Mot. Seq. No.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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

                          Plaintiff,

        v.

THE NATIONAL RIFLE ASSOCIATION OF
AMERICA, WAYNE LAPIERRE, WILSON
PHILLIPS, JOHN FRAZER, and JOSHUA
POWELL,

                       Defendants.

Index No. 451625/2020

Affirmation of Jonathan Conley in Support of Plaintiff's Motion to Exclude the Defense Expert Opinions of Ryan Sullivan, Bruce Blacker, Matthew Lerner, and Amish Mehta

Oral Argument Requested

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Jonathan Conley, an attorney duly admitted to practice before the Courts of this State, hereby affirms the following under the penalty of perjury pursuant to CPLR § 2106:

1.   I am an Assistant Attorney General in the Enforcement Section of the Charities Bureau of the Office of the New York State Attorney General.

2.   I submit this affirmation in support of Plaintiff's Motion to Exclude the Defense Expert Opinions of Ryan Sullivan, Bruce Blacker, Matthew Lerner, and Amish Mehta, who Defendant the National Rifle Association of America has proffered as expert witnesses to testify at trial.

3.   Attached as Exhibit A is a true and correct copy of the Expert Report of Ryan Sullivan, Ph.D., and Bruce L. Blacker, CPA, CFF, dated September 16, 2022 ("Intensity Report").

4.   Attached as Exhibit B is a true and correct copy of the Expert Report of Matthew Lerner, dated September 16, 2022 ("Lerner Report").

5.   Attached as Exhibit C is a true and correct copy of the Expert Report of Amish

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Mehta, dated September 16, 2022 ("Mehta Report").

6.   Attached as Exhibit D is a true and correct copy of extracts of trial testimony of Ryan Sullivan, Ph.D. in *Ethicon Endo-Surgery, Inc.*, *et al. v. Covidien LP, et al.*), 1:16-cv-12556-LTS (D. Mass.), ECF 240, October 2, 2019.

7.   Attached as Exhibit E is a true and correct copy of the deposition transcript of Bruce Leon Blacker, dated November 17, 2022 ("Blacker Dep.").

8.   Attached as Exhibit F is a true and correct copy of the deposition transcript of Ryan Sullivan, dated November 18, 2022 ("Sullivan Dep.").

9.   Attached as Exhibit G is a true and correct copy of the Rebuttal Report of Ryan Sullivan, Ph.D., and Bruce L. Blacker, CPA, CFF, dated October 7, 2022 ("Intensity Rebuttal Report").

10.   Attached as Exhibit H is a true and correct copy of the Rebuttal Report of Eric Hines, CPA, CFF, CHC, dated October 7, 2022 ("Hines Rebuttal Report").

11.   Attached as Exhibit I is a true and correct copy of extracts of trial testimony of Bruce Blacker, August 7, 2017, in *Universal Instruments Corp. v. Micro System Engineering Inc.*, *et al.*, 13-cv-831 (N.D.N.Y.).

12.   Attached as Exhibit J is a true and correct copy of extracts of trial testimony of Bruce Blacker, March 27, 2019, in *Ureteknologia de Mexico S.A. de C.V. v. Uritek (USA), Inc.*, 4:16-cv-2762 (S.D. Tex.), ECF No. 116.

13.   Attached as Exhibit K is a true and correct copy of extracts of trial testimony of Ryan Sullivan, Ph.D., December 18, 2012, in *Finjan, Inc. v. McAfee, Inc.*, 1:10-cv-00593-GMS, (D. Del.), ECF No. 836.

14.   Attached as Exhibit L is a true and correct copy of extracts of trial testimony of

Ryan Sullivan, Ph.D., November 8, 2018, in *Bio-Rad Laboratories, Inc. v. 10X Genomics*, 16-cv-152-RGA, 2018 WL 11179829 (D. Del.).

15.   Attached as Exhibit M is a true and correct copy of the Declaration of Ryan Sullivan, Ph.D., November 30, 2019, *Juno Therapeutics, Inc. v. Kite Pharma*, 2:17-cv-07639-SJO-KSx, (C.D. Cal.), ECF No. 432-1.

16.   Attached as Exhibit N is a true and correct copy of extracts of trial testimony of Ryan Sullivan, Ph.D., December 6 and 9, 2019, in *Juno Therapeutics v. Kite Pharma*, 2:17-cv-07639 (C.D. Cal.), ECF. Nos. 606 and 642.

17.   Attached as Exhibit O is a true and correct copy of extracts of trial testimony of Ryan Sullivan, Ph.D., April 21, 2022, in *Columbia University v. Symantec Corp.*, 3:13-cv-00808 (E.D. Va.), ECF No. 1216.

18.   Attached as Exhibit P is a true and correct copy of the deposition transcript of Matthew Lerner, dated November 8, 2022 ("Lerner Dep.").

19.   Attached as Exhibit Q is a true and correct copy of the deposition transcript of Amish Mehta, dated November 22, 2022 ("Mehta Dep.").

20.   Attached as Exhibit R is a true and correct copy of Exhibit 5 in the deposition transcript of Amish Mehta. ("Mehta Dep. Ex. 5").

21.   Attached as Exhibit S is a true and correct copy of the Export Report of Eric Hines, dated September 16, 2022 ("Hines Report").

Dated: New York, New York
          March 24, 2023

/s Jonathan Conley

Jonathan Conley