

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

Motion Sequence No. 45

**AFFIRMATION OF
ALEXANDER MENDELSON
IN SUPPORT OF
PLAINTIFF'S OPPOSITION
TO DEFENDANT WILSON
PHILLIPS'S MOTION FOR
SUMMARY JUDGMENT**

Alexander Mendelson, an attorney duly admitted to practice before the Courts of this State, hereby affirms the following under the penalty of perjury pursuant to Civil Practice Law and Rules CPLR § 2106:

1. I am an Assistant Attorney General in the Enforcement Section of the Charities Bureau of the Office of the New York State Attorney General ("OAG" or "Attorney General").
2. I submit this affirmation in support of Plaintiff's opposition to Defendant Wilson Phillips's motion for summary judgment, Mot. Seq. 45.
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 OAG.
4. Attached as **Exhibit A** to this affirmation is a true and correct copy of Leadership Committee for Nonprofit Revitalization, *Report to Attorney General Eric T. Schneiderman*, 26 (Feb. 16, 2012).

5. Attached as **Exhibit B** to this affirmation is a true and correct copy of excerpts from the transcript of the August 10, 2021 deposition of Wilson H. Phillips, Jr. (“8/10/2021 Phillips Depo. Tr.”).

6. Attached as **Exhibit C** to this affirmation is a true and correct copy of excerpts from the transcript of the August 31, 2022 deposition of former National Rifle Association (“NRA”) President and Board Member Carolyn Meadows (“8/31/2022 Meadows Depo. Tr.”).

7. Attached as **Exhibit D** to this affirmation is a true and correct copy of excerpts from the transcript of the September 7, 2022 deposition of Carolyn Meadows (“9/7/2022 Meadows Depo. Tr.”).

8. Attached as **Exhibit E** to this affirmation is a true and correct copy of excerpts from the transcript of the March 19, 2021 deposition of Wilson H. Phillips, Jr. in the bankruptcy proceeding, *In re National Rifle Association of America and Sea Girt LLC*, No. 21-30085 (Bankr. N.D. Tex.). (“3/19/2021 Phillips Bankr. Depo. Tr.”).

9. Attached as **Exhibit F** to this affirmation is a true and correct copy of excerpts from the transcript of the March 22, 2021 deposition of NRA Executive Vice President Wayne LaPierre in the bankruptcy proceeding, *In re National Rifle Association of America and Sea Girt LLC*, No. 21-30085 (Bankr. N.D. Tex.). (“3/22/21 LaPierre Bankr. Depo. Tr.”).

10. Attached as **Exhibit G** to this affirmation is a true and correct copy of excerpts from the transcript of the June 17, 2020 deposition of Wayne LaPierre (“6/17/2020 LaPierre Depo. Tr.”).

11. Attached as **Exhibit H** to this affirmation is a true and correct copy of excerpts from the transcript of the April 13, 2021 afternoon session of the hearing in the NRA’s bankruptcy

proceeding, *In re National Rifle Association of America and Sea Girt LLC*, No. 21-30085 (Bankr. N.D. Tex.) (“4/13/2021 Bankr. Trial Tr.”).

12. Attached as **Exhibit I** to this affirmation is a true and correct copy of excerpts of the transcript from the May 3, 2022 deposition of the Executive Director of the NRA’s Office of Advancement, Tyler Schropp (“5/3/2022 Schropp Depo. Tr.”).

13. Attached as **Exhibit J** to this affirmation is a true and correct PDF version of a Microsoft Excel spreadsheet, maintained and produced by Defendant Wilson Phillips, containing his expenses for January through February 2019. (NYAG-00309807) (“January/February 2019 Expense Report”).

14. Attached as **Exhibit K** to this affirmation is a true and correct PDF version of a Microsoft Excel spreadsheet, maintained and produced by Defendant Wilson Phillips, containing his expenses for February through March 2019. (NYAG-00310176) (February/March 2019 Expense Report”).

15. Attached as **Exhibit L** to this affirmation is a true and correct PDF version of a Microsoft Excel spreadsheet, maintained and produced by Defendant Wilson Phillips, containing his expenses for April 2019. (NYAG-00309718) (“April 2019 Expense Report”).

16. Attached as **Exhibit M** to this affirmation is a true and correct PDF version of a Microsoft Excel spreadsheet, maintained and produced by Defendant Wilson Phillips, containing his expenses for June 2019. (NYAG-00309794) (“June 2019 Expense Report”).

17. Attached as **Exhibit N** to this affirmation is a true and correct copy of excerpts of the transcript from the April 26, 2022 deposition of NRA Executive Director of Membership Todd Grable (“4/26/2022 Grable Depo. Tr.”).

18. Attached as **Exhibit O** to this affirmation is a true and correct copy of [REDACTED]

[REDACTED], maintained and produced by the NRA at NRA-NYAGCOMMDIV-00023607 [REDACTED]

19. Attached as **Exhibit P** to this affirmation is a true and correct copy of excerpts of ACH Electronic Funds Transfer Data, maintained and produced by Wells Fargo Bank, N.A. (NYAG-WF-01167627).

20. Attached as **Exhibit Q** to this affirmation is a true and correct copy of excerpts of the transcript from the October 18, 2021 deposition of Wilson H. Phillips (“10/18/2021 Phillips Oct. Depo. Tr.”).

21. Attached as **Exhibit R** to this affirmation is a true and correct copy of excerpts of the transcript from the May 5, 2022 deposition of NRA employee Lisa Supernaugh (“5/5/2022 Supernaugh Depo. Tr.”).

22. Attached as **Exhibit S** to this affirmation is a true and correct copy of excerpts of the transcript from the January 30, 2020 Examination of current NRA Chief Financial Officer and Treasurer Sonya Rowling (“1/30/2020 Rowling Exam. Tr.”).

23. Attached as **Exhibit T** to this affirmation is a true and correct copy of excerpts of the transcript from the July 14, 2022 Deposition of Sonya Rowling (“7/14/2022 Rowling Depo. Tr.”).

24. Attached as **Exhibit U** to this affirmation is a true and correct copy of excerpts of the transcript from the June 12, 2020 Examination of former NRA Chief Financial Officer and Treasurer Craig Spray (“6/12/2020 Spray Examination Tr.”).

25. Attached as **Exhibit V** to this affirmation is a true and correct copy of [REDACTED]

[REDACTED], maintained and produced by the NRA. (NRA-NYAGCOMMDIV-00229030) [REDACTED]

26. Attached as **Exhibit W** to this affirmation is a true and correct copy of an email, maintained and produced by Defendant Phillips, dated July 10, 2018, and sent from Phillips to an employee of First Preston HT regarding a yacht cruise itinerary on the Grand Illusions. (NYAG-00313337).

27. Attached as **Exhibit X** to this affirmation is a true and correct copy of excerpts of the transcript from the March 18, 2021 deposition of NRA Secretary and General Counsel John Frazer in the bankruptcy proceeding, *In re National Rifle Association of America and Sea Girt LLC*, No. 21-30085 (Bankr. N.D. Tex.). (“3/18/2021 Frazer Bankr. Depo. Tr.”).

28. Attached as **Exhibit Y** to this affirmation is a true and correct copy of excerpts of the transcript from the June 17, 2022 deposition of current NRA President, Board Member and Audit Committee member Charles Cotton (“6/17/2022 Cotton Depo. Tr.”).

29. Attached as **Exhibit Z** to this affirmation is a true and correct copy of an email, maintained and produced by the NRA, dated June 15, 2018, from Christine Le Chance to NRA employee Angela St. Onge, and the attached HT Solutions invoices and electronic funds transfer remittance receipts for the years 2014–2017. (NRA-NYAGCOMMDIV-00838428) (“HomeTelos Invoices and Payments”).

30. Attached as **Exhibit AA** to this affirmation is a true and correct PDF version of a Microsoft Excel spreadsheet, maintained and produced by the NRA, [REDACTED]
[REDACTED]. (NYAG-00283516).

31. Attached as **Exhibit AB** to this affirmation is a true and correct copy of Wilson Phillips's Financial Disclosure Questionnaire for 2017, maintained and produced by the NRA. (NYAG-00028669).

32. Attached as **Exhibit AC** to this affirmation is a true and correct copy of Wilson Phillips's Financial Disclosure Questionnaire for 2018, maintained and produced by the NRA. (NYAG-00028441).

33. Attached as **Exhibit AD** to this affirmation is a true and correct copy of Wilson Phillips's 2019 Financial Disclosure Questionnaire, maintained and produced by the NRA. (NYAG-00024053).

34. Attached at **Exhibit AE** to this affirmation is a true and correct copy of an email from Wilson Phillips, produced and maintained by the NRA, dated September 6, 2018, and the attachment to that email, "Disclosure HT Solutions.docx". (NYAG-00043961).

35. Attached as **Exhibit AF** to this affirmation is a true and correct copy of [REDACTED], and as maintained and produced by the NRA at NRA-NYAGCOMMDIV-00102890 [REDACTED]

36. Attached as **Exhibit AG** to this affirmation is a true and correct copy of the NRA's Bylaws, as amended in September 2016 and April 2017, and as maintained and produced by the NRA. (NYAG-00046529) ("NRA Bylaws 2016 and 2017").

37. Attached as **Exhibit AH** to this affirmation is a true and correct copy of the NRA's Bylaws, as amended in September 2011, May 2013, and September 2014, and as maintained and produced by the NRA. (NYAG-00046529) ("NRA Bylaws 2011, 2012, and 2014").

38. Attached as **Exhibit AI** to this affirmation is a true and correct copy of the [REDACTED] maintained and produced by the NRA. (NRA-NYAGCOMMDIV-00008897).

39. Attached as **Exhibit AJ** to this affirmation is a true and correct copy of excerpts from the transcript of the April 8, 2021 afternoon session of the hearing in the NRA's bankruptcy proceeding, *In re National Rifle Association of America and Sea Girt LLC*, No. 21-30085 (Bankr. N.D. Tex.) ("4/8/2021 Bankr. Trial Tr.").

40. Attached as **Exhibit AK** to this affirmation is a true and correct copy of a February 27, 2012 Policy Statement from NRA Executive Vice President Wayne LaPierre to All Staff regarding "Approval Procedures for Purchase Agreements and Contracts in Excess of \$100,000," maintained and produced by the NRA. (NYAG-0030077).

41. Attached as **Exhibit AL** to this affirmation is a true and correct copy of the 2016 NRA Employee Handbook, as maintained and produced by the NRA. (NYAG-00029852).

42. Attached as **Exhibit AM** to this affirmation is a true and correct copy of the 2018 NRA Employee Handbook, as maintained and produced by the NRA. (NYAG-00029627).

43. Attached as **Exhibit AN** to this affirmation is a true and correct copy of excerpts from the NRA's CHAR 500 and accompanying IRS Form 990 for the year 2014, which were filed with the OAG.

44. Attached as **Exhibit AO** to this affirmation is a true and correct copy of excerpts from the NRA's CHAR 500 and accompanying IRS Form 990 for the year 2015, which were filed with the OAG.

45. Attached as **Exhibit AP** to this affirmation is a true and correct copy of excerpts from the NRA's CHAR 500 and accompanying IRS Form 990 for the year 2016, which were filed with the OAG.

46. Attached as **Exhibit AQ** to this affirmation is a true and correct copy of excerpts of the transcript from the March 15, 2021 deposition of John Frazer as corporate representative for

the NRA in the bankruptcy proceeding, *In re National Rifle Association of America and Sea Girt LLC*, No. 21-30085 (Bankr. N.D. Tex.). (“3/15/2021 Frazer Corp. Rep. Bankr. Depo. Tr.”).

47. Attached as **Exhibit AR** to this affirmation is a true and correct copy of [REDACTED], as maintained and produced by the NRA (NRA-NYAGCOMMDIV-00884203) [REDACTED].

48. Attached as **Exhibit AS** to this affirmation is a true and correct copy of excerpts from the NRA’s CHAR 500 and accompanying IRS Form 990 for the year 2018, which were filed with the OAG.

49. Attached as **Exhibit AT** to this affirmation is a true and correct copy of excerpts from the NRA’s IRS Form 990 for the year 2019, which was filed with the OAG.

50. Attached as **Exhibit AU** to this affirmation is a true and correct copy of excerpts from the NRA’s CHAR500 for the year 2019, which was filed with the OAG.

51. Attached as **Exhibit AV** to this affirmation is a true and correct copy of an email, maintained and produced by Defendant Phillips, dated October 10, 2015, from Wilson Phillips to Nancy Richards regarding “Executive Summary FPHT History,” and the attached document, “Disposition Executive Summary.docx.” (NYAG-00313195).

52. Attached as **Exhibit AW** to this affirmation is a true and correct copy of a letter, maintained and produced by the NRA, dated May 31, 2017 from Tony Hayes to Lisa Barrentine regarding “Notice of Non-renewal of Agreement # HT-NRA-001.” (NYAG-00030256)

53. Attached as **Exhibit AX** to this affirmation is a true and correct copy of an email, maintained and produced by the NRA, dated August 21, 2017 from Tony Hayes to Wilson Phillips (NYAG-00033018).

54. Pursuant to paragraph 14 of the So ordered Stipulation and Order for the Production and Exchange of Confidential Information filed October 25, 2022 (NYSCEF 869 (“Protective Order”)), certain of the foregoing documents attached to this affirmation will be filed in redacted or sealed form, and will be replaced with their corresponding unredacted versions absent a timely motion to seal.

Dated: New York, New York
March 6, 2023

/s/ Alexander Mendelson
Alexander Mendelson

Attorney Certification Pursuant to Commercial Division Rule 17

I, Alexander Mendelson, an attorney duly admitted to practice law before the courts of the State of New York, certify that the Affirmation of Alexander Mendelson in Support of Plaintiff's Opposition to Defendant Wilson Phillips's Motion for Summary Judgment 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 affirmation contains 2148 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 affirmation.

Dated: New York, New York
March 6, 2023

/s/ Alexander Mendelson
Alexander Mendelson