

**PEOPLE OF THE STATE OF NEW
YORK, BY LETITIA JAMES,
ATTORNEY GENERAL OF THE
STATE OF NEW YORK,**

INDEX NO. 451625/2020

Motion Sequence No. _____

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I, Svetlana M. Eisenberg, an attorney duly admitted to practice law before the Courts of the State of New York, affirm under penalty of perjury pursuant to CPLR § 2106 as follows:

- 1 of 3

5. The report has been designated Confidential and subject to the restrictions of the Protective Order (NYSCEF 869) by the NRA.

6. The report contains information about a Confidential Settlement Agreement (the “CSA”).

7. When the NRA produced the CSA to the parties in this action, the NRA designated it Confidential pursuant to the Protective Order.

8. The NRA produced the CSA in this action in reliance on the parties’ agreement not to challenge the NRA’s Confidential designation of the CSA pursuant to the Protective Order.

9. The CSA is governed and controlled by Texas law.

10. Pursuant to the CSA, damages for breach of the confidentiality provision of the agreement are presumed.

11. Under the CSA, the United States District Court for the Northern District of Texas has exclusive jurisdiction over the interpretation of the CSA.

12. When Mr. Phillips’s counsel originally filed Mr. Hines’s report on NYSCEF, they filed it in unredacted form, in violation of the Protective Order.

13. On April 5, 2023, as soon as the NRA became aware of the issue, I alerted counsel for Mr. Phillips to the improper disclosure and asked them to contact the Court to have the document returned and re-filed on NYSCEF with the appropriate redaction.

14. Attached hereto are true and correct copies of the following documents:

- a. Email correspondence on April 11, 2022, related to the production of the CSA in which the NRA states that it produces a copy of the confidential settlement agreement specifically in reliance on the NYAG’s and others’ representations that

they will not challenge the NRA's designation of the CSA Confidential pursuant to the Protective Order (**Exhibits E-F**);

- b. Email messages from the NRA's counsel on November 18, 2022, and December 16, 2022, designating reports of the NYAG's proposed expert witness Eric Hines, including the document at issue in this motion, Confidential pursuant to the Protective Order entered in this case (NYSCEF 869) (**Exhibit A**);
- c. Email correspondence on April 5, 2023, between counsel for the NRA and counsel for Mr. Phillips concerning the report and its filing (**Exhibits B-D**).

Dated: April 12, 2023
New York, New York

/s/ Svetlana M. Eisenberg
Svetlana M. Eisenberg