

# EXHIBIT “41”

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

IN RE: . Case No. 21-30085-HDH-11  
.  
NATIONAL RIFLE .  
ASSOCIATION OF AMERICA . Earle Cabell Federal Building  
and SEA GIRT LLC, . 1100 Commerce Street  
.  
Debtors. . Dallas, TX 75242-1496  
.  
April 21, 2021  
1:15 p.m.  
P.M. Session

TRANSCRIPT OF TRIAL  
BEFORE HONORABLE HARLIN DeWAYNE HALE  
UNITED STATES BANKRUPTCY COURT CHIEF JUDGE

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Proceedings recorded by electronic sound recording, transcript  
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King - Direct/Garman

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1 MR. GARMAN: Well, now you can hear me.

2 DIRECT EXAMINATION

3 BY MR. GARMAN:

4 Q Good afternoon, Mr. King.

5 A Good afternoon, sir.

6 Q At the outset, can you tell the Court where you're  
7 testifying from today?

8 A Yeah. I'm testifying from my office in East Greenbush,  
9 New York.

10 Q Thank you, sir. And could you give a brief introduction  
11 of yourself to the Court and the parties?

12 A Sure. My name is Tom King. I'm an NRA board member. I'm  
13 the executive director of the New York State Rifle and Pistol  
14 Association; happily married for 50 years but, more  
15 importantly, I'm a father and a grandfather who believes in the  
16 core American values and have raised my kids and my -- my  
17 grandkids in that manner.

18 Q Yes, sir. So, sir, how long have you been a member of the  
19 board of the NRA?

20 A Since approximately 2006.

21 Q And in that amount of time, how many board meetings do you  
22 think you've attended?

23 A Probably 43, 44. I've only missed one in my entire career  
24 on the NRA board.

25 Q Okay. And, sir, I'm going to do my best today to move our

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1 testimony along as quickly as possible. So my question is from  
2 a high level, can you tell me about the credentials of your  
3 fellow board members who sit on the board today?

4 A Well, let me see. There's 76 people. Many lawyers, many  
5 business professionals, many politicians, and many working --  
6 working people, all of whom, you know, have come to work  
7 voluntarily at the NRA because of their -- their beliefs in the  
8 Second Amendment.

9 Q And, sir, do the members of the board always agree?

10 A Wait a minute. There's -- there's 76 of them and -- and  
11 almost all of them are A-type personalities. I would say  
12 that's -- that's no, okay. But we always try -- we always try  
13 to resolve our differences and come out in -- in unity on a --  
14 on a situation or a vote.

15 Q And, sir, is it your experience -- well, strike that. Do  
16 you believe that the members exercise independent judgment?

17 MS. CONNELL: Objection; leading, Your Honor.

18 THE COURT: Sustained.

19 BY MR. GARMAN:

20 Q How do you understand the board members deliberate to the  
21 decisions they come to?

22 A Well, you know, there's -- at every board meeting, there's  
23 a minimum of five and usually a maximum of seven microphones  
24 set up around the room. And as we are discussing situations or  
25 motions, we are allowed in -- we're not allowed, we are asked

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1 to in an -- in an officious manner to rise to the microphones,  
2 identify ourselves, and state our position or state our  
3 question. So we are -- we are asked to do this at every  
4 meeting.

5 Q Yes, sir. So do you know Wayne LaPierre?

6 A Yes, I do.

7 Q And how long have you known him?

8 A I've known Wayne for, I don't know, approximately --  
9 approximately 40 years from -- no, 30 years from my -- my time  
10 working with the New York State Association and working with  
11 the Second Amendment. I've known him very well personally for  
12 the last 10 or 12 years.

13 Q And, sir, what is your opinion of Mr. LaPierre?

14 A He is probably the -- no, not probably. He -- he is the  
15 person who has brought the NRA from a million or a little bit  
16 less than a million members to 500 million-plus and to a five  
17 -- 500 million budget. He's an intelligent man. He's a smart  
18 man, a great speaker. And he's the leader that the NRA has  
19 needed over all of these years.

20 Q And what do you believe of Mr. LaPierre's judgment?

21 A Yeah, of course. Well, I -- I believe that he -- you  
22 know, he makes -- he makes the right decisions for the NRA at  
23 the right time.

24 Q Sir -- strike that. Sir, if you lost confidence in Mr.  
25 LaPierre as a board member, would you take steps to replace



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1 him?

2 A Yes, I would. You know, if -- no one -- no one is exempt  
3 from -- from breaking the rules or violating the bylaws. So,  
4 yeah, I -- yes, I would.

5 Q Sir, changing subjects -- well, strike that. Let me go  
6 back. Sir, what duties do you hold as a member of the National  
7 Rifle Association to that association?

8 A Let me see. I'm involved in about five or six committees,  
9 chairman of -- or chairman of the Silhouette Shooting  
10 Committee, on the Comp Rules Committee. I'm the vice-president  
11 of the NRA Foundation, and I'm a member of the trustees --  
12 board of trustees of the special -- I can't remember the exact  
13 name of it, but it's Whittington Center Trust.

14 Q And, sir, do you have an understanding as to what a  
15 fiduciary duty is?

16 A Of course. You know, I've worked in business all my life.  
17 I -- I understand exactly what a fiduciary duty is.

18 Q And as a board member, do you owe a fiduciary duty to the  
19 National Rifle Association?

20 A Certainly.

21 Q Okay. Changing subjects, sir, do you know Judge Phillip  
22 Journey?

23 A No, I have never met him. I've seen him on a couple of  
24 occasions. You know, he's only been to one board meeting that  
25 I'm aware of, and he kind of kept to himself.

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1 Q But you are acquainted with Judge Journey, correct?

2 A Yes. I think the first time I saw him was at the -- the  
3 NRA annual meeting in Indianapolis when there was some -- when  
4 this brouhaha with Wayne started at the -- at the members  
5 meeting. And he was the one who eventually called the --  
6 called the issue to a vote, and the approximately 10,000  
7 members there overwhelmingly voted for Wayne.

8 Q So let's step back and try and break that down a little  
9 bit. When you said "brouhaha," what were you referring to in  
10 Indiana?

11 A Well, you know, this -- that was -- that was shortly after  
12 a couple of stories broke about Wayne, the one that was in --  
13 oh, the -- the Bloomberg paper, Grace, and I think there was  
14 another one in -- in the Wall Street Journal or New York Times,  
15 I'm not sure which. But there was a group of dissidents who  
16 were from Pennsylvania area who started a movement to oust  
17 Wayne.

18 And it was led by -- by a couple of different people. One  
19 of them was a fellow by the name of Jeff Knox whose father was  
20 the leader of a -- of a similar situation back in 1995. And --

21 Q Okay. Yeah, okay, sir. So steer us back to the  
22 testimony. Was Mr. Journey involved in the process you were  
23 just referring to?

24 A Yes, he --

25 Q (Indiscernible) Judge Journey.

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1 A Yes, he was. He was -- he was discussing -- and I don't  
2 remember -- this was before he was on the board and I had never  
3 met him. And he -- he went up and he made a couple of points  
4 and --

5 MR. GRUBER: Objection; hearsay.

6 MS. CONNELL: Objection.

7 THE COURT: Response? Response --

8 MR. GARMAN: Your Honor, actually I believe that  
9 Judge Journey's statements would be a statement against his own  
10 interest. He's an adverse party to the debtors in these  
11 proceedings.

12 THE COURT: You know, this is so tricky with several  
13 parties not being precisely aligned. I'm going to let the  
14 witness testify.

15 You may answer the question, sir.

16 THE WITNESS: Thank you, sir.

17 He was -- he was participating in -- in the  
18 conversations, and it was becoming quite heated. And finally,  
19 he approached one of the microphones and called the question  
20 and asked for the -- the members present to vote and they  
21 voted. And out of the 10 -- out of the approximately 10,000  
22 people that were there, there were maybe -- maybe 80 that --  
23 that voted against Wayne and the NRA board of directors and the  
24 rest all voted in support of our positions and what were  
25 looking to do.

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1 BY MR. GARMAN:

2 Q So, sir, can you identify with more specificity the  
3 question that was posed to the members for a vote that day?

4 A I -- I can't -- I can't be exact about it. That was quite  
5 a while ago, but what it was was a -- they wanted -- they  
6 wanted a vote of lack of confidence for Wayne and the board of  
7 directors and to -- and to install a new CEO and possibly new  
8 -- new officers.

9 Q Yes, sir.

10 A And -- yes.

11 Q Yes, sir. And can you tell the Court and the parties what  
12 month and year this vote occurred in?

13 A It was April 2018.

14 Q And for clarity, what was the outcome of that vote?

15 A The members present overwhelmingly gave Wayne and the  
16 board of directors a vote of confidence. And out of the  
17 approximately 10,000 people that were there, I think that maybe  
18 80, 100 people voted in favor of ousting Wayne.

19 Q Sir, changing subjects again, are you familiar with a  
20 gentleman named Eric Schneiderman?

21 A Yes, I am.

22 Q And who is he?

23 A Eric Schneiderman was the former attorney general of the  
24 State of New York.

25 Q And do you know when his term as attorney general ended,

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1 approximately?

2 A Sometime either in late 2017 or early 2018.

3 Q Do you recall having a conversation with Attorney General  
4 Schneiderman about National Rifle Association toward the end of  
5 2017?

6 A Yes, I do. Mr. -- Mr. Schneiderman --

7 Q Sir? Sir, if it's okay, we can probably advance the  
8 process a little faster if you let me ask the questions and  
9 focus the testimony.

10 A Sure. Could you repeat the question? I'm sorry.

11 Q Actually, I think you've answered that question, Mr. King,  
12 so I'll ask the next one. At the time of that call, was Mr.  
13 Schneiderman the sitting attorney general for the State of New  
14 York?

15 A Yes, he was.

16 Q And who called who?

17 A He called me.

18 Q Okay. Now if you could discuss the content of that phone  
19 call for the Court and the parties?

20 A Mr. Schneiderman called to give me a heads-up that there  
21 were people that were investigating the -- that were going to  
22 be investigating the NRA. And he said to us that -- or he said  
23 to me that I should contact Wayne or asked me to contact Wayne  
24 and tell Wayne what was going on and ask him to prepare for the  
25 worst and that we should hire a New York City -- New York City-

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1 based attorney or a New York-state based --

2 Q And do you have an understanding as to what people

3 Attorney General Schneiderman was referring to in that call?

4 A Well, I asked him that -- I asked him that question, and

5 he said -- his response to me was is, Tom, you've been --

6 you've been around long enough to know who those people -- who

7 those people are. I don't have to tell you who they are.

8 Q And at the conclusion of that phone call, did you have an

9 opinion as to who those people were that he was referring to

10 with regard to an investigation of the National Rifle

11 Association?

12 MR. GRUBER: Objection; no foundation.

13 MS. CONNELL: Objection, Your Honor.

14 MR. GARMAN: I'm asking his opinion, Your Honor.

15 MR. GRUBER: No foundation.

16 MS. CONNELL: (Indiscernible), Your Honor.

17 THE COURT: Sustained.

18 BY MR. GARMAN:

19 Q So after receiving that phone call from Attorney General

20 Schneiderman, what did you do?

21 A I called Wayne LaPierre to inform him of the conversation.

22 Q And what did you tell Mr. LaPierre in that call?

23 A I reiterated what Attorney General Schneiderman had told

24 me and especially reinforced the -- the part about some

25 powerful people coming after us and that we should hire a New-

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1 York state-based attorney because of the unique not-for-profit  
2 laws in New York State.

3 Q And did, in fact, the National Rifle Association take  
4 action in response to Attorney General Schneiderman's warning?

5 A Yes, they did. They -- they immediately went out and  
6 looked for a law firm and they found one. And they started a  
7 program to -- to investigate all of the aspects of the NRA.

8 Q And what law firm was that, sir?

9 A That was the Brewer Law Firm.

10 Q Do you have direct experience interacting with the Brewer  
11 firm?

12 A Yes, I do.

13 Q Could you explain that experience to the Court?

14 A Yeah. I've supplied some information, have done some  
15 miscellaneous inquiries regarding -- regarding various laws and  
16 things that are going on in New York State. And he asked -- I  
17 was asked my opinion on -- on where the lawsuit should be  
18 filed, where I thought a lawsuit should be filed in New York  
19 State, and just general -- general -- general contact between  
20 an attorney and a client.

21 Q Sir, have you ever -- I'm sorry, strike that. Does the  
22 Brewer firm ever make presentations at board meetings?

23 A Yes, they do. They -- they make --

24 Q Sir, and how many of those presentations have you  
25 personally sat through?

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1 A I think I've sat through all of them. I've only missed  
2 one board meeting, and that was in early -- early January of  
3 2021 because I was quarantined. But I have hit every -- every  
4 briefing that the Brewer firm has given us.

5 Q And do you have an estimate as to how many briefings that  
6 would be?

7 MS. CONNELL: Objection, Your Honor; leading.

8 THE COURT: Overruled.

9 You may answer the question, sir.

10 THE WITNESS: I want to say five or six.

11 BY MR. GARMAN:

12 Q Okay. Sir, do you have knowledge as to how much the  
13 Brewer firm has been paid in professional compensation from the  
14 National Rifle Association?

15 A Yes, I do.

16 Q And what do you understand that amount to be?

17 A Around 54, 55 million dollars.

18 Q And does the level of compensation paid to the Brewer firm  
19 concern you in any way?

20 MS. CONNELL: Objection, Your Honor; foundation for  
21 this line of questioning.

22 THE COURT: Overruled.

23 THE WITNESS: No, it doesn't. It's -- it's a lot of  
24 money, but the -- the NRA is the last bastion of Second  
25 Amendment freedom and constitutionalism. What's it worth to



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1 protect the -- to protect the NRA? I don't know what that  
2 number is, but I'm willing to spend as much as we -- we need to  
3 to protect the NRA.

4 BY MR. GARMAN:

5 Q And do you have --

6 A (Indiscernible) members are, as well.

7 Q And, sir, do you have personal experience reviewing the  
8 work that the Brewer firm has done?

9 A Just through the -- through the briefs and -- and reading  
10 them. I'm an avid reader, and I -- I probably if I had it to  
11 do all over again would be an attorney so I -- I enjoy reading  
12 them. And, yes, in that -- in that way I do have -- I do have  
13 knowledge of the work that they have done.

14 Q And are you as a board member satisfied with the legal  
15 services provided by the Brewer firm?

16 A Yes, I am.

17 Q Do you, sir, have concerns over the level of influence the  
18 Brewer firm exerts over the National Rifle Association?

19 A No. I -- I -- you know, I don't think that they -- I  
20 really don't understand the question because I'm not aware  
21 other than legal advice given to the association what other  
22 influence they have.

23 Q Sir, were you personally present at the March 28th, 2021  
24 board meeting?

25 A Yes, I was.

King - Cross/Connell

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1 Q And where in the room were you sitting?

2 A I was sitting -- the board members sit alphabetically at  
3 tables that are lined up, and I was sitting next to a fellow by  
4 the name of David Keene and next to him was Mr. Journey.

5 Q So how far away were you sitting from Judge Journey?

6 A Twelve, fourteen feet.

7 Q Was -- are board members permitted to speak and ask  
8 questions during meetings?

9 A Yes. I mean that's -- that's what takes up most of the  
10 time of the board meetings is that there's always someone going  
11 up to the microphones to ask a question.

12 Q And does that process also exist in executive session?

13 A Yes, it does.

14 Q Was any board member stopped or prohibited from speaking  
15 to the board during the March 28th, 2021 meeting?

16 MS. CONNELL: Objection, Your Honor; leading.

17 THE COURT: Overruled.

18 THE WITNESS: No one was stopped from speaking.

19 BY MR. GARMAN:

20 Q And more specifically, was Judge Journey stopped from  
21 addressing the board during that meeting?

22 A Judge Journey never made -- never made an attempt to  
23 address the board at that meeting.

24 Q Do you, sir, support the NRA's Chapter 11 filing before  
25 this Court?

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1 A Yes, I do.

2 Q And why is that?

3 A You know, what I failed to mention earlier was the fact  
4 that I'm a life-long resident of New York State and I've lived  
5 in Albany for going on 50 years. And there's -- there's -- I  
6 understand what it's like to live in the belly of the beast,  
7 okay. And that's what this is, and I think that whatever it  
8 takes to sustain the NRA is what we should be doing.

9 THE COURT: I think, Mr. Garman, we ought to -- Mr.  
10 Garman, if the witness could -- and Mr. King, if you could just  
11 listen to the question and answer it, I think it'll go faster.  
12 Thank you.

13 THE WITNESS: Okay. I'm sorry, Your Honor.

14 THE COURT: It's okay.

15 MR. GARMAN: Your Honor? Your Honor, we won't be any  
16 faster. I'm done with my questioning.

17 THE COURT: Excellent. Thank you, Mr. Garman.

18 All right. Ms. Connell, you go next.

19 MS. CONNELL: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MS. CONNELL:

22 Q Mr. King, I'm Monica Connell from the New York State  
23 Attorney General's Office. I'm going to ask you some questions  
24 this afternoon if that's all right.

25 A I'm here. I guess it is.

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1 Q Thank you. So you agree that the mission of the NRA is  
2 very important, correct?

3 A Yes.

4 Q And you want the NRA to be able to achieve that mission,  
5 right?

6 A Yes, I do.

7 Q And the NRA's a not-for-profit corporation, right?

8 A Yes, it is.

9 Q And as a not-for-profit, you would agree that it should  
10 comply with laws applicable to not-for-profit corporations,  
11 right?

12 A Sure.

13 Q Okay. And the NRA has bylaws, right?

14 A Yes, they do.

15 Q And internal policies and procedures, correct?

16 A Correct.

17 Q And you agree that officers and directors of the NRA have  
18 to follow the organization's bylaws, correct?

19 A Correct.

20 Q And its policies and procedures, right?

21 A Right.

22 Q You talked -- I just want to go back. You talked a minute  
23 ago about a vote by some dissidents, is that right, at the 2019  
24 board meeting?

25 A Yeah, well, that's just -- you know, that's --

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1 Q It's a yes or no, sir. You mentioned dissidents at the  
2 board meeting?

3 A Yes, I did.

4 Q Okay. And by dissidents, that implies that they were  
5 expressing a different viewpoint than the majority; is that  
6 what you meant to say?

7 A No, that's not what I meant. I meant that there was a  
8 floor argument going on and that they were expressing their  
9 votes. I -- I did not mean dissidents in the method that you  
10 are using it right now.

11 Q So but you called them dissidents, right, sir?

12 A Yes, and I just explained that I didn't (indiscernible) --

13 Q And --

14 A -- that way.

15 Q Okay. So I'm just going to refer to them as dissidents  
16 for a second to talk about that group of people. They put  
17 something to a voice vote, right?

18 A Yes, they did.

19 Q And you said that you believe only about 70 or 80 people  
20 contradicted that voice vote, right? I mean voted in favor of  
21 what their proposition, right?

22 A I did.

23 Q Do you know of any retaliation that was taken against  
24 board members after that meeting?

25 A No, I don't know if there was any retaliation taken. I

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1 know there are people that have claimed that, but I don't know  
2 if there was any retaliation.

3 Q So you're not aware of board members who claim they  
4 weren't given committee assignments?

5 A Committee --

6 Q Does that sound accurate?

7 A Committee assignments change every year.

8 Q I'm asking whether you're aware that there were board  
9 members who claim that they were denied assignments to  
10 committees after voicing objections at the 2019 board meeting?

11 A That's a question I can't answer yes or no because the  
12 duties of the directors change every year, and every year there  
13 are different committees that people are --

14 MS. CONNELL: Your Honor, I object and move to  
15 strike.

16 THE COURT: Sustained.

17 Just answer the question as posed, Mr. King.

18 BY MS. CONNELL:

19 Q Mr. King, maybe I can make it easier for you. Board  
20 members ask -- can ask to be assigned to committees, correct?

21 A Yes.

22 Q And they can be assigned to committees on a yearly basis  
23 through assignments, correct?

24 A Yes.

25 Q And you're unaware that many -- that some board members

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1 claim that they were denied assignments to any committee after  
2 they voiced their opinions at the 2019 board meeting? You're  
3 unaware of that, correct?

4 A Yes, I am.

5 Q Okay. So I want to go now to your testimony regarding the  
6 call by former Attorney General Eric Schneiderman --

7 A Sure.

8 Q -- that you just testified to. You would occasionally  
9 speak to Mr. Schneiderman; is that accurate?

10 A Yes, over a period of a number of years.

11 Q And he didn't mention Attorney General James' name in that  
12 phone call, right?

13 A To the best of my knowledge, no, he did not.

14 Q Okay. And I think you said that you are an avid reader,  
15 correct?

16 A Yes.

17 Q And in another life you would have chosen to be a lawyer,  
18 right?

19 A Yes.

20 Q I think some of the people in this trial might dissuade  
21 you, but in any case, in your role as NYSRPA, you're the head  
22 of the New York State Rifle and Pistol Association, right?

23 A Yes.

24 Q And if I refer to that as NYSRPA, you'll know what I'm  
25 talking about, correct?

King - Cross/Connell

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1 A Absolutely.

2 Q Okay. You oversee a good amount of litigation; is that  
3 right?

4 A I'm -- I'm not sure I understand what you're -- what  
5 you're asking.

6 Q I'm asking, sir, whether -- I'm going to ask you whether  
7 you have read the complaint in the New York Attorney General  
8 action?

9 A Yes.

10 Q Okay. And you feel as a board member it would be  
11 important to know if NRA officers and employees are taking NRA  
12 money and using it for non-mission purposes, right?

13 A That is correct.

14 Q And -- or if they're using charitable funds for personal  
15 reasons, that would be important for the board to know, right?

16 A That would be important for the board to know, yes.

17 Q Or potentially jeopardizing the NRA's tax-exempt status,  
18 correct?

19 A Yes.

20 Q Okay. So you indicated that you were warned by Attorney  
21 General Schneiderman; is that correct?

22 A Yes. That is correct.

23 Q Okay. And you said, I believe, that you were asked by  
24 counsel for your opinion as to "where to file a lawsuit." What  
25 kind of lawsuit were you talking about?



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1 A It was a Second Amendment lawsuit. It had nothing to do  
2 with this -- it had nothing to do with this case.

3 Q Okay. And in regard to your reading of the New York  
4 Attorney General's complaint, did you yourself perform any  
5 investigation of the allegations therein?

6 A You know, of course. I looked into a number of them and  
7 the -- it was discussed at board meetings.

8 Q But did you yourself look at any of the facts and  
9 individually investigate them?

10 A No. That's -- that's what our -- that's what our auditors  
11 were doing.

12 MS. CONNELL: Your Honor, I move to strike everything  
13 after "no."

14 THE COURT: Sustained.

15 BY MS. CONNELL:

16 Q So let me ask you -- actually, if you could open New York  
17 State Attorney General Exhibit 107, please.

18 A Who me?

19 Q Yes. Can you pull it up, Mr. King?

20 A I don't have that here.

21 MR. GARMAN: Counsel, I'm going to admit I don't  
22 think I prepared the witness to open exhibits. We'll have to  
23 get them to him. I apologize. It slipped my mind.

24 MS. CONNELL: We could screen-share. Mr. Garman, I  
25 understand. I think we're all --

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1 MR. GARMAN: I'm really sorry about that.

2 MS. CONNELL: -- (indiscernible) timeline. No,  
3 completely understandable.

4 BY MS. CONNELL:

5 Q Before I ask you some specific questions about this, let  
6 me ask you something. Mr. King, do you believe that the  
7 Attorney General's complaint was brought purely for political  
8 purposes?

9 A Yes.

10 Q And you believe all the facts in that complaint are  
11 meritless?

12 A They're allegations. They're not facts.

13 Q Okay. And you believe all the allegations in that  
14 complaint lack merit; is that accurate?

15 A Yes.

16 Q Okay. So let's take a look at a couple of them. Can you  
17 look at, for example, paragraphs 169 and 170?

18 MS. CONNELL: If you can bring that up, Mr. Thompson?

19 BY MS. CONNELL:

20 Q If you could take a second to read this, Mr. King, I'd  
21 appreciate it. I understand it's hard to do on the screen.

22 A Yeah. I'm -- I'm doing that right now.

23 Just 169 or 170, as well?

24 Q Would you look at both, please, sir?

25 A Okay.

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1 Q Okay. So you know that the New York Attorney General as  
2 one of the many allegations in that complaint alleged that Mr.  
3 LaPierre used in this paragraph a particular yacht named  
4 "Illusions" and that he failed to disclose the use of this  
5 yacht in his conflict-of-interest forms. You're aware of those  
6 allegations; is that correct?

7 A Yes, I am.

8 Q And did you review Mr. LaPierre's answer to the New York  
9 Attorney General's complaint?

10 A Yes, I did.

11 MS. CONNELL: Okay. I would like to bring up that  
12 answer, Your Honor. This --

13 BY MS. CONNELL:

14 Q Well, before I do that, let me ask you. So you're aware  
15 that Mr. LaPierre admitted to using that yacht; is that  
16 correct?

17 A Yes, I am.

18 Q And that he admitted that that yacht was owned by someone  
19 who has a controlling interest in one of the NRA's larger  
20 vendors, correct?

21 A Yes, I am.

22 Q Okay. And also that he admitted he had failed to disclose  
23 the use of that yacht on mandatory conflict-of-interest  
24 disclosure forms; is that correct?

25 A I'm assuming that's the allegation that's made, so it is

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1 an allegation, yes.

2 Q So that's -- I didn't ask you if it was an allegation.

3 I'm asking you whether you know whether he admitted it, sir.

4 A No, I don't. The only way I know that is by what I'm  
5 reading.

6 MS. CONNELL: Okay. So, actually, I'd like to bring  
7 up Mr. LaPierre's answer, please, Stephen. Thank you.

8 BY MS. CONNELL:

9 Q And if you can look at paragraphs 169 to 170 of the  
10 answer.

11 MS. CONNELL: Your Honor, I would point out if we'd  
12 like Mr. Thompson to page down, this is a verified answer. At  
13 the top, it has the ECF stamp for electronic court filing in  
14 New York state courts. And at the very bottom, it has Mr.  
15 LaPierre's notarized signature. And I can have Mr. Thompson  
16 show that to the Court if you would like.

17 THE COURT: I can see it on the screen. Just keep  
18 using it.

19 MS. CONNELL: Sure.

20 So can you go to the bottom, Stephen? Could you show  
21 the notarized signature, please?

22 THE COURT: Just pull it down to the bottom, if you  
23 would.

24 MS. CONNELL: Go up some more.

25 THE COURT: Thank you.

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1 BY MS. CONNELL:

2 Q So you see, Mr. King, this is a verification by Mr.  
3 LaPierre; is that correct?

4 A That's correct.

5 Q And he says "I'm the named defendant in the above-  
6 captioned action. I have read the foregoing verified answer  
7 and the contents thereof. And the pleading is true to my  
8 knowledge except as to matters alleged on information and  
9 belief. And as to those matters, I believe them to be true."  
10 You see that, correct?

11 A Yes, I do.

12 Q And he signed it?

13 A Yep.

14 Q And it was notarized by Lisa Supernaugh; is that correct?

15 A Yes, it was.

16 MS. CONNELL: Okay. So if we could please go back up  
17 to paragraphs 169 and 170, please, Mr. Thompson.

18 Okay, thank you.

19 BY MS. CONNELL:

20 Q I think -- actually, I direct your attention to paragraph  
21 170, particularly, Mr. King. Do you see where Mr. LaPierre  
22 admits he has never disclosed the use of the boat in the  
23 Bahamas on the National Association of America financial  
24 disclosure questionnaires. And as he as an officer and ex-  
25 officio director of the National Rifle Association of America

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1 has submitted -- I'm sorry.

2 That he as an officer and ex-officio director of the  
3 National Rifle Association of America has submitted to the  
4 National Rifle Association of America annually and that  
5 Question 4 of that questionnaire asked -- and it goes on to  
6 include language of the questionnaire.

7 That language of the questionnaire -- I mean do you see  
8 paragraph 170, sir?

9 A Yes, I do.

10 Q And do you see what Mr. LaPierre admits that he had never  
11 previously disclosed these stays on a yacht?

12 A Yes, I do.

13 Q Okay. And did you know, sir, that Mr. LaPierre had not  
14 disclosed his apparent conflict of interest on the NRA's  
15 required conflict-of-interest forms?

16 A No, I did -- no, I did not and I -- it's -- and you used  
17 the word "apparent." And --

18 Q Excuse me. I --

19 MS. CONNELL: Your Honor, I would object and move to  
20 strike everything after "no, I did not."

21 THE COURT: Sustained.

22 BY MS. CONNELL:

23 Q I'd like to ask you are you aware of any allegations  
24 against Josh Powell in the NYAG complaint?

25 MR. GARMAN: Your Honor, I object to the scope of the

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1 question.

2 MS. CONNELL: Excuse me one second. Your Honor, I  
3 would move what we've been looking at, Mr. LaPierre's answer.  
4 I would ask that be marked as NY Exhibit 366 and moved into  
5 evidence.

6 MR. GARMAN: I'm sorry, Counsel. Is that an exhibit  
7 that's been produced to us or just what you showed on the  
8 screen?

9 MS. CONNELL: No. No, I'm sorry, Mr. Garman. This  
10 was produced only for impeachment purposes regarding Mr.  
11 LaPierre's character and this witness's knowledge of admissions  
12 in the allegations. Specifically, I think that this witness  
13 testified he felt all of the factual allegations in the  
14 complaint were false and that the motivation for the NYAG  
15 action was purely political.

16 MR. GARMAN: Your Honor, I object. I don't think any  
17 foundation for the admission of that exhibit was laid by this  
18 witness.

19 THE COURT: 366 is in. It's NY Attorney General.

20 (NYAG Exhibit 366 admitted into evidence)

21 MS. CONNELL: Thank you, Your Honor.

22 BY MS. CONNELL:

23 Q Do you know who Josh Powell is, Mr. King?

24 MR. GARMAN: Your Honor, I object as outside the  
25 scope of the examination.

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1 THE COURT: Response on that one?

2 MS. CONNELL: Your Honor, I'm going to tie this into  
3 Mr. Powell was hired by Mr. LaPierre and it goes to -- it's  
4 going to tie back into Mr. LaPierre's own conduct and whether  
5 he has the integrity that this witness testified about and  
6 whether the allegations in the complaint are false.

7 THE COURT: I'll carry the objection for now.

8 MS. CONNELL: Okay.

9 BY MS. CONNELL:

10 Q Are you aware -- I'm sorry, Mr. King, are you aware that  
11 --

12 MS. CONNELL: -- one second, Your Honor --

13 BY MS. CONNELL:

14 Q -- Mr. LaPierre in the New York Attorney General complaint  
15 -- the Attorney General alleges among other allegations that  
16 Mr. LaPierre had a "poison pill contract." You remember  
17 reading that, correct?

18 A Yes, I do.

19 Q Okay. And if you please look at Paragraphs 418 and 420 of  
20 the complaint.

21 If you look particularly at Paragraph 420, sir. Under the  
22 terms -- if you see, it says, "Under the terms of the LaPierre  
23 post-employment contract, if LaPierre retired or lost re-  
24 election in 2014, his annual compensation from the NRA would  
25 increase. In each amendment to LaPierre's post-employment



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1 contract, which extended the terms and the amount of  
2 compensation, the NRA was obligated to continue to pay LaPierre  
3 for years after he lost re-election or retired and at a rate  
4 higher than his compensation as Executive Vice President."

5 Do you see where it says that, sir?

6 A Yes, I do.

7 Q And Mr. LaPierre did in fact have such a contract, right?

8 A I don't know.

9 MS. CONNELL: I would ask Mr. Thompson if he can  
10 please bring up New York Attorney General Exhibit 331.

11 THE WITNESS: No, let me -- I wasn't aware of it is  
12 what I'm saying.

13 BY MS. CONNELL:

14 Q I understand. So to your knowledge -- well, to your  
15 knowledge, no such contract was ever presented to the whole  
16 board for approval. Is that correct?

17 A I don't know. I don't know the length of the contract,  
18 when it was issued. I don't know any of that, so I can't --

19 Q Well, sir, I'm going to show you what has been marked and  
20 admitted as New York Attorney General 331.

21 A Okay.

22 Q And Mr. Thompson will page through it at the speed you  
23 need so that you can review it.

24 Let me know when you'd like him to page down, please.

25 MR. GARMAN: Your Honor, I object unless this exhibit

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1 is being used for impeachment purposes.

2 THE COURT: Ms. Connell?

3 MR. GARMAN: It's a foundation -- it's a foundation  
4 objection.

5 MS. CONNELL: Your Honor --

6 THE COURT: Respond, Ms. Connell, on foundation.

7 MS. CONNELL: Your Honor, this contract was already  
8 admitted into evidence. This witness testified he believed all  
9 of the allegations in the New York State Attorney General's  
10 action were -- complaint were false. And I just read the  
11 allegations regarding the contract and here is the contract  
12 that was in fact admitted to by Mr. LaPierre admitted into  
13 evidence. It's impeachment, sir.

14 THE COURT: Overruled.

15 BY MS. CONNELL:

16 Q Should we page down, Mr. King?

17 A Hold on. I was listening.

18 Q I know it's hard to read, sir.

19 (Witness is reviewing exhibit)

20 A Page down.

21 (Witness is reviewing exhibit)

22 Page down.

23 (Witness is reviewing exhibit)

24 Okay.

25 Q So this contract, if you page down a little bit more,

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1 Mr. Thompson, you can see it was signed by Mr. LaPierre,  
2 correct?

3 A Yes.

4 Q And Wilson Phillips?

5 A Yes.

6 Q The former treasurer and CFO of the NRA, correct?

7 A Correct.

8 Q And Pete Brownell, the former president, correct?

9 A Correct.

10 Q And this contract, in fact, provides for Mr. LaPierre to  
11 get more than a million dollars per year after he had left the  
12 NRA for any reason, correct?

13 A But it -- yes, it does. But it also provides for him to  
14 continue services to the NRA. It's not -- it's not --

15 MS. CONNELL: Your Honor, I move to strike everything  
16 after "yes, it does."

17 THE COURT: Sustained.

18 BY MS. CONNELL:

19 Q And that contract continues for a number of years, right,  
20 Your Honor -- right, Mr. King, potentially into 2030, correct?

21 A According to this, yes.

22 Q Okay.

23 MS. CONNELL: One final exhibit and one final  
24 example, Your Honor.

25 BY MS. CONNELL:

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1 Q I would ask, Mr. King, are you aware of Woody Phillips  
2 being given a post-employment contract in 2018?

3 A I've heard of it, yes.

4 Q Okay. So if the Attorney General alleged in her complaint  
5 that Mr. Phillips was given a lucrative post-employment  
6 contract in 2018, that would be true, correct?

7 A Can't answer that question.

8 Q Okay.

9 MS. CONNELL: Can you please --

10 THE WITNESS: -- I haven't seen it.

11 MS. CONNELL: All right. Mr. Thompson, can you  
12 please bring up Paragraph 231 of Exhibit 8?

13 Oh, I'm sorry. Excuse me for one second. I meant  
14 the complaint. Yes, 107.

15 One second.

16 BY MS. CONNELL:

17 Q I'd like to go back to one issue, Mr. King. You testified  
18 that you had only missed one board meeting in your years as an  
19 NRA board member.

20 A Yes.

21 Q Is that correct? So you don't recall --

22 A Yes.

23 Q -- Mr. LaPierre's employment contract being voted on at  
24 any board meeting you were at. Is that correct?

25 A I don't recall. You know, this goes back a number of

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1 years. So I mean, maybe we voted on it. Maybe we didn't. I  
2 don't -- I don't remember.

3 Q Thank you, Mr. King.

4 So now, looking at Paragraph 231, sir, if you see where it  
5 says "In 2017, the NRA began to plan for Phillips' retirement  
6 and the introduction of his replacement. As ex-officio  
7 director, treasurer, and CFO, Phillips' compensation was  
8 required to be set by the NRA board or an authorized committee.  
9 He was not permitted to receive any additional compensation  
10 without specific board authorization. However, the NRA's  
11 president and first vice president gave Phillips a post-  
12 employment compensation benefit in the form of a consulting  
13 agreement without such authorization."

14 Do you see that allegation, sir?

15 A Yes, I do.

16 Q And then, in the next paragraph, it says "On May 5, 2018,  
17 while Phillips was still the treasurer of the NRA, Phillips  
18 entered into an independent consulting agreement to continue to  
19 be paid by the NRA following his retirement."

20 Do you see that, sir?

21 A Yes, I do.

22 MS. CONNELL: And if we could bring up Mr. Phillips'  
23 employment contract.

24 I'm sorry, one second, Your Honor. I just forgot the  
25 exhibit number to that.

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1 I apologize, Your Honor. One second. I should have  
2 had this ready.

3 THE COURT: It's okay.

4 MS. CONNELL: It's NYAG Exhibit 123, and we're going  
5 to screen share it for you, Mr. King.

6 This was admitted into evidence, Your Honor.

7 BY MS. CONNELL:

8 Q Do you see at the top where it says "This independent  
9 consulting agreement is made as of December 31, 2018" --

10 A Yes, I do.

11 Q -- "the effective date by and between the National Rifle  
12 Association of America." And it says further in that paragraph  
13 "and Wilson H. Phillips, Jr."?

14 A Yes, I do.

15 MS. CONNELL: And if you could page down. More,  
16 please, Stephen, at the -- Mr. Thompson, at the bottom, you'll  
17 see it's dated.

18 BY MS. CONNELL:

19 Q It's signed by Pete Brownell. Is that correct?

20 A Yes, it is.

21 MR. GARMAN: Your Honor, I'd like to lodge an  
22 objection. This exhibit is not being used to impeach the  
23 witness. This exhibit is attempting to be used for the  
24 accuracy of the allegation contained in the New York Attorney  
25 General's complaint. And to that extent, it's outside the

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1 scope of my examination.

2 THE COURT: Response.

3 MS. CONNELL: Your Honor, this is my last question on  
4 this line of questioning. And it is being used to impeach the  
5 witness because the witness had testified that all of the  
6 allegations in the NYAG complaint were meritless and without a  
7 factual basis. So I'm just selecting a handful to demonstrate  
8 that there is a factual basis. So I think we can close this  
9 line of questioning with this document, sir.

10 THE COURT: The document may be used for impeachment,  
11 but I think you need to move on after that.

12 MS. CONNELL: Yes, sir. Yes, Your Honor. Thank you.

13 BY MS. CONNELL:

14 Q Do you see this contract -- do you see the date of this  
15 contract, Mr. King?

16 A Yes, I do.

17 Q Okay. So, Mr. King, in fact, Mr. Phillips entered into a  
18 consulting agreement with the NRA. Is that correct?

19 MR. GARMAN: Objection, Your Honor.

20 THE WITNESS: (Indiscernible)

21 MR. GARMAN: Objection, Your Honor. Question lacks  
22 foundation as to this exhibit.

23 THE COURT: I think I'll sustain it. I think you can  
24 move on. I think you've made your point.

25 MS. CONNELL: Okay. Thank you, Your Honor.

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1 BY MS. CONNELL:

2 Q Mr. King, you're president of the NRA affiliate in New  
3 York, right? NYSRPA is the NRA affiliate?

4 A Yes.

5 Q And that is one of the largest NRA state affiliates,  
6 right?

7 A Yes, it is.

8 Q And do you maintain the website of NYSRPA?

9 A Yes, we do.

10 Q Okay. And you have stated on the website that you were  
11 told at one point that NYSRPA had surpassed Texas and  
12 California's state affiliates in size. Is that right?

13 A That was a number of years ago. Yes.

14 Q Right.

15 You are both the president of NYSRPA and the executive  
16 director, correct?

17 A Correct.

18 Q And you take a salary as executive director. Is that  
19 correct?

20 A Yes, I do.

21 Q Most leaders of state affiliates are volunteers. Isn't  
22 that accurate?

23 A Most are not as large as we are and all of the larger  
24 state associations have paid executive directors.

25 MS. CONNELL: Your Honor, I move to strike everything



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1 after he initially confirmed.

2 THE COURT: I'm going to overrule that.

3 MS. CONNELL: Okay.

4 BY MS. CONNELL:

5 Q So you were a volunteer until about 2015. Is that  
6 correct?

7 A Yeah, thereabouts.

8 Q Okay. And your salary of \$90,000 makes up almost a fourth  
9 of NYSRPA's expenses in a given year, correct?

10 MR. GARMAN: Your Honor, I object.

11 Your Honor, I object to this being outside the scope  
12 of my examination and I don't see how it's impeachment.

13 THE COURT: Response.

14 MS. CONNELL: Your Honor, what I'm going to try to  
15 establish here is that Mr. King benefits from receiving a  
16 salary and money from the NRA and is in fact a strong Wayne  
17 LaPierre supporter and benefits from that.

18 THE COURT: So what are you trying to show then,  
19 bias?

20 MS. CONNELL: Yes, Your Honor.

21 THE COURT: Overruled.

22 MS. CONNELL: It's only a few more questions, Your  
23 Honor. I don't want to belabor this point.

24 BY MS. CONNELL:

25 Q So I think I asked you, Mr. King, your \$90,000 a year

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1 salary makes up about a quarter of the expenses of NYSRPA in  
2 any given year, correct?

3 A Yeah. Yes, sometimes. Yes.

4 Q And the NRA provides money for fundraising to NYSRPA,  
5 correct?

6 A No.

7 Q Or they provide assistance, correct?

8 A No.

9 Q They don't provide services through a fundraising company?

10 A No. Not to me.

11 Q Not to you, but to NYSRPA.

12 A No. Not to NYSRPA, either.

13 Q Okay. You're an enthusiastic Wayne LaPierre supporter.  
14 Is that correct?

15 A Yes, I am.

16 Q You have -- the NYSRPA has a magazine called Bullet  
17 Magazine, right?

18 A That's true.

19 Q And Wayne LaPierre was one of its men of the year,  
20 correct?

21 A That's true.

22 Q And when we talked before about the brouhaha at the annual  
23 meeting in 2019, that involved in part a dispute between Oliver  
24 North and Wayne LaPierre, correct?

25 A Correct.

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1 Q And you filed an ethics complaint or a disciplinary  
2 complaint, excuse me, against Oliver North to have him removed  
3 as a member of the NRA, correct?

4 A Correct.

5 Q In February 2021, in your Bullet Magazine, you wrote an  
6 article about wanting to end the persecution of the NRA in New  
7 York, right?

8 A I think so. I've written a lot of articles over the  
9 years.

10 Q In here, you called New York the belly of the beast,  
11 correct?

12 A Yeah, that's probably true. I've used that on a number of  
13 occasions.

14 Q Does NYSRPA receive -- NYSRPA receives grants from the NRA  
15 Foundation doesn't it?

16 A We've received -- as far as I know in my tenure here, as  
17 far as I remember, we have received one grant from the NRA  
18 Foundation.

19 MS. CONNELL: Your Honor, if I have -- one second, I  
20 think I have one more question.

21 THE COURT: Okay. You can take one second.

22 MS. CONNELL: Your Honor, we're going to --

23 BY MS. CONNELL:

24 Q Mr. King, I would just like to ask you once again. It's  
25 your testimony today that NYSRPA does not receive fundraising

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1 assistance from the NRA. Is that correct?

2 A Yeah. To the best of my knowledge, that is in fact the  
3 case.

4 Q Okay.

5 And that --

6 One second. We're trying to screen share something with  
7 you, sir.

8 MS. CONNELL: Sir, if you can page to the top,  
9 please, Mr. Thompson.

10 BY MS. CONNELL:

11 Q Okay.

12 Mr. King, are you aware of the audit committee within the  
13 National Rifle Association?

14 A Certainly.

15 Q And have you ever reviewed reports of the National Rifle  
16 Association's audit committee?

17 A Yes.

18 Q And have you ever seen this report?

19 A I'm looking at it right now.

20 Could you page up?

21 Q Page up or down?

22 A Down. I'm sorry.

23 MS. CONNELL: Your Honor, this is NYAG Exhibit 60 if  
24 I didn't say that.

25 BY MS. CONNELL:

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1 Q And we can page down to the part that mentions NYSRPA,  
2 sir.

3 A Go ahead.

4 Q Sir, do you see under Roman Numeral IV?

5 MS. CONNELL: Well, first, Your Honor, I would ask  
6 that this exhibit be admitted.

7 Your Honor, I move for admission. I'm sorry. I  
8 said, sir.

9 THE COURT: I'm waiting for Mr. --

10 MR. GARMAN: One second, Your Honor.

11 THE COURT: I'm waiting for Mr. Garman.

12 MS. CONNELL: Yes.

13 MR. GARMAN: Counsel, if you'll represent it's  
14 complete, I have no objection. I just haven't looked at it all  
15 the way through.

16 MS. CONNELL: I will so represent.

17 MR. GARMAN: No objection, Your Honor.

18 THE COURT: Based on that representation, NYAG 60 is  
19 in.

20 (NYAG Exhibit 60 admitted to evidence)

21 MS. CONNELL: Thank you, Your Honor.

22 BY MS. CONNELL:

23 Q Mr. King, do you see where it was resolved that the  
24 proposed transaction giving NYSRPA assistance in terms of  
25 fundraising was approved by the audit committee?

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1 A Yeah, but it never happened.

2 Q What didn't happen, sir?

3 A I don't know. It just -- it never happened.

4 Q Okay.

5 MS. CONNELL: I have no further questions, Your  
6 Honor. Thank you.

7 Thank you, Mr. King.

8 THE WITNESS: You're welcome, ma'am.

9 THE COURT: Mr. Gruber?

10 MR. GRUBER: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. GRUBER:

13 Q Mr. King, my name is Mike Gruber. I represent AMc.

14 You're familiar with the initials?

15 A Yes, I am.

16 Q All right.

17 Let's see if we can clear one thing up real quick. First  
18 of all, let me ask you if you can be as specific as you can  
19 about when you received the telephone call from  
20 Mr. Schneiderman?

21 A No, I have been as specific as I can be. I don't -- I  
22 don't know -- I don't know the date. That was a long time ago.

23 Q Do you recall what year it was in?

24 A Yeah, I stated that. 2017.

25 Q Okay.

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1 Did you recall initially that the NRA didn't hire the  
2 Brewer law firm to assist it with compliance and other issues  
3 with the New York Attorney General, it hired the law firm of  
4 Morgan Lewis?

5 A No, I was not aware of that.

6 Q Okay.

7 Would you dispute that if I stated it? I'm sure counsel  
8 will say something if they disagree with that.

9 A I can't agree or disagree. I don't know.

10 Q Okay.

11 And are you aware that Mr. Brewer's law firm wasn't hired  
12 until March of 2018?

13 A Yeah, that sounds about right. Yes.

14 Q Okay.

15 And your call was in 2017, correct?

16 A Yes.

17 Q Okay.

18 You said you agreed both that you think highly of  
19 Mr. LaPierre's judgment, I believe, and also of the work that  
20 the Brewer law firm does. Is that correct?

21 A That's correct.

22 Q But will you acknowledge that after several years, you're  
23 still being investigated by the New York Attorney General and  
24 the NRA is in bankruptcy?

25 A Yes.

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1 Q Can I ask you, why is the NRA in bankruptcy? You said you  
2 approved of it. Why are they in bankruptcy?

3 A That's a question I can't answer. It was to protect us  
4 from the creditors. It was to give us a chance to reorganize.

5 Q Are you aware that actual creditors, I believe, have taken  
6 out pension responsibilities or whatever which are kind of pay  
7 as they go, that there's only approximately \$14,000 -- I mean,  
8 I'm sorry -- \$14 million worth of creditors?

9 MR. GARMAN: Objection. Objection, Your Honor.  
10 Foundation. Assumes facts not in evidence, and I also believe  
11 it's outside the scope of the direct.

12 THE COURT: Response on that.

13 MR. GRUBER: Your Honor, he said he approved of the  
14 bankruptcy and it also goes to the capabilities of the Brewer  
15 firm and to Mr. LaPierre's judgment. And I'd like for a board  
16 member to tell me why they went into bankruptcy because, quite  
17 honestly, we're not sure.

18 MR. GARMAN: Your Honor, I would like to respond if I  
19 may.

20 THE COURT: You may.

21 MR. GARMAN: Sir, if counsel would like a board  
22 member to respond to their questions, they're free to call in  
23 their case-in-chief that's now over any board member they wish.  
24 There were no trial subpoenas that I refused and for the  
25 avoidance of doubt, it's very important that he did not say he



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1 approved the filing of the Chapter 11 case. I asked him a very  
2 specific question, which was whether you support the NRA's  
3 filing. I didn't open the door to the filing of this case and  
4 this witness's input in that process.

5 THE COURT: I think I'm going to sustain the  
6 objection.

7 MR. GRUBER: All right.

8 BY MR. GRUBER:

9 Q Do you believe that the -- you talked in detail about the  
10 Attorney General. Do you believe that the Attorney General of  
11 the State of New York is somehow harming the NRA at this time?

12 A Yes.

13 Q Okay. And how is that happening?

14 A Because of the -- because of the lawsuits and because of  
15 the public opinion, it has started questions among members who  
16 are otherwise loyal supporters and has detracted from our  
17 business of educating and training and our political action.

18 Q And would you agree that it all comes down to if there is  
19 a reason that the New York Attorney General has for  
20 investigating, then it's not their fault they're having to  
21 investigate. Would you agree with that?

22 MR. GARMAN: Objection. Vague and ambiguous  
23 question, Your Honor.

24 THE COURT: I sustain the --

25 THE WITNESS: I understand that --

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1 THE COURT: I sustain the objection.

2 MR. GRUBER: All right.

3 THE COURT: Restate it.

4 MR. GRUBER: Okay.

5 BY MR. GRUBER:

6 Q Okay. So the fact that you're being investigated can be  
7 due to ill will by the New York Attorney General. You would  
8 agree that's one possibility, correct?

9 A Certainly.

10 Q Or, it can also be that the New York Attorney General is  
11 seeking compliance which it has not been able to obtain from  
12 the NRA thus far. Would that be another possibility?

13 A I would assume so, but I don't know.

14 Q Okay. Were you at the January 7th board meeting of the  
15 NRA?

16 A No, I was not. I was -- I was -- that was the one meeting  
17 I missed. I was quarantined with COVID.

18 Q I'm sorry to hear that.

19 Can you just tell me whether you knew about the bankruptcy  
20 filing potentially happening before it had actually made the  
21 news media?

22 MR. GARMAN: Your Honor, object -- I withdraw the  
23 objection.

24 THE WITNESS: I was -- no I don't, but the reason for  
25 that was I was sick. I was in quarantine. And I was very,

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1 very sick, and I didn't know anything that was going on around  
2 me.

3 BY MR. GRUBER:

4 Q Okay.

5 But just to be clear, prior to the bankruptcy filing, you  
6 didn't know it was going to happen. Is that correct?

7 A I was out of the loop.

8 Q Okay.

9 MR. GRUBER: Pardon the silence, but I'm skipping a  
10 whole lot of stuff.

11 THE COURT: Thank you.

12 MR. GRUBER: Your Honor, I don't think I have any  
13 other questions of this witness.

14 THE COURT: Thank you, Mr. Gruber.

15 MR. GRUBER: I'll pass the witness at this time.

16 Thank you, Mr. King.

17 THE WITNESS: Thank you, sir.

18 THE COURT: Mr. Journey's attorneys. I'm not sure  
19 which attorney is going to cross him.

20 Mr. Watson or Mr. Taylor?

21 MR. TAYLOR: (No audible response)

22 MR. WATSON: Your Honor, Mr. Taylor is here, but we  
23 can't hear him.

24 MR. TAYLOR: (No audible response)

25 MR. WATSON: We can't hear you.

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1 THE COURT: We don't show him on mute, either.

2 MR. GARMAN: I feel very sympathetic to this spot  
3 today.

4 MR. WATSON: We still can't hear you.

5 THE COURT: Is he on mute now?

6 He's not on mute, but we can't hear him.

7 MS. CONNELL: Maybe you could sign in and sign back  
8 out, Mr. Taylor.

9 THE COURT: Yeah. Could we go to Mr. Drake while  
10 Mr. Taylor is trying to fix his problem? Mr. Watson, are you  
11 okay with that?

12 MR. WATSON: Yes, Your Honor. That's fine. Thank  
13 you.

14 THE COURT: Okay. Mr. Drake, slightly out of order.  
15 Would you go ahead and examine Mr. King next?

16 MR. DRAKE: Your Honor, I don't mind at all the out  
17 of order, but unfortunately, it won't help the problem because  
18 we actually don't have any questions for this witness. So  
19 hopefully, the Court appreciates the efficiency, but I didn't  
20 do anything to help Mr. Taylor's problem.

21 THE COURT: I appreciate the help and I know that  
22 you're being uncooperative, Mr. Drake, all right.

23 All right. Mr. King, let's just stand by a second  
24 for Judge Journey's attorney to see if he can get his machine  
25 operating.

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1 THE WITNESS: Okay.

2 MR. TAYLOR: Your Honor, and parties, can you hear me  
3 now?

4 THE COURT: I can.

5 Mr. King, can you hear the lawyer?

6 THE WITNESS: Yes, I can.

7 THE COURT: Okay.

8 Mr. Taylor.

9 MR. TAYLOR: Thank you very much. Sorry for the  
10 technical difficulties. Apparently, signing in and out does  
11 work sometimes.

12 CROSS-EXAMINATION

13 BY MR. TAYLOR:

14 Q Mr. King, do I understand your testimony to be that board  
15 members are allowed to speak freely with dissident opinions at  
16 board meetings and committee meetings?

17 A Yes, they are. I do it all the time.

18 Q Okay. And is your testimony that there is no punitive  
19 actions taken against them if they express those dissident  
20 opinions?

21 A I have not seen any action taken against anybody who has  
22 expressed an opinion at a board meeting or a committee meeting.

23 Q And it's your testimony that --

24 A I can't hear you.

25 Q Is it your testimony that the nominating committee will

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1 put up board members who express dissident opinions for future  
2 elections?

3 A I don't know because the committee -- the nominating  
4 committees are done in executive sessions, so I'm not privy to  
5 that.

6 Q Okay. Is it your testimony that committee assignments are  
7 not taken away from people that express dissident opinions?

8 A I don't know. And the only thing I have to go by is my  
9 personal experience. I have many times expressed dissident  
10 positions, and I have never had one taken away from me. I have  
11 been -- I have been moved to different committees, but all the  
12 committees at the NRA are equally important. They all -- they  
13 all perform a role.

14 Q Is it your testimony that Judge Journey was not shouted  
15 down at the March 28th, '21, meeting?

16 A No, he wasn't. He was not shouted down. There was a  
17 board member who got up and spoke her opinion and that was it.  
18 He was not shouted down. He never -- he never got up to make a  
19 statement at the March board meeting --

20 Q So --

21 A -- during the executive session when we were discussing  
22 all of this.

23 Q And it's your testimony he never attempted to?

24 A He never attempted to. He spoke after we went out of  
25 executive session and nobody shouted him down.

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1 Q If Judge Journey testified to the opposite of that effect,  
2 you take the position that that is false. Is that correct?

3 A Well, the only thing -- I'm not going to not going to --

4 MR. TAYLOR: That's a yes or no question, Your Honor.

5 THE WITNESS: I can't answer that yes or no.

6 Read the minutes of the --

7 MR. TAYLOR: Your Honor, I would like to ask for an  
8 instruction to get the witness to answer the question. It is  
9 clearly a yes or no question.

10 THE COURT: And is the problem with the question,  
11 Mr. King, the word false. Is that what is hanging you up?

12 THE WITNESS: Yes, it is.

13 THE COURT: Would you just restate the question,  
14 then. I'll instruct him to answer the question.

15 BY MR. TAYLOR:

16 Q If Judge Journey testified that he was shouted down at the  
17 meeting, you believe that to be incorrect. Is that your  
18 testimony? Yes or no.

19 A I believe that to be incorrect.

20 Q If Buz Mills testified that Judge Journey was shouted down  
21 at the March 28 meeting, it's your opinion that that is  
22 incorrect? Yes or no.

23 A Yes, I do believe that is incorrect.

24 Q If Rocky Marshall testified to the same effect, do you  
25 take the same position?

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1 A Yes, I do.

2 Q If Esther Schneider testified to this Court that committee  
3 member assignments were regularly taken away for those that  
4 expressed dissident opinion, you are telling this Court that  
5 that is false. Is that correct?

6 A In my experience, it's false. I have no idea what Esther  
7 is talking about.

8 Q Okay. Let's move on to the next subject.

9 I believe you testified that the New York Attorney General  
10 action is causing questions amongst the public and members of  
11 the NRA. Is that correct?

12 A That's correct.

13 Q So therefore, what do you think should be done to clear up  
14 those questions?

15 A Well, I think that they've already been answered. And at  
16 the board meeting in Indianapolis and at the members meeting in  
17 Indianapolis, the members decided the issue. And in the board  
18 meeting at Indianapolis, the people who were -- the board  
19 members who were speaking against Wayne and the rest of the  
20 board were allowed to give their positions.

21 We spent probably, I want to say at least three hours, and  
22 when it came to a vote, only one of them voted against Wayne.  
23 Only one of the people who were standing up and complaining  
24 about how bad things were voted against Wayne in the board as  
25 it is now set up.



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1 Q And that's very interesting to me how you answer that  
2 question because my question was, do you believe that the  
3 questions regarding improprieties have been cleared up? But  
4 you answered the question whether Wayne was voted for or  
5 against. How does that answer the question?

6 MR. GARMAN: Your Honor, I object. I think he  
7 misstates his prior question.

8 THE COURT: Restate your question.

9 MR. GARMAN: His question was what do you think  
10 should -- I'm sorry. The question was what do you think should  
11 be done to clear up those questions, Your Honor.

12 THE COURT: Restate your question. Sustained.

13 BY MR. TAYLOR:

14 Q So Mr. King, why did you take my question regarding what  
15 should be done to clear up the questions amongst the public and  
16 members and equate that to a vote for or against Wayne  
17 LaPierre? How do those two things equate? Just explain it to  
18 me and the Court. I'm not following.

19 A Because -- how they equate is that's what the point of the  
20 investigation and the attacks had been against Wayne then the  
21 NRA. And the members of the association who were president --  
22 who were present at the annual meeting voted that they were  
23 happy with the ways things were going and we should continue  
24 the course. And then it was brought up in the board meeting.

25 And the same thing happened and the point of my answer is

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1 is that it was already handled. We had taken care of -- the  
2 members had spoken, the board spoke, and the committee -- the  
3 audit committee and the independent auditors are all doing  
4 their job and everything has been addressed.

5 Q Thank you, Mr. King.

6 What about the allegations against Woody Phillips, though?  
7 That's not against Wayne, is it?

8 A No, and --

9 MR. GARMAN: Hold on. Objection, Your Honor.  
10 Outside the scope of my examination.

11 THE COURT: Overruled.

12 You may answer the question, sir.

13 THE WITNESS: Well, you know, no it isn't directly.  
14 But as the way the people look at this, Wayne is responsible  
15 for the every day activities, so then, yes, it is. It's  
16 against -- and it's against the board of directors and it's  
17 accusing us of failure to perform our fiduciary duties.

18 BY MR. TAYLOR:

19 Q What about the allegations of improprieties with various  
20 vendors, including, but not limited to, Ackerman McQueen and  
21 the MMP and the parties who supply the yacht?

22 A I don't understand what the question. What are you asking  
23 me?

24 Q Okay. Those allegations aren't against Wayne directly.  
25 Those are against Ackerman McQueen and MMP, correct?

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1 A I don't know. I can't answer that question. I don't  
2 know.

3 Q Okay. So it's your testimony that no further  
4 investigation needs to be done?

5 A Yes, that's my testimony.

6 Q Okay. And it's your testimony that there's no confusion  
7 amongst the membership regarding the propriety of various  
8 payments made to Mr. LaPierre or others?

9 A The only -- the only confusion there is is the false  
10 statements that are being perpetuated by some of the mainstream  
11 media.

12 Q And is it your testimony that members of the public are  
13 not confused and concerned by this and therefore scared or  
14 otherwise not willing to make donations to NRA because of such  
15 allegations?

16 MR. GARMAN: Your Honor, I have objection. Your  
17 Honor, I believe that the question is one, outside the scope.  
18 But two, it's very argumentative.

19 THE COURT: Want to restate on argumentative. I  
20 think he can use this line of questioning to impeach some  
21 earlier testimony. So restate your question.

22 MR. TAYLOR: Certainly, Your Honor.

23 BY MR. TAYLOR:

24 Q Mr. King, do you have any concern that members of the  
25 public might be reticent to give their hard earned dollars to

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1 the NRA because of the allegations that are floating around  
2 both in the media and because of the New York Attorney  
3 General's complaint?

4 A No, I don't. I think it could be, but I don't think that  
5 it is because NRA membership has been growing. It's highest  
6 levels that it's been at this time of year in its history.

7 Q Okay.

8 Thank you, Mr. King.

9 MR. TAYLOR: And thank you to the Court for your  
10 time. I have no further questions.

11 THE COURT: Thank you.

12 Mr. Garman?

13 MR. GARMAN: No, sir. I have no redirect.

14 THE COURT: Thank you.

15 Mr. King, a rule of evidence has been invoked. So  
16 from this point until I've ruled, which will be a week or so  
17 after the hearing has ended, don't speak with anyone about your  
18 testimony. Do you understand that?

19 THE WITNESS: Yes, I do, Your Honor.

20 THE COURT: But let me just ask for the record. Does  
21 anybody intend to call Mr. King back as a witness?

22 (No audible response)

23 THE COURT: All right. Hearing --

24 MS. CONNELL: No, AG does not, Your Honor.

25 THE COURT: Thank you. Thank you.

1           Hearing none on that, you're welcome to watch the  
2 rest of the trial if you want to and I'll release you from that  
3 part of the rule.

4           THE WITNESS: Thank you, Your Honor.

5           THE COURT: Thank you for making yourself available  
6 to us.

7           Mr. Garman, who is your next witness?

8           MR. GARMAN: As indicated this morning, Your Honor,  
9 it will be Mr. Erstling who for reference is one of our whistle  
10 blowers. Mr. Erstling is in fact in the building with us so we  
11 would need a few minutes to set up the witness room but are  
12 ready to proceed.

13          THE COURT: All right. Why don't we take a little  
14 bit longer recess and then we'll come back and start his  
15 testimony. All right.

16          We'll be in recess for around 10 minutes or so.

17          Thank you.

18          (Recess from 4:25 p.m. until 4:37 p.m.)

19          THE COURT: Everybody ready to go back on the record?

20          MR. KATHMAN: Your Honor, before we start, I was  
21 wondering if just by way of housekeeping if we could  
22 potentially get the NRA's witnesses for tomorrow, who they  
23 think their next witnesses are going to be?

24          MR. GARMAN: So I'm not sure I can tell you that  
25 right now, but during the testimony, I will endeavor to do my

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1 MR. MASON: Absolutely. I'll let you know, Your  
2 Honor.

3 THE COURT: Okay. You all have a nice night. I'll  
4 see you at 8:00 o'clock tomorrow morning.

5 (Whereupon, at 6:06 p.m., the trial in the above-  
6 entitled matter adjourned.)

7 **C E R T I F I C A T I O N**

8 We, KAREN HARTMANN, DIPTI PATEL, KAREN WATSON AND  
9 ELIZABETH REID-GRIGSBY, court approved transcribers, certify  
10 that the foregoing is a correct transcript from the official  
11 electronic sound recording of the proceedings in the  
12 above-entitled matter, and to the best of my ability.

13  
14 /s/ Karen Hartmann

15 KAREN HARTMANN

16  
17 /s/ Dipti Patel

18 DIPTI PATEL

19  
20 /s/ Karen K. Watson

21 KAREN K. WATSON

22  
23 /s/ Elizabeth Reid-Grigsby

24 ELIZABETH REID-GRIGSBY

25 J&J COURT TRANSCRIBERS, INC.

DATE: April 22, 2021