

EXHIBIT C

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK, COMMERCIAL DIVISION

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PEOPLE OF THE STATE OF NEW YORK,	: Index No. 451625/2020
BY LETITIA JAMES, ATTORNEY GENERAL	:
OF THE STATE OF NEW YORK,	: IAS Part Three
	: Hon. Joel M. Cohen
Plaintiff,	:
	:
v.	: DEFENDANT WAYNE LAPIERRE’S
	: OBJECTIONS AND RESPONSES TO
THE NATIONAL RIFLE ASSOCIATION	: PLAINTIFF’S FIRST SET OF
OF AMERICA, INC., WAYNE LAPIERRE,	: INTERROGATORIES
WILSON PHILLIPS, JOHN FRAZER, and	:
JOSHUA POWELL,	:
	:
Defendants.	:
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Pursuant to Article 31 of the New York Civil Practice Law and Rules (“CPLR”), Rules 11-a (“Rule 11-a”) of the Commercial Division Rules, Rule 32 of the Commercial Division Rules (“Rule 32”), and Section VIII, A of Justice Joel M. Cohen’s Part 3 Practices and Procedures, Defendant Wayne LaPierre (“LaPierre”), by and through his undersigned counsel, P. Kent Correll of Correll Law Group, hereby objects and responds to Plaintiff’s First Set of Interrogatories to Defendant LaPierre dated October 28, 2022 (“Interrogatories”), served by Plaintiff People of the State of New York, by Letitia James, Attorney General of the State of New York (“Plaintiff”), as follows:

GENERAL OBJECTIONS

1. LaPierre objects to the Interrogatories generally and in their entirety to the extent that they seek to impose obligations that go beyond those imposed by the CPLR, Rule 11-a, Rule 32 and Section VIII, A of Justice Joel M. Cohen’s Part 3 Practices and Procedures.

2. LaPierre objects to the Interrogatories generally and in their entirety to the extent they seek disclosure of matter that is not material and necessary in the prosecution or defense of

this action, and is therefore irrelevant under CPLR 3101, and beyond the scope of disclosure required by Article 31 of the CPLR.

3. LaPierre objects to the Interrogatories generally and in their entirety to the extent they seek privileged matter or trial preparation materials or other information protected by CPLR 3101, including, without limitation, information that is privileged, immune or protected from disclosure under any applicable law, including attorney-client privilege, work product doctrine, concerns information prepared in anticipation of litigation or for trial, is confidential, sensitive, or is covered by a constitutional privilege, common interest privilege, joint defense privilege and/or spousal or marital communication privilege, relates to the privacy interests of nonparties, or is otherwise protected from disclosure by law.

4. LaPierre objects to the Interrogatories generally and in their entirety to the extent that the Definitions and Instructions accompanying the Interrogatories go beyond CPLR requirements or are otherwise inconsistent with the CPLR.

5. LaPierre objects to the Interrogatories generally and in their entirety to the extent that they seek to impose obligations that are broader than or inconsistent with those set forth in Rule 11-a.

6. LaPierre objects to the Interrogatories generally and in their entirety on the ground that they are not limited to 25 in number, including subparts, as required by Rule 11-a(a).¹

7. LaPierre objects to the Interrogatories generally and in their entirety to the extent that they seek information beyond the scope of Rule 11-a(d) of the Commercial Division Rules in that they go far beyond the scope of the “contention interrogatories” permitted by Rule 11-a(d), by

¹ See 22 N.Y.C.R.R. § 202.70(g), Com. Div. Rule 11-a(a) (“Interrogatories are limited to 25 in number, including subparts, unless another limit is specified in the preliminary conference order.”). Here, the Preliminary Conference Order does not specify another limit.

seeking information concerning the identification of witnesses and documents that could and should have been sought earlier under Rule 11-a(b) of the Commercial Division Rules, and are therefore untimely to the extent they seek such information.²

8. LaPierre objects to the Interrogatories generally and in their entirety to the extent that they seek to impose obligations that are broader than or inconsistent with those set forth in Rule 32 in that they seek identification of witnesses LaPierre intends to call at trial earlier than 14 days prior to the final Pre-Trial Conference, in contravention of Section VIII, A of Justice Joel M. Cohen's Part 3 Practices and Procedures, which is premature.³

9. LaPierre objects to the Interrogatories generally and in their entirety to the extent that they seek to impose obligations that are broader than or inconsistent with those set forth in

² Interrogatories that seek the identification of witnesses or documents are not contention interrogatories. *See* 22 N.Y.C.R.R. § 202.70(g), Com. Div. Rule 11-a(d) ("At the conclusion of other discovery, and at least 30 days prior to the discovery cut-off date, interrogatories seeking the claims and contentions of the opposing party may be served unless the court has ordered otherwise."); *compare* Com. Div. Rule 11-a(b) ("Unless otherwise ordered by the court, interrogatories are limited to the following topics: name of witnesses with knowledge of information material and necessary to the subject matter of the action, computation of each category of damage alleged, and the existence, custodian, location and general description of material and necessary documents, including pertinent insurance agreements, and other physical evidence."). *See, e.g., EEOC v. Sterling Jewelers Inc.*, No. 08-CV-00706(A)(M), 2012 U.S. Dist. LEXIS 67220, at *24 (W.D.N.Y. May 14, 2012) ("[q]uestions seeking the identification of witnesses or documents are not contention interrogatories") (quoting *B. Braun Med. Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994)); *United States v. Educ. Mgmt. LLC*, No. 2:07-CV-00461, 2013 WL 3854458, at *20 (W.D. Pa. May 14, 2013), report and recommendation adopted, No. 2:07-CV-461, 2013 WL 3863963 (W.D. Pa. July 23, 2013) (interrogatories that seek the identification of documents or of witnesses are not contention interrogatories).

³ *See* 22 N.Y.C.R.R. § 202.70(g), Com. Div. Rule 32 ("At the pre-trial conference or at such time as the court may direct, each party shall identify in writing for the court the witnesses it intends to call ... and shall provide a copy of such witness list to opposing counsel. Counsel shall separately identify for the court only a list of the witnesses who may be called solely for rebuttal or with regard to credibility."); and Justice Joel M. Cohen Part 3 - Practices and Procedures, Section VIII, A. ("The submissions required under Commercial Division Rule ... 32 ..., shall be made at least **fourteen days prior to the final Pre-Trial Conference.**") (Bolding in original.).

Section VIII, A of Justice Joel M. Cohen's Part 3 Practices and Procedures, which incorporate Rule 32 and establish the timing for disclosure of identification of witnesses a party intends to call at trial or may call at trial.

10. LaPierre objects to the Interrogatories generally and in their entirety on the ground that they are plainly and palpably unreasonable and improper in that they are excessive in number and detail required, overbroad, vague and ambiguous, unduly burdensome and oppressive, designed to harass and annoy.

11. LaPierre objects to the Interrogatories generally and in their entirety on the ground that they fail to specify with reasonable particularity the information demanded.

12. LaPierre objects to the Interrogatories generally and in their entirety to the extent that they seek legal opinions or conclusions.

13. LaPierre objects to the Interrogatories generally and in their entirety to the extent that they are not reasonably limited in time and/or scope.

14. LaPierre objects to the Interrogatories generally and in their entirety to the extent that they seek information not within LaPierre's knowledge or call for information that (1) is already in Plaintiff's possession, custody, or control; or (2) is equally available to Plaintiff or attainable by Plaintiff from another source that is more convenient, less burdensome, or less expensive.

15. LaPierre objects to the Interrogatories generally and in their entirety on the ground that 17 of the 22 Interrogatories (1-8, 12-19, and 21) belatedly and untimely seek information regarding witnesses that should have been sought earlier, through a Rule 11-a(b) interrogatory before the cut-off date for fact discovery, and may not properly be sought through a Rule 11-a(d)

interrogatory now, particularly with respect to information regarding witnesses that LaPierre intends to call or may call at trial.

16. LaPierre objects to the Interrogatories generally and in their entirety on the ground that they are duplicative.

17. LaPierre objects to the Interrogatories generally and in their entirety on the ground that they seek information that is not in his possession.

18. LaPierre objects to the Interrogatories generally and in their entirety to the extent such Interrogatories seek disclosure of confidential, proprietary, or trade secret information, including, without limitation, constitutionally protected information concerning present, past or prospective National Rifle Association of America members or donors.

19. LaPierre objects to the Interrogatories generally and in their entirety on the ground that under the circumstances presented here, they are clearly excessive, harassing, and abusive given the fact that Plaintiff has interviewed LaPierre, deposed him, and examined him at trial, and has also interviewed, deposed or examined dozens of other witnesses in connection with this litigation and related litigation, and, upon information and belief, has had access to more than 1.5 million pages of documents.

20. LaPierre objects to the Interrogatories generally and in their entirety on the ground that they were served before the completion of expert discovery.⁴

⁴ The responses set forth below are based on information currently available to LaPierre, and he reserves the right to supplement, amend, or correct these responses, including upon completion of expert discovery.

SPECIFIC OBJECTIONS AND RESPONSES

INTERROGATORY NO. 1

Identify all witnesses You may, will or intend to call at the trial of this Action.

RESPONSE TO INTERROGATORY NO. 1

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 1 on the grounds that it is plainly and palpably improper in that: (1) it is not a Commercial Division Rule 11-a(d) interrogatory (i.e., an interrogatory “seeking the claims and contentions of the opposing party”) but, rather, a Rule 11-a(b) interrogatory that Plaintiff was required to serve before the cut-off date for fact discovery in this case; and (2) it purports to require LaPierre to identify witnesses he intends to or may call at trial, which is inconsistent with Commercial Division Rule 32 and Section VIII, A of this Court’s Part 3 - Practices and Procedures. Accordingly, LaPierre respectfully declines to answer this interrogatory.

INTERROGATORY NO. 2

Identify each defense and affirmative defense (collectively “defense”) asserted in Your Answer or that You expect to rely upon at trial, setting forth the facts upon which You base the defense, identities of all persons who have knowledge of those facts, and all documents and other tangible things which support Your defense.

RESPONSE TO INTERROGATORY NO. 2

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 2 on the grounds that it is not a proper Commercial Division Rule 11-a(d) interrogatory (i.e., an interrogatory “seeking the claims and contentions of the opposing party”) in that it does not seek the contentions of LaPierre, but rather, seeks identification of defenses and information concerning the defenses including the facts upon which each defense is based, identities of all persons who have knowledge of those facts, and all

documents and other tangible things which support each defense which goes far beyond a proper contention interrogatory in that it seeks information regarding facts, witnesses and documents with respect to 41 separate affirmative defenses, and purports to require the premature identification of witnesses LaPierre intends to or may call at trial, in contravention of Rule 11-a(d), Rule 32 and Section VIII, A of this Court's Part 3 - Practices and Procedures. Moreover, LaPierre specifically objects to the Interrogatory on the ground that the Interrogatory, including subparts, including subparts, constitutes 164 interrogatories rolled into one, which outrageously violates the 25-interrogatory limit set by Rule 11-a(a).

Subject to the foregoing General Objections and specific objections, on information and belief, LaPierre contends, *inter alia*:

(1) with respect to his first affirmative defense, that the Complaint fails to state a cause of action against him because the Attorney General lacks the legal capacity, power, authority or standing to bring an action against him for the relief sought against him in her complaint, and that she has failed to sufficiently allege the elements of any of the causes of action asserted against him in the complaint;

(2) with respect to his second affirmative defense, that the causes of action asserted against him in the complaint, and related requests for relief, are barred in whole or in part by the doctrine of regulatory estoppel, estoppel, judicial estoppel, law of the case, and/or laches because (a) the Attorney General failed to timely review, analyze and take appropriate action with respect to Char500 filings made by the National Rifle Association of America and provide appropriate guidance to the National Rifle Association of America and LaPierre as to the Attorney General's view as to how certain transactions should be treated by the National Rifle Association of America and LaPierre or would be treated by the Attorney General, such as transactions related to

compensation of LaPierre and expenditures for charter travel, leading LaPierre to believe that all transactions reported to the New York Charities Bureau were proper and lawful and that no changes in the National Rifle Association of America's bookkeeping, accounting, or reporting policies, practices or procedures were necessary or appropriate, (b) the Court has dismissed the unjust enrichment claim asserted against LaPierre, that the Attorney General has not appealed the order dismissing the unjust enrichment claim and because the Attorney General did not bring an action against LaPierre for the relief demanded in the complaint sooner, thereby allowing practices and procedures thought to be sufficient to comply with the law to continue without any guidance, and transactions that LaPierre believed to be lawful, to continue without any input, warning or admonition or indication from the Attorney General that the Attorney General might view the practices, procedures or transactions as improper, imprudent or unlawful, in dereliction of her duty to provide guidance and assistance to not-for-profit corporations and their directors, officers and key persons in understanding and complying with New York's Not-for-Profit Corporation Law and Estates, Power and Trusts Law, and other applicable laws, rules and regulations, thus abdicating her duty to oversee and supervise the National Rifle Association of America and failing to discharge her duty as an overseer of not-for-profit corporations, and then turning around and trying to take advantage of her own failure to discharge her duty to dissolve the National Rifle Association of America and deprive LaPierre of his livelihood, when timely notice and a fair and reasonable opportunity to address and cure any alleged defect or deficiency in the National Rifle Association of America compliance with New York law would have allowed the National Rifle Association of America and LaPierre to address any legitimate concerns the Attorney General may have had about the National Rifle Association of America's compliance vel non with New York nonprofit law;

(3) with respect to his third affirmative defense, on information and belief, that the causes of action asserted against him in the complaint, and related requests for relief, are barred in whole or in part, by Plaintiff's unclean hands, because, for personal and political reasons, Letitia James, first as a private citizen and then as Attorney General, has gratuitously, maliciously and baselessly maligned the National Rifle Association of America, and, by implication, him, in a deliberate attempt to cause reputational harm to the association and him and has engaged in deceit and collusion by knowingly making false statements, including certain statements under oath, in an attempt to deceive the Court and garner free publicity and attention for herself and poison the well of public opinion against the National Rifle Association of America and LaPierre, and obtain donations from billionaire donors, obtain her favored venue and poison the jury pool, by, among other things, alleging, under oath, in her complaint, that the National Rifle Association of America has an office in New York County and that the association paid LaPierre compensation in 2015 in an amount in excess of \$5,000,000, implying the false assertion that the payment was all for services rendered in 2015, and, through counsel, representing to a witness during a deposition that one of the National Rifle Association of America's vendors had paid for a vacation home in Kentucky for the LaPierre family for many years and that the National Rifle Association of America had reimbursed the vendor, which she knew was not true – a representation that lacked any good faith basis – which makes her hands unclean and precludes the Attorney General from seeking any equitable relief against LaPierre;

(4) with respect to his fourth affirmative defense, that Plaintiff may not assert any derivative claims against him because Plaintiff has failed to allege the futility of making a demand upon the National Rifle Association of America's Board of Directors, that Plaintiff has failed to allege that a majority of the Board of Directors of the National Rifle Association of America is

conflicted by self-interest or is controlled by self-interested persons, concerning transactions at issue, and that the particular circumstances presented by the National Rifle Association of America's nomination and election protocols precludes any finding of demand futility as a matter of law and as a matter of fact;

(5) with respect to his fifth affirmative defense, that Plaintiff may not assert any derivative claims against him because Plaintiff has failed to allege support for any such claim from at least five percent of any class of National Rifle Association of America members, as required by N-PCL § 623;

(6) with respect to his sixth affirmative defense, that Plaintiff's request that the Court enjoin, void or rescind certain alleged related-party transactions pursuant to N-PCL §§ 112(a)(10), 715(f), and EPTL § 8-1.9(c)(4) should fail to the extent that such transactions may not properly be considered "related party transactions" under current Charities Bureau Guidance, were approved in accordance with N-PCL § 714(a)-(b), were duly ratified in accordance with N-PCL § 715(j), or have already been voided or rescinded, or otherwise unwound;

(7) with respect to his seventh affirmative defense, that any damages allegedly suffered by Plaintiff, the National Rifle Association of America or any other party or nonparty were proximately caused by intervening and superseding actions and occurrences including, but not limited to, actions of persons, entities, and/or forces over which LaPierre exerted no control and for which he has no responsibility such as Plaintiff (and her false, disparaging and defamatory statements about the National Rifle Association of America), certain former National Rifle Association of America vendors and persons associated with those vendors, the global pandemic, and inflation;

(8) with respect to his eight affirmative defense, that the causes of action asserted against him, and related requests for remedial action and other relief against him, are barred, in whole or in part, by the applicable statutes of limitations and other statutory or equitable time limitations, including, among others, the three-year limitations of time set forth in CPLR 214(2) for actions for penalty created by statute—i.e., “an action to recover upon a liability, penalty or forfeiture created or imposed by statute”, and laches;

(9) with respect to his ninth affirmative defense, that the causes of action asserted against him in the complaint, and related requests for remedial action and other relief against him based on alleged falsity in public filings, are not stated with sufficient particularity as to him because the complaint does not allege facts sufficient to establish that he knew of the falsity of any public filing or was in any way at fault with respect to any alleged error, defect or deficiency in any public filing;

(10) with respect to his tenth affirmative defense, that the causes of action asserted against him in the complaint, and related requests for remedial action and other relief against him, must fail, in whole or in part, because he did not act with fault, knowledge of unlawfulness or bad faith, or with the intent to deceive, manipulate, or defraud, and did not recklessly disregard any alleged misrepresentations, misstatements, or omissions of material fact, but, rather, discharged the duties of his position as Executive Vice President of the National Rifle Association of America in good faith and with the care an ordinarily prudent person in a like position would exercise under similar circumstances, in accordance with N-PCL § 717, and moreover, in discharging his duties, and acting in good faith, and with that degree of care specified in paragraph (a) of N-PCL § 717, and without knowledge concerning any matter in question that would cause such reliance to be unwarranted, relied on information, opinions, reports or statements including financial statements

and other financial data, in each case prepared and presented by: (a) one or more officers or employees of the corporation, whom he believed to be reliable and competent in the matters presented (including, without limitation, various current or former Presidents, First Vice Presidents, Second Vice Presidents, Secretaries, Treasurers, Chief Financial Officers, Executive Directors of the National Rifle Association General Operations, Executive Directors of the National Rifle Association Institute for Legislative Action, accountants, and other offices or employees of the National Rifle Association of America, in particular, among others, Wilson (“Woody”) Phillips, Craig Spray, and Sonya Rowling, John Frazer and Joshua Powell), (b) public accountants or other persons as to matters which he believed to be within their professional or expert competence and/or (c) various committees of the Board of Directors of the National Rifle Association of America on which he does not serve and has not served, duly designated in accordance with a provision of the certificate of incorporation or the bylaws, as to matters within its designated authority, which committee the directors, officers or key persons believe to merit confidence, including, without limitation, the Audit Committee, Officers Compensation Committee, Nominating Committee, Executive Committee and Special Litigation Committee);

(11) with respect to his eleventh affirmative defense, that one or more causes of action, claims or allegations asserted, or remedies or relief sought, is barred by collateral estoppel or res judicata to the extent that issues of fact or law were litigated and decided in LaPierre’s favor or in a manner favorable to LaPierre in the bankruptcy action filed by the National Rifle Association of America in 2021 and were not appealed;

(12) with respect to the twelfth affirmative defense, that he has no liability under any of the causes of action asserted against him in the complaint because, at all times, as an officer and ex officio member, with voice but without vote, of the Board of Directors of the National Rifle

Association of America, he discharged the duties of his position as Executive Vice President of the National Rifle Association of America in good faith and with that degree of care which an ordinarily prudent person in a like position would exercise in like circumstances, and in discharging his duties, acted in good faith, without fault, and without knowledge of unlawfulness or bad faith and relied on information, opinions, reports or statements, including financial statements and other financial data prepared or presented by (a) one or more officers or employees of the National Rifle Association of America whom he believed to be reliable and competent in the matters presented, (b) public accountants, and other persons as to matters which he believed to be within their professional or expert competence, and/or (c) committees of the board of the National Rifle Association of America upon which he did not serve, duly designated in accordance with the bylaws of the National Rifle Association of America, as to matters within their designated authority, which committees he believed merited confidence, and in so relying he was acting in good faith and with that degree of care specified in N-PCL § 717(a) and without knowledge concerning any of the matters in question that would cause such reliance to be unwarranted. For example, LaPierre relied in good faith on the National Rifle Association of America's Treasurer and Chief Financial Officer and employees in the accounting department to properly review and account for all proposed transactions, financial transactions and accounting transactions and to keep proper books and records in accordance with all applicable laws and to ensure that the corporation was acting in accordance with all applicable laws, rules and regulations, relied on the Audit Committee to oversee the financial affairs of the Association and outside auditors to review the Association's financial statements and accounting procedures and inform him of any shortcomings, and relied on the clean audits the Association received every year as an indication that the financial functions were being handled properly;

(13) with respect to the thirteenth affirmative defense, that he has no liability under any of the causes of action asserted against him in the complaint because, at all times, he was an officer and ex officio member, with voice but without vote, of the Board of Directors of the National Rifle Association of America, and he conducted himself and performed his responsibilities within the scope of appropriate business judgment and deserving of the protections of the business judgment rule, and discharged the duties of his position in good faith and with the care an ordinarily prudent person in a like position would exercise under similar circumstances and in reliance on information, opinions, reports or statements prepared or presented by officers and/or employees of the National Rifle Association of America whom he believed to be reliable and competent in the matters presented, public accountants or other persons as to matters he believed to be within their professional or expert competence and committees of the Board upon which he did not serve duly designated in accordance of the Bylaws of the National Rifle Association of America, as to matters within their designated authority which committees he believed to merit confidence, and in so relying, he was acting in good faith and with that degree of care specified in paragraph (a) of N-PCL § 717, without knowledge concerning the matters in question that would cause his reliance to be unwarranted;

(14) with respect to the fourteenth affirmative defense, that he has no has no liability under any of the causes of action asserted against him in the Complaint because, at all times, as an officer and ex officer member, with voice but without vote of the Board of Directors of the National Rifle Association of America he relied on information, opinions, or reports of reasonable reliability either presented or available to him as he was permitted as an officer and ex officio member, with voice but without vote, of the Board of Directors of the National Rifle Association of America, acting in good faith;

(15) with respect to the fifteenth affirmative defense, that the causes of action asserted against him in the complaint purport to deprive him of his statutory business judgment rule defense and thus violate the fault-based scheme codified by the New York Legislature with respect to the regulation of not-for-profit corporations and officers, directors and certain other persons associated with such corporations and exceed the bounds of the Attorney General's authority by asserting against him non-statutory claims that are devoid of any fault-based elements, in a manner inconsistent with the N-PCL's statutory scheme, and by failing to allege fault with respect to statutory causes of action she has asserted or the non-statutory claims she has asserted, as required by the N-PCL, and, in this way, has arrogated to herself an inappropriate and unlawful lower burden of proof than that imposed on her by New York law, and, in addition, has usurped the power of the Legislature by bringing an action against him for relief that is not provided in section 720 of the N-PCL, thus, attempting to create new remedies that are inconsistent and incompatible with the Not-for-Profit Corporation Law – remedies that, as a matter of public policy, the Legislature, when codifying New York nonprofit law and expressly including certain actions for relief that may be brought against a director, officer or key person of a not-for-profit corporation, chose not to include, implicitly excluding them;

(16) with respect to the sixteenth affirmative defense, that the causes of action asserted against him in the Complaint for return of compensation paid to him exceed the statutory authority granted to the Attorney General, which does not imbue her with the power to avoid contracts or transactions between a not-for-profit corporation and one of its officers, except upon proof of an unlawful transfer and knowledge of unlawfulness on the part of the transferee, and the complaint does not sufficiently allege an unlawful transfer of corporate assets to him with knowledge on his part of any unlawfulness, and that, in light of his undisputed performance of the work assigned to

him, he justifiably and reasonably relied upon a compensation expectation set by an affirmative vote of a majority of the National Rifle Association of America's Board of Directors the subsequent payment of which, accordingly, was neither an unjust enrichment nor an excess benefit transaction as a matter of law, and that the evidence will show that the amount of compensation he received was reasonable, commensurate with services rendered, lawful, authorized and appropriate, as evidenced by, among other things, the expert report, expert supplemental report and expert rebuttal report and deposition testimony of Michael Graham, and the expert report, expert rebuttal reports and deposition testimony of Alan Nadel to which the Plaintiff's attention is respectfully directed;

(17) with respect to the seventeenth affirmative defense, that Plaintiff is not entitled to an injunction or any other equitable relief with respect to him on the basis of conduct of others over whom he had no control and for whose actions he may not be held liable, particularly where he was unaware of the conduct;

(18) with respect to the eighteenth affirmative defense, that any recovery by Plaintiff against him on any cause of action against him must be set off, reduced, abated and/or apportioned to the extent that any other intervening or superseding action, omission or occurrence caused or contributed to any damages awarded to Plaintiff, including, but not limited to, the COVID pandemic;

(19) with respect to the nineteenth affirmative defense, that the causes of action asserted against him in the complaint, and related requests for remedial action and other relief against him, are barred to the extent acts or omissions of third parties caused the alleged injury and damages complained of in this lawsuit;

(20) with respect to the twentieth affirmative defense, that the causes of action asserted against him in the complaint, and related requests for remedial action and other relief against him, must fail, in whole or in part, because he did not make any false or misleading statement of material fact, or omit any material fact when he had a duty to speak, and is not responsible in law or in fact for any alleged false or misleading statement or omission of material fact made by others;

(21) with respect to the twenty-first affirmative defense, that the causes of action asserted against him in the complaint, and related requests for remedial action and other relief against him, are unwarranted and moot because he acted at all times in good faith and because there is no substantial likelihood that he will violate the statutes, rules, or provisions specified in the complaint's causes of action and "Prayer for Relief," including, without limitation, with respect to the alleged "LaPierre Post-Employment Agreement," which has been cancelled and superseded, and under which no payment was ever made;

(22) with respect to the twenty-second affirmative defense, that the causes of action asserted against him in the complaint, and related requests for remedial action and other relief against him, violate the United States Constitution to the extent that the Attorney General seeks to bar him permanently from serving as an officer, director, or trustee of any not-for-profit or charitable organization authorized to conduct business or solicit charitable donations in the State of New York or that conducts any activities in New York, or to work for such a corporation in any other capacity, anywhere in the United States, as such relief would violate the substantive guarantees of the Due Process Clause of the Fourteenth Amendment to the United States Constitution and violate the "dormant" or ("negative") Commerce Clause, Article I, Section 8, Clause 3 of the United States Constitution, in that it presents an unlawful infringement and restraint on interstate commerce in violation of the Commerce Clause, and would also violate his rights

under the First Amendment to freedom of speech, freedom of association and freedom to petition the government and would violate the Eighth Amendment's prohibition on imposition of excess fines and forfeitures, since it would deprive him of his livelihood or, at the very least, make it difficult for him to pursue his livelihood;

(23) with respect to the twenty-third affirmative defense, that the sanction of disgorgement or restitution is unwarranted because he did not knowingly or willfully violate any of the statutes, rules, or provisions specified in the complaint and the complaint does not allege fault sufficient to warrant relief in the form of disgorgement or restitution or the setting aside of any transfer of corporate assets to him;

(24) with respect to the twenty-fourth affirmative defense, that the request for judgment against him for relief on a theory of unjust enrichment set forth in the complaint must be denied because, among other reasons, the Attorney General lacks authority to assert a cause of action for unjust enrichment, the cause of action for unjust enrichment that the Attorney General asserted against him in her prior complaint was dismissed, there was a contract that covered the subject of his compensation, he was not unjustly enriched, and he did not retain any "excess benefit" from participation in any "excess benefit transaction" as set forth under Internal Revenue Code Section 4958, so there is nothing to disgorge;

(25) with respect to the twenty-fifth affirmative defense, that relative culpability of each party who is or may be liable for the damages alleged by Plaintiff in the instant action should be determined in accordance with the statutory and decisional law of the State of New York, and the equitable share of each party's liability for contribution should be determined and apportioned in accordance with the relative culpability, if any, of each such party pursuant to Article 14 of the CPLR;

(26) with respect to the twenty-sixth affirmative defense, that the causes of action asserted against him in the complaint, and related requests for remedial action and other relief against him are barred, in whole or in part, by culpable conduct on the part of Plaintiff, including, without limitation, defamation, viewpoint discrimination and selective, malicious, frivolous and politically-motivated prosecution;

(27) with respect to the twenty-seventh affirmative defense, that the causes of action asserted against him in the complaint, and related requests for remedial action and other relief against him are barred, in whole or in part, by payment, accord and satisfaction, since he has made payments, with interest, to the National Rifle Association of America which he believes are sufficient to resolve the issues raised by the Attorney General with respect to alleged excess benefit transactions, and the National Rifle Association of America has accepted those payments, establishing what he believes is an accord and satisfaction with respect to those transactions insofar as the National Rifle Association of America is concerned, and has also paid what he believes to be the correct amount of excise taxes with respect to those transactions, therefore, the Attorney General can no longer honestly or legitimately claim that she, or the People of the State of New York, or anyone else is aggrieved with respect to any of the alleged excess benefit transactions;

(28) with respect to the twenty-eighth affirmative defense, that the causes of action asserted against him in the complaint, and related requests for remedial action and other relief against him are barred, in whole or in part, because the action is one “brought in behalf of the people” and the action has not been “brought in the name of the state” as required by CPLR 1301, and Plaintiff has asserted causes of action against “National Rifle Association of America, Inc.,” which does not exist, therefore Plaintiff has failed to properly join a necessary and indispensable

party – the National Rifle Association of America – and the Court should not proceed in its absence;

(29) with respect to the twenty-ninth affirmative defense, that Plaintiff lacks capacity to sue him under common law, lacks standing to sue him under the parens patriae doctrine, and may bring an action against him only for the relief provided in section 720 of the N-PCL, and only based on one of the causes of action provided in section 720 of the N-PCL, and only upon allegations sufficient to establish each of the elements of any cause of action asserted against him, including, to the extent applicable, fault, i.e., lack of good faith or knowledge of unlawfulness;

(30) with respect to the thirtieth affirmative defense, that Plaintiff lacks the legal capacity to sue him because he has substantially complied with all applicable statutes and has taken voluntary steps to ensure complete compliance and avoid any compliance issues, including voluntary rescission of the 2013 contract complained of by Plaintiff, thereby rendering the causes of action asserted against him based on that contract moot;

(31) with respect to the thirty-first affirmative defense, that the causes of action asserted against him in the complaint, and related requests for remedial action and other relief against him, are barred, in whole or in part, by the First Amendment to the United States Constitution, which requires that state regulation of not-for-profit corporations engaged in protected speech be conducted in the least intrusive manner possible and the relief sought against him in this action trespasses upon fundamental freedoms protected by the due process clause of the Fourteenth Amendment since the effect of removal and a lifetime nationwide ban on service to any not-for-profit corporation that conducts any activities in New York or solicits members or funds in New York would be to abridge his right to engage in lawful association with other supporters and defenders of the Second Amendment to the United States Constitution in support of their common

beliefs, and would have the effect of chilling freedom of speech and assembly and curtailing his freedom to associate freely with other like-minded Americans and his freedom to speak freely on Second Amendment issues and other issues of public concern;

(32) with respect to the thirty-second affirmative defense, that each of Plaintiff's statutory claims against him fail to allege that he acted with the fault necessary to satisfy the fault-based scheme codified by the New York Legislature in the Not-for-Profit Corporation Law and seek relief against him that is not provided in section 720 of the N-PCL and is inconsistent and incompatible with the N-PCL and the EPTL;

(33) with respect to the thirty-third affirmative defense, that Plaintiff's claims and related requests for relief and remedial action – which include imposing on him a permanent bar preventing him from serving as an officer, director, or trustee, or in any similar capacity, of any not-for-profit or charitable organization that conducts business or solicits charitable donations in the State of New York – exceed the authority granted to her by the Legislature in the N-PCL and is inconsistent and incompatible with the statute and the U.S. Constitution;

(34) with respect to the thirty-fourth affirmative defense, that Plaintiff's claims and related requests for remedial action – including, without limitation, Plaintiff's attempt to impose on him a permanent bar preventing him from serving as an officer, director, or trustee of any not-for-profit or charitable organization authorized to conduct business or soliciting charitable donations in the State of New York – exceed the authority granted to Plaintiff or the courts by the Legislature and thus exceed the Court's subject matter jurisdiction;

(35) with respect to the thirty-fifth affirmative defense, that Plaintiff's claims and related requests for remedial action – including, without limitation, Plaintiff's requests that he return his earned compensation and that he be permanently prevented from serving as an officer, director, or

trustee of any not-for-profit or charitable organization authorized to conduct business or solicit charitable donations in the State of New York – constitutes a penalty or forfeiture, an action for which is forbidden under CPLR 7205 where, as here, his acts were done in good faith and pursuant to a construction given to a statute by decisions of appellate courts;

(36) with respect to the thirty-sixth affirmative defense, that Plaintiff's claims and related requests for remedial action – including, without limitation, Plaintiff's requests that he return his earned compensation and that he be permanently banned and enjoined from serving as an officer, director, or trustee of any not-for-profit or charitable organization authorized to conduct business or soliciting charitable donations in the State of New York – violate New York State's Constitution and the United States Constitution and their protections against excessive and disproportional fines and forfeitures;

(37) with respect to the thirty-seventh affirmative defense, that Plaintiff's claims against him for return of compensation paid to him violate the statutory authority granted to the Attorney General, which does not imbue the Attorney General with the power to set aside contracts or transactions between the corporation and its officers and directors, and that, in light of his undisputed performance of the work assigned to him, he justifiably and reasonably relied upon a compensation expectation set by an affirmative vote of a majority of the National Rifle Association of America Board of Directors the subsequent payment of which, accordingly, was neither an unjust enrichment nor an excess benefit transaction as a matter of law;

(38) with respect to the thirty-eighth affirmative defense, that Plaintiff's causes of action to recover the compensation paid to him as unreasonable must fail because the complaint does not state, as it must under CPLR 3016(h), that the National Rifle Association of America's all-volunteer Board of Directors' decision to approve and grant that compensation was based upon

gross negligence or intentional infliction of harm, nor that any alleged act or omission on his part in his capacity as an ex officio member, with voice but without vote, of the all-volunteer board constituted gross negligence or intentional infliction of harm;

(39) with respect to the thirty-ninth affirmative defense, that Plaintiff's claims against him are barred completely because none of the acts or omissions alleged in the complaint has produced injury to property or to the public and granting any of the relief requested against him would harm the public and violate the First Amendment by chilling and suppressing free speech and free association;

(40) with respect to the fortieth affirmative defense, that whatever injuries may have been sustained were caused in whole or in part, or were contributed to, by the culpable conduct and/or want of care on the part of one or more entities or individuals over whom he had no control;

(41) with respect to the forty-first affirmative defense, that the relative culpability of each party who is or may be liable for the damages alleged by Plaintiff should be determined in accordance with the decisional and statutory law of the State of New York, and the equitable share of each party's liability for contribution should be determined and apportioned in accordance with the relative culpability, if any, of each such party pursuant to Article 14 of the CPLR.

INTERROGATORY NO. 3

For each denial of an allegation in Your Answer, state all facts upon which You base the denial, identify all persons who have knowledge of those facts, and all documents and other tangible things which support Your denial.

RESPONSE TO INTERROGATORY NO. 3

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 3 on the grounds that it is plainly improper in that it is not a Commercial Division Rule 11-a(d) interrogatory (i.e., an interrogatory

“seeking the claims and contentions of the opposing party”), but, rather, is, in part, a Rule 11-a(b) interrogatory that Plaintiff was required to serve before the discovery cutoff date in this case; and (2) it purports to require LaPierre to identify witnesses he intends to call at trial, which is inconsistent with Commercial Division Rule 32 and Section VIII, A of this Court’s Part 3 - Practices and Procedures. Moreover, LaPierre objects to Interrogatory No. 3 on the grounds that it is overly broad and unduly burdensome, ambiguous, vague, unclear, calls for legal opinions and conclusions, calls for the disclosure of information protected by confidentiality, attorney-client privilege, or other privileges, and purports to impose requirements on LaPierre that exceed those imposed by the CPLR and Commercial Division Rule 11-a(d). This interrogatory is plainly improper in that it purports to require and direct LaPierre to go through his answers to 704 paragraphs in the complaint and state all facts upon which he bases any denial and identify all persons who have knowledge of those facts and all documents that support his denial, which would be unreasonably burdensome and harassing and, in fact, practically impossible. Furthermore, because LaPierre’s answer includes hundreds of denials, this interrogatory, including subparts, constitutes several hundred interrogatories, which far exceeds the 25-interrogatory limit set by Rule 11-a(a) and is plainly improper for that reason as well. Also, the interrogatory attempts to shift the burden of proof onto LaPierre and to require him to state facts to prove a negative. Finally, LaPierre’s denial of many of the allegations in his answer was based on, and necessitated by the fact that, in the complaint, Plaintiff identified “The National Rifle Association of America, Inc.” as the lead defendant and defined it as “NRA,” when, according to the New York Department of State database and a New York Department of State representative, no such entity exists, which required LaPierre to deny each such allegation, in whole or in part, to avoid giving an answer that would be materially false and misleading.

INTERROGATORY NO. 4

If as a defense to the allegations against You in this Action, including without limitation as alleged in Your Twelfth and Fourteenth Affirmative Defenses, You contend that You relied upon information, opinions, reports or statements of NRA employees or other professionals outside the NRA—including counsel, public accountants, and consultants—identify all facts upon which You base the defense, persons who have knowledge of those facts, and all documents and other tangible things which support such defense.

RESPONSE TO INTERROGATORY NO. 4

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, to the extent that in referring to “NRA,” Plaintiff is referring to the “National Rifle Association of America, Inc.,” LaPierre objects to this interrogatory specifically on the ground that the National Rifle Association of America, Inc. is not a legal entity and is not a party to this action. Moreover, he objects to Interrogatory No. 4 on the grounds that it is plainly improper in that it exceeds the 25 interrogatory limit set by Commercial Division Rule 11-a(a) and is overly broad and unduly burdensome, ambiguous, vague, unclear, calls for legal conclusions, calls for the disclosure of information protected by confidentiality, attorney-client privilege, or any other privilege or immunity, and does not seek the “claims and contentions” of LaPierre and thus exceeds the authority granted by Commercial Division Rule 11-a(d), is not appropriately limited as to time, and is manifestly oppressive, harassing and outrageous, particularly given the sheer number of people from whom LaPierre has received information and reports that he has relied upon over the course of his 45-year career at the National Rifle Association of America. Subject to and without waiving those objections, LaPierre responds as follows: LaPierre relied upon information, opinions, reports, and/or statements of numerous National Rifle Association of America employees, including, without limitation, accountants and other personnel in the Office of the Treasurer and the Financial Services Division including, among others, Wilson Phillips, Craig Spray, Sonya Rowling; information, opinions, and/or reports of independent auditors and tax

accountants at RSM and Aronson engaged to provide professional services; and information, opinions, reports, and/or statements of members of the Audit Committee. LaPierre refers Plaintiff to his tenth affirmative defense and the discovery record for the documents, testimony, expert reports, and other tangible things which support LaPierre's defense of justifiable reliance provided by the Legislature, *inter alia*, in N-PCL § 717.

INTERROGATORY NO. 5

State whether You were aware of whistleblower complaints at the NRA and any NRA response, and if so, identify all facts upon which You base that contention, all persons who have knowledge of those facts, and all documents and other tangible things which support those facts.

RESPONSE TO INTERROGATORY NO. 5

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 5 on the grounds that (1) it calls for a legal opinion and conclusion to the extent it requires LaPierre to state whether a communication constitutes a "whistleblower complaint;" (2) to the extent that in referring to "NRA," Plaintiff is referring to the "National Rifle Association of America, Inc." LaPierre objects to this interrogatory specifically on the ground that the "National Rifle Association of America, Inc." is not a legal entity and is not a party to this action; (3) it exceeds the 25-interrogatory limit; (4) it is not a Rule 11-a(d) "contention" interrogatory, but, rather a Rule 11-a(b) interrogatory that should have been served before the cut-off date for fact discovery, but was not, and, therefore, is untimely and improper; (5) it purports to require LaPierre to identify trial witnesses prematurely, ignoring Commercial Division Rule 32 and Section VIII, A. of this Court's Part Rules; and (6) it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing and plainly improper.

Subject to and without waiving the foregoing objections, LaPierre contends that he was aware of certain communications that have been characterized by some as "whistleblower

complaints” at the National Rifle Association of America and of certain responses by the National Rifle Association of America to the so-called “whistleblower complaints,” and respectfully refers Plaintiff to the evidentiary record, documents, deposition testimony and expert reports relating to alleged “whistleblower complaints.”

INTERROGATORY NO. 6

If You contend that there was a business purpose for billing expenses incurred by NRA employees through Ackerman McQueen as out-of-pocket expenses, identify the facts upon which You base that contention, all persons who have knowledge of those facts, and all documents and other tangible things which support those facts.

RESPONSE TO INTERROGATORY NO. 6

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 6 on the grounds that: (1) it refers to “NRA,” which is defined in the complaint as “The National Rifle Association of America, Inc.,” which according to the New York Department of State does not exist, a reference which is therefore incorrect and misleading; (2) it is really an untimely Rule 11-a(b) interrogatory, rather than a timely Rule 11-a(d) interrogatory; (3) it exceeds the 25-interrogatory limit of Rule 11-a(a); and (4) it is vague, ambiguous, overly broad, unduly burdensome, oppressive, and harassing.

Subject to and without waiving the foregoing objections, LaPierre contends that there was a legitimate business purpose for Ackerman McQueen to pay certain expenses incurred by certain National Rifle Association of America employees and to seek reimbursement from the National Rifle Association of America for those expenses, to the extent that Ackerman McQueen kept appropriate records and properly documented the business purpose for each expenditure and presented appropriate documentation to the appropriate people at the National Rifle Association of America who were responsible for reviewing and approving payment of vendor invoices and

respectfully refers Plaintiff to the evidentiary record, documents, deposition testimony and expert reports relating to alleged “out-of-pocket” expenses.

INTERROGATORY NO. 7

Identify all benefits You or Your family received from or which were paid for by any vendor or individuals who were principals at an NRA vendor, including without limitation, David or Laura McKenzie or any entity with which they were associated, from 2012 to the present—including any gifts, travel, lodgings, entertainment, dining, tours, and yacht usage—identifying all facts and documents which support the same and all persons who have knowledge of those facts.

RESPONSE TO INTERROGATORY NO. 7

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 7 on the grounds that: (1) it exceeds the 25-interrogatory limit set by Rule 11-a(a); (2) it is not a “contention” interrogatory within the meaning of Rule 11-a(d), but, rather, an untimely Rule 11-a(b) interrogatory; (3) it is vague and ambiguous (as to the meaning of “family,” “individuals who were principals at an NRA vendor” and “yacht usage”); (4) it is overly broad, oppressive and harassing; and (5) it calls for legal opinions and conclusions, specifically with respect to the legal definition or legal meaning of the terms “benefits,” “received,” “paid for,” and “gifts.”

Subject to and without waiving the foregoing objections, LaPierre respectfully refers Plaintiff to the evidentiary record, documents, deposition testimony and expert reports relating to alleged “benefits” received by him or members of his family.

INTERROGATORY NO. 8

If it is Your contention that any of the benefits disclosed in response to Interrogatory No. 7 had a business purpose, set forth the business purpose and identify the facts establishing the business purpose, all persons who have knowledge of those facts, and all documents and other tangible things which support those facts.

RESPONSE TO INTERROGATORY NO. 8

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 8 on the grounds that: (1) it exceeds the 25-interrogatory limit set by Rule 11-a(a); (2) it is not a “contention” interrogatory within the meaning of Rule 11-a(d), but, rather, an untimely Rule 11-a(b) interrogatory; and (3) it calls for legal opinions and conclusions.

Subject to and without waiving the foregoing objections, it is LaPierre’s contention that certain travel, lodging, entertainment, meals, tours and marine transportation paid for by vendors or individuals associated with vendors, such as David or Laura McKenzie, had a business purpose, such as prospecting for members, donors, directors and celebrity supports and spokespersons as part of a business strategy to establish the National Rifle Association of America’s brand and enhance its reputation as a mainstream organization dedicated to protecting American freedoms and that these activities were important, and, indeed, critical, to the success of the National Rifle Association of America’s mission. LaPierre respectfully refers Plaintiff to the evidentiary record, documents, deposition testimony and expert reports relating to alleged “benefits” referred to in Interrogatory No. 8.

INTERROGATORY NO. 9

Identify all sums paid at Your direction or upon Your approval by the NRA, directly or indirectly, for Youth for Tomorrow events, programs, and initiatives.

RESPONSE TO INTERROGATORY NO. 9

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 9 on the grounds that: (1) it refers to “NRA,” which is defined in the complaint as “The National Rifle Association of America, Inc.,” which according to the New York Department of State does not exist, a reference which is therefore incorrect and misleading; (2) it is really an untimely Rule 11-a(b) interrogatory, rather

than a timely Rule 11-a(d) interrogatory; (3) it exceeds the 25-interrogatory limit of Rule 11-a(a); and (4) it is vague, ambiguous, overly broad, unduly burdensome, oppressive, and harassing.

Subject to and without waiving the foregoing objections, upon information and belief, LaPierre contends that the National Rifle Association of America made certain payments to Youth for Tomorrow in connection with certain events, programs and initiatives in which the National Rifle Association of America was involved as part of its mainstreaming, branding, reputation and relationship building activities and that some of the payments were made at his direction or his approval. LaPierre directs Plaintiff to the evidentiary record, documents and testimony, and the expert reports of LaPierre's and the National Rifle Association of America's experts relating to such payments.

INTERROGATORY NO. 10

Identify all excise taxes You have paid to the IRS from 2012 to the present.

RESPONSE TO INTERROGATORY NO. 10

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 10 on the grounds that (1) it exceeds the 25-interrogatory limit set by Rule 11-a(a); (2) it is not a "contention" interrogatory within the meaning of Rule 11-a(d), but, rather, an untimely Rule 11-a(b) interrogatory; and (3) it seeks information for the time period 2012 to the present, which is outside any reasonable or relevant time period.

Subject to and without waiving the foregoing objections, LaPierre contends that he has paid excise taxes to the IRS in certain years and directs Plaintiff to the evidentiary record, documents and testimony relating to such payments, and his and the National Rifle Association of America's expert reports and testimony regarding his payment of excise taxes.

INTERROGATORY NO. 11

If it is Your contention that You “decide[d] in 2017 to take a complete 360-degree review of ... all of the operations of the National Rifle Association to make sure that [the NRA was] in complete compliance with the policies and procedures of our Board of Directors and also in complete and total compliance with New York ... Not-For-Profit Law,” identify all actions You have personally taken in support of the 360-degree review, the facts upon which You base that contention, all persons who have knowledge of those facts, and all documents and other tangible things which support those facts.

RESPONSE TO INTERROGATORY NO. 11

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 11 on the grounds that: (1) it exceeds the 25-interrogatory limit set by Rule 11-a(a); and (2) it is not a proper “contention” interrogatory within the meaning of Rule 11-a(d), but, rather, an untimely Rule 11-a(b) interrogatory.

Subject to and without waiving the foregoing objections, LaPierre contends that his prior testimony speaks for itself and respectfully refers Plaintiff to that testimony for a full and fair presentation of his testimony, in proper context and further contends that he took actions in support of the 360-degree review, including, but not limited to, directing that the review continue until all material issues had been identified and resolved, directing that letters be sent to vendors informing them of the importance of full compliance with all contracts and all applicable policies and procedures, termination of certain vendor relationships, review of all vendor relationships and related party transactions and vendor contracts, directing appropriate personnel changes and appropriate improvements in internal controls and procedures, engagement of appropriate professionals to advise the association on compliance matters, initiation of compliance refreshers to highlight the importance of compliance, establishment of a good tone at the top and communication of a clear message to all employees encouraging them to bring to the attention of the appropriate association officers, employees and Board committees any concerns they might

have about compliance with applicable laws, rules, regulations, policies or procedures, or anything else they thought might warrant Board attention. LaPierre respectfully directs Plaintiff's attention to the evidentiary record, the documents, deposition testimony, Judge Hale's decision and order in the bankruptcy, and the expert reports submitted by the National Rifle Association of America.

INTERROGATORY NO. 12

Is it Your contention that Craig Spray's performance as Chief Financial Officer of the NRA after October of 2020 did not meet Your expectations? If yes, identify the facts upon which You base that contention, all persons who have knowledge of those facts, and all documents and other tangible things which support those facts.

RESPONSE TO INTERROGATORY NO. 12

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 12 on the grounds that: (1) it exceeds the 25-interrogatory limit set by Rule 11-a(a); (2) it refers to "NRA," which is defined in the complaint as "The National Rifle Association of America, Inc.," which according to the New York Department of State does not exist, a reference which is therefore incorrect and misleading; (3) the second part of the interrogatory is a regular interrogatory, that was not served before the discovery cutoff, not a "contention" interrogatory, to which LaPierre has no obligation to respond; and (4) it is vague, ambiguous, overbroad, unduly burdensome and harassing in that it calls for a sweeping narrative response rather than simply LaPierre's contentions.

Subject to and without waiving the foregoing objections, LaPierre contends that Craig Spray's performance as Chief Financial Officer of the National Rifle Association of America after October 2020 did not meet his expectations as a full-time, in-office, CFO because Mr. Spray had stopped coming in to the office, had cleaned out his office, and had moved back to Michigan. In this regard, LaPierre respectfully directs Plaintiff's attention to the evidentiary record, the

documents, deposition testimony and the expert reports submitted by the National Rifle Association of America, and, in particular, the deposition testimony of Dr. Sullivan.

INTERROGATORY NO. 13

Is it Your contention that defendant Woody Phillips failed to adequately perform as an employee of, breached his fiduciary duties to, and/or breached his legal obligations to the NRA? If yes, identify the facts upon which You base that contention, all persons who have knowledge of those facts, and all documents and other tangible things which support those facts.

RESPONSE TO INTERROGATORY NO. 13

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 13 on the grounds that: (1) it exceeds the 25-interrogatory limit set by Rule 11-a(a); (2) it is not a “contention” interrogatory within the meaning of Rule 11-a(d), but, rather, an untimely Rule 11-a(b) interrogatory; (3) it refers to “NRA,” which is defined in the complaint as “The National Rifle Association of America, Inc.,” which according to the New York Department of State does not exist, a reference which is therefore incorrect and misleading; and (4) it calls for legal opinions and conclusions the determination of which will turn on the evidence presented at trial.

INTERROGATORY NO. 14

Is it Your contention that defendant Joshua Powell failed to adequately perform as an employee of, breached his fiduciary duties to, and/or breached his legal obligations to the NRA? If yes, identify the facts upon which You base that contention, all persons who have knowledge of those facts, and all documents and other tangible things which support those facts.

RESPONSE TO INTERROGATORY NO. 14

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 14 on the grounds that: (1) it exceeds the 25-interrogatory limit set by Rule 11-a(a); (2) it is not a “contention” interrogatory within the meaning of Rule 11-a(d), but, rather, an untimely Rule 11-a(b) interrogatory; (3) it refers to

“NRA,” which is defined in the complaint as “The National Rifle Association of America, Inc.,” which according to the New York Department of State does not exist, a reference which is therefore incorrect and misleading; and (4) it calls for legal opinions and conclusions the determination of which will turn on the evidence presented at trial.

INTERROGATORY NO. 15

Identify the circumstances of Mildred Hallow’s termination of employment from the NRA, including whether she was fired for cause, the reasons for terminating her, who made the decision to terminate her, the terms of her termination (including whether she received or is receiving any severance or post-employment compensation), all persons who have knowledge of those facts, and all documents and other tangible things which support those facts.

RESPONSE TO INTERROGATORY NO. 15

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 15 on the grounds that: (1) it exceeds the 25-interrogatory limit set by Rule 11-a(a); (2) it is not a “contention” interrogatory within the meaning of Rule 11-a(d), but, rather, an untimely Rule 11-a(b) interrogatory; (3) it refers to “NRA,” which is defined in the complaint as “The National Rifle Association of America, Inc.,” which according to the New York Department of State does not exist, a reference which is therefore incorrect and misleading; and (4) it calls for legal opinions and conclusions the determination of which will turn on the evidence presented at trial.

INTERROGATORY NO. 16

Identify all instances You are aware of when an NRA officer, director, or key person violated NRA policy or procedure governing the financial or business affairs of the NRA from 2012 to the present.

RESPONSE TO INTERROGATORY NO. 16

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 16 on the grounds that it is plainly and

palpably improper, outrageous and designed to harass and annoy in that it is vague, ambiguous, overbroad, unduly burdensome and also: (1) it exceeds the 25-interrogatory limit set by Rule 11-a(a); (2) is not a “contention” interrogatory within the meaning of Rule 11-a(d), but, rather, an untimely Rule 11-a(b) interrogatory; (3) it refers to “NRA,” which is defined in the complaint as “The National Rifle Association of America, Inc.,” which according to the New York Department of State does not exist, a reference which is therefore incorrect and misleading; (4) calls for legal opinions and conclusions (e.g., as to who is a “key person” within the meaning of the New York Not-for-Profit Corporation Law and what constitutes a violation of policy or procedure); (5) the ten-year time frame is obviously overbroad and excessive; and (6) it calls for irrelevant information that is not in LaPierre’s possession.

INTERROGATORY NO. 17

Is it Your contention that You have appropriately overseen the design, implementation, conduct, and assessment of an effective system of internal control at the NRA? If yes, identify the facts upon which You base that contention, all persons who have knowledge of those facts, and all documents and other tangible things which support those facts.

RESPONSE TO INTERROGATORY NO. 17

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 17 on the grounds that: (1) it exceeds the 25-interrogatory limit set by Rule 11-a(a); (2) it is not a “contention” interrogatory within the meaning of Rule 11-a(d), but, rather, an untimely Rule 11-a(b) interrogatory; (3) it refers to “NRA,” which is defined in the complaint as “The National Rifle Association of America, Inc.,” which according to the New York Department of State does not exist, a reference which is therefore incorrect and misleading; (4) it calls for legal opinions and conclusions; and (5) it is vague, ambiguous, overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, upon information and belief, LaPierre contends that he has appropriately directed all the affairs of the National Rifle Association of America in accordance with the programs and policies established by the Board of Directors of the National Rifle Association of America, including with respect to design, implementation, conduct, and assessment of an effective system of internal control at the National Rifle Association of America to the extent that he had any duty to do so, that in doing so he discharged the duties of his position as Executive Vice President of the National Rifle Association of America in good faith and with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and that in discharging his duties, relied on information, opinions, reports or statements prepared or presented by: (1) officers or employees of the association, whom he believed to be reliable and competent in the matters presented; (2) public accountants and other persons as to matters which he believed to be within their professional or expert competence; and (3) committees of the Board upon which he did not serve, duly designated in accordance with the association's bylaws as to matters within their designated authority which committees he believed to merit confidence and, in so relying, was acting in good faith and with that degree of care specified in paragraph (a) of section 717 of the New York Not-for-Profit Corporation law.

INTERROGATORY NO. 18

Is it Your contention that expenses alleged in the Complaint to have been for Your personal benefit were justified as an investment in donor cultivation? If yes, identify the facts upon You base that contention and which evidence such cultivation, all persons who have knowledge of those facts, and all documents and other tangible things which support those facts.

RESPONSE TO INTERROGATORY NO. 18

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 18 on the grounds that: (1) it exceeds the 25-interrogatory limit set by Rule 11-a(a); (2) it is not a "contention" interrogatory within the

meaning of Rule 11-a(d), but, rather, an untimely Rule 11-a(b) interrogatory; (3) it calls for legal opinions and conclusions; and (4) it is vague, ambiguous, overbroad and unduly burdensome, oppressive, and designed to harass and annoy.

Subject to and without waiving the foregoing objections, upon information and belief, LaPierre contends that he has made payments to the National Rifle Association of America in amounts that he believes are sufficient to cover all expenses that any reasonable person could reasonably view as having been for his personal benefit. LaPierre respectfully directs Plaintiff's attention to the evidentiary record, the documents, deposition testimony, and the expert reports submitted by the National Rifle Association of America and those submitted by him.

INTERROGATORY NO. 19

Is it Your contention that the NRA has had a written policy mandating that You travel domestically exclusively by private charter from 2012 to the present? If yes, identify the facts upon which You base that contention (including such writing(s)), all persons who have knowledge of those facts, and all documents and other tangible things which support those facts.

RESPONSE TO INTERROGATORY NO. 19

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 19 on the grounds that: (1) it exceeds the 25-interrogatory limit set by Rule 11-a(a); (2) it is not a "contention" interrogatory within the meaning of Rule 11-a(d), but, rather, an untimely Rule 11-a(b) interrogatory; (3) it refers to "NRA," which is defined in the complaint as "The National Rifle Association of America, Inc.," which according to the New York Department of State does not exist, a reference which is therefore incorrect and misleading; (4) it calls for legal opinions and conclusions; and (5) it is vague, ambiguous, overbroad and unduly burdensome.

LaPierre respectfully directs Plaintiff's attention to the evidentiary record, the documents, deposition testimony, and the expert reports submitted by the National Rifle Association of

America and those submitted by him, and, in particular to the testimony of Jim Staples and Mr. Cunningham.

INTERROGATORY NO. 20

Identify all written policies at the NRA relating to private charter travel in effect at any point from 2012 to the present, including the contents, location, and term of such policies.

RESPONSE TO INTERROGATORY NO. 20

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 20 on the grounds that: (1) it exceeds the 25-interrogatory limit set by Rule 11-a(a); (2) it is not a “contention” interrogatory within the meaning of Rule 11-a(d), but, rather, an untimely Rule 11-a(b) interrogatory; (3) it refers to “NRA,” which is defined in the complaint as “The National Rifle Association of America, Inc.,” which according to the New York Department of State does not exist, a reference which is therefore incorrect and misleading; (4) it calls for legal opinions and conclusions; and (5) it is vague, ambiguous, overbroad and unduly burdensome.

LaPierre respectfully directs Plaintiff’s attention to the evidentiary record, the documents, deposition testimony, and the expert reports submitted by the National Rifle Association of America and those submitted by him, and, in particular to the testimony of Jim Staples, Mr. Cunningham and Mr. Mehta.

INTERROGATORY NO. 21

If it is Your contention that the NRA has had written policies relating to first-class travel in effect at any point from 2015 to the present, identify all facts upon which You base that contention (including such writing(s) and the time periods they were in effect), all persons who have knowledge of those facts, and all documents and other tangible things which support those facts.

RESPONSE TO INTERROGATORY NO. 21

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 21 on the grounds that: (1) it exceeds the 25-interrogatory limit set by Rule 11-a(a); (2) it is not a “contention” interrogatory within the meaning of Rule 11-a(d), but, rather, an untimely Rule 11-a(b) interrogatory; (3) it refers to “NRA,” which is defined in the complaint as “The National Rifle Association of America, Inc.,” which according to the New York Department of State does not exist, a reference which is therefore incorrect and misleading; (4) it calls for legal opinions and conclusions; and (5) it is vague, ambiguous, overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, upon information and belief, LaPierre contends that the National Rifle Association of America has had policies relating to first-class travel for a long time and directs Plaintiffs’ attention to the evidentiary record, deposition testimony and expert reports, including an active Travel and Business Expense Reimbursement Policy that relates to first-class travel.

INTERROGATORY NO. 22

Identify all written policies at the NRA relating to Your security in effect at any point from 2012 to the present including the contents, location, and term of such policies.

RESPONSE TO INTERROGATORY NO. 22

LaPierre incorporates the General Objections stated above as if fully stated herein. In addition, LaPierre specifically objects to Interrogatory No. 22 on the grounds that: (1) it exceeds the 25-interrogatory limit set by Rule 11-a(a); (2) it is not a “contention” interrogatory within the meaning of Rule 11-a(d), but, rather, an untimely Rule 11-a(b) interrogatory; (3) it refers to “NRA,” which is defined in the complaint as “The National Rifle Association of America, Inc.,” which according to the New York Department of State does not exist, a reference which is

therefore incorrect and misleading; (4) it calls for legal opinions and conclusions; and (5) it is vague, ambiguous, overbroad and unduly burdensome.

LaPierre respectfully directs Plaintiff's attention to the evidentiary record, the documents, deposition testimony, and the expert reports submitted by the National Rifle Association of America and those submitted by him, and, in particular to the testimony of Jim Staples, Mr. Cunningham and Mr. Mehta.

Dated: New York, New York
November 22, 2022

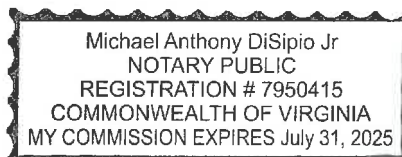
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Attorney for Defendant Wayne LaPierre

VERIFICATION

STATE OF VIRGINIA)
) SS.:
COUNTY OF FAIRFAX)



Wayne LaPierre, being duly sworn, deposes and says:

I am a named defendant in the above-captioned action. I have read the foregoing Defendant Wayne LaPierre's Objections and Responses to Plaintiff's First Set of Interrogatories and the contents thereof and the statements contained therein and they are true to my knowledge, except as to matters alleged on information and belief, and as to those matters, I believe them to be true.

Wayne LaPierre
Wayne LaPierre

11/22/22
Date

Sworn to before me this 22 day of November, 2022

[Signature]
Notary Public in and for the State of Virginia

Michael A. DiSipio, Jr.
Printed Name

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via email
upon all counsel of record on this 22nd day of November 2022.

/s/ P. Kent Correll
P. Kent Correll