dated July 12, 2022, at pgs. 387, 397, 408–11, 423–24.

26. Attached hereto as Exhibit 24 is a true and correct copy of Exhibit 5 to John Frazer’s July 12, 2022 deposition.

27. Attached hereto as Exhibit 25 is a true and correct copy of excerpts of the deposition of Sonya Rowling, dated July 14, 2022, at pg. 411.

28. Attached hereto as Exhibit 26 is a true and correct copy of excerpts of the deposition of John Frazer, dated August 9, 2022, at pgs. 621–22, 729.

29. Attached hereto as Exhibit 27 is a true and correct copy of the Officer and Board of Directors Disclosure of Financial Interest (NRA-NYAGCOMMDIV-00008897), dated January 1, 2007, at pgs. 297–99.

30. Attached hereto as Exhibit 28 is a true and correct copy of a calendar invite for a January 2018 call with Colleen Gallagher, John Frazer and Joshua Powell (NYAG-00300402).

31. Attached hereto as Exhibit 29 is a true and correct copy of a calendar invite for a February 2018 call with Colleen Gallagher, John Frazer and Joshua Powell (NYAG-00301917).

32. Attached hereto as Exhibit 30 is a true and correct copy of a calendar invite for an August 2018 call with Colleen Gallagher, John Frazer and Joshua Powell (NRA-NYAGCOMMDIV-01185188).

33. Attached hereto as Exhibit 31 is a true and correct copy of an email chain with John Frazer, Colleen Gallagher, and Joshua Powell showing John Frazer was aware that Colleen Gallagher was Joshua’s wife (JP-0008766), dated April 24, 2018.

34. Attached hereto as Exhibit 32 is a true and correct copy of the NRA Financial Disclosure Questionnaire of Joshua Powell (NYAG-00041306), dated September 6, 2018.

35. Attached hereto as Exhibit 33 is a true and correct copy of an e-mail discussing McKenna's work for the NRA with Colleen Gallagher, John Frazer and Joshua Powell (NRA-NYAGCOMMDIV-01190160), dated September 17, 2018.

36. Attached hereto as Exhibit 34 is a true and correct copy of Staff Announcements Memo from Wayne LaPierre (NYAG-00288715), dated December 3, 2018.

37. Attached hereto as Exhibit 35 is a true and correct copy of the NRA Foundation Inc's 2017 Form 990 (NRA-NYAGCOMMDIV-01473109).

38. Attached hereto as Exhibit 36 is a true and correct copy of the NRA Foundation Inc's 2018 Form 990 (NRA-NYAGCOMMDIV- 01483045).

39. Attached hereto as Exhibit 37 is a true and correct copy of the NRA Foundation Inc's 2019 Form 990 (NRA-NYAGCOMMDIV- 01531560).

40. Attached hereto as Exhibit 38 is a true and correct copy of the Powell Employment Termination Letter (NYAG-00071587), dated January 30, 2020.

Dated: New York, New York
February 10, 2022

/s/ Kristen W. Chin
Kristen W. Chin

CERTIFICATE PURSUANT TO RULE 17 OF THE COMMERCIAL DIVISION RULES

This attorney affidavit complies with the type-volume limitation of Rule 17 of the Commercial Division Rules (“Rule 17”) because it contains 1,167 words (using the “word count” function of Microsoft Word), excluding the parts of the affirmation exempted by Rule 17.

Dated: February 10, 2023

/s/ Kristen W. Chin
Kristen W. Chin