FILED: NEW YORK COUNTY CLERK 02/14/2023 11:32 PM

NYSCEF DOC. NO. 1237

INDEX NO. 451625/2020

RECEIVED NYSCEF: 02/14/2023

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, ET AL.,

Defendants.

S

MOTION SEQUENCE NO. 43

<u>AFFIRMATION OF SVETLANA M. EISENBERG</u>

- 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").
 - 2. I am personally familiar with the facts set forth in this affirmation.
- 3. I submit this affirmation in further support of the NRA's motion for a sealing order, dated January 30, 2023 [NYSCEF 1135; Motion Sequence No. 43].
- 4. On January 23, 2023, the NRA filed a reply memorandum of law in support of its motion for review of certain decisions by the Special Master for Discovery [NYSCEF 1110]. The memorandum of law was accompanied by an affirmation of Noah B. Peters [NYSCEF 1111], which cited portions of depositions taken in this action.

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5. On January 30, 2023, the NRA filed its memorandum of law in support of its motion for a sealing order [NYSCEF 1135]. The memorandum of law was accompanied by an affirmation executed by me and dated January 30, 2023 [NYSCEF 1136].

- 6. Attached hereto are true and correct copies of the above-referenced reply affirmation of Mr. Peters and related exhibits filed under seal:
 - a. A true and correct copy of the Reply Affirmation of Noah Peters dated January 23, 2023 [NYSCEF 1111] is attached as **Exhibit 1**.
 - b. A true and correct copy of the Exhibit slip sheet for the first day of the NRA's corporate representative deposition, which took place on July 29, 2022, [NYSCEF 1112] is attached as **Exhibit 2**.
 - c. A true and correct copy of the Exhibit slip sheet for the second day of the NRA's corporate representative deposition, which took place on August 9, 2022, [NYSCEF 1113] is attached as **Exhibit 3**.
 - d. A true and correct copy of the Exhibit slip sheet for the third day of the NRA's corporate representative deposition, which took place on September 9, 2022, [NYSCEF 1114] is attached as Exhibit 4.
 - e. A true and correct copy of the Exhibit slip sheet for Sonya Rowling's deposition [NYSCEF 1116] is attached as **Exhibit 5**.
 - f. A true and correct copy of the Exhibit slip sheet for Charles Cotton's deposition [NYSCEF 1117] is attached as **Exhibit 6**.
 - g. A true and correct copy of the Exhibit slip sheet for David Coy's deposition [NYSCEF 1118] is attached as **Exhibit 7**.
 - h. A true and correct copy of the Exhibit slip sheet for Day 1 of Wayne LaPierre's deposition [NYSCEF 1119] is attached as **Exhibit 8**.

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i. A true and correct copy of the Exhibit slip sheet for Day 2 of Mr. LaPierre's

deposition [NYSCEF 1120] is attached as **Exhibit 9**.

j. A true and correct copy of the Exhibit slip sheet for John Frazer's deposition

[NYSCEF 1123] is attached as **Exhibit 10**.

k. A true and correct copy of the Exhibit slip sheet for Willes Lee's deposition

[NYSCEF 1124] is attached as **Exhibit 11**.

7. A true and correct copy of an email message from Assistant Attorney General William Wang

to me, dated March 17, 2022, is attached as Exhibit 12. In the email message, the NYAG

agrees not to challenge the NRA's designation of its settlement agreement with Ackerman

McQueen as confidential under the protective order in this action.

8. A true and correct copy of an email message from Ramon Hernandez, counsel for the NRA,

dated April 11, 2022, to the NYAG and other parties is attached as Exhibit 13. The email

message states that the NRA's agreement to produce its settlement agreement with Ackerman

to the NYAG and others is specifically premised on their agreement not to challenge the

confidentiality designation.

Dated: New York, New York

February 14, 2023

By: /s/ Svetlana M. Eisenberg

Svetlana M. Eisenberg

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