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February 17, 2023

**VIA NYSCEF and EMAIL**

Honorable Joel M. Cohen  
Justice of the Supreme Court of the State of New York State  
Commercial Division, New York County  
60 Centre Street  
New York, NY 10007

**Re: *People of the State of New York v. The National Rifle Association of America, et al.,*  
Index No. 451625/2020**

Dear Justice Cohen:

On behalf of the Plaintiff, the People of the State of New York, the Office of the Attorney General of the State of New York ("OAG") respectfully writes in regard to the briefing schedule for motions directed at experts. Such motions are currently due on March 3, 2023 and the Plaintiff, with the consent of two of the defendants, requests a modest extension of the due date to March 24, 2023.

By way of background, in the Fifth Revised Scheduling Order (NYSCEF 829), as in previous scheduling orders, the deadline for filing motions directed at experts ("Expert Motions") was the same as that for filing motions for summary judgment ("SJ Motions"). On January 30, 2023, the parties stipulated and the Court ordered that the briefing schedule for certain motions would be extended and that the SJ and Expert Motions be staggered, with SJ Motions due on February 10, 2023 and Expert Motions due on March 3, 2023 (NYSCEF 1133).

On February 10th, Plaintiff and Defendants Joshua Powell and Wilson Phillips filed dispositive motions. All parties agreed to, and the Court endorsed, a briefing schedule for those motions (NYSCEF 1253). Under this schedule, the parties will be submitting opposition and reply papers on March 6 and 27, 2023, respectively, with the motions returnable on March 28, 2023. None of the motions depend on a determination of the admissibility of expert testimony.

The parties, collectively, have named twelve expert witnesses, so there potentially may be considerable motion practice directed at the experts. Given the demands of the briefing schedule for SJ motions, Plaintiff asked the parties to consent to extend the March 3rd deadline for Expert Motions. Defendants Powell and Phillips consented, with Phillips asking that it be extended to March 24th. Defendants NRA, LaPierre and Frazer declined to consent without

explanation. The modest extension being requested will not affect any other court deadlines. The Court has not yet set a trial date.

Given that the briefing schedule for the SJ motions is now resolved, and that that briefing schedule overlaps substantially with the due date for the Expert Motions, Plaintiff respectfully asks that the date for the Expert Motions be moved from March 3, 2023 to March 24, 2023. If the extension is approved, we are prepared to negotiate a proposed briefing schedule with the parties.

We thank the Court for its attention to these matters.

Respectfully,

*/s/ Monica Connell*

Monica Connell

Assistant Attorney General

cc: All Counsel of Record