

## **EXHIBIT D**

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.

**PLAINTIFF’S RESPONSES AND  
OBJECTIONS TO DEFENDANT  
FRAZER’S SECOND  
INTERROGATORIES SEEKING  
THE CLAIMS AND  
CONTENTIONS OF PLAINTIFF**

Index No. 451625/2020

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 Letitia James, Attorney General of the State of New York (“Plaintiff”), hereby objects and responds to Defendant John Frazer’s (“Defendant Frazer”) Second Interrogatories Seeking the Claims and Contentions of Plaintiff (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 Frazer’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' Definitions of the Plaintiff as "OAG", "You", and "Your", "its agents, employees, and representatives".

3. 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.

4. 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 or claims asserted in the Second Amended Verified Complaint, dated May 2, 2022 (NYSCEF No. 646, hereinafter the "Second Amended Complaint").

5. 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.

6. 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.

7. 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 Frazer's possession, custody, or control; (2) is equally available to Defendant Frazer or attainable by Defendant Frazer from another source that is more convenient, less burdensome, or less expensive; or (3) is publicly available.

8. Plaintiff objects to the Interrogatories and to each and every Interrogatory to the extent that they seek information that is privileged on various grounds, including as set forth in

CPLR 3101, attorney client privilege, work product doctrine, 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.

9. Plaintiff objects to any Interrogatory which calls for opinions or conclusions of law.

10. Plaintiff objects to each and every Interrogatory to the extent the Interrogatory calls for a comprehensive recitation of all facts and/or documents in support of a contention as unduly burdensome, as Defendant Frazer possesses the entire evidentiary records in this action.

11. 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.

12. The responses set forth below are based on information currently available to Plaintiff, who reserves the right to supplement, amend, or correct these responses, including upon completion of expert discovery.

**RESPONSES TO INDIVIDUAL INTERROGATORIES**

**INTERROGATORY NO. 23:** With respect to your Complaint's Fifteenth Cause of Action, identify with particularity each alleged statement that you contend was material and untrue and each omission that you contend is actionable under Executive Law 172-d(1) and 175(2)(d), and the legal basis or bases for such a contention.

**RESPONSE TO INTERROGATORY NO. 23:**

This Interrogatory overlaps with a previous interrogatory, and we therefore incorporate our prior responses and objections thereto. Plaintiff incorporates the General Objections stated above as if fully stated herein. Plaintiff further objects to the extent that the Interrogatory seeks information protected by the attorney work product privilege, trial preparation privilege and/or calls for the mental impressions of counsel. Plaintiff objects to this Interrogatory as calling for a comprehensive recitation of all facts and/or documents in support of a contention as unduly burdensome and untimely. Plaintiff objects to this Interrogatory to the extent it seeks information protected from disclosure by the work product privilege, materials prepared in anticipation of litigation or for trial, or any other applicable exemption, immunity, or privilege from discovery, including those under CPLR 3101, none of which are waived, and all of which are reserved. Plaintiff incorporates by reference all of the allegations contained in the Second Amended Complaint, and in particular, but without limitation, directs Defendant Frazer to paragraphs 562-567 of the Second Amended Complaint. Plaintiff further incorporates by reference the expert reports of Eric Hines, Jeffrey Tenenbaum, and Erica Harris (collectively, "Plaintiff's Expert Reports"). Since Defendant Frazer began as the General Counsel and Secretary of the NRA in 2015, he has been a signator, of the NRA's tax and regulatory filings on a yearly basis, and one of the principal reviewers of these filings, along with Rick Tedrick, Sonya Rowling, Arif Rahman, and former NRA employees Svetlana Olchevski, Craig Spray, and Emily Cummins. In addition to the allegations contained in the Second Amended Complaint, the NRA CHAR500 forms, and accompanying Form 990s and all schedules thereto, that Defendant Frazer was responsible for reviewing and signing made during his tenure contain false statements,

including concerning fundraising services (*e.g.*, IRS Form 990, Part IX, line 11; IRS Form 990, Schedule G regarding the receipts from and payments to fundraisers; IRS Form 990, Part I, lines 16-19); compensation to officers, directors, key employees and highest compensated employees and policies and procedures related thereto (*e.g.*, IRS Form 990, Part VII and Schedule J); payments to independent contractors (*e.g.*, IRS Form 990, Part VII, Section B; Part IX, line 11); excess benefit and related party transactions (*e.g.*, IRS Form 990, Part IV, questions 25 and 28; Schedule L); governance, management, and disclosure, including review of the NRA's 990s by the NRA board prior to filing (*e.g.*, IRS Form 990, Part VI); and disclosures in IRS Form 990, Schedule O related to the foregoing.

**INTERROGATORY NO. 24:** With respect to your Fifteenth Cause of Action, for each alleged misstatement or omission that you contend gives rise to liability, identify each individual or entity who or which you contend detrimentally relied thereon, the facts supporting your contention that each detrimentally relied, or, if it is your contention that you are not required to prove reliance, the legal basis or bases for that contention.

**RESPONSE TO INTERROGATORY NO. 24:** Plaintiff incorporates the General Objections stated above as if fully stated herein. In particular, without limitation, Plaintiff objects to this Interrogatory on the grounds that it is overbroad, improper, and concerns summary statements that are supported by particular factual allegations in the Second Amended Complaint. Plaintiff further objects to the Interrogatories to the extent they require Plaintiff to form or accept a legal opinion or conclusion in order to respond. Plaintiff further objects to the extent that the Interrogatory seeks information protected by the attorney work product privilege, trial preparation privilege and/or calls for the mental impressions of counsel.

**INTERROGATORY NO. 25:** With respect to your Complaint's Fifteenth Cause of Action, identify with particularity the facts supporting your contention, if it is your contention, that an individual who signed the NRA's CHAR500 filings "negligently failed to learn" that the filings were not true, correct, and complete as alleged in Paragraph 295 of the Complaint, and the legal basis or bases for your contention that you are entitled to relief for such negligence.

**RESPONSE TO INTERROGATORY NO. 25:** Plaintiff incorporates the General Objections stated above as if fully stated herein. In particular, without limitation, Plaintiff objects to this Interrogatory on the grounds that it is overbroad, improper, concerns summary statements that are supported by particular factual allegations in the Second Amended Complaint, and calls for a legal conclusion. Plaintiff further objects to the extent that the Interrogatory seeks information protected by the attorney work product privilege, trial preparation privilege and/or calls for the mental impressions of counsel. Subject to those objections, Plaintiff incorporates by reference the allegations in the Second Amended Complaint, the responses to other Interrogatories, and Plaintiff's Expert Reports. Defendant Frazer's failure to carry out the responsibilities described in Plaintiff's response to Interrogatory No. 23 and led to statements and omissions in regulatory and tax filings that were material and untrue.

Dated: New York, New York  
February 9, 2023

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

By: /s/ Monica Connell  
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**AFFIRMATION**

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

Monica Connell, 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”).
2. I have read the foregoing Plaintiff’s Responses and Objections to Defendant John Frazer’s Second Set of Interrogatories Seeking the Claims and Contentions of Plaintiff, dated February 9, 2023, 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 9, 2023

/s Monica Connell  
MONICA CONNELL