

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK, BY
LETITIA JAMES, ATTORNEY GENERAL OF
THE STATE OF NEW YORK,

Plaintiff,

v.

THE NATIONAL RIFLE ASSOCIATION OF
AMERICA, WAYNE LAPIERRE, WILSON
PHILLIPS, JOHN FRAZER, and JOSHUA
POWELL,

Defendants.

Index No. 451625/2020

**AFFIRMATION OF
SHARON SASH IN
CONSOLIDATED PARTIAL
OPPOSITION TO THE
SEALING MOTIONS OF
DEFENDANT THE
NATIONAL RIFLE
ASSOCIATION OF
AMERICA AND WAYNE
LAPIERRE MOT. SEQ. NOS.
59, 60, 61, 62, AND 63**

Sharon Sash, an attorney duly admitted to practice before the Courts of this State, hereby affirms the following under the penalty of perjury pursuant to CPLR § 2106:

1. I am an Assistant Attorney General in the Enforcement Section of the Charities Bureau of the Office of the New York State Attorney General (“OAG” or “Attorney General”) and am fully familiar with the facts stated herein based upon my personal knowledge, review of the prior proceedings had herein, and my review of records and information maintained by this Office and other Assistant Attorneys General.

2. I submit this affirmation in partial opposition to the applications by the National Rifle Association of America (“NRA”) and Defendant Wayne LaPierre to seal various documents and portions of documents, as set forth in Mot. Seq. Nos. 59, 60, 61, 62, and 63.

3. Plaintiff initially proposed that the parties meet and confer as to Defendants’ various pending and future requests to seal, in an attempt to streamline this process. The parties

met and conferred on the Sealing Motions on April 26, 2023, and were able to agree on some of Defendants' requests.

4. Annexed hereto as Exhibit A is a true and correct copy of email correspondence dated May 8, 2023, from counsel for the NRA and counsel for LaPierre.

5. Annexed hereto as Exhibit B is a true and correct copy of the attachment to the NRA's email, which reflects annotations to the deposition transcript of the NRA's proffered expert J. Lawrence Cunningham. This correspondence and the attachment reflect that the NRA withdrew some of its requests for sealing in Motion Seq. No. 60.

6. Annexed hereto as Exhibit C is a true and correct copy of an email chain beginning on October 25, 2022, and an underlying June 21, 2022 email, between counsel relating to the "Highly Confidential" designation. The October 2022 correspondence reflects the parties' intentions to try to resolve a potential dispute regarding the production of a document referred to as the "Frenkel Report," a report concerning an internal NRA investigation, which was the subject of an earlier discovery motion. The Court ordered the NRA to produce the report. (NYSCEF 907.) The NRA appealed that ruling. (NYSCEF 1021.) When the NRA refused to produce the Frenkel Report despite the Court's order, to avoid emergency motion practice before the Appellate Division, the parties reached an interim agreement that the NRA would produce the report as Highly Confidential. The NRA contends that certain documents and testimony relating to a 2007 letter which led to the discovery of the Frenkel Report are Highly Confidential or should be sealed. Plaintiff does not believe that the stipulation is so broad, notwithstanding language used in a deposition but in the interests of not prolonging this dispute, Plaintiff does not object to the sealing request now without prejudice to revisit it in the future or in the event that the NRA fails to perfect its appeal and/or does not succeed on such appeal.

7. Pursuant to paragraph 14 of the So ordered Stipulation and Order for the Production and Exchange of Confidential Information filed October 25, 2022 (NYSCEF 869 (“Protective Order”)), Exhibit B (the annotated Cunningham Deposition Transcript) attached to this affirmation will be filed in sealed form.

Dated: New York, New York
May 12, 2023

/s Sharon Sash

Sharon Sash

Attorney Certification Pursuant to Commercial Division Rule 17

I, Sharon Sash, an attorney duly admitted to practice law before the courts of the State of New York, certify that the foregoing Affirmation of Sharon Sash in Partial Opposition to the Sealing Motions by Defendants The National Rifle Association of America and Wayne LaPierre in Mot. Seq. Nos. 59, 60, 61, 62, and 63, contains 541 words, excluding the parts exempted by Rule 17 of the Commercial Division of the Supreme Court (22 NYCRR 202.70(g)). In preparing this certification, I have relied on the word count of the word-processing system used to prepare this memorandum of law.

Dated: May 12, 2023
New York, New York

/s Sharon Sash
Sharon Sash