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NYSCEF DOC. NO. 1718

INDEX NO. 451625/2020

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COUNTY OF NEW YORK	
PEOPLE OF THE STATE OF NEW YORK, BY LETITIA JAMES, ATTORNEY GENERAL OF THE STATE OF NEW YORK,	Index No. 451625/2020
Plaintiff,	AFFIRMATION IN SUPPORT OF THE NRA'S MOTION FOR A SEALING ORDER
-against-	Motion Sequence No
THE NATIONAL RIFLE ASSOCIATION OF AMERICA, WAYNE LAPIERRE, WILSON PHILLIPS, JOHN FRAZER, and JOSHUA POWELL	
Defendants.	

- 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. I am a Partner at Brewer, Attorneys & Counselors, counsel for the National Rifle Association of America (the "NRA").
- 2. I submit this affirmation in support of the NRA's motion for a sealing order dated March 27, 2023.
- 3. On March 20, 2023, in opposing the relief sought by Josh Powell in motion Sequence No. 46, the Office of the New York Attorney General (the "NYAG") and the NRA filed in fully redacted form several Confidential documents (the "Documents") produced by the NRA.
 - 4. The Documents are:

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> a. A spreadsheet marked, among other things, "confidential" and prepared by a forensic accounting firm retained in 2019 by the NRA in connection with its audit of a former vendor's books and records (NYSCEF 1576) (attached hereto as Exhibit 2 (filed under seal));

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- **b.** A document prepared in or around July 2018 by a group of individuals employed at the NRA regarding activities they suspected violated the NRA's policies (Exhibit H to John Frazer's affidavit, NYSCEF 1598) (attached hereto as Exhibit 3 (filed under seal); and
- c. Several American Express credit card statements (NYSCEF 1609 through 1643; Exhibits A through JJ to Sonya Rowling's affidavit dated March 13, 2023 [NYSCEF 1608] (attached hereto as **Exhibits 4 through 39**)).
- 5. Attached hereto as Exhibit 1 (filed under seal) is a true and correct copy of the NRA's agreement with the forensic accounting firm referenced in Paragraph 4.a above.
 - 6. The agreement states in relevant part:
 - "Each Party shall (a) protect and safeguard the a. Section 6.2: confidentiality and integrity of the other Parties' Confidential Information with at least the same degree of care as it would protect and safeguard its own Confidential Information; (b) not disclose another Party's Confidential Information to any person or entity other than Permitted Recipients; and (c) not use another Party's Confidential Information except solely for the purpose of fulfilling its obligations under this Agreement. provided, however that FRA may retain, and Client grants to FRA a license to use, Client's Confidential Information for any legitimate internal business purpose related to product testing, product development, product use, industry reporting, and the like, consistent with the terms of this Agreement."
 - b. Annex I Definitions: "Confidential Information means any information or data that is (a) marked 'Privileged' or 'Confidential;' (b) non-public, proprietary, or related to the privileged matters described in the Agreement; or (c) disclosed by one Party (or its Permitted Recipients) to another Party (or its Permitted Recipients) in the course of the performance of this

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Agreement, whether in writing or electronically with the reasonable expectation that such information is 'confidential."

Exhibit BA (NYSCEF 1576) to the affirmation of Alexander Mendelson 7.

(NYSCEF 1522) (Exhibit 2 hereto) details travel information of individuals other than Joshua

Powell, including numerous individuals who have not worked at the NRA. In addition, the

extensive spreadsheet contains multiple sheets and a great amount of information, including the

forensic accounting firm's inferences and speculation about the individuals referenced therein,

including numerous individuals who are not party to this action.

8. The credit card statements referenced above (Exhibits 4 through 39) detail travel,

whereabouts, and purchases pertaining to individuals other than Joshua Powell, including

individuals not party to this action.

Dated: March 27, 2023

New York, New York

/s/ Svetlana M. Eisenberg

Svetlana M. Eisenberg

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