

# Exhibit K

B R E W E R  
ATTORNEYS & COUNSELORS

February 1, 2023

VIA EMAIL

Sharon Sash, Esq.  
Assistant Attorney General  
28 Liberty Street  
New York, NY 10005  
SHARON.SASH@AG.NY.GOV

Re: *NYAG v. The National Rifle Association of America et al.,*  
*Index No. 451625/2020: The NYAG's Responses to the NRA's Contention*  
*Interrogatories*

Dear Ms. Sash,

On behalf of the National Rifle Association of America (the “NRA”), I write to follow up on your emails dated December 17, 2022, January 9, 2023, and January 23, 2023, our meet and confer call on December 12, 2022, and other efforts by the NRA to obtain appropriate responses to the NRA’s contention interrogatories served on October 19, 2022.

**I. The NYAG Has Not Identified All the Related-Party Transactions It Intends to Rely on At Trial.**

In your email on December 17, 2022, you indicated that the NYAG “will . . . provide a list of the wrongful related party transactions that [NYAG] intends to rely on at trial.” The NYAG’s email dated January 9, 2023 (the “Supplemental Responses”), however, provides no such list. Instead, the Supplemental Responses set forth a list of persons—not transactions, failed to clarify what allegedly-improper transactions you intend to rely on at trial, and allude to potential transactions with the named individuals’ unidentified “relatives” or affiliated entities, or with relatives’ affiliated entities. In sum, you failed to identify what allegedly “wrongful related party transactions [you] intend to rely on at trial.”

In addition, the list includes names of individuals that are unmentioned in the pleadings, depositions, discovery responses, or even in the NYAG’s multiple expert witness reports. As a result, the NRA has been provided with no information of any kind about what transactions involving these individuals are allegedly at issue.

The NYAG must identify the transactions she intends to rely on at trial. As emphasized in numerous prior correspondence, the NYAG’s complaint lists some such transactions but makes clear that the list is not exhaustive.

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**II. The NYAG Has Not Identified the Alleged Whistleblower-Protection Violations It Intends to Present at Trial.**

In a similar vein, on December 17, 2022, you stated that the NYAG “will . . . provide a list of *the* actions that [NYAG] contends are violations of legally mandated protections for whistleblowers, which [NYAG] intend[s] to rely on at trial.” When the NYAG provided the response, however, the list of promised actions was not included. Instead, you merely “clarifie[d] [your] responses to *include* . . . whistleblowers, upon which [NYAG] intends to rely on at trial.” As with related party transaction issue, you failed to confirm that even the list is complete. As you know, the NYAG's complaint alleges—and her responses to the NRA's contention interrogatories state—that the NRA committed alleged violations of whistleblower-related protections but expressly states that the list of enumerated actions is only illustrative. At this point, the NYAG must provide an exhaustive list of alleged whistleblowers and a complete list of actions that the NYAG contends amount to alleged violations.

The NRA reserves all rights in connection with the NYAG's continued failure to respond fully to the NRA's proper contention interrogatories, including the right to preclude, at trial, evidence of and argument about transactions or events not set forth in the NYAG's responses.<sup>1</sup>

Although the NRA has met and conferred repeatedly on these matters, we are available to try again if further discussions may help elicit sufficient interrogatory responses. Please let us know by 5 pm E.S.T. on Thursday, February 2, 2023, if the NYAG believes that the parties should make further attempts to resolve these disputes before the NRA seeks judicial relief.<sup>2</sup>

Regards,

/s/ Svetlana M. Eisenberg

Svetlana M. Eisenberg

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<sup>1</sup> See, e.g., *Wechsler v. Hunt Health Sys., Ltd.*, No. 94 CIV. 8294 PKL, 1999 WL 672902, at \*3 (S.D.N.Y. Aug. 27, 1999).

<sup>2</sup> This letter expressly incorporates by reference the NRA's prior correspondence to the NYAG concerning these and other deficiencies in the NYAG's responses to the NRA's contention interrogatories, including the letter dated December 8, 2022, the email message dated December 14, 2022, and another letter dated January 20, 2023.

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**Sharon Sash, Esq.**

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cc: Parties' Counsel of Record