

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,	§	
BY LETITIA JAMES, ATTORNEY GENERAL	§	Index No. 451625/2020
OF THE STATE OF NEW YORK,	§	Hon. Joel M. Cohen
	§	
Plaintiff,	§	Motion Sequence No. _____
	§	
v.	§	
	§	
THE NATIONAL RIFLE ASSOCIATION OF	§	<b><u>AFFIRMATION IN SUPPORT</u></b>
AMERICA, WAYNE LAPIERRE, WILSON	§	<b><u>OF MOTION TO EXCLUDE</u></b>
PHILLIPS, JOHN FRAZER, and JOSHUA	§	<b><u>EVIDENCE FROM JEFFREY</u></b>
POWELL,	§	<b><u>TENENBAUM</u></b>
	§	
Defendants.	§	

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**AFFIRMATION IN SUPPORT OF**  
**DEFENDANT THE NATIONAL RIFLE ASSOCIATION OF AMERICA’S**  
**MOTION TO EXCLUDE EVIDENCE FROM JEFFREY TENENBAUM**

I, Christopher T. Zona, an attorney duly admitted to practice law before the Courts of the State of New York, hereby affirm under penalty of perjury pursuant to CPLR 2106 as follows:

1. I am Counsel with the law firm Brewer, Attorneys & Counselors, counsel for Defendant the National Rifle Association of America (“NRA”).
2. I am familiar with the facts and circumstances set forth herein.
3. I submit this Affirmation in support of the NRA’s Motion To Exclude Evidence From Jeffrey Tenenbaum which seeks to exclude the evidence and testimony of Jeffrey Tenenbaum who Plaintiff Attorney General of the State of New York (“NYAG”) intends to call at trial as an expert witness.

4. On September 16, 2022, the NYAG served the NRA with an Expert Disclosure related to Jeffrey Tenenbaum indicating the NYAG's intention to call Tenenbaum as an expert witness as part of the NYAG's case at trial.

5. Attached hereto as **Exhibit A** is a true and correct copy of the NYAG's "Expert Disclosure" related to Jeffrey Tenenbaum, dated September 16, 2022. The Expert Disclosure contains the "Expert Report Of Jeffrey S. Tenenbaum," dated September 16, 2022, which is marked as Exhibit A to the Expert Disclosure. References to the "Report" in the motion and attendant memorandum of law refer to the "Expert Report Of Jeffrey S. Tenenbaum," dated September 16, 2022.

6. Attached hereto as **Exhibit B** is a true and correct copy of the transcript of the Deposition of Jeffrey Tenenbaum, dated November 1, 2022. The deposition transcript has two volumes which have been combined into a single exhibit for the purpose of this Exhibit.<sup>1</sup>

7. Attached hereto as **Exhibit C** is a true and correct copy of the "Rebuttal Report Of Ryan Sullivan, Ph.D., and Bruce L. Blacker, CPA, CFF," dated October 7, 2022 ("Sullivan & Blacker Rebuttal").

8. Attached hereto as **Exhibit D** is a true and correct copy of the "Rebuttal Expert Report of Matthew Lerner, Certified Internal Auditor (CIA)," dated October 7, 2022 ("Lerner Rebuttal").

9. Attached hereto as **Exhibit E** is a true and correct copy of the "Rebuttal Statement Of Amisha Mehta," dated October 7, 2022 ("Mehta Rebuttal").

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<sup>1</sup> Volume 1 contains pages 1 through 504 of the Deposition. Volume 2 begins on page 550 of Exhibit B and contains pages 505 through 665 of the Deposition.

Dated: March 17, 2023  
New York, New York

/s/ Christopher T. Zona  
Christopher T. Zona  
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**CERTIFICATION OF COMPLIANCE**

I hereby certify pursuant to Rule 17 of the Rules of Practice for the Commercial Division of the Supreme Court of the State of New York that the total number of words in the foregoing document, exclusive of the caption, table of contents, table of authorities and signature block, is 406 according to the “Word Count” function of Microsoft Word, the word-processing system used to prepare the document, and thus that the document complies with the word count limit set forth in Rule 17.

Dated: March 17, 2023  
New York, NY

/s/ Christopher T. Zona  
Christopher T. Zona

**CERTIFICATE OF SERVICE**

I, Christopher T. Zona, hereby certify that, on March 17, 2023, a true and correct copy of the foregoing document was electronically transmitted and served upon all counsel of record via this Court's electronic case filing system.

Dated: March 17, 2023  
New York, NY

/s/ Christopher T. Zona  
Christopher T. Zona