

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK – COMMERCIAL DIVISION

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PEOPLE OF THE STATE OF NEW YORK,	§	
BY LETITIA JAMES, ATTORNEY GENERAL	§	Index No. 451625/2020
OF THE STATE OF NEW YORK,	§	Hon. Joel M. Cohen
	§	
Plaintiff,	§	Motion Sequence No. _____
	§	
v.	§	
	§	
THE NATIONAL RIFLE ASSOCIATION OF	§	<b><u>AFFIRMATION IN SUPPORT</u></b>
AMERICA, WAYNE LAPIERRE, WILSON	§	<b><u>OF MOTION TO SEAL</u></b>
PHILLIPS, JOHN FRAZER, and JOSHUA	§	
POWELL,	§	
	§	
Defendants.	§	

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**AFFIRMATION IN SUPPORT OF**  
**DEFENDANT THE NATIONAL RIFLE ASSOCIATION OF AMERICA'S**  
**MOTION TO SEAL NYSCEF 1326, 1427, 1430, 1437, 1451, 1453, 1455, 1456**

I, Christopher T. Zona, an attorney duly admitted to practice law before the Courts of the State of New York, hereby affirm under penalty of perjury pursuant to CPLR 2106 as follows:

1. I am Counsel with the law firm Brewer, Attorneys & Counselors, counsel for Defendant the National Rifle Association of America ("NRA").

2. I am familiar with the facts and circumstances set forth herein.

3. I submit this Affirmation in support of the NRA's Motion To Seal, dated April 6, 2023, which requests this Court seal portions of NYSCEF 1326, 1427, 1430, 1437, 1451, 1453, 1455, and 1456.

4. On March 10, 2023, the NRA filed a motion to exclude the testimony of the NYAG's proposed expert witness, Erica Harris. Attached to the affirmation in support of that motion as Exhibit D was an unredacted version of the Sullivan & Blacker Rebuttal Report, dated

October 7, 2022 (NYSCEF 1326). Contained therein is information identifying a potential whistleblower which is Confidential.

5. On March 14, 2023, the NRA filed a motion to preclude the NYAG from offering certain evidence pursuant to CPLR 3126. The memorandum of law in support of that motion (NYSCEF 1427), Exhibit B (NYAG's responses to the NRA's contention interrogatories, dated November 22, 2022) attached to the affirmation in support of that motion (NYSCEF 1430), and Exhibit I (email correspondence between the Parties) attached to the affirmation in support of that motions (NYSCEF 1437) were filed in unredacted form. Contained therein is information identifying potential whistleblowers which is Confidential.

6. On March 17, 2023, the NRA filed a motion to exclude the testimony of the NYAG's proposed expert witness, Jeffrey Tenenbaum. The memorandum of law in support of that motion (NYSCEF 1451), Exhibit A (Tenenbaum's Report, dated September 16, 2022) attached to the affirmation in support of that motion (NYSCEF 1453), Exhibit C (Sullivan & Blacker Rebuttal Report, dated October 7, 2022<sup>1</sup>) attached to the affirmation in support of that motion (NYSCEF 1455), and Exhibit D (Lerner Rebuttal Report, dated October 7, 2022) attached to the affirmation in support of that motion (NYSCEF 1456) were filed in unredacted form. Contained therein is information identifying potential whistleblowers which is Confidential.

7. On April 6, 2023, and contemporaneous with the filing of this motion to seal, the NRA provided the Court and the Parties with proposed redactions to each of NYSCEF 1326, 1427, 1430, 1437, 1451, 1453, 1455, and 1456 via e-mail.

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<sup>1</sup> The NRA has sought to seal portions of this document for the same purpose—protection of whistleblower identities—in Mot. Seq. 60 (NYSCEF 1769, 1770), which is currently pending before the Court.

8. The NRA believes it has good cause to request the sealing of portions of the above-referenced documents because it serves the interests of the Parties, potential whistleblowers, and public.

9. Further, the NRA believes there is good cause for the Court to direct the Clerk of the Court to disable or otherwise disallow public access to NYSCEF 1326, 1427, 1430, 1437, 1451, 1453, 1455, and 1456 on the Court's e-filing system during the pendency of this motion and until redacted versions of these documents can be filed.

Dated: April 6, 2023  
New York, New York

/s/ Christopher T. Zona  
Christopher T. Zona  
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**CERTIFICATION OF COMPLIANCE**

I hereby certify pursuant to Rule 17 of the Rules of Practice for the Commercial Division of the Supreme Court of the State of New York that the total number of words in the foregoing document, exclusive of the caption, table of contents, table of authorities and signature block, is less than 7,000 according to the “Word Count” function of Microsoft Word, the word-processing system used to prepare the document, and thus that the document complies with the word count limit set forth in Rule 17.

Dated: April 6, 2023  
New York, New York

/s/ Christopher T. Zona  
Christopher T. Zona

**CERTIFICATE OF SERVICE**

I, Christopher T. Zona, hereby certify that, on April 6, 2023, a true and correct copy of the foregoing document was electronically transmitted and served upon all counsel of record via this Court's electronic case filing system.

Dated: April 6, 2023  
New York, New York

/s/ Christopher T. Zona  
Christopher T. Zona