

Exhibit G



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June 7, 2022

VIA EMAIL

Hon. O. Peter Sherwood, Special Master
360 Lexington Avenue
New York, NY 10017
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Re: *People of the State of New York, by Letitia James, Attorney General of the State of New York v. The National Rifle Association of America, Inc. et al.*, Index No. 451625/2020

Dear Judge Sherwood:

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 submits this letter in opposition to identical applications by the National Rifle Association of America ("NRA") and Wayne LaPierre for an order compelling the Plaintiff to prepare a disclosure pursuant to the recently amended Rule 11 of the Rules of the Commercial Division.

The NRA and Mr. LaPierre seek to invoke Rule 11(a) & (b), which provide:

(a) The court *may* direct plaintiff to produce a document stating clearly and concisely the issues in the case *prior to the preliminary conference*. If there are counterclaims, the court may direct the party asserting such counterclaims to produce a document stating clearly and concisely the issues asserted in the counterclaims. The court may also direct plaintiff and counterclaim plaintiff to each produce a document stating each of the elements in the causes of action at issue and the facts needed to establish their case.

(b) The court *may* further direct, if a defendant filed a motion to dismiss and the court dismissed some but not all of the causes of action, plaintiff and counterclaim plaintiff to revisit the documents to again state, clearly and concisely, the issues remaining in the case, the elements of each cause of action and the facts needed to establish their case.

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(emphasis added)

The NRA's and Mr. LaPierre's applications should be denied because the early case disclosure process, which is available at the Court's discretion pursuant to amended Rule 11(a) and (b), is unnecessary and will serve no legitimate purpose at this late stage of the fact discovery process. The purpose of the amendments to Rule 11, as the NRA has acknowledged in its application, is to

allow[] the court to direct early case assessment disclosures and analysis prior to and after the preliminary conference. The goal of these recommendations is to *streamline the discovery process* so that discovery is aligned with the needs of a case and not a search for each and every possible fact in the case.

See Memorandum to the Administrative Board of the Courts from the Commercial Division Advisory Council, dated June 30, 2021, at p. 2 (emphasis added) (attached hereto as Exhibit A).

This case was commenced nearly two years ago and the NRA and Mr. LaPierre are fully familiar with the issues in the case and the elements of the Plaintiff's operative claims. First, Plaintiff's claims are fleshed out in detail in a long and highly particularized pleading. Second, the NRA and Mr. LaPierre have each made three motions to dismiss the Plaintiff's claims – the most recent dismissal motions were filed last night. These motions closely examined and fully briefed the elements of and issues presented by the Plaintiff's claims. Third, the preliminary conference relating to the Plaintiff's claims was held on March 9, 2021, more than a year ago. The discovery plan was put in place then, and has since been revisited and revised in two subsequent pretrial scheduling orders. See NYSCEF Nos. 330, 463, 607.

Discovery has been ongoing since then, with the exchange of document requests and the production of documents by all parties. There has been substantial motion practice over the discovery, which led to the appointment of a discovery Special Master. Through the discovery process over the last 16 months, the NRA and Mr. LaPierre have raised any concerns they had regarding discovery relating to the Plaintiff's claims through objections, efforts to meet and confer and, where a resolution was not reached, applications to the Court and to the Special Master. There are 22 days left in fact discovery in this case, with depositions scheduled on almost every day. There is no legitimate need, at this juncture of the litigation, for the Plaintiff to be directed to issue a statement of the issues in the case.

In light of the foregoing, it is respectfully submitted that the applications by the NRA and Mr. LaPierre for a statement pursuant to amended Rule 11 from the Plaintiff should be denied in their entirety.

Respectfully,

/s/ Monica Connell

Monica Connell

Assistant Attorney General

cc: All Counsel of Record