

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

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	§	<u>AFFIRMATION IN SUPPORT</u>
AMERICA, WAYNE LAPIERRE, WILSON	§	<u>OF MOTION TO EXCLUDE</u>
PHILLIPS, JOHN FRAZER, and JOSHUA	§	<u>EVIDENCE FROM ERICA</u>
POWELL,	§	<u>HARRIS</u>
	§	
Defendants.	§	

AFFIRMATION IN SUPPORT OF
DEFENDANT THE NATIONAL RIFLE ASSOCIATION OF AMERICA’S
MOTION TO EXCLUDE EVIDENCE FROM ERICA HARRIS

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 Erica Harris which seeks to exclude the evidence and testimony of Erica Harris 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 Erica Harris indicating the NYAG’s intention to call Harris 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 Erica Harris, dated September 16, 2022. The Expert Disclosure contains "The Expert Report Of Erica Harris," dated September 16, 2022, which is marked as Exhibit A to the Expert Disclosure, and "Data and Information Considered in Forming Opinions," which is marked as Exhibit B to the Expert Disclosure. References to the "Report" in the motion and attendant memorandum of law refer to "The Expert Report Of Erica Harris," dated September 16, 2022.

6. Attached hereto as **Exhibit B** is a true and correct copy of the transcript of the Deposition of Erica Harris, dated October 27, 2022.

7. Attached hereto as **Exhibit C** is a true and correct copy of the "Rebuttal Comments of Alan N. Nadel With Respect To The Expert Report Of Professor Erica Harris," dated October 7, 2022 ("Nadel Rebuttal").

8. Attached hereto as **Exhibit D** 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").

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").

10. Attached hereto as **Exhibit F** is a true and correct copy of an exemplar of the 2022 Form 990 "Return of Organization Exempt From Income Tax," which can be accessed and downloaded from <https://www.irs.gov/pub/irs-pdf/f990.pdf>.

11. Attached hereto as **Exhibit G** is a true and correct copy of the 2022 "Instructions for Form 990 Return of Organization Exempt From Income Tax," which can be accessed and downloaded from <https://www.irs.gov/pub/irs-pdf/i990.pdf>.

Dated: March 10, 2023
New York, New York

/s/ Christopher T. Zona
Christopher T. Zona
BREWER, ATTORNEYS & COUNSELORS
750 Lexington Ave, 14th Floor
New York, New York 10022
Phone: (212) 489-1400
Fax: (212) 751-2849
ctz@brewerattorneys.com

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 449 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 10, 2023
New York, NY

/s/ Christopher T. Zona
Christopher T. Zona

CERTIFICATE OF SERVICE

I, Christopher T. Zona, hereby certify that, on March 10, 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 10, 2023
New York, NY

/s/ Christopher T. Zona
Christopher T. Zona