

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

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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.  
-----X

: Index No. 451625/2020

: IAS Part 3

: Hon. Joel M. Cohen

**DEFENDANT WAYNE LAPIERRE'S MEMORANDUM OF LAW  
IN SUPPORT OF MOTION FOR SEALING ORDER**

P. Kent Correll  
CORRELL LAW GROUP  
250 Park Avenue, 7th Floor  
New York, New York 10177  
Tel: (212) 475-3070  
Fax: (212) 409-8515

*Attorney for Defendant  
Wayne LaPierre*

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Defendant Wayne LaPierre (“Mr. LaPierre”), by and through his counsel P. Kent Correll of Correll Law Group, respectfully submits this memorandum of law in support of his motion for a sealing order to prevent the unnecessary and potentially dangerous disclosure of the names of his family members.

**I.**

**PRELIMINARY STATEMENT**

Pursuant to Section 216.1(a) of the Uniform Rules for Trial Courts, Mr. LaPierre seeks an order sealing the Documents. There is good cause for the sealing of the Documents. Such an order, which can be narrowly tailored, will serve the interests of the parties in this action and the public.

**II.**

**STATEMENT OF FACTS**

On March 24, 2023, in support of its Motion to Exclude Defendants’ Compensation and Security Expert Opinions (NYSCEF 1663-1679 and 1712-1713), Plaintiff People of the State of New York, by Letitia James, Attorney General of the State of New York (“Plaintiff”) filed, under seal, certain exhibits (the “Documents”). The Documents are: (a) an excerpt of the deposition transcript of Defendant Wayne LaPierre, dated June 27, 2022, that contains the names of Mr. LaPierre’s wife’s niece’s family members and some of his own family members, including children, none of whom is a party to this action (NYSCEF 1671) (attached as Exhibit 1 to the Correll Affirmation and filed under seal); and (b) an excerpt of the deposition transcript of Gayle Stanford, dated February 28, 2022, that contains the names of Mr. LaPierre’s wife’s niece’s family members, including a minor child, none of whom is a party to this action (NYSCEF 1670)

(attached as Exhibit 2 to the accompanying Affirmation of P. Kent Correll dated March 31, 2023 (“Correll Affirmation”) and filed under seal).

During Mr. LaPierre’s deposition, after counsel for Plaintiff had asked Mr. LaPierre a series of questions that called for Mr. LaPierre to confirm the names of his wife’s family and certain of his own family’s members (*see* Correll Affirmation at ¶ 5 and Exhibit 1 at 231:4-232:5), counsel for Mr. LaPierre specifically requested that that portion of the transcript be designated as “confidential” to which counsel for Plaintiff replied “That’s fine.” (*See* Correll Affirmation at ¶ 6 and Exhibit 1 at 232:10-13).

### III.

#### ARGUMENT

##### **A. The Court Is Authorized to Enter a Sealing Order Where Appropriate.**

Pursuant to section 216.1(a) of the Uniform Rules for Trial Courts, a court may enter a sealing order “upon a written finding of good cause, which shall specify the grounds thereof.” (22 N.Y.C.R.R. § 216(a).) “In determining whether good cause has been shown, the court shall consider the interests of the public as well as of the parties.” *Id.* Recognizing the “broad presumption that the public is entitled to access to judicial proceedings and court records,” *Mosallem v. Berenson*, 76 A.D.3d 345, 348 (1<sup>st</sup> Dep’t 2010), sealing orders can still be granted if they are “narrowly tailored to serve compelling objectives,” such as a need for confidentiality that outweighs the public’s right to access. *Danco Labs., Ltd. v. Chemical Works of Gedeon Richter, Ltd.*, 274 A.D.2d 1, 6 (1<sup>st</sup> Dep’t 2000); *see also Gryphon Dom. VI, LLC v. APP Intern. Fin. Co., B.V.*, 28 A.D.3d 322, 324 (1<sup>st</sup> Dep’t 2006). “Furthermore, because confidentiality is the exception and not the rule, ‘the party seeking to seal court records has the burden to demonstrate compelling

circumstances to justify restricting public access.” *Maxim, Inc. v. Feifer*, 145 A.D.3d 516, 517 (1<sup>st</sup> Dep’t 2016) (citations omitted).

**B. Good Cause Exists for Sealing the Documents.**

Here, the interests of the public and the parties each militate in favor of the sealing order.

**1. Good cause exists for sealing passages in the deposition transcript of Wayne LaPierre that disclose the names of his family members.**

During Mr. LaPierre’s deposition, counsel for Plaintiff asked Mr. LaPierre a series of questions that called for him to confirm the names of certain family members, including his wife’s niece’s family and his sister, her husband and their children. *See Correll Affirmation* ¶ 5 and Exhibit 1 at 231:4-232:5. The names of Mr. LaPierre’s wife’s niece’s family and his own family are not relevant to Plaintiff’s case and, given his high security risk, which is obvious and has been confirmed by security professionals, having their names in documents available to the public may present a security risk to them as well. *See Correll Affirmation* ¶ 8 and NYSCEF 1676 (“Exhibit L to Wang Aff. under seal” [Deposition Transcript of J. Lawrence Cunningham]) at 66:11-24). In response to Mr. LaPierre’s counsel’s statement that he would “like to designate this portion of the transcript as ‘confidential,’” Plaintiff’s counsel agreed to keep this portion of the transcript confidential stating: “That’s fine.” *See Correll Affirmation* ¶ 6 and Exhibit 1 at 232:10-13. Good cause exists for this Court to order that the names of Mr. LaPierre’s wife’s niece’s family and his sister’s family be redacted from the transcript, which would represent a “narrowly tailored” solution that would cause no prejudice to Plaintiff.

**2. Good cause exists for sealing passages in the deposition transcript of Gayle Stanford that disclose names of Mr. LaPierre’s family members.**

Likewise, during Gayle Stanford’s deposition, counsel for Plaintiff asked Mr. LaPierre a series of questions that called for him to confirm the names of his wife’s niece’s family members,

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including the name of his wife's niece's minor child. *See* Correll Affirmation ¶¶ 7 and Exhibit 2 at 31:9-25. For the same reasons stated above, good cause exists for this Court to order that the names of Mr. LaPierre's wife's niece's family members be redacted from the transcript, which would represent a "narrowly tailored" solution that would cause no prejudice to Plaintiff.

## **VI.**

### **CONCLUSION**

For the reasons stated above, Mr. LaPierre respectfully requests that the Court grant his motion and order Plaintiff to redact the names of Mr. LaPierre's wife's niece's family members and Mr. LaPierre's sister's family members from the LaPierre and Stanford transcripts, and grant such other relief as the Court deems fair, just, and appropriate.

Dated: New York, New York  
March 31, 2023

Respectfully submitted,

/s/ P. Kent Correll

P. Kent Correll  
CORRELL LAW GROUP  
250 Park Avenue, 7th Floor  
New York, New York 10177  
Tel: (212) 475-3070  
Fax: (212) 409-8515  
E-mail: kent@correlllawgroup.com

*Attorney for Defendant Wayne LaPierre*

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**RULE 17 CERTIFICATE OF COMPLIANCE**

I, P. Kent Correll, an attorney duly admitted to practice law before the courts of the State of New York, certify that the Memorandum of Law complies with the word count limit set forth in Rule 17 of the Commercial Division of the Supreme Court (22 NYCRR 202.70(g)), because the memorandum of law contains 988 words, excluding the parts exempted by Rule 17. In preparing this certification, I have relied on the word count of the word-processing system used to prepare this memorandum of law and affirmation.

Dated: New York, New York  
March 31, 2023

/s/ P. Kent Correll

P. Kent Correll, Esq.



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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was electronically served via the Court's electronic case filing system upon all counsel of record on this 31<sup>st</sup> day of March 2023.

/s/ P. Kent Correll  
P. Kent Correll