

## **EXHIBIT B**

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, INC., WAYNE LAPIERRE,  
WILSON PHILLIPS, JOHN FRAZER, and  
JOSHUA POWELL

Defendants.

Index No. 451625/2020

**RESPONSES AND  
OBJECTIONS OF  
PLAINTIFF THE PEOPLE OF  
THE STATE OF NEW YORK  
TO DEFENDANT NRA'S FIRST  
SET OF INTERROGATORIES**

Pursuant to CPLR Article 31 and Rule 11-a of the Rules of the Commercial Division of the Supreme Court, Plaintiff, the People of the State of New York, through the Office of the Letitia James, Attorney General Attorney General for the State of New York ("Plaintiff"), hereby objects and responds to Defendant National Rifle Association of America, Inc.'s ("Defendant NRA") First Set of Interrogatories (the "Interrogatories"), as follows.

**GENERAL OBJECTIONS**

The following general responses and objections ("General Objections") are incorporated into each specific response and objection as if fully set forth therein:

1. These objections apply to the Interrogatories in their entirety, including to Defendant NRA's Instructions and Definitions, as if such objections were set forth in full in the response to each of the delineated Interrogatories and are not necessarily repeated in response to each individual Interrogatory. The assertion of the same, similar, or additional objections in the

Plaintiff's specific objections to an individual Interrogatory, or the failure to assert any additional objection to an Interrogatory, does not and shall not be deemed to waive any of Plaintiff's general objections as set forth in this section.

2. Plaintiff objects to the Interrogatories in their entirety and to each and every Interrogatory to the extent that they purport to be directed to "Plaintiff-Counterclaim-Defendant Letitia James, Attorney General of the State of New York, in her official and individual capacities". The Attorney General is not a Plaintiff in this action in either her official capacity or in her individual capacity. Letitia James, in her capacity as the Attorney General of the State of New York, is representing, as counsel, the People of the State of New York, who serve as the Plaintiff herein.

3. Plaintiff objects to the Interrogatories to the extent that the Interrogatories relate to Defendant NRA's Counterclaims. The Court has repeatedly stated that discovery on the Counterclaims will proceed on a separate track following expedited briefing should the Counterclaims survive dismissal. Plaintiff objects to the Interrogatories in their entirety and to each and every Interrogatory to the extent that they purport to be directed to actions of Attorney General Letitia James as Counterclaim-Defendant at this time.

4. Plaintiff objects to the Interrogatories in their entirety and to each and every Interrogatory to the extent they are directed to the Attorney General as a Counterclaim-Defendant as improper under CPLR Rule 3132, which provides that "Interrogatories may not be served upon a defendant before that defendant's time for serving a responsive pleading has expired, except by leave of court granted with or without notice." The Attorney General individually as a Counterclaim-Defendant has not yet served a responsive pleading and

Defendant NRA has not obtained leave of Court.

5. Plaintiff objects to the Interrogatories' Definitions and Instructions as overbroad, vague, ambiguous, confusing, improper, unduly burdensome, not material and necessary to the prosecution or defense of the action, not reasonably calculated to lead to discovery of evidence material or necessary to the prosecution or defense of the action, and to the extent they require Plaintiff to form or accept a legal conclusion in order to respond.

6. Plaintiff objects to the Interrogatories' Instructions and Definitions, and to each and every Interrogatory, including but not limited to purporting to be directed to "OAG", "You", or "Your" where "OAG", "You" and "Your" are defined as:

"OAG," "You," and "Your" shall mean the Office of the Attorney General of New York State, the plaintiff and counterclaim-defendant and in the Action, and all other persons acting or purporting to act with, for, or on its or her behalf, including, but not limited to, any of its or her constituent Bureaus, such as the Charities Bureau, consultants, accountants, advisors, attorneys, or any person acting in an advisory, agency, or consulting capacity, including, but not limited to: (i) the current Attorney General Letitia James ("James"), in her official and/or individual capacity, and/or any former Attorney General (collectively, the "Attorney General") and (ii) where applicable, other agencies, offices, bureaus, departments, or divisions of the State of New York or their constituent personnel

This definition is incoherent, overbroad, and improper, and its invocation throughout the Interrogatories renders the Interrogatories themselves incoherent, overbroad, and improper.

7. Plaintiff objects to the Interrogatories' Instructions and Definitions, and to each and every Interrogatory to the extent that it includes the purported definition of "Investigation", which is overbroad and concerns matters that are not relevant to, nor reasonably calculated to lead to, discovery of evidence relevant to the allegations in this action. The inclusion of other investigations that may concern the NRA but are not relevant to this action, whether closed or ongoing, implicates numerous privileges. In addition, the definition of "Investigation" purports

to include “any investigation of the NRA continuing after the commencement of the Action”, which by its terms invades attorney-client, attorney work-product, trial preparation, law enforcement, deliberative process, and other privileges.

8. Plaintiff objects to the Interrogatories in their entirety and to each and every Interrogatory to the extent that they seek information that is not relevant to, nor reasonably calculated to lead to, discovery of evidence relevant to, the allegations asserted in the Amended and Supplemental Verified Complaint, dated August 16, 2021.

9. Plaintiff objects to the Interrogatories in their entirety and to each and every Interrogatory to the extent that they represent an improper attempt by Defendant NRA to circumvent well-established limitations on the use of contention interrogatories before discovery has been substantially completed. Several of the Interrogatories request support for the Attorney General’s allegations asserted in her Amended Complaint, information which, to the extent discoverable, may only be ascertained at the close of discovery by way of interrogatories seeking the claims and contentions of the opposing parties pursuant to Commercial Division Rule 11-a(d).

10. Plaintiff objects to the Interrogatories in their entirety and to each and every Interrogatory to the extent that they are not sufficiently limited in time and/or scope.

11. Plaintiff objects to the Interrogatories in their entirety and to each and every Interrogatory to the extent that they seek to impose obligations that are broader than or inconsistent with those set forth in the Civil Practice Law and Rules.

12. Plaintiff objects to the Interrogatories and to each and every Interrogatory to the extent that they seek information not within Plaintiff’s knowledge or which calls for information that (1) is already in Defendant NRA’s possession, custody, or control; (2) is equally available to

Defendant NRA or attainable by Defendant NRA from another source that is more convenient, less burdensome, or less expensive; or (3) is publicly available.

13. Plaintiff objects to the Interrogatories and to each and every Interrogatory to the extent that they seek information which is privileged on various grounds, including as set forth in CPLR 3101, attorney client privilege, work product privilege, concerns information prepared in anticipation of litigation or for trial, is confidential, sensitive, or is covered by the public interest privilege, deliberative process privilege, common interest privilege, and/or law enforcement privilege, relates to the privacy interests of nonparties, or is otherwise protected from disclosure by law. The inadvertent production of any document or information that is privileged, was prepared in anticipation of litigation, or is otherwise immune from discovery, shall not constitute a waiver of any privilege or of any other ground for objecting to discovery with respect to that document or information or of Plaintiff's right to object to the use of that information during any proceeding in this litigation or otherwise.

14. Plaintiff objects to any interrogatory which call for opinions or conclusions of law.

15. By responding to the Interrogatories and to each of the Interrogatories, Plaintiff does not concede the materiality of the Interrogatories. These responses are made expressly subject to, and without waiving or intending to waive, any questions or objections as to the competency, relevancy, materiality, privilege, or admissibility as evidence or for any other purpose, of any of the documents or information produced in response hereto, or of any Interrogatory, in any proceeding including the trial of this action or any subsequent proceeding.

16. The responses set forth below are based on information currently available to Plaintiff, who reserves the right to supplement, amend, or correct these responses.

**RESPONSES TO INTERROGATORIES****INTERROGATORY NO. 1:**

Identify the Persons from whom You derived the information upon which you based the allegations in the Amended Complaint.

**RESPONSE TO INTERROGATORY NO. 1:**

Plaintiff incorporates the general objections stated above as if more fully stated herein. In particular, Plaintiff does not waive relevant privileges, including those under CPLR 3101, the attorney work product privilege, including mental impressions, conclusions, opinions, or legal theories of any attorneys for Plaintiff, confidential informant privilege, public interest privilege, common interest privilege, and/or law enforcement privilege, and on the ground that it was prepared in anticipation of litigation or for trial. Notwithstanding these objections and without waiver of any objection, Plaintiff refers the NRA to the following, which identify the sources of information for the allegations in the Amended Complaint: Plaintiff's responses to the NRA's First RFP, which included the investigatory file, and as reflected in letters dated February 10, 18, and 25, 2021, which listed the sources of the documents produced and corresponding bates numbers; documents produced by all parties during the NRA's failed bankruptcy, including sworn testimony given as part of the bankruptcy discovery, 341 hearings, and trial, of which the NRA is in possession; information that Plaintiff obtained in discovery in this action before filing the Amended Complaint, which has been provided to or is available to the NRA. In addition, Plaintiff provided a Categorical Privilege Log and Certification pursuant to Rule 11-b(b)(1) of the Commercial Division Rules, that identified additional sources of relevant information wherein the information itself is not discoverable.

**INTERROGATORY NO. 2:**

Identify the Persons at the OAG involved in the Investigation, including but not limited to, concerning authorizing the Investigation.

**RESPONSE TO INTERROGATORY NO. 2:**

Plaintiff incorporates the general objections stated above as if more fully stated herein. In particular, Plaintiff objects to this Interrogatory to the extent that it calls for the production of information not material or necessary and not reasonably calculated to lead to discovery of evidence material and necessary to the defense of the action. Plaintiff further objects to this Interrogatory to the extent the information sought is related to the Counterclaims, and, as such, this Interrogatory is improper at this time. Plaintiff objects to the Interrogatory to the extent that it seeks a response from “OAG”, “You”, or “Your” as purportedly defined in the Interrogatories. Plaintiff additionally objects to the Interrogatory to the extent it seeks information pertaining to the method, means and approach of the Office of the Attorney General in conducting its investigation of the NRA and in particular to the extent that it seeks information protected from disclosure by various privileges, including public interest and/or law enforcement privilege. Notwithstanding these objections and without waiver of any objection, Plaintiff states that it provided a Categorical Privilege Log and Certification pursuant to Rule 11-b(b)(1) of the Commercial Division Rules, that identified custodians of potentially relevant information wherein the information itself is not discoverable.

**INTERROGATORY NO. 3:**

Identify the Persons interviewed, formally or informally, by You or any of Your staff, attorneys or other representatives, during the Investigation.



**RESPONSE TO INTERROGATORY NO. 3:**

Plaintiff incorporates the general objections stated above as if more fully stated herein. Plaintiff further objects to this Interrogatory to the extent that the definition of “Investigation” propounded by the NRA is overbroad and to the extent that it seeks information protected from disclosure by various privileges, including those under CPLR 3101, the attorney client privilege, attorney work product privilege, including mental impressions, conclusions, opinions, or legal theories of any attorneys for Plaintiff, deliberative process privilege, confidential informant privilege, public interest privilege, common interest privilege, and/or law enforcement privilege, on the ground that it was prepared in anticipation of litigation or for trial, on the ground that it is vague and ambiguous, is overly broad and unduly burdensome. Notwithstanding these objections and without waiver of any objection, Plaintiff refers the NRA to the following, which identify the sources of information for the allegations in the Amended Complaint: Plaintiff’s responses to the NRA’s First RFP, which included the investigatory file, and as reflected in letters dated February 10, 18, and 25, 2021, which listed the sources of the documents produced and corresponding bates numbers; documents produced by all parties during the NRA’s failed bankruptcy, including sworn testimony given as part of the bankruptcy discovery, 341 hearings, and trial, of which the NRA is in possession; information that Plaintiff obtained in discovery in this action before filing the Amended Complaint, which has been provided to or is available to the NRA. In addition, Plaintiff provided a Categorical Privilege Log and Certification pursuant to Rule 11-b(b)(1) of the Commercial Division Rules, that identified additional sources of relevant information wherein the information itself is not discoverable.

**INTERROGATORY NO. 4:**

Identify the Persons at OAG having Communications, about the NRA, with any of the

following Persons or entities, including but not limited to, any of the entities' contractors, investigators, their current or former officers, employees, attorneys, other, agents, representatives, predecessors-in-interest, or designees:

- (a) Everytown, including but not limited to, with Jason Lillien, Nicholas Suplina, Rachel Nash, Michael-Sean Spence, and/or Michael Kane;
- (b) Office of the Governor of the State of New York;
- (c) New York State Department of Financial Services;
- (d) Former or current members of the NRA's Board of Directors, the NRA's officers, employees, or representatives of vendors of the NRA or any witnesses whose testimony or out-of-court statements You may offer in evidence at trial.

**RESPONSE TO INTERROGATORY NO. 4:**

Plaintiff incorporates the general objections stated above as if more fully stated herein. In particular, Plaintiff objects to this Interrogatory to the extent that it purports to be directed to Attorney General Letitia James, as a Counterclaim-Defendant, as such requests are improper at this time. Plaintiff objects to the Interrogatory to the extent that it seeks a response from "OAG", "You", or "Your" as purportedly defined in the Interrogatories. Plaintiff objects to the Interrogatory to the extent that it relates to Defendant NRA's Counterclaims and thus is untimely. Plaintiff objects to this Interrogatory to the extent that it seeks communications with offices, agencies, or entities represented by the OAG or that have a common interest with the OAG or that are unrelated to this action. Plaintiff further objects to this Interrogatory to the extent that it seeks information protected from disclosure by various privileges, including those under CPLR 3101, the attorney client privilege, attorney work product privilege, including mental impressions, conclusions, opinions, or legal theories of any attorneys for Plaintiff, deliberative process privilege, confidential informant privilege, public interest privilege, common interest privilege, and/or law enforcement privilege. This Interrogatory is also overbroad, is not material and necessary to the prosecution or defense of the action, and is not reasonably calculated to lead to discovery of evidence material and necessary to the prosecution or defense of the action.

**INTERROGATORY NO. 5:**

Identify (a) all public statements made and/or attributed to James concerning judicial dissolution of the NRA and (b) the Persons involved in the drafting, contents, timing, and release of any such statements.

**RESPONSE TO INTERROGATORY NO. 5:**

Plaintiff incorporates the general objections stated above as if more fully stated herein. In particular, Plaintiff objects to this Interrogatory to the extent that it purports to be directed to Attorney General Letitia James, as a Counterclaim-Defendant, as such requests are improper at this time. Plaintiff further objects to this Interrogatory on the ground that it is overly broad and unduly burdensome, is not material and necessary to the prosecution or defense of the action, and is not reasonably calculated to lead to discovery of evidence material and necessary to the prosecution or defense of the action. Plaintiff further objects to this Interrogatory to the extent that it exceeds the parameters of Commercial Division Rule 11-a (b).

**INTERROGATORY NO. 6:**

Identify (a) all Campaign solicitations in which James or other Persons used James's statements regarding the NRA as a basis for the solicitations and (b) the Persons involved in the drafting, contents, timing, and release of any such Campaign solicitations.

**RESPONSE TO INTERROGATORY NO. 6:**

Plaintiff incorporates the general objections stated above as if more fully stated herein. In particular, Plaintiff objects to this Interrogatory to the extent that it purports to be directed to Attorney General Letitia James, as a Counterclaim-Defendant, as such requests are improper at this time. Plaintiff further objects to this Interrogatory on the ground that it is overly broad and unduly burdensome, is not material and necessary to the prosecution or defense of the action, and is not reasonably calculated to lead to discovery of evidence material and necessary to the

prosecution or defense of the action. Plaintiff objects to this Interrogatory to the extent that it seeks discovery that is equally attainable by defendant from another source that is more convenient, less burdensome, or less expensive. Plaintiff objects to this Interrogatory to the extent that it exceeds the parameters of Commercial Division Rule 11-a (b). Plaintiff further objects to this Interrogatory to the extent it seeks discovery of information not in the custody or control of Plaintiff.

**INTERROGATORY NO. 7:**

Identify Your internal or publicly disclosed guidelines, policies and/or procedures for seeking the involuntary judicial dissolution of not-for-profit corporations.

**RESPONSE TO INTERROGATORY NO. 7:**

Plaintiff incorporates the general objections stated above as if more fully stated herein. In particular, Plaintiff objects to the Interrogatory to the extent that it seeks a response from “OAG”, “You” or “Your” as purportedly defined in the Interrogatories. Plaintiff objects to the Interrogatory to the extent that it relates to Defendant NRA’s Counterclaims. Plaintiff further objects to this Interrogatory to the extent that it seeks information protected from disclosure by various privileges, including those under CPLR 3101, the attorney work product privilege, deliberative process privilege, and/or law enforcement privilege, is not material and necessary to the prosecution or defense of the action, and is not reasonably calculated to lead to discovery of evidence material and necessary to the prosecution or defense of the action. Subject to and without waiver of the foregoing, Plaintiff states that it does not possess “internal or publicly disclosed guidelines, policies and/or procedures for seeking the involuntary judicial dissolution of not-for-profit corporations.”

**INTERROGATORY NO. 8:**


Identify Persons whose Documents and data were preserved and searched to comply with the OAG's data preservation and discovery obligations.

**RESPONSE TO INTERROGATORY NO. 8:**

Plaintiff incorporates the general objections stated above as if more fully stated herein. In particular, Plaintiff objects to this Interrogatory to the extent that it purports to be directed to Attorney General Letitia James, as a Counterclaim-Defendant, as such requests are improper at this time. Plaintiff objects to the Interrogatory to the extent that it seeks a response from "OAG", "You" or "Your" as defined in the Interrogatories. Plaintiff further objects to this Interrogatory to the extent that it seeks information protected from disclosure by various privileges, including those under CPLR 3101, the attorney client privilege, attorney work product privilege, confidential informant privilege, public interest privilege and/or law enforcement privilege, is not material and necessary to the prosecution or defense of the action, and is not reasonably calculated to lead to discovery of evidence material and necessary to the prosecution or defense of the action.

Dated: New York, New York  
February 7, 2022

LETITIA JAMES  
Attorney General of the State of New York  
*Attorney for Plaintiff*

By:   
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VERIFICATION

State of New York     )  
                                      ) ss:  
County of Kings        )

Emily Stern, an attorney duly licensed to practice law in the Courts of the State of New York, hereby affirms the following under penalties of perjury:

- 1. I am an Assistant Attorney General in the New York State Office of the Attorney General (“OAG”), and co-Chief of the Charities Bureau Enforcement Section.
- 2. I have read the foregoing **RESPONSES AND OBJECTIONS OF PLAINTIFF THE PEOPLE OF THE STATE OF NEW YORK TO DEFENDANT NRA’S FIRST SET OF INTERROGATORIES**, dated February 7, 2022, and am knowledgeable about the contents thereof based upon the OAG’s investigation of the National Rifle Association of America (“NRA”) and related individuals, the investigative and regulatory materials contained in the files of the OAG, information obtained in discovery in this action and proceedings relating to the NRA’s failed petition for bankruptcy, *In re National Rifle Association of America and Sea Girt LLP*, in the Northern District of Texas. To my knowledge, based on such information, the foregoing responses and objections are true, except as to those matters stated upon information and belief, and as to those, I believe them to be true.

Dated: February 7, 2022

  
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EMILY STERN