FILED: NEW YORK COUNTY CLERK 03/14/2023 06:53 PM INDEX NO. 451625/2020

NYSCEF DOC. NO. 1437

RECEIVED NYSCEF: 03/14/2023

Exhibit I

INDEX NO. 451625/2020

RECEIVED NYSCEF: 03/14/2023

 From:
 Svetlana Eisenberg

 To:
 Sarah Rogers

 Subject:
 3 of 3

Date: Tuesday, February 14, 2023 3:25:58 PM

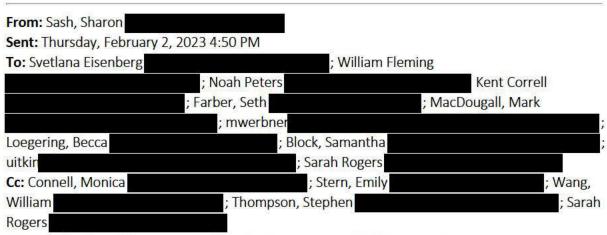
Svetlana M. Eisenberg | Partner Brewer, Attorneys & Counselors 750 Lexington Avenue, 14th Floor New York, New York 10022

w

www.brewerattorneys.com

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Subject: RE: NYAG's Responses to NRA's Interrogatories - Meet and Confer

Svetlana,

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RECEIVED NYSCEF: 03/14/2023

In response to your letter of February 1, 2023, we reject the assertion that Plaintiff's Responses and Objections to Interrogatories 1, 2, and 8, as supplemented by our email of December 9, 2022, are not robust and complete. Notwithstanding that, because our email of December 17, 2022 stated that we would "provide a list of the actions that Plaintiff contends are violations of legally mandated protections for whistleblowers", we will further supplement our response to Interrogatory No. 2 by removing the words "*in a variety of ways, including*" in the list of whistleblower violations already set forth therein. Plaintiff does not intend to further supplement its responses. Plaintiff reserves the right to introduce any evidence for impeachment or rebuttal purposes.

Sharon



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From: Sash, Sharon			
Sent: Monday, January 2	3, 2023 5:04 PM		
To: Svetlana Eisenberg	; William Fleming		
e	; Noah Peters	Kent Corre	Al .
	; Farber, Seth	; MacDougall, Mark	Š
a.	; mwerbner		
Loegering, Becca	; Block, Samantha		
uitkin	Sarah	Rogers	
Cc: Connell, Monica	Ste	ern, Emily	; Wang,
William	Michael Puerto		;
Thompson, Stephen			
Subject: RF: NYAG's Resn	onses to NRA's Interrogatorie	s - Meet and Confer	

Svetlana,

Plaintiff is in receipt of your letter dated January 20, 2023. The NRA has not identified any particular failures by Plaintiff in the letter. Absent some specification of information that Plaintiff represented it would provide and then did not, we are unsure how to respond. If you identify a particular concern relating to the information Plaintiff agreed to provide prior to the filing of the note of issue, we will consider the same.

We will note that Plaintiff provided its interrogatory responses two months ago, the note of issue was filed a month ago, and we reserve the right to object to demands for additional discovery as untimely.

Thank you.

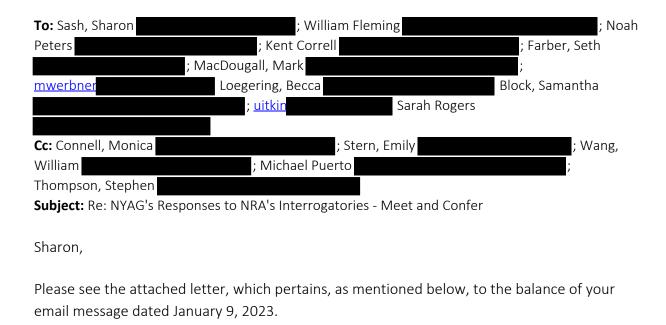
Sharon

From: Svetlana Eisenberg

Sent: Friday, January 20, 2023 9:31 PM

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RECEIVED NYSCEF: 03/14/2023



Regards,

Svetlana

Svetlana M. Eisenberg | Partner Brewer, Attorneys & Counselors 750 Lexington Avenue, 14th Floor New York, New York 10022

www.brewerattorneys.com

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From: Svetlana Eisenberg

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Sent: Monday, January 16, 2023 5:30 AM To: Sash, Sharon ; William Fleming ; Noah Peters ; Kent Correll ; Farber, Seth ; MacDougall, Mark mwerbner ; Loegering, Becca ; Block, Samantha uitkin Cc: Connell, Monica ; Stern, Emily Wang, ; Michael Puerto William Thompson, Stephen

Subject: Re: NYAG's Responses to NRA's Interrogatories - Meet and Confer

Sharon,

In response to your questions regarding the NRA's responses to the NYAG's contention interrogatories, please see the attached letter. The NRA will respond to the balance of your email message below separately.

Regards,

Svetlana

Svetlana M. Eisenberg | Partner Brewer, Attorneys & Counselors 750 Lexington Avenue, 14th Floor New York, New York 10022

www.brewerattorneys.com

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From: Sash, Sharon

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Subject: RE: NYAG's Responses to NRA's Interrogatories - Meet and Confer

Counsel:

In furtherance of our agreement following the meet and confer with respect to Plaintiff's responses and objections to various interrogatories, Plaintiff clarifies its responses to include (i) related party transactions concerning the below current or former officers, directors, and key persons, or relatives thereof, or entities affiliated therewith, and (ii) whistleblowers, upon which Plaintiff intends to rely at trial. Plaintiff views this supplementation as stipulated to and does not intend to move to amend its prior responses pursuant to CPLR 3133(c), but rather provides these lists by agreement of the

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parties as set forth in the commentary to 3133(c). The clarification of the responses herein will be to all interrogatories calling for Plaintiff to identify related party transactions and whistleblowers Plaintiff intends to assert at trial and is made subject to the objections and clarifications in Plaintiff's interrogatory responses. If the parties agree that this change is stipulated to, Plaintiff will serve revised interrogatory responses.

Plaintiff does not withdraw its objections based on privileges, including the attorney-client privilege and the work-product privilege, and Plaintiff disputes the contention that objections based upon those privileges effect an "at issue" waiver. Plaintiff notes that all of the parties have invoked objections based on those privileges in response to interrogatories.

Plaintiff reserves the right to supplement these responses to the extent that further discovery or information is provided by Defendant NRA.

Finally, Plaintiff again requests clarification with respect to The National Rifle Association of America's Objections and Responses to New York Attorney General's First Set of Interrogatories, dated November 22, 2022, response of "no" to specific interrogatories, including without limitation the responses to Interrogatory Nos. 4, 8, 9, 11, and 12. Please let us know when we can expect those clarifications.

Thank you.

Sharon

Related party transactions concerning the following current or former officers, directors, and key persons, or relatives thereof, or entities affiliated therewith:

Scott Bach

Matt Blunt

Pete Brownell

David Butz

Ted Carter

Patricia Clark

Anthony Colandro

Allan Cors

Robert Dowlut

Edie Fleeman

Joel Friedman

Sandra Froman

Mildred Hallow

Doug Hamlin

Marion Hammer

Bernie Hoerr

David Keene

Tom King

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Susan LaPierre

Wayne LaPierre

Duane Liptak

Chip Lohman

Robert Marcario

Michel Marcellin

Carolyn Meadows

Craig Morgan

Il Ling New

Oliver North

Robert Nosler

Ted Nugent

Lance Olson

Wilson Phillips

James W. Porter, II

Joshua Powell

Kayne Robinson

Mercedes Schlapp

Tyler Schropp

Tom Selleck

H. Wayne Sheets

Bart Skelton

John Sigler

Walt Walter

Robert Kyle Weaver

Whistleblowers

Sonya Rowling

Michael Erstling

Portia Padilla

Lisa George

Emily Cummins

Richard Childress

Oliver North

Esther Schneider

Timothy Knight

Sean Maloney

Rocky Marshall

Phillip Journey

Craig Spray

Allen West

Whistleblowers identified anonymously in David Coy's 2007 memorandum

Whistleblowers connected to the investigation of Mildred Hallow's expenses that led to the Frenkel

Report

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From: Sash, Sharon **Sent:** Friday, January 6, 2023 6:26 PM **To:** William Fleming ; Noah Peters ; Kent Correll Svetlana Eisenberg ; Wang, Cc: Connell, Monica ; Stern, Emily William ; Michael Puerto Thompson, Stephen Subject: RE: NYAG's Responses to NRA's Interrogatories - Meet and Confer Will and Kent, Plaintiff does not agree to amend or supplement its responses to Frazer interrogatories 3, 5, and 6, or LaPierre interrogatories 4, 7, and 11. The lists we are providing per the NRA's request should be coming on Monday, January 9th. Thank you. Sharon From: Sash, Sharon Sent: Thursday, December 29, 2022 11:57 AM To: William Fleming ; Noah Peters Svetlana Eisenberg Cc: Connell, Monica ; Stern, Emily Wang, William ; Michael Puerto kent Thompson, Stephen ; Stern, Emily Subject: RE: NYAG's Responses to NRA's Interrogatories - Meet and Confer Will, We will respond to your December 20 email on January 6. Thank you. Sharon From: William Fleming Sent: Thursday, December 29, 2022 11:14 AM

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To: Noah Peters	; Sash	n, Sharon	; Svetlana
Eisenberg		,	
Cc: Connell, Monica	; S	Stern, Emily	; Wang,
William	; Michael Puerto)	;
<u>kent</u>	; Thompson, Stephen		; Stern, Emily

Subject: RE: NYAG's Responses to NRA's Interrogatories - Meet and Confer

Sharon – I too had intended to reach out today to see when we can expect a response to my email of December 20 requesting supplementation of Plaintiff's responses to Mr. Frazer's Interrogatory Nos. 3, 5, and 6. Thank you.

Will Fleming

William B. Fleming Gage Spencer & Fleming LLP 410 Park Avenue, Suite 810 New York, New York 10022

From: Noah Peters

Sent: Thursday, December 29, 2022 11:01 AM

To: Sash, Sharon ; Svetlana Eisenberg

Cc: Connell, Monica ; Stern, Emily ; Wang,

William ; Michael Puerto ; ;

kent ; William Fleming ; Thompson, Stephen

; Stern, Emily

Subject: RE: NYAG's Responses to NRA's Interrogatories - Meet and Confer

Dear Sharon:

Hope you are well. I notice that you did not respond to my question below. Please respond.

When can we expect revised contention interrogatory responses from you? It has been nearly two weeks, and you have not indicated to us when we could expect such responses.

Best,

Noah

From: Noah Peters

Sent: Saturday, December 17, 2022 5:15 PM

To: Sash, Sharon ; Svetlana Eisenberg

Cc: Connell, Monica ; Stern, Emily ; Wang,

William ; Michael Puerto ;

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RECEIVED NYSCEF: 03/14/2023

kent William Fleming ; Thompson, Stephen

Subject: RE: NYAG's Responses to NRA's Interrogatories - Meet and Confer

Dear Sasha:

You did not answer this question:

Sixth and finally, the NYAG's assertion of privileges in response to the NRA's interrogatories is improper. As you are aware, the privileges protect communications, not underlying information. To the extent that the Attorney General refuses to provide complete answers to the contention interrogatories that selective disclosure effects an "at issue" waiver of privileges asserted. Therefore, the Association is entitled to further discovery as to your privileged communications. Please specify what information you are withholding based on privileges, or withdraw such objections.

------ Original message -----From: "Sash, Sharon"

Date: 12/17/22 4:12 PM (GMT-06:00)

To: Svetlana Eisenberg

Cc: "Connell, Monica"

"Wang, William"

, Noah Peters

, william Fleming

, "Thompson, Stephen"

Subject: RE: NYAG's Responses to NRA's Interrogatories - Meet and Confer

Svetlana:

Thank you for meeting and conferring regarding Responses and Objections of Plaintiff the People of the State of New York to Defendant NRA's Contention Interrogatories. We do not agree that the plaintiff's responses are deficient. Notwithstanding that:

- 1. Plaintiff will not withdraw any objections.
- 2. Plaintiff confirms that it is not presently withholding substantive responsive information on the ground that the NRA's interrogatories exceed 25, although we reiterate and preserve that objection and all other asserted objections, including without limitation on grounds of overbreadth and undue burden.
- 3. Plaintiff will supplement its responses to Interrogatory Nos. 1 and 8 to provide a list of the wrongful related party transactions that Plaintiff intends to rely on at trial.
- 4. Plaintiff will supplement its response to Interrogatory Nos. 2 and 8 to provide a list of the actions that Plaintiff contends are violations of legally mandated protections for whistleblowers, which we intend to rely on at trial.
- 5. Plaintiff is seeking an equitable accounting relating to transactions and occurrences within the NRA to determine the restitution due from the individual defendants for harm caused to the NRA. Plaintiff is seeking all available remedies available against the NRA for violations of the

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statutory prohibitions on improper related party transactions, including monetary penalties provided by statute. In addition, and as we have stated previously, set forth in detail in the operative complaint and stated in response to the NRA's interrogatories, Plaintiff also seeks various forms of injunctive relief to remedy the NRA's violations of law.

6. Plaintiff reserves the right to introduce any evidence for impeachment or rebuttal purposes.

As raised during the meet and confer, plaintiff requests clarification with respect to The National Rifle Association of America's Objections and Responses to New York Attorney General's First Set of Interrogatories, dated November 22, 2022, response of "no" to specific interrogatories, including without limitation the responses to Interrogatory Nos. 4, 8, 9, 11, and 12. Please provide your response by no later than 12 noon on Monday, December 19th.

Thank you.

Sharon

Sharon Sash | Assistant Attorney General New York State Office of the Attorney General Charities Bureau | Enforcement 28 Liberty Street, 19th Floor | New York, New York 10005

From: Svetlana Eisenberg

Sent: Wednesday, December 14, 2022 7:31 AM

To: Sash,

Cc: Connell, Monica

Stern, Emily

Wang,

William

Noah Peters

William Fleming

Subject: RE: NYAG's Responses to NRA's Interrogatories - Meet and Confer

Sharon, Stephen, and Will,

Thank you for the meet and confer concerning the NYAG's responses to interrogatories.

Overall, we reiterate that the NYAG's responses to the NRA's interrogatories are deficient and the NYAG's obligations under the CPLR mandate that the NYAG amend her responses as soon as possible.

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Below are the questions discussed on the meet and confer. Please let us know when the NYAG will provide responses.

First, the NYAG asserts general objections which are then incorporated by reference in interrogatory-specific objections. To the extent the general objections are intended to point out what you perceive as a problem with the NRA's interrogatories, please let us know what it is so that we may address it. Otherwise, the NRA asks that you withdraw them.

Second, your last general objection is based on the number of interrogatories served by the NRA. Please advise if the NYAG is relying on that objection to hold back information from her responses to the NRA's interrogatories. I understood you to say on the call that the answer is no. Please confirm.

Third, wherever the NYAG's responses to the NRA's interrogatories refer to the complaint, such references are problematic for two reasons.

First, the pleading specifically and repeatedly states that it contains merely a non-exhaustive lists of occurrences or transactions that the NYAG asserts were improper. Referring to the complaint for that reason is not a meaningful response.

Second, the reference is problematic to the extent there are transactions or occurrences that are alleged in the complaint that the NYAG no longer plans to put at issue at trial. As you know, a purpose of contention interrogatories is to narrow issues for trial.

Fourth, wherever the NRA's interrogatories request the NYAG to specify transactions or occurrences which the NYAG intends to put at issue at trial (or asks for the identity of individuals whose conduct the NYAG intends to put at issue at trial) in connection with her various claims (related party transactions, conflicts of interest, etc.), your responses repeatedly state that such transactions, occurrences etc. "include" enumerated transactions, occurrences and so on.

At this stage of the case, the NYAG must advise the NRA of the transactions and occurrences on which she intends to proceed at trial. Providing a non-exhaustive list is improper.

Fifth, in response to the NYAG's Contention Interrogatory No. 6, the NYAG states:

"With respect to the Prayer for Relief section of the Second Amended complaint, to the extent that Plaintiff asserts claims in equity and seeks an equitable accounting, the amount of restitution and damages due and owing by Defendant

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NRA, will be determined at trial, no additional computation of damages or other information sought in the Interrogatory can be provided at this time."

The NRA has the following questions about this statement:

Does plaintiff assert "claims in equity" against the NRA? What is it/are they? Does plaintiff seek "equitable accounting" as against the NRA? Under which of the causes of action? Pursuant to what law? In relation to what occurrences or transactions?

Does plaintiff seek restitution from the NRA? Under what claim? Pursuant to what law? To whom according to plaintiff does the NRA allegedly owe restitution?

Does plaintiff contend that the NRA is liable for damages? Under what claim? (You previously represented that the NYAG is not seeking damages from the NRA under the 13th cause of action (allegedly unauthorized related party transactions).) Pursuant to what law? With regard to which alleged transactions or occurrences?

How does plaintiff delineate between restitution and damages as those terms are used in your response to this interrogatory?

Sixth and finally, the NYAG's assertion of privileges in response to the NRA's interrogatories is improper. As you are aware, the privileges protect communications, not underlying information. To the extent that the Attorney General refuses to provide complete answers to the contention interrogatories that selective disclosure effects an "at issue" waiver of privileges asserted. Therefore, the Association is entitled to further discovery as to your privileged communications. Please specify what information you are withholding based on privileges, or withdraw such objections.

Regards, Svetlana

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Svetlana M. Eisenberg | Partner Brewer, Attorneys & Counselors 750 Lexington Avenue, 14th Floor New York, New York 10022

www.brewerattorneys.com

From: Svetlana Eisenberg

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RECEIVED NYSCEF: 03/14/2023

Sent: Sunday, December 11, 2022 1:00 PM

To: Sash, Sharon

Cc: Connell, Monica

Stern, Emily

Wang,

William

; Noah Peters

; Michael Puerto

Subject: Re: NYAG's Responses to NRA's Interrogatories - Meet and Confer

Sharon, that time works for us. We will send a dial in number in the morning. Thank you.

Svetlana

Svetlana M. Eisenberg | Partner Brewer, Attorneys & Counselors 750 Lexington Avenue, 14th Floor New York, New York 10022

www.brewerattorneys.com

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From: Sash, Sharon

Sent: Friday, December 9, 2022 4:14 PM

Cc: Connell, Monica ; Stern, Emily Wang,

William

To: Svetlana Eisenberg

Subject: FW: NYAG's Responses to NRA's Interrogatories - Meet and Confer

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Svetlana,

Can we set a time to meet and confer regarding the interrogatories (including the NRA's responses to the OAG's interrogatories) on Monday afternoon? Does 2:00 pm work?

Thanks,

Sharon

Sharon Sash | Assistant Attorney General New York State Office of the Attorney General Charities Bureau | Enforcement 28 Liberty Street, 19th Floor | New York, New York 10005

From: Svetlana Eisenberg Sent: Thursday, December 8, 2022 2:10 PM To: Wang, William Cc: William Fleming ; Connell, Monica ; Sargent, Nina < Loegering, Becca ; Bannon, Patrick mwerbner McLish, Thomas hevans samantha.block MacDougall, Mark kent Stern, Emily . Farber, Seth Loegering, Becca ; Noah Peters Subject: NYAG's Responses to NRA's Interrogatories - Meet and Confer

[EXTERNAL]

Monica and Will,

Please see attached letter from the NRA.

Regards,

Svetlana

Svetlana M. Eisenberg | Partner Brewer, Attorneys & Counselors 750 Lexington Avenue, 14th Floor

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From: Wang, William			
ports	ber 22, 2022 10:30 PM	•	
To: Svetlana Eisenberg			
Cc: William Fleming		; Connell, Monica	
	>; Sargent, Nina	; Loegering, Becca	
	; Bannon, Patrick	- 19 ACC. 0400	
mwerbner	<	McLish, Thomas	
	; hevans		
samantha.block		; MacDougall, Mark	
	; <u>kent</u>		Stern,
Emily	Farber, Seth	; Loegering, Becca	_
	kent		
Subject: NYAG's Respo	onses & Objections to the N	NRA's Contention Interrogatories	
Counsel,			

Attached please find the NYAG's Responses & Objections to Defendant NRA's Contention

Interrogatories.

Regards,

Will

William Wang | Assistant Attorney General

New York State Office of the Attorney General

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Charities Bureau – Enforcement 28 Liberty | New York, New York 10005

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