

## **EXHIBIT E**

**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 FRAZIER, AND  
JOSHUA POWELL,**

**Defendants.**

**Index No. 451625/2020**

**THE NATIONAL RIFLE ASSOCIATION OF AMERICA’S OBJECTIONS AND  
RESPONSES TO NEW YORK ATTORNEY GENERAL’S  
FIRST SET OF INTERROGATORIES**

Pursuant to Article 31 of the New York Civil Practice Law and Rules (“CPLR”) and Rule 11-a of the Commercial Division Rules, the National Rifle Association of America (the “NRA”) hereby objects to and responds to Plaintiff’s First Set of Interrogatories (the “Interrogatories”) as follows:

**I.**

**GENERAL OBJECTIONS**

The following general responses and objections (“General Objections”) are incorporated into each specific response and objection as if fully set forth therein. These objections apply to the Interrogatories in their entirety, including the NYAG’s Instructions and Definitions, as if such

objections were set forth in full in the response to each of the Interrogatories and are not necessarily repeated in response to each individual Interrogatory.

The assertion of the same, similar, or additional objections in the NRA's specific objections to an individual Interrogatory, or the failure to assert any additional objection to an Interrogatory, shall not be deemed to waive any of the NRA's General Objections as set forth in this section.

The NRA objects to the Definitions and Instructions as overbroad, vague, ambiguous, confusing, improper, unduly burdensome and to the extent they call for information that is not material to the prosecution or defense of this action, nor is reasonably calculated to lead to discovery of evidence material to the prosecution or defense of the action.

The NRA objects to any interrogatory that seeks the "identities of all persons who have knowledge of . . . facts" and/or a list of "documents and other tangible things." Such interrogatories do not seek claims or contentions of a party. To that extent, the interrogatories are not permitted under Commercial Division Rules 11-a(d). Furthermore, while Rule 11-a(b) of the Commercial Division Rules permits parties to inquire about "name[s] of witnesses with knowledge of information material and necessary to the subject matter of the action" or as to "the existence, custodian, location and general description of material and necessary documents . . . and other physical evidence," and, to the extent interrogatories can be interpreted to seek such information, such interrogatories are untimely because the NYAG served the interrogatories after the deadline to complete fact discovery.

The NRA objects to the Interrogatories to the extent they require the NRA to form or accept a legal opinion or conclusion in order to respond.

The NRA 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.

The NRA objects to the Interrogatories in their entirety and to each and every Interrogatory to the extent they seek to impose obligations on the NRA that are broader than or inconsistent with those set forth in the Civil Practice Law and Rules and/or Commercial Division Rules.

The NRA objects to the Interrogatories and to each and every Interrogatory to the extent that they seek information not within the NRA's knowledge or call for information that (1) is already in the NYAG's possession, custody, or control; (2) is equally available to the NYAG or attainable by the NYAG from another source that is more convenient, less burdensome, or less expensive; or (3) is publicly available.

The NRA 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, attorney work product, material prepared in anticipation of litigation or for trial, is confidential or sensitive, implicates the privacy interests of nonparties, or is otherwise protected from disclosure by law.

The inadvertent production of any information that is immune from discovery for any reason shall not constitute a waiver of any privilege or of any other ground or objection to discovery with respect to that document or information or of the NRA's right to object to the use of that information during any proceeding in this litigation or otherwise.

The NRA objects to any Interrogatory which calls for opinions or conclusions of law.

The NRA 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 and untimely, as the NRA's answer, counterclaims and expert witness reports and transcripts of the NRA's expert witness depositions provide the information Plaintiff seeks and the NYAG did not serve the Interrogatories before the end of fact discovery in this action.

The NRA objects to the Interrogatories as a whole, and any and all individual interrogatories because they exceed 25 in number, including sub-parts, the limit on interrogatories permitted under the Rules of the Commercial Division Rule 11-a.

The NRA objects to the Interrogatories as a whole, and any and all individual interrogatories, to the extent they do not seek “the claims and contentions of” the NRA pursuant to Rule 11-a(d), nor are limited to the permissible topics enumerated in Rule 11-a(b) of the Commercial Division Rules.

By responding to the Interrogatories and to any of the Interrogatories, the NRA does not concede that the Interrogatories are not objectionable. 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.

The NRA objects to the definition of the NRA, You, etc. as unduly broad and burdensome. In responding to the Interrogatories, the NRA will interpret the terms the NRA, You, etc. to apply to the corporation itself.

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

## **II.**

### **SPECIFIC OBJECTIONS AND RESPONSES**

#### **INTERROGATORY NO. 1:**

Identify all witnesses You may, will or intend to call at the trial of this Action.

**RESPONSE:**

The NRA objects to this interrogatory because it does not call for “claims or contentions” of the NRA (*see* Commercial Division Rule 11-a(d)) or for information enumerated in Commercial Division Rule 11-a(b) (*see* Rule 11-a(b) (permitting an interrogatory calling for “names of witnesses with knowledge of information material and necessary to the subject matter of the action”)).

Because the interrogatory seeks information that the NYAG is not entitled to discover through an interrogatory, it requires no response.

The NRA will provide pursuant to Rule 32 of the Commercial Division Rules a list identifying the witnesses the NRA intends to call at the trial. Under that rule, the list must be disclosed “[a]t the pre-trial conference or at such time as the court may direct.” Commercial Division Rule 32 (also stating that “[c]ounsel shall separately identify for the court only a list of the witnesses who may be called solely for rebuttal or with regard to credibility”).

**INTERROGATORY NO. 2:**

Identify each defense and affirmative defense (collectively “defense”) in your Answer or that you expect to rely upon at trial, setting forth the facts upon which you base the defense; identities of all persons who have knowledge of those facts, and all documents and other tangible things which support your defense.

**RESPONSE:**

The NRA incorporates the general objections stated above as if fully stated herein.

The NRA objects to the interrogatory on several additional grounds.

Under rule 11-a(a) of the Commercial Division Rules, “(a) [i]nterrogatories are limited to 25 in number, including subparts, unless another limit is specified in the preliminary conference

order.” Here, the preliminary conference order does not specify another limit.<sup>1</sup> The number of interrogatories the NYAG can propound, therefore, is limited to 25 in number, including subparts. Yet, this interrogatory seeks various types of information for “*each* defense and affirmative defense (collectively ‘defense’) in [the NRA's] Answer or that [the NRA] expect[s] to rely upon at trial.”

The defenses and affirmative defenses that the NRA expects to rely upon at trial are set forth in its Amended Answer to the NYAG's Second Amended Verified Complaint. As the Amended Answer makes clear, there are 34 defenses and affirmative defenses that the NRA expects to rely upon at trial. As a result, this interrogatory—at a minimum—consists of 34 separate interrogatories and exceeds the number of interrogatories that the NYAG is permitted to propound.

The NRA specifically objects to the interrogatory because it seeks the “identities of all persons who have knowledge of . . . facts” and a list of “documents and other tangible things.” In this regard, the NYAG does not seek claims or contentions of a party. This aspect of the interrogatory is not permitted under Commercial Division Rules 11-a(d). Furthermore, while Rule 11-a(b) of the Commercial Division Rules permits parties to inquire about “name[s] of witnesses with knowledge of information material and necessary to the subject matter of the action” or as to “the existence, custodian, location and general description of material and necessary documents . . . and other physical evidence.” To the extent this interrogatory can be

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<sup>1</sup> See Addendum to Preliminary Conference Order (“The limitations on number, substance, and timing of interrogatories set forth in Rule 11-a of the Commercial Division Rules shall presumptively apply.”).

interpreted to seek such information now, such a request is untimely because the NYAG served the interrogatory after the deadline to complete fact discovery.

Because, *inter alia*, the interrogatory exceeds the limit on the number of interrogatories and is untimely, no response to the interrogatory is required. Nonetheless, the NRA contends that the pleadings and the discovery record in the action provides the NYAG with ample notice of the nature and the substance of the NRA's defenses and affirmative defenses. In addition, the NRA will meet and confer with the NYAG about potentially consensually agreeing to disclose certain additional information related to its defenses and affirmative defenses if the NYAG agrees to provide comparable disclosure with respect to her claims.

**INTERROGATORY NO. 3:**

For each denial of an allegation in your Answer, state all facts upon which you base the denial, identify all persons who have knowledge of those facts; and all documents and other tangible things which support your denial.

**RESPONSE:**

The NRA incorporates the general objections stated above as if fully stated herein. In addition, under rule 11-a(a) of the Commercial Division Rules, “(a) [i]nterrogatories are limited to 25 in number, including subparts, unless another limit is specified in the preliminary conference order.” The preliminary conference order does not specify another limit. The number of interrogatories the NYAG can propound therefore is limited to 25 in number, including subparts. Yet, this interrogatory seeks “[f]or each denial of an allegation in [the NRA's] Answer, . . . all facts [and other information] upon which you base the denial.” The Amended Answer to the NYAG's Second Amended Verified Complaint responds to over 600 paragraphs of factual allegations.

Moreover, most paragraphs in the Second Amended Verified Complaint contain multiple assertions. The word “denies” appears in the corresponding section of the NRA's Amended Answer over 800 times. As a result, this interrogatory consists of over 600 interrogatories and by far exceeds the number of interrogatories the NYAG is permitted to propound. Because the interrogatory seeks to impose on the NRA an obligation not imposed by laws, rules, or any orders of the Court, no response to the interrogatory is required.

The NRA specifically objects to the interrogatory because it seeks the “identities of all persons who have knowledge of . . . facts” and a list of “documents and other tangible things.” In this regard, the NYAG does not seek claims or contentions of a party. This aspect of the interrogatory is not permitted under Commercial Division Rules 11-a(d). Furthermore, while Rule 11-a(b) of the Commercial Division Rules permits parties to inquire about “name[s] of witnesses with knowledge of information material and necessary to the subject matter of the action” or as to “the existence, custodian, location and general description of material and necessary documents . . . and other physical evidence.” To the extent this interrogatory can be interpreted to seek such information now, such a request is untimely because the NYAG served the interrogatory after the deadline to complete fact discovery.

Nonetheless, the NRA contends that the pleadings and the discovery record in the action provides the NYAG with ample notice of the bases for its denials of the NYAG's allegations.

**INTERROGATORY NO. 4:**

Is it your contention that the NRA does not hold or administer property for charitable purposes? If yes, identify the facts upon which you base that contention.

**RESPONSE:**

The NRA incorporates the general objections stated above as if fully stated herein.

The NRA objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, 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.

The NRA objects to this interrogatory because it seeks opinions or conclusions of law. The NRA objects to this interrogatory as vague and ambiguous.

The NRA objects to this interrogatory because it is the NYAG's burden to show that property as to which she seeks relief in the action falls within the ambit of the statute on which the NYAG relies and this interrogatory constitutes an impermissible attempt by the NYAG to shift the burden to the NRA on this issue.

Subject to the foregoing general and specific objections, the NRA provides the following response: No.

**INTERROGATORY NO. 5:**

Is it your contention that Defendant Wilson Phillips breached his fiduciary duties and/or legal obligations to the NRA? If yes, identify the facts and documents upon which you base that contention including pertaining to any investigation relating to Wilson Phillips.

**RESPONSE:**

The NRA incorporates the general objections stated above as if fully stated herein.

The NRA objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, 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.

The NRA objects to this interrogatory as improper, vague, and because it seeks opinions or conclusions of law.

The NRA specifically objects to the interrogatory because it seeks the “identities of all persons who have knowledge of . . . facts” and a list of “documents.” In this regard, the NYAG does not seek claims or contentions of a party. This aspect of the interrogatory is not permitted under Commercial Division Rules 11-a(d). Furthermore, while Rule 11-a(b) of the Commercial Division Rules permits parties to inquire about “name[s] of witnesses with knowledge of information material and necessary to the subject matter of the action” or as to “the existence, custodian, location and general description of material and necessary documents . . . and other physical evidence,” and to the extent this interrogatory can be interpreted to seek such information, such a request is untimely because the NYAG served the interrogatory after the deadline to complete fact discovery.

Subject to the general and specific foregoing objections, the NRA contends that it has not asserted a cause of action against Wilson Phillips and further states contends that the trial in this action will reveal whether Defendant Wilson Phillips breached his fiduciary duties and/or legal obligations to the NRA. In fact, that is one of the allegations asserted by the NYAG against Mr. Phillips.<sup>2</sup> As stated in paragraph 657 of the Amended Answer to the NYAG's Second

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<sup>2</sup> Second Amended Verified Complaint (NYSCEF 646) ¶¶ 655-57 (“Phillips breached his fiduciary duties of loyalty, care and obedience to the NRA.”).

Amended Verified Complaint, “[t]he NRA agrees [with the NYAG] that, should any individual [including Mr. Phillips] be found to have breached their legal duties to the NRA, diverted or wasted assets of the NRA, or otherwise caused damage to the NRA, any damages or other sums for which they are found liable must be paid to the NRA.” The NRA also refers the NYAG to its Answers dated Nov. 18, 2022 to the Interrogatories of Wilson Phillips.

**INTERROGATORY NO. 6:**

Is it your contention that Defendant Joshua Powell breached his fiduciary duties and/or legal obligations to the NRA? If yes, identify the facts and documents upon which you base that contention, including pertaining to any investigation relating to Joshua Powell.

**RESPONSE:**

The NRA incorporates the general objections stated above as if fully stated herein.

Furthermore, the NRA objects to this interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product privilege, materials prepared in anticipation of litigation or for trial, and/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.

The NRA objects to this interrogatory because it seeks opinions or conclusions of law.

The NRA specifically objects to the interrogatory because it seeks the “identities of all persons who have knowledge of . . . facts” and a list of “documents.” In this regard, the NYAG does not seek claims or contentions of a party. This aspect of the interrogatory is not permitted under Commercial Division Rules 11-a(d). Furthermore, while Rule 11-a(b) of the Commercial Division Rules permits parties to inquire about “name[s] of witnesses with knowledge of

information material and necessary to the subject matter of the action” or as to “the existence, custodian, location and general description of material and necessary documents . . . and other physical evidence,” and to the extent this interrogatory can be interpreted to seek such information, such a request is untimely because the NYAG served the interrogatory after the deadline to complete fact discovery.

Subject to the general and specific foregoing objections, the NRA contends that the trial in this action will reveal whether Defendant Joshua Powell breached his fiduciary duties and/or legal obligations to the NRA. In fact, that is one of the allegations asserted by the NYAG against Mr. Powell.<sup>3</sup> As stated in paragraph [648 ] of the Amended Answer to the NYAG's Second Amended Verified Complaint, “[t]he NRA agrees [with the NYAG] that, should any individual [including Mr. Powell] be found to have breached their legal duties to the NRA, diverted or wasted assets of the NRA, or otherwise caused damage to the NRA, any damages or other sums for which they are found liable must be paid to the NRA.”<sup>4</sup>

**INTERROGATORY NO. 7:**

If it is Your contention that the NRA has appropriately responded to all whistleblower complaints from 2007 to the present, identify all current and former NRA directors, officers, trustees, employees, and volunteers the NRA deems to be (or to have been) a whistleblower and the facts and documents You contend demonstrate that the NRA investigated and responded to such complaints.

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<sup>3</sup> NYAG’s Second Amended Verified Complaint (NYSCEF 646) ¶¶ 659-61 (“Powell breached his fiduciary duties of loyalty, care and obedience to the NRA.”).

<sup>4</sup> NRA’s Amended Answer to Second Amended Verified Complaint, NYSCEF 889 ¶ 648.

**RESPONSE:**

The NRA incorporates the general objections stated above as if fully stated herein.

Furthermore, the NRA objects to this interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, 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. The NRA objects to this Interrogatory to the extent that it is a premature demand for pretrial disclosure.

The NRA objects to this interrogatory because it seeks opinions or conclusions of law.

The NRA objects to the interrogatory on the grounds that it seeks information concerning the last 15 years. Such information is neither material nor necessary to the prosecution or defense of this action. Given the timeframe and breadth of the interrogatory, is unduly burdensome and seeks to impose on the NRA obligations in excess of its obligations under the applicable laws and rules. Therefore, no response is required.

The NRA objects to the interrogatory on the grounds that it is an untimely request for discovery which far exceeds the bounds of the temporal limitations of is previously propounded discovery. In addition, it seeks discovery regarding events that occurred fifteen years ago and are well outside the statute of limitations applicable to the NYAG's Causes of Action against the NRA.

Subject to the foregoing general and specific objections, the NRA contends that, in or around July 2018, the Audit Committee of the NRA's Board of Directors became aware of concerns raised by its current Treasurer and CFO Sonya Rowling and other employees, including from within the NRA's Financial Services Department. The NRA appropriately responded to the concerns. In fact, as Judge Hale noted in his opinion dated May 11, 2021, at a hearing in the NRA's

chapter 11 proceeding, both Sonya Rowling and Michael Erstling—two of the whistleblowers—testified that their concerns had been addressed by the NRA.<sup>5</sup> The NRA further contends that the pleadings and the discovery record in the action and discovery and hearing record in the NRA's chapter 11 proceeding to which the NYAG was a party, provides the NYAG with ample notice of the information it seeks to obtain through this interrogatory.

**INTERROGATORY NO. 8:**

Is it your contention that the cost of implementing an internal audit function at the NRA outweighs the benefit? If yes, identify the facts and documents upon which you base that contention, including without limitation any analyses of such costs conducted by or for the NRA.

**RESPONSE:**

The NRA incorporates the general objections stated above as if fully stated herein.

The NRA objects to this interrogatory to the extent it is vague and ambiguous,

The NRA objects to this interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, 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.

The NRA specifically objects to the interrogatory because it seeks the “identities of all persons who have knowledge of . . . facts” and a list of “documents.” In this regard, the NYAG

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<sup>5</sup> Order Granting Motions to Dismiss Chapter 11 Petition at 35, In re: National Rifle Association of America and Sea Girt LLC, No. 21-30085 (HDH) (Bankr. N.D. Tex. May 11, 2021), Dkt. No. 740 (“Both Ms. Rowling and Mr. Erstling, the NRA’s Director of Budget and Financial Analysis, testified that the concerns they expressed in the 2017 Whistleblower Memo are no longer concerns.”).

does not seek claims or contentions of a party. This aspect of the interrogatory is not permitted under Commercial Division Rules 11-a(d). Furthermore, while Rule 11-a(b) of the Commercial Division Rules permits parties to inquire about “name[s] of witnesses with knowledge of information material and necessary to the subject matter of the action” or as to “the existence, custodian, location and general description of material and necessary documents . . . and other physical evidence,” and to the extent this interrogatory can be interpreted to seek such information, such a request is untimely because the NYAG served the interrogatory after the deadline to complete fact discovery.

The NRA objects to the interrogatory because it seeks to impermissibly shift the burden to the NRA. The burden is on the NYAG to demonstrate that the benefits of creating an internal audit function outweigh its costs.

Subject to the foregoing general and specific objections, the NRA responds to this interrogatory as follows: No. The NRA also refers the NYAG to pleadings and discovery record in this case as well as discovery and hearing record in the NRA's chapter 11 proceeding, and the reports and testimony of the NRA's expert witnesses.

**INTERROGATORY NO. 9:**

Is it your contention that the cost of installing a dedicated compliance role within the NRA at the NRA outweighs the benefit? If yes, identify the facts and documents upon which you base that contention, including without limitation any analyses of such costs conducted by or for the NRA.

**RESPONSE:**

The NRA incorporates the general objections stated above as if fully stated herein.

The NRA objects to this interrogatory to the extent the interrogatory is vague and ambiguous.

The NRA objects to this interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, 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.

The NRA objects to this interrogatory because it seeks opinions or conclusions of law.

The NRA objects to the interrogatory because it seeks to impermissibly shift the burden to the NRA. The burden is on the NYAG to demonstrate that the benefits of creating a “dedicated compliance role” at the NRA outweigh its costs.

Subject to the foregoing general and specific objections, the NRA responds to this interrogatory as follows: No. The NRA also refers the NYAG to (i) pleadings and discovery record in this case; (ii) discovery and hearing record in the NRA's chapter 11 proceeding; (iii) expert witness reports and testimony of expert witnesses R. Sullivan, B. Blacker, A. Mehta, and M. Lerner.

The NRA further contends that it initiated the process for the potential amendment of its Bylaws to create a new officer position of the NRA pursuant to which the Chief Compliance Officer would report to the Board of Directors of the NRA.

**INTERROGATORY NO. 10:**

Is it your contention that the cost of conducting a forensic audit of the NRA's finances outweighs the benefit? If yes, identify the facts and documents upon which you base that contention, including without limitation any analyses of such costs conducted by or for the NRA.

**RESPONSE:**

The NRA incorporates the general objections stated above as if fully stated herein. As propounded, the interrogatory is unintelligible.

The NRA objects to this Interrogatory to the extent it is vague and ambiguous

The NRA objects to this Interrogatory the extent it seeks information protected from disclosure by the attorney-client privilege, 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.

The NRA objects to the interrogatory because it seeks to impermissibly shift the burden to the NRA. The burden is on the NYAG to demonstrate that the benefits of conducting an internal audit of the NRA's internal controls outweigh the costs. Here, the NYAG does not even allege—let alone demonstrate—that this is the case.

The NRA specifically objects to the interrogatory because it seeks the a list of “documents.” In this regard, the NYAG does not seek claims or contentions of a party. This aspect of the interrogatory is not permitted under Commercial Division Rules 11-a(d). Furthermore, while Rule 11-a(b) of the Commercial Division Rules permits parties to inquire about “the existence [of] documents,” and to the extent this interrogatory can be interpreted to seek such information, such a request is untimely because the NYAG served the interrogatory after the deadline to complete fact discovery.

Subject to the foregoing general and specific objections, the NRA responds to this interrogatory as follows: The NRA refers the NYAG to pleadings and discovery record in this case as well as discovery and hearing record in the NRA's chapter 11 proceeding—in particular

testimony of G. Plotts, S. Rowling, and the NRA's corporate representative and expert witness reports and testimony of expert witnesses of R. Sullivan, B. Blacker, A. Mehta, and M. Lerner.

**INTERROGATORY NO. 11:**

If it is Your contention that the NRA's policies and procedures are part of the NRA's compliance reform efforts, identify the specific policies and procedures, where they can be found, when they were in effect and any amendments thereto.

**RESPONSE:**

The NRA incorporates the general objections stated above as if fully stated herein.

The NRA objects to the interrogatory to the extent it does not seek "the claims and contentions of" the NRA pursuant to Rule 11-a(d), nor is limited to the permissible topics enumerated in Rule 11-a(b) of the Commercial Division Rules.

Furthermore, the NRA objects to this Interrogatory to the extent the interrogatory is vague and ambiguous insofar as it incorporates the phrase "Reform Efforts," and to the extent it seeks information protected from disclosure by the attorney-client privilege, 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.

The NRA objects to this interrogatory because it seeks opinions or conclusions of law.

Subject to the foregoing objections, the NRA responds to this interrogatory as follows: No. The NRA has had for decades an effectively designed set of internal controls, which includes its extensive policies and procedures. The NRA further contends that, from time to time, the NRA amends its policies and procedures to update them as the need arises.

The NRA refers the NYAG to the pleadings and discovery record in this case as well as discovery and hearing record in the NRA's chapter 11 proceeding—in particular expert witness reports and testimony of R. Sullivan, B. Blacker, A. Mehta, and M. Lerner, which reveal the bases for the NRA's contention that the NRA's internal controls are sufficient and robust.

**INTERROGATORY NO. 12:**

If it is Your contention that the NRA conducted market testing with regard to the services provided by the MMP Entities, identify the facts, documents and witnesses that support such contention.

**RESPONSE:**

The NRA incorporates the general objections stated above as if fully stated herein. The NRA objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, 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.

The NRA objects to the interrogatory to the extent it does not seek “the claims and contentions of” the NRA pursuant to Rule 11-a(d), nor is limited to the permissible topics enumerated in Rule 11-a(b) of the Commercial Division Rules.

The NRA objects to this demand because it seeks opinions or conclusions of law.

The NRA objects to the interrogatory as unclear and ambiguous insofar as it contains an undefined term “market testing.”

The NRA specifically objects to the interrogatory because it seeks the “identi[ty of] the facts, documents and witnesses.” In this regard, the NYAG does not seek claims or contentions of a party. This aspect of the interrogatory is not permitted under Commercial Division

Rules 11-a(d). Furthermore, while Rule 11-a(b) of the Commercial Division Rules permits parties to inquire about “name[s] of witnesses with knowledge of information material and necessary to the subject matter of the action” or as to “the existence, custodian, location and general description of material and necessary documents . . . and other physical evidence,” and to the extent this interrogatory can be interpreted to seek such information, such a request is untimely because the NYAG served the interrogatory after the deadline to complete fact discovery. In addition, this interrogatory is a premature request for pretrial disclosure.

Subject to the foregoing general and specific objections, the NRA responds to this interrogatory as follows: No. The NRA furthermore contends that The Audit Committee of its Board and members of management of the NRA with no potential conflicts of interest with regard to the MMP Entities ensured that the relationship with Allegiance was fair, reasonable, and in the best interests of the NRA.

**INTERROGATORY NO. 13:**

Is it your contention that monthly payments to Under Wild Skies as alleged in Paragraph 352 of the Complaint were for services of commensurate value provided to the NRA? If yes, identify the facts and documents upon which you base that contention.

**RESPONSE:**

The NRA incorporates the general objections stated above as if fully stated herein. Subject to the foregoing objections, the NRA responds to this interrogatory as follows: No.

**INTERROGATORY NO. 14:**

Identify the bases for the Audit Committee’s approval or ratification of all related party and conflict of interest transactions between 2015 to the present including all facts and documents relied upon at the time of such approvals or ratifications.

**RESPONSE:**

The NRA incorporates the general objections stated above as if fully stated herein.

The NRA objects to this Interrogatory as vague and ambiguous insofar as it uses the phrase “such approvals or ratifications.” The NRA objects to this interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, 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.

The NRA objects to this interrogatory because it seeks opinions or conclusions of law.

The NRA objects to this Interrogatory as overbroad and unduly burdensome to the extent that it purports to require the NRA to provide an exhaustive list of all the bases for the Audit Committee’s approval or ratification of “all” related party transactions and conflict interest transactions between 2015 to the present, and “all facts and documents” related to said bases, including those that concern facts not material to the parties’ claims or defenses.

Subject to the foregoing general and specific objections, the NRA contends that that any related party transactions identified by the NRA to date have been authorized prospectively or retroactively ratified appropriately. In every instance, the Audit Committee’s decisions have been in the best interests of the NRA and in accord with their obligations. The NRA refers the NYAG to the pleadings and discovery record in this case, the reports of its experts, as well as discovery and hearing record in the NRA's chapter 11 proceeding, which reveal the bases for the NRA's contention that the NYAG's argument concerning a dedicated compliance role at the NRA lacks merit.

**INTERROGATORY NO. 15:**

If it is your contention that all or part of the NRA's payment for private or charter air travel from 2012 to the present is permissible under 26 CFR § 1.132-5(m), identify the facts and documents upon which you base that contention and witnesses with knowledge of the same.

**RESPONSE:**

The NRA incorporates the general objections stated above as if fully stated herein.

The NRA objects to the interrogatory to the extent it does not seek "the claims and contentions of" the NRA pursuant to Rule 11-a(d), nor is limited to the permissible topics enumerated in Rule 11-a(b) of the Commercial Division Rules.

The NRA objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, 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.

The NRA objects to this demand because it seeks opinions or conclusions of law.

The NRA objects to this interrogatory to the extent it seeks to shift the burden of proof to the NRA. Because she premised her case on alleged violation of IRS rules related to working fringe benefits, it is the NYAG's burden to prove that the regulations were violated when the NRA did not include certain costs associated with private charter flights on certain Forms W-2.

The NRA also objects to the Interrogatory as unclear and ambiguous, including in particular with respect to its use of the word "permissible."

**INTERROGATORY NO. 16:**

Is it your contention that the NRA has been fully reimbursed for all excess benefit payments it made to or for the benefit of disqualified persons from 2015 to the present? If yes, identify the facts and documents upon which you base that contention.

**RESPONSE:**

The NRA incorporates the general objections stated above as if fully stated herein.

The NRA also objects to this Interrogatory because it is vague and ambiguous.

The NRA objects to the interrogatory to the extent it does not seek “the claims and contentions of” the NRA pursuant to Rule 11-a(d), nor is limited to the permissible topics enumerated in Rule 11-a(b) of the Commercial Division Rules.

The NRA objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, 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.

The NRA objects to this Interrogatory to the extent that it is a premature demand for pretrial disclosure.

The NRA objects to this demand because it seeks opinions or conclusions of law.

Subject to the foregoing objections, the NRA states that it is not its contention that the NRA has been fully reimbursed for all excess benefit payments made to or for the benefit of disqualified persons from 2015 to the present. Although many potential excess benefits have been reimbursed to the NRA with interest, the NRA's review of other transactions is ongoing. If the NRA demands that certain additional amounts must be re-paid, in accordance with Judge Sherwood's order, the

NRA will inform the NYAG. The NRA also refers to the discovery record in this case, including the reports of its expert witnesses.

**INTERROGATORY NO. 17:**

If as a defense to the allegations against You in this Action, You contend that you relied upon information, opinions, reports or statements of NRA employees or other professionals outside the NRA, including counsel, public accountants, consultants, identify all facts upon which you base the defense, all persons who have knowledge of those facts and all documents and other tangible things which support such defense.

**RESPONSE:**

The NRA incorporates the general objections stated above as if fully stated herein.

The NRA further objects to this Interrogatory as vague and ambiguous by virtue of the use of the phrase “relied upon.”

The NRA objects to the interrogatory to the extent it does not seek “the claims and contentions of” the NRA pursuant to Rule 11-a(d), nor is limited to the permissible topics enumerated in Rule 11-a(b) of the Commercial Division Rules.

The NRA objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, 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. The NRA objects to this Interrogatory to the extent that it is a premature demand for pretrial disclosure.

The NRA objects to this Interrogatory because it seeks opinions or conclusions of law.

The NRA objects to this Interrogatory as overbroad and unduly burdensome to the extent that it purports to require the NRA to provide “all facts” upon which the NRA bases its defenses, “all persons” who have knowledge of those facts, including individuals whose knowledge is de minimis or incidental, and “all documents” and other tangible things that support the NRA’s defenses.

The NRA objects to this Interrogatory to the extent that the information sought is already known to or in the possession of Plaintiff, and is readily accessible to Plaintiff.

Subject to the foregoing general and specific objections, the NRA contends that the defenses and affirmative defenses it intends to assert at trial are set forth in the NRA's Amended Answer to the Second Amended Verified Complaint. Moreover, the NRA refers the NYAG to the pleadings and discovery record in this case as well as discovery and hearing record in the NRA's chapter 11 proceeding, which reveal the bases for the NRA's contention that the Association at all times acted reasonably.

Finally, the NRA states, for the avoidance of doubt, that it will not claim as a defense that it relied upon the advice of counsel.

**INTERROGATORY NO. 18:**

Identify all instances wherein by [sic] David or Laura McKenzie directly or indirectly paid for, funded, or subsidized travel, lodging, meals entertainment, sightseeing or yacht usage by Wayne LaPierre, Susan LaPierre, Colleen Sterner or anyone else with a familial relationship to the LaPierres and, if you contend that there was a business purpose for the same, identify all facts upon which you base the defense, all persons who have knowledge of those facts and all documents and other tangible things which support such defense.

**RESPONSE:**

The NRA incorporates the general objections stated above as if fully stated herein.

The NRA objects to the interrogatory to the extent it does not seek “the claims and contentions of” the NRA pursuant to Rule 11-a(d), nor is limited to the permissible topics enumerated in Rule 11-a(b) of the Commercial Division Rules.

The NRA objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, 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. The NRA objects to this Interrogatory to the extent that it is a premature demand for pretrial disclosure.

The NRA also objects to this Interrogatory because it seeks opinions or conclusions of law.

Furthermore, the NRA objects to the interrogatory to the extent it seeks from the NRA information that is readily available to the NYAG from Mr. LaPierre.

Subject to the foregoing general and specific, the NRA contends that, according to sworn testimony of W. LaPierre, there was a business purpose for some travel, lodging, meals entertainment, sightseeing or yacht usage by Wayne LaPierre, Susan LaPierre, and Colleen Sterner. The NRA further contends that, in response to questions by the NYAG, Murray Drechsler testified that no portion of expenses associated with these items were charged to the NRA. The NRA also refers the NYAG to the discovery record in this matter, including without limitation, the reports and testimony of its expert witnesses.

**INTERROGATORY NO. 19:**

Is it your contention that the NRA [sic] some or all of the allegations made in the document bates no. NRA-NYAGCOMMDIV-01540246-47 were addressed by the NRA? If yes, identify all facts upon which you base the defense, all persons who have knowledge of those facts and all documents and other tangible things which support such contention.

**RESPONSE:**

The NRA incorporates the general objections stated above as if fully stated herein.

The NRA objects to the interrogatory to the extent it does not seek “the claims and contentions of” the NRA pursuant to Rule 11-a(d) of the Commercial Division Rules, nor is limited to the permissible topics enumerated in Rule 11-a(b) of the Commercial Division Rules.

Furthermore, the NRA objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the attorney 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.

The NRA also objects to the Interrogatory because it is unclear and ambiguous, including in particular with regard to its use of the term “defense.”

The NRA also objects to this Interrogatory because it seeks opinions or conclusions of law.<sup>6</sup>

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<sup>6</sup> The NYAG failed to request the document in a timely fashion and, in obtaining an order compelling its production over the NRA's objection, misrepresented to the Special Master and the Court that it learned of the document at a deposition in June 2022. Contrary to the NYAG's representation, the NYAG was on notice of the document as early as December 2021, when the NRA produced to the NYAG another document in which the anonymous letter was referenced

The NRA objects to the NYAG's use of document Bates-numbered NRA-NYAGCOMMDIV-01540246-47 (the “anonymous letter”) at trial and otherwise on the grounds set forth in the NRA's (i) motion for a protective order, dated July 12, 2022, (ii) the NRA's motion for review of the Special Master's ruling, dated July 22, 2022, and (iii) the Notice of Appeal, dated November 17, 2022, concerning the Court's ruling dated October 17, 2022.

The NRA objects to the NYAG's use of the document on hearsay grounds. The letter is an out-of-court statement, and the NYAG cannot prove the truth of alleged matters through admissible evidence. In fact, the author of the letter is unknown.

The NRA objects to the interrogatory on the grounds that it seeks discovery as to events that occurred fifteen years ago and are well outside the statute of limitations applicable to the NYAG's Causes of Action against the NRA.

The NRA objects to the interrogatory and the NYAG's use of the anonymous letter on the grounds that the information it seeks is irrelevant to her claims against the NRA. The NYAG's Causes of Action against the NRA and the requested relief are confined to events since 2015. Nor is the information the Interrogatory seeks relevant to the NYAG's First Cause of Action, in

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clearly and expressly. Specifically, the document states: “The Audit Committee is charged with reviewing and making appropriate inquiry regarding the anonymous letter that BOD members received prior to the April 2007 NRA Annual Meeting.” In affirming Judge Sherwood's order to compel the NRA to produce the anonymous letter to the NYAG, Judge Cohen specifically relied on the NYAG's misrepresentation. Decision & Order on NRA's Motion to Review Special Master's Order, Oct. 17, 2022 (NYSCEF No. 858) (“The NYAG argues that it learned of the documents during the June 15, 2022, deposition of David Coy . . . and timely requested the documents. The Special Master determined that the “whistleblower” letter and Frankel Report are material and necessary. The Court finds that the Special Master's ruling is neither clearly erroneous nor contrary to law.” (Emphasis added.)).

which she claims that the NRA *at present* fails to ensure that assets donated to it for charitable purposes are properly administered.

Furthermore, under rule 11-a(a) of the Commercial Division Rules, “(a) [i]nterrogatories are limited to 25 in number, including subparts, unless another limit is specified in the preliminary conference order.” Here, the preliminary conference order does not specify another limit.<sup>7</sup> The number of interrogatories the NYAG can propound, therefore, is limited to 25 in number, including subparts. Yet, this interrogatory seeks various types of information for each of the multiple allegations in the referenced document. As a result, this interrogatory—at a minimum—consists of eleven separate interrogatories and, considered with the preceding interrogatories, exceeds the number of interrogatories that the NYAG is permitted to propound.

The NRA also specifically objects to the interrogatory because it seeks the “identities of all persons who have knowledge of . . . facts” and a list of “documents and other tangible things.” In this regard, the NYAG does not seek claims or contentions of a party. This aspect of the interrogatory is not permitted under Commercial Division Rules 11-a(d). Furthermore, while Rule 11-a(b) of the Commercial Division Rules permits parties to inquire about “name[s] of witnesses with knowledge of information material and necessary to the subject matter of the action” or as to “the existence, custodian, location and general description of material and necessary documents . . . and other physical evidence,” and, to the extent this interrogatory can be interpreted to seek such information, such a request is untimely because the NYAG served the interrogatory after the deadline to complete fact discovery.

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<sup>7</sup> See Addendum to Preliminary Conference Order (“The limitations on number, substance, and timing of interrogatories set forth in Rule 11-a of the Commercial Division Rules shall presumptively apply.”).

Subject to the foregoing general and specific objections, the NRA contends that the Audit Committee of the NRA's Board of Directors and the NRA's Board of Directors considered the anonymous allegations, as, for example, evidenced by Professor Coy's notes concerning the letter, which the NYAG used at his deposition. The NRA further contends that, since at least 2009 the NRA retained an independent auditor to audit the NRA's financial statements, who, in connection with the audit tested the NRA's internal controls and provided an unmodified opinion.

The NRA also refers the NYAG to pleadings and discovery record in this case as well as discovery and hearing record in the NRA's chapter 11 proceeding—in particular expert witness reports and testimony of expert witnesses R. Sullivan, B. Blacker, A. Mehta, and M. Lerner, which reveal the bases for the NRA's contentions that the NYAG's internal controls are robust and the injunctive relief the NYAG seeks against the NRA is not warranted.

Dated: November 22, 2022  
New York, New York

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COUNSEL FOR DEFENDANT THE  
NATIONAL RIFLE ASSOCIATION



**AFFIRMATION OF SVETLANA M. EISENBERG**

I, SVETLANA M. EISENBERG, an attorney duly admitted to practice law in the courts of the State of New York, hereby affirm the following under penalty of perjury:

1. I am a Partner at Brewer, Attorneys & Counselors, counsel for the National Rifle Association of America (the “NRA”) in the above-captioned action.

2. I have read the foregoing Objections and Responses to the New York Attorney General’s First Set of Interrogatories, dated November 22, 2022, and am knowledgeable about the contents thereof based upon my representation of the NRA in this matter.

3. To my knowledge, based on such information, the foregoing responses are true, except as to any matters stated upon information and belief, and as to those, I believe them to be true.

Dated: November 22, 2022  
New York, New York

By: /s/ Svetlana S. Eisenberg  
Svetlana S. Eisenberg  
*Counsel for the National Rifle Association of America*