

EXHIBIT C

RE: NYAG's Responses to NRA's Interrogatories - Meet and Confer

William Fleming <WFleming@gagespencer.com>

Tue 12/20/2022 1:47 PM

To: Sash, Sharon <Sharon.Sash@ag.ny.gov>; Svetlana Eisenberg <sme@brewerattorneys.com>

Cc: Connell, Monica <Monica.Connell@ag.ny.gov>; Stern, Emily <Emily.Stern@ag.ny.gov>; Wang, William <William.Wang@ag.ny.gov>; Noah Peters <nbp@BrewerAttorneys.com>; Michael Puerto <mpuerto@brewerattorneys.com>; kent@correlllawgroup.com <kent@correlllawgroup.com>; Thompson, Stephen <Stephen.Thompson@ag.ny.gov>

Sharon – I write to follow up on Mr. Frazer's request for clarification of Plaintiff's responses to his interrogatories discussed at the meet and confer on December 12. As you have agreed to do in part for the NRA, I ask that your Office agree to supplement its responses to Interrogatory Nos. 3, 5, and 6 – which are identical responses – to particularize the failures you reference but do not identify in the last sentence.

Let me know if you wish that I provide a separate note or statement adding this to the list of discovery which, I contend, still needs to be completed, or whether this note will suffice. Many thanks in advance.

William B. Fleming
Gage Spencer & Fleming LLP
410 Park Avenue, Suite 810
New York, New York 10022
Tel. (212) 768-4900

From: Sash, Sharon <Sharon.Sash@ag.ny.gov>

Sent: Saturday, December 17, 2022 5:12 PM

To: Svetlana Eisenberg <sme@brewerattorneys.com>

Cc: Connell, Monica <Monica.Connell@ag.ny.gov>; Stern, Emily <Emily.Stern@ag.ny.gov>; Wang, William <William.Wang@ag.ny.gov>; Noah Peters <nbp@BrewerAttorneys.com>; Michael Puerto <mpuerto@brewerattorneys.com>; kent@correlllawgroup.com; William Fleming <WFleming@gagespencer.com>; Thompson, Stephen <Stephen.Thompson@ag.ny.gov>

Subject: RE: NYAG's Responses to NRA's Interrogatories - Meet and Confer

Svetlana:

Thank you for meeting and conferring regarding Responses and Objections of Plaintiff the People of the State of New York to Defendant NRA's Contention Interrogatories. We do not agree that the plaintiff's responses are deficient. Notwithstanding that:

1. Plaintiff will not withdraw any objections.
2. Plaintiff confirms that it is not presently withholding substantive responsive information on the ground that the NRA's interrogatories exceed 25, although we reiterate and preserve that objection and all other asserted objections, including without limitation on grounds of overbreadth and undue burden.
3. Plaintiff will supplement its responses to Interrogatory Nos. 1 and 8 to provide a list of the wrongful related party transactions that Plaintiff intends to rely on at trial.
4. Plaintiff will supplement its response to Interrogatory Nos. 2 and 8 to provide a list of the actions that Plaintiff contends are violations of legally mandated protections for whistleblowers, which we intend to rely on at trial.
5. Plaintiff is seeking an equitable accounting relating to transactions and occurrences within the NRA to determine the restitution due from the individual defendants for harm caused to the NRA. Plaintiff is seeking all available remedies available against the NRA for violations of the statutory prohibitions on improper related party transactions, including monetary penalties provided by statute. In addition, and as we have stated previously, set

forth in detail in the operative complaint and stated in response to the NRA's interrogatories, Plaintiff also seeks various forms of injunctive relief to remedy the NRA's violations of law.

6. Plaintiff reserves the right to introduce any evidence for impeachment or rebuttal purposes.

As raised during the meet and confer, plaintiff requests clarification with respect to The National Rifle Association of America's Objections and Responses to New York Attorney General's First Set of Interrogatories, dated November 22, 2022, response of "no" to specific interrogatories, including without limitation the responses to Interrogatory Nos. 4, 8, 9, 11, and 12. Please provide your response by no later than 12 noon on Monday, December 19th.

Thank you.

Sharon

Sharon Sash | Assistant Attorney General
New York State Office of the Attorney General
Charities Bureau | Enforcement
28 Liberty Street, 19th Floor | New York, New York 10005
Tel: (212) 416-6235 | Fax: (212) 416-8393 | Sharon.Sash@ag.ny.gov

From: Svetlana Eisenberg <sme@brewerattorneys.com>
Sent: Wednesday, December 14, 2022 7:31 AM
To: Sash, Sharon <Sharon.Sash@ag.ny.gov>
Cc: Connell, Monica <Monica.Connell@ag.ny.gov>; Stern, Emily <Emily.Stern@ag.ny.gov>; Wang, William <William.Wang@ag.ny.gov>; Noah Peters <nbp@BrewerAttorneys.com>; Michael Puerto <mpuerto@brewerattorneys.com>; kent@correlllawgroup.com; William Fleming <WFleming@gagespencer.com>
Subject: RE: NYAG's Responses to NRA's Interrogatories - Meet and Confer

Sharon, Stephen, and Will,

Thank you for the meet and confer concerning the NYAG's responses to interrogatories.

Overall, we reiterate that the NYAG's responses to the NRA's interrogatories are deficient and the NYAG's obligations under the CPLR mandate that the NYAG amend her responses as soon as possible.

Below are the questions discussed on the meet and confer. Please let us know when the NYAG will provide responses.

First, the NYAG asserts general objections which are then incorporated by reference in interrogatory-specific objections. To the extent the general objections are intended to point out what you perceive as a problem with the NRA's interrogatories, please let us know what it is so that we may address it. Otherwise, the NRA asks that you withdraw them.

Second, your last general objection is based on the number of interrogatories served by the NRA. Please advise if the NYAG is relying on that objection to hold back information from her

responses to the NRA's interrogatories. I understood you to say on the call that the answer is no. Please confirm.

Third, wherever the NYAG's responses to the NRA's interrogatories refer to the complaint, such references are problematic for two reasons.

First, the pleading specifically and repeatedly states that it contains merely a non-exhaustive lists of occurrences or transactions that the NYAG asserts were improper. Referring to the complaint for that reason is not a meaningful response.

Second, the reference is problematic to the extent there are transactions or occurrences that are alleged in the complaint that the NYAG no longer plans to put at issue at trial. As you know, a purpose of contention interrogatories is to narrow issues for trial.

Fourth, wherever the NRA's interrogatories request the NYAG to specify transactions or occurrences which the NYAG intends to put at issue at trial (or asks for the identity of individuals whose conduct the NYAG intends to put at issue at trial) in connection with her various claims (related party transactions, conflicts of interest, etc.), your responses repeatedly state that such transactions, occurrences etc. "include" enumerated transactions, occurrences and so on.

At this stage of the case, the NYAG must advise the NRA of the transactions and occurrences on which she intends to proceed at trial. Providing a non-exhaustive list is improper.

Fifth, in response to the NYAG's Contention Interrogatory No. 6, the NYAG states:

"With respect to the Prayer for Relief section of the Second Amended complaint, to the extent that Plaintiff asserts claims in equity and seeks an equitable accounting, the amount of restitution and damages due and owing by Defendant NRA, will be determined at trial, no additional computation of damages or other information sought in the Interrogatory can be provided at this time."

The NRA has the following questions about this statement:

- Does plaintiff assert "claims in equity" against the NRA? What is it/are they?
- Does plaintiff seek "equitable accounting" as against the NRA? Under which of the causes of action? Pursuant to what law? In relation to what occurrences or transactions?
- Does plaintiff seek restitution from the NRA? Under what claim? Pursuant to what law? To whom according to plaintiff does the NRA allegedly owe restitution?
- Does plaintiff contend that the NRA is liable for damages? Under what claim? (You previously represented that the NYAG is not seeking damages from the NRA under the 13th cause of action (allegedly unauthorized related party transactions).) Pursuant to what law? With regard to which alleged transactions or occurrences?
- How does plaintiff delineate between restitution and damages as those terms are used in your response to this interrogatory?

Sixth and finally, the NYAG's assertion of privileges in response to the NRA's interrogatories is improper. As you are aware, the privileges protect communications, not underlying information. To the extent that the Attorney General refuses to provide complete answers to the contention interrogatories that selective disclosure effects an "at issue" waiver of privileges asserted. Therefore, the Association is entitled to further discovery as to your privileged communications. Please specify what information you are withholding based on privileges, or withdraw such objections.

Regards,
Svetlana

Svetlana M. Eisenberg | Partner
Brewer, Attorneys & Counselors
750 Lexington Avenue, 14th Floor
New York, New York 10022
Office Direct: 212.224.8817
Office Main: 212.489.1400
Cell: 929.319.1731
Fax: 212.751.2849
sme@brewerattorneys.com www.brewerattorneys.com

From: Svetlana Eisenberg <sme@brewerattorneys.com>
Sent: Sunday, December 11, 2022 1:00 PM
To: Sash, Sharon <Sharon.Sash@ag.ny.gov>
Cc: Connell, Monica <Monica.Connell@ag.ny.gov>; Stern, Emily <Emily.Stern@ag.ny.gov>; Wang, William <William.Wang@ag.ny.gov>; Noah Peters <nbp@brewerattorneys.com>; Michael Puerto <mpuerto@brewerattorneys.com>
Subject: Re: NYAG's Responses to NRA's Interrogatories - Meet and Confer

Sharon, that time works for us. We will send a dial in number in the morning.
Thank you.
Svetlana

Svetlana M. Eisenberg | Partner
Brewer, Attorneys & Counselors
750 Lexington Avenue, 14th Floor
New York, New York 10022
Office Direct: 212.224.8817
Office Main: 212.489.1400
Cell: 929.319.1731
Fax: 212.751.2849
sme@brewerattorneys.com www.brewerattorneys.com

BREWER

This communication (including any attachments) is intended for the sole use of the intended recipient, and may contain material that is confidential, privileged, attorney work product, and/or subject to privacy laws. If you are not the intended recipient, you are hereby kindly notified that any use, disclosure, or copying of this

NYSCEF DOC. NO. 1447

RECEIVED NYSCEF: 03/17/2023

communication or any part thereof is strictly prohibited. If you have received this communication in error, please delete this communication, including any copies or printouts, and notify us immediately by return email or at the telephone number above. Brewer, Attorneys and Counselors asserts in respect of this communication all applicable confidentiality, privilege, and/or privacy rights to the fullest extent permitted by law. Thank you.

From: Sash, Sharon <Sharon.Sash@ag.ny.gov>

Sent: Friday, December 9, 2022 4:14 PM

To: Svetlana Eisenberg <sme@brewerattorneys.com>

Cc: Connell, Monica <Monica.Connell@ag.ny.gov>; Stern, Emily <Emily.Stern@ag.ny.gov>; Wang, William <William.Wang@ag.ny.gov>

Subject: FW: NYAG's Responses to NRA's Interrogatories - Meet and Confer

Svetlana,

Can we set a time to meet and confer regarding the interrogatories (including the NRA's responses to the OAG's interrogatories) on Monday afternoon? Does 2:00 pm work?

Thanks,

Sharon

Sharon Sash | Assistant Attorney General

New York State Office of the Attorney General

Charities Bureau | Enforcement

28 Liberty Street, 19th Floor | New York, New York 10005

Tel: (212) 416-6235 | Fax: (212) 416-8393 | Sharon.Sash@ag.ny.gov

From: Svetlana Eisenberg <sme@brewerattorneys.com>

Sent: Thursday, December 8, 2022 2:10 PM

To: Wang, William <William.Wang@ag.ny.gov>

Cc: William Fleming <WFleming@gagespencer.com>; Connell, Monica <Monica.Connell@ag.ny.gov>; Sargent, Nina <Nina.Sargent@ag.ny.gov>; Loegering, Becca <rloegering@winston.com>; Bannon, Patrick <PBannon@winston.com>; mwerbner@werbnerlaw.com; McLish, Thomas <tmclish@akingump.com>; hevans@akingump.com; samantha.block@akingump.com; MacDougall, Mark <mmacdougall@akingump.com>; kent@correlllawgroup.com; Stern, Emily <Emily.Stern@ag.ny.gov>; Farber, Seth <SFarber@winston.com>; Loegering, Becca <rloegering@winston.com>; kent@correlllawgroup.com; Noah Peters <nbp@brewerattorneys.com>

Subject: NYAG's Responses to NRA's Interrogatories - Meet and Confer

[EXTERNAL]

Monica and Will,

Please see attached letter from the NRA.

Regards,

Svetlana

Svetlana M. Eisenberg | Partner
Brewer, Attorneys & Counselors
750 Lexington Avenue, 14th Floor
New York, New York 10022
Office Direct: 212.224.8817
Office Main: 212.489.1400
Cell: 929.319.1731
Fax: 212.751.2849
sme@brewerattorneys.com www.brewerattorneys.com

BREWER

This communication (including any attachments) is intended for the sole use of the intended recipient, and may contain material that is confidential, privileged, attorney work product, and/or subject to privacy laws. If you are not the intended recipient, you are hereby kindly notified that any use, disclosure, or copying of this communication or any part thereof is strictly prohibited. If you have received this communication in error, please delete this communication, including any copies or printouts, and notify us immediately by return email or at the telephone number above. Brewer, Attorneys and Counselors asserts in respect of this communication all applicable confidentiality, privilege, and/or privacy rights to the fullest extent permitted by law. Thank you.

From: Wang, William <William.Wang@ag.ny.gov>

Sent: Tuesday, November 22, 2022 10:30 PM

To: Svetlana Eisenberg <sme@brewerattorneys.com>

Cc: William Fleming <WFleming@gagespencer.com>; Connell, Monica <Monica.Connell@ag.ny.gov>; Sargent, Nina <Nina.Sargent@ag.ny.gov>; Loegering, Becca <rloegering@winston.com>; Bannon, Patrick <PBannon@winston.com>; mwerbner@werbnerlaw.com <mwerbner@werbnerlaw.com>; McLish, Thomas <tmclish@akingump.com>; hevans@akingump.com <hevans@akingump.com>; samantha.block@akingump.com <samantha.block@akingump.com>; MacDougall, Mark <mmacdougall@akingump.com>; kent@correlllawgroup.com <kent@correlllawgroup.com>; Stern, Emily <Emily.Stern@ag.ny.gov>; Farber, Seth <SFarber@winston.com>; Loegering, Becca <rloegering@winston.com>; kent@correlllawgroup.com <kent@correlllawgroup.com>

Subject: NYAG's Responses & Objections to the NRA's Contention Interrogatories

Counsel,

Attached please find the NYAG's Responses & Objections to Defendant NRA's Contention Interrogatories.

Regards,

Will

William Wang | Assistant Attorney General

New York State Office of the Attorney General

Charities Bureau – Enforcement

28 Liberty | New York, New York 10005

Tel: (212) 416-6026 | william.wang@ag.ny.gov | www.ag.ny.gov

IMPORTANT NOTICE: This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not

authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.

CAUTION: This email is from outside the organization. DO NOT CLICK a link or open an attachment unless you know the content is safe and are expecting it from the sender. If in doubt, contact the sender separately to verify the content.

=====

CAUTION: This email is from outside the organization. DO NOT CLICK a link or open an attachment unless you know the content is safe and are expecting it from the sender. If in doubt, contact the sender separately to verify the content.

=====