

Protective Order (NYSCEF 869), the NRA designated passages of the Deposition Confidential. Exhibit A (redacted).

5. On February 10, 2023, March 20, 2023, and April 10, 2023, Joshua Powell and the NYAG filed papers in support of and in opposition to his motion for summary judgment. Certain of their filings attached and/or quoted from the transcript of the Deposition, including certain of the passages designated Confidential. Such filings are:

- a. Affirmation of Kristin Chin dated February 10, 2023 (NYSCEF 1195), which attached excerpts, filed under seal, of the transcript of the Deposition (Chin Aff. Ex. 25; NYSCEF 1220);¹
- b. Affirmation of Alexander Mendelson dated March 20, 2023 (NYSCEF 1522), which attached excerpts, filed under seal, of the transcript of the Deposition (Mendelson Aff. Ex. AH; NYSCEF 1557);
- c. NYAG's counterstatement of material facts in opposition to Powell's motion for summary judgment dated March 20, 2023 (NYSCEF 1586), which quoted a passage of the Deposition designated Confidential by the NRA; and
- d. Powell's reply to the NYAG's additional statements of material fact (NYSCEF 1802), which likewise quoted a passage of the Deposition designated Confidential by the NRA.

6. The deposition testimony at issue in this motion contains information pertaining to the identity of potential whistleblowers and the substance of their reports.

¹ Counsel's affirmation apparently inadvertently refers to the Deposition as Exhibit 17. The NRA believes that the relevant deposition transcript was filed by counsel as Exhibit 25 (under seal).

7. For the Court's convenience, attached are copies of the above-referenced documents:

- a) Email message from counsel dated August 3, 2022, designating on behalf of the NRA portions of the Deposition, including the testimony at issue in this motion, Confidential pursuant to the Protective Order entered in this case (NYSCEF 869) (**Exhibit A**);²
- b) Exhibit 25 (NYSCEF 1220) to Kristen Chin's affirmation, dated February 10, 2023, in support of Joshua Powell's motion for summary judgment (NYSCEF 1195), with proposed redactions (**Exhibit C**);
- c) Exhibit AH (NYSCEF 1557) to Alex Mendelson's affirmation, dated March 20, 2023, in opposition to Mr. Powell's motion for summary judgment (NYSCEF 1522), with NYAG's redactions (**Exhibit D**);
- d) NYAG's counterstatement of material facts, dated March 20, 2023, in opposition to Powell's motion for summary judgment (NYSCEF 1586), with NYAG's redactions (**Exhibit E**); and
- e) Powell's reply to Plaintiff's additional statements of material fact, dated April 10, 2023, in further support of his motion for summary judgment (NYSCEF 1802), with proposed redactions (**Exhibit F**).

² The designation consisted of (i) an email message listing portions designated Confidential; and (ii) a copy of the relevant transcript attached to the email message highlighting passages designated Confidential. Page:line designations 411:13-411:18, which were highlighted in the attachment (Exhibit B), were inadvertently omitted from the list in the email message. It is nonetheless clear based on the substance of the information, the highlighted attachment (Exhibit B), and other designations that the NRA designated the testimony confidential. *See also* Protective Order (NYSCEF 869), Paragraph 2 (stating that the designation can be effected through various means, including notice in writing).

8. Pursuant to Part 3 – Sealing Practices and Instructions, the passages are also listed in the chart below. The first column of the chart lists the number of the relevant exhibit to this affirmation (as referenced above). Other columns identify:

- a) The NYSCEF number associated with the Notice of Motion in connection with which Powell and the NYAG filed the relevant documents under seal;
- b) Description of the document and NYSCEF number associated with the documents filed under seal by Powell and the NYAG;
- c) Page pin cite or page:line pin cite where the information which the NRA seeks to seal appears within the document; and
- d) A brief description of the basis for the request to seal (as set forth with particularity in the NRA's memorandum of law in support of the sealing motion).

Exhibit No. to this Affirmation	NYSCEF No. of relevant notice of motion	Description of Document(s) the NRA seeks permission to have filed in part under seal	Page number or page:line of passage at issue	Basis
Exhibit C	1194	Exhibit 25 (NYSCEF 1220) to Kristen Chin's affirmation, dated February 10, 2023, in support of Powell's motion for summary judgment (NYSCEF 1195)	Excerpt of the Deposition, at 411:13-18	Information pertaining to the identity of potential whistleblowers and the substance of their reports.

Exhibit No. to this Affirmation	NYSCEF No. of relevant notice of motion	Description of Document(s) the NRA seeks permission to have filed in part under seal	Page number or page:line of passage at issue	Basis
Exhibit D	Same	Exhibit AH (NYSCEF 1557) to Alex Mendelson's affirmation, dated March 20, 2023, in opposition to Powell's motion for summary judgment (NYSCEF 1522)	Excerpts from the Deposition, at 170:3-172:25	Same
Exhibit D	Same	Exhibit AH (NYSCEF 1557) to Alex Mendelson's affirmation, dated March 20, 2023, in opposition to Powell's motion for summary judgment (NYSCEF 1522)	Excerpt of the Deposition, at 411:13-18	Same
Exhibit D	Same	Exhibit AH (NYSCEF 1557) to Alex Mendelson's affirmation, dated March 20, 2023, in opposition to Powell's motion for summary judgment (NYSCEF 1522)	Excerpts from the Deposition, at 412:9-17	Same
Exhibit D	Same	Exhibit AH (NYSCEF 1557) to Alex Mendelson's affirmation, dated March 20, 2023, in opposition to	Excerpts from the Deposition, at 412:21-25	Same

Exhibit No. to this Affirmation	NYSCEF No. of relevant notice of motion	Description of Document(s) the NRA seeks permission to have filed in part under seal	Page number or page:line of passage at issue	Basis
		Powell's motion for summary judgment (NYSCEF 1522)		
Exhibit D	Same	Exhibit AH (NYSCEF 1557) to Alex Mendelson's affirmation, dated March 20, 2023, in opposition to Powell's motion for summary judgment (NYSCEF 1522)	Excerpts of the Deposition at 413:10-413:23	Same
Exhibit E	Same	NYAG's counterstatement of material facts, dated March 20, 2023, in opposition to Powell's motion for summary judgment (NYSCEF 1586)	Pages 13-14 (Referring to the Deposition at 170:10-172:19)	Same
Exhibit E	Same	NYAG's counterstatement of material facts, dated March 20, 2023, in opposition to Powell's motion for summary judgment (NYSCEF 1586)	Pages 16-17, 19 (Referring to the Deposition at 411:13-18)	Same

Exhibit No. to this Affirmation	NYSCEF No. of relevant notice of motion	Description of Document(s) the NRA seeks permission to have filed in part under seal	Page number or page:line of passage at issue	Basis
Exhibit E	Same	NYAG's counterstatement of material facts, dated March 20, 2023, in opposition to Powell's motion for summary judgment (NYSCEF 1586)	Page 19 (Referring to the Deposition at 412:9-17)	Same
Exhibit E	Same	NYAG's counterstatement of material facts, dated March 20, 2023, in opposition to Powell's motion for summary judgment (NYSCEF 1586)	Page 19 (Referring to the Deposition at 412:21-25)	Same
Exhibit F	Same	Powell's reply to Plaintiff's additional statements of material fact, dated April 10, 2023, in further support of his motion for summary judgment (NYSCEF 1802)	Page 13 (Referring to the Deposition at 170:10-172:19)	Same
Exhibit F	Same	Powell's reply to Plaintiff's additional statements of material fact, dated April 10, 2023, in further support of his motion for	Pages 17, 19 (Referring to the Deposition at 411:13-18)	Same

Exhibit No. to this Affirmation	NYSCEF No. of relevant notice of motion	Description of Document(s) the NRA seeks permission to have filed in part under seal	Page number or page:line of passage at issue	Basis
		summary judgment (NYSCEF 1802)		
Exhibit F	Same	Powell's reply to Plaintiff's additional statements of material fact, dated April 10, 2023, in further support of his motion for summary judgment (NYSCEF 1802)	Page 19 (Referring to the Deposition at 412:9-17)	Same
Exhibit F	Same	Powell's reply to Plaintiff's additional statements of material fact, dated April 10, 2023, in further support of his motion for summary judgment (NYSCEF 1802)	Page 19 (Referring to the Deposition at 412:21-25)	Same
Exhibit F	Same	Powell's reply to Plaintiff's additional statements of material fact, dated April 10, 2023, in further support of his motion for summary judgment (NYSCEF 1802)	Page 19 (Referring to the Deposition at 413:10-413:23)	Same

Dated: April 17, 2023
New York, New York

/s/ Svetlana M. Eisenberg
Svetlana M. Eisenberg