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VIA NYSCEF and EMAIL

Honorable Joel M. Cohen
Justice of the Supreme Court of the State of New York State
Commercial Division, New York County
60 Centre Street
New York, NY 10007

**Re: *People of the State of New York v. The National Rifle Association of America, et al.*,
Index No. 451625/2020**

Dear Justice Cohen:

On behalf of the Plaintiff, the People of the State of New York, the Office of the Attorney General of the State of New York ("OAG"), we respectfully write to request an extension of Plaintiff's time to brief various recently-filed motions. Due to the demands of ongoing briefing of dispositive and other motions in this action, Plaintiff asks for a 30 day extension of current opposition due dates for responding to certain Defendants' expert and discovery motions. As explained below, we anticipate that the parties may subsequently agree to and submit a stipulation containing a reasonable briefing schedule on the motions. If not, Plaintiff will submit a proposed order containing a briefing schedule to the Court. Alternatively, Plaintiff asks for a conference with the Court to discuss the scheduling of pending motions. These are Plaintiff's first request for such extensions and will not impact any other scheduled date.

Pursuant to prior order of the Court, motions directed at experts are due to be filed by March 24, 2023. No briefing schedule for such motions has been set. There are twelve experts proffered in this case. Plaintiff proffered three experts. Defendants the National Rifle Association of America ("NRA"), Wayne LaPierre and John Frazer offered the remaining nine experts. On March 10 (Mot. Seq. # 47) and March 17, 2023 (Mot. Seq. # 50 (pending)), Defendant NRA filed separate motions to preclude Plaintiff's experts Dr. Erica Harris and Jeffrey Tenenbaum. Pursuant to the notices of motion, Plaintiff's opposition papers are due on March 20 and March 27, 2023, respectively, leaving Plaintiff no option but to write for the Court's assistance or seek an extension in the Motion Support Office, which Plaintiff intends to do should we not hear from the Court before the relevant return dates. The NRA refused the Plaintiff's request for extensions and declined Plaintiff's proposal to set an agreed-upon briefing schedule.

On March 14, 2023, the NRA brought a post-note of issue motion to preclude and/or for additional discovery against Plaintiff relating to allegedly deficient interrogatory responses (Mot. Seq. # 48). The NRA did not first make an application for relief before the court-appointed Discovery Special Master. Opposition to that motion, pursuant to the notice of motion, is due March 23, 2023. The NRA refused to consent to an extension. On March 17, 2023, Defendant Frazer also brought a motion to preclude and/or for additional discovery against Plaintiff relating to allegedly deficient interrogatory responses. (Mot. Seq. # 49 (pending)). Frazer also did not first make an application for relief before the court-appointed Discovery Special Master. Frazer did not respond to a request for an extension or a discussion of a stipulated briefing schedule. Defendant LaPierre has indicated that he, too, may file a similar motion as he recently asked for a “meet and confer” regarding the same.

An extension of the dates for Plaintiff’s opposition to the expert and discovery motions is necessary for multiple reasons. First, more than one defendant may move to preclude Plaintiff’s experts. If that is the case, a reasonable briefing schedule should consider the volume of motions to be addressed and, accordingly, should be set after all expert motions are submitted on March 24, 2023. Second, Plaintiff aims to be as efficient as possible and endeavors, if possible, to address separate motions directed at Plaintiff’s experts in a unified manner, i.e., a unified response in defense of Plaintiff’s expert Jeffrey Tenenbaum, who currently is the subject of a motion by the NRA. Unified opposition to potentially multiple motions directed at the same experts would also likely reduce the Court’s workload. Accordingly, Plaintiff would like to see how many motions are at issue and plan a briefing schedule that is practical, realistic and efficient. Third, as the Court is aware, multiple dispositive motions, and cross-motions for related relief, are currently being briefed. The dates of those motions, at the request of various parties, had to be adjusted in piecemeal fashion, resulting in multiple letters to the Court and in the recent request from Chambers that the parties submit a stipulation setting out the due dates. Plaintiff would like to avoid any unnecessary confusion moving forward. Rather than obtaining piecemeal relief from the Court or the Motion Support Office, Plaintiff believes it would be preferable to set reasonable briefing schedules for the foregoing motions.

Accordingly, in light of the foregoing, Plaintiff asks for a 30-day extension of current due dates for opposition on Mot. Seq. # 47 (NRA motion directed at expert)(new date of April 19), 2023), # 48 (NRA discovery-related motion) (new date of April 24), # 49 (Frazer discovery-related motion)(new date of April 27), and # 50 (NRA motion directed at expert)(new date of April 27). These dates make papers all due at or about the time of argument of various motions on April 20, 2023. However, Plaintiff hopes that once the volume of expert motion papers at issue is clear on March 24, 2023 and the parties discuss the need for a more reasonable motion briefing schedule, we may subsequently agree to and submit a stipulation containing an agreed-upon briefing schedule on these motions. If not, Plaintiff will submit a proposed order containing a full briefing schedule. Alternatively, Plaintiff asks for a conference with the Court to discuss the scheduling of pending motions.

We thank the Court for its attention to this matter.

Respectfully,

/s/ Monica Connell
Monica Connell
Assistant Attorney General

cc: All Counsel of Record