

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
(Cohen, J.)

Mot. Seq. Nos. 59, 60,
61, 62, and 63

**PLAINTIFF'S CONSOLIDATED PARTIAL
OPPOSITION TO DEFENDANT NRA'S AND
DEFENDANT LAPIERRE'S MOTIONS
FOR SEALING ORDERS**

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Plaintiff People of the State of New York, by the Office of Letitia James, Attorney General of the State of New York (“OAG”), respectfully submits this consolidated memorandum of law in partial opposition to numerous motions filed by Defendant Wayne LaPierre (Mot. Seq. No. 59) and Defendant National Rifle Association of America (“NRA”) (Mot. Seq. Nos. 60, 61, 62, and 63) for sealing orders.

ARGUMENT

Defendants LaPierre and the NRA filed Motion Seq. Nos 59-63 (the “Sealing Motions”) seeking sealing orders pertaining to five general categories of information: (i) names of LaPierre family members who are alleged to have received benefits from the NRA; (ii) whistleblower names and whistleblower information; (iii) information relating to the amount of the NRA’s settlement with former vendor Ackerman McQueen; (iv) certain documents designated as “Highly Confidential” pursuant to agreement of the parties, pending the NRA’s perfection of and success in appeals of the Court’s prior evidentiary rulings; and (v) information contained in the deposition and expert reports of proposed NRA expert witness J. Lawrence Cunningham. Plaintiff now files this memorandum, as well as the accompanying Affirmation of Sharon Sash (“Sash Aff.”), in consolidated partial opposition to the Sealing Motions.

As an initial matter, Plaintiff proposed that the parties meet and confer as to Defendants’ various pending and future requests to seal, in an attempt to streamline this process. *See* Sash Aff. at ¶3. The parties met and conferred on the Sealing Motions on April 26, 2023, and were able to agree on some of Defendants’ requests. *Id.* As to certain items identified below and in the accompanying Appendix¹, Plaintiff does not object to the sealing request at this time, without prejudice to unsealing at a future time such as at the trial of this matter. In addition, Defendant

¹ The Appendix, which is annexed to this memorandum, identifies for each request contained in the Sealing Motions a) the Motion Seq. No.; b) Docket Number; c) pin cite; d) summary of the asserted basis for sealing; and e) summary of Plaintiff’s position on sealing.

NRA agreed to withdraw certain of its requests (pertaining to Motion Seq. No. 60), as more fully set forth below. But certain of sealing requests are still contested and as to those, the requests to seal should be denied.

“New York’s presumption of public access [to court records] is broad.” *DaDanco Labs., Ltd. v. Chem. Works of Gedeon Richter, Ltd.*, 274 A.D.2d 1, 7 (1st Dep’t 2000) . “[B]ecause confidentiality is the exception and not the rule, the party seeking to seal court records has the burden to demonstrate compelling circumstances to justify restricting public access.” (NYSCEF 756 at 5 (quoting *Maxim, Inc. v. Feifer*, 145 A.D.3d 516, 517 (1st Dep’t 2016)) (internal quotation marks omitted)). It is axiomatic that “[r]arely, if ever, can the presumption of public access be overcome when the information has already been made public.” *Campbell v. City of New York*, No. 16-cv-8719 (AJN), 2021 WL 826899, at *10 (S.D.N.Y. Mar. 4, 2021); *see also Aghazadeh v. Proskauer Rose, LLP*, No. 154080/2021, 2021 WL 5965564, at *3 (Sup. Ct. N.Y. Cnty. Dec. 16, 2021) (denying motion to seal where counsel conceded that “several of the subject records are already publicly available”).

The contested requests to seal in the Sealing Motions should be denied on a number of grounds, including that:

- (1) Motion Seq. Nos. 61, 62, and 63 are untimely and can be denied on that basis alone;
- (2) As to the whistleblower information, with one narrow exception, to which Plaintiff does not object to sealing, the information was previously publicly disclosed both in this proceeding and the NRA’s earlier bankruptcy proceeding, so sealing is not warranted. In addition, the NRA has not sustained its burden to seal such information;
- (3) Similarly, the terms of the NRA’s settlement with Ackerman McQueen is public information, which is widely available, and, in any event, the NRA has not sustained its burden to offer a compelling reason for sealing the same;
- (4) In regard to Mr. Cunningham’s proffered expert opinion evidence, while Plaintiff has not objected to certain redactions or sealing, others are not justified; and
- (5) Plaintiff does not object to the sealing of the identity of a minor child and the

identities of certain LaPierre family members whose names have not been made public but opposes sealing of the names of other family members, who are relevant to this action and whose names are already public.

Accordingly, Plaintiff asks that the Court deny the motions to seal except where the parties have agreed to a sealing request. Plaintiff refers the Court to the Appendix, for its convenience.

1. Motion Seq. Nos. 61, 62, and 63 are Untimely

The protective order governing the exchange of confidential information in this case provides the parties with seven (7) days to move to seal confidential information that is placed on the record. *See* NYSCEF 869 ¶ 14. The NRA's April 6, 2023, April 12, 2023, and April 17, 2023 sealing motions are untimely.

On April 6, 2023, in Motion Seq. No. 63 (NYSCEF 1795), the NRA moved to redact certain portions of documents that it filed in full, unredacted form in connection with Motion Seq. Nos. 47, 48, and 50. NYSCEF 1796. Those motions were filed on March 10, March 14, and March 17, 2023, respectively.

On April 12, 2023, in Motion Seq. No. 61, the NRA moved to seal a portion of the expert report of Eric Hines, which Defendant Wilson Phillips filed in unredacted form on March 24, 2023, in connection with Motion Seq. No. 51. NYSCEF 1806.

On April 17, 2023, in Motion Seq. No. 62 (NYSCEF 1816), the NRA moved to seal whistleblower information included in filings by Defendant Powell and Plaintiff on February 10, 2023, March 20, 2023, and April 10, 2023.²

With regard to all of Motion Seq. Nos. 61 and 63, and those portions of Motion Seq. No. 62 seeking to seal or redact documents filed before April 10, 2023, the NRA failed to file a motion to

² Plaintiff does not object to Motion Seq. 62 on timeliness grounds to the extent the NRA seeks to seal portions of documents filed by Defendant Joshua Powell on April 10, 2023 in support of his motion for summary judgment. However, as explained further below, the NRA has not demonstrated a compelling need to seal whistleblower information contained in those documents.

seal within seven (7) days as required, thus waiving any claim of confidentiality it has in the information requested to be sealed. On this ground alone, those motions should be denied.

2. The NRA Fails in Its Burden to Establish that Relating to Its Settlement with Ackerman McQueen Should be Sealed, Information Particularly Where Such Information is Already Public

In Motion Seq. Nos. 60 & 61, the NRA seeks to seal information pertaining to the amount of its litigation settlement with its former vendor, Ackerman McQueen. (*See* NYSCEF 1669, NYSCEF 1683, NYSCEF 1788 at 172:22-173:3, and NYSCEF 1789 at p. 64). As set forth below, this request should be denied because the information has already been made public and because the NRA has not set forth a compelling reason for this information to be sealed.

A. The NRA's Requests To Seal Publicly Available Documents, Even Documents That Were Inadvertently Made Public, Should Be Denied

The NRA seeks to seal information which reveals the amount of its settlement with former vendor Ackerman McQueen. *See* Mot. Seq. Nos. 60 & 61. However, that information was made public when Defendant Wilson Phillips filed an unredacted report of Plaintiff's expert Eric Hines on March 24, 2023, at which point information about the settlement was quickly picked up by numerous media outlets. A simple Google search for "Ackerman NRA settlement" returns several reports on the settlement amount that continue to be publicly available. *See, e.g.,* [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

██████████ In addition, the Hines Report sat, unredacted, on the docket for approximately eleven days before the NRA requested that Defendant Phillips replace it with a redacted version. *See* NYSCEF 1829 at 3-4. As reflected on the docket sheet, the unredacted Hines report was filed and publicly available on March 24, 2023. The NRA did not immediately seek sealing. A corrected version with the amount of the settlement redacted was filed on April 5, 2023.

The NRA contends that Phillips violated the confidentiality order by posting the Hines report in unredacted form (NYSCEF 1806 at 1 n.2), but regardless “[t]he genie is out of the bottle [The Court] has not the means to put the genie back.” *Gambale v. Deutsche Bank AG*, 377 F.3d 133, 144 (2d Cir. 2004) (noting that the court “simply [does] not have the power . . . to make what has thus become public private again” even where trial court erred in allowing confidential information to appear in a public order); *see also Mancheski v. Gabelli Grp. Cap. Partners*, 39 A.D.3d 499, 501 (2d Dep’t 2007) (affirming Supreme Court’s refusal “to seal certain exhibits that were already made public”) (internal quotation marks omitted). Accordingly, the NRA’s motions to seal NYSCEF 1669, 1683, 1708 at 172:22-173:09 and 1711 should be denied.

B. The NRA Has Not Met Its Burden as to Why Information Related to Its Settlement with Ackerman McQueen Should Be Sealed

Even if the information pertaining to the settlement were not already publicly available, the NRA has not established a compelling reason for sealing. Whether information related to the NRA’s settlement with its former vendor Ackerman McQueen should be sealed is already the subject of a pending NRA motion to seal. *See* Mot. Seq. No. 43. As Plaintiff argued in opposition to that motion, “while there is a strong public interest in encouraging the settlement of private disputes, conclusory claims of the need for confidentiality of settlement agreements are insufficient to seal a record.” *Matter of Hofmann*, 284 A.D.2d 92, 94 (1st Dep’t 2001); *accord In re Levy*, 51 Misc. 3d 1206(A), 2016 WL 1337150, at *1 (Sup. Ct. Dutchess Cnty. Apr. 5, 2016) (finding that “the record is devoid of any justification for prohibiting disclosure of any of the terms of the settlement other than the

parties' settlement is contingent upon an agreement of confidentiality"). Sealing is particularly inappropriate "where the propriety of acts of fiduciaries and their attorneys are in question, [as they] are matters of legitimate public concern." *Hofmann*, 284 A.D.2d at 94. Here, the relationship between defendants LaPierre and the NRA, on the one hand, and Ackerman McQueen, on the other, is at issue (*see, e.g.*, NYSCEF 646 (Second Amended Complaint) at ¶¶ 313-342, *see also* ¶¶ 191, 192, 205, 221-228, 262), as are the fact and propriety of the NRA's settlement with Ackerman.

The cases the NRA cites are inapposite and do not counter *Hofmann*'s mandate. In both *In re E. 51st St. Crane Collapse Litig.*, 920 N.Y.S.2d 584, 592 (Sup. Ct. N.Y. Cnty. Jan. 6, 2011) and *Hasbrouck v. BankAmerica Housing Svcs*, 187 F.R.D. 453, 459 (N.D.N.Y. 1999), the courts were primarily addressing the *discoverability* of settlement documents by the parties, and not whether the documents should be permanently sealed from the public record. Further, *Crane Collapse* is distinguishable because it involved dozens of plaintiffs in complex consolidated actions, where public disclosure of the settlement amount would affect future settlements with remaining plaintiffs, and because the movants sought only "a temporary sealing, until all wrongful death cases arising from the accident are resolved; thus, the ... settlement will ultimately be accessible to the public." *Id.*, at 592. And, the NRA's citation to *Gambale* fails because the information about the Ackerman McQueen settlement is already public, and "[t]he genie is already out of the bottle." 377 F.3d at 144. Therefore, the NRA's requests to seal information concerning the NRA's settlement with Ackerman McQueen in NYSCEF 1669, 1683, 1708 at 172:22-173:09, and 1711 should be denied.

3. Publicly Available Whistleblower Information Should Not Be Sealed

The NRA seeks to seal the identities of whistleblowers and whistleblower-related documents that have already been publicly disclosed. As set forth above, given that disclosure, the NRA cannot establish a need to seal such publicly available information. Nor could it meet its burden of showing a compelling reason for this Court to do so even absent a prior public disclosure.

A. The NRA Itself Made Whistleblower Information Public and Cannot Now Belatedly Seek to Seal Such Information

The NRA itself made whistleblower identities and information public in connection with Motion Seq. Nos. 47, 48, and 50. The NRA publicly filed documents with unredacted information it contends is confidential, but it did not take reasonable steps to claw the information back, such as by requesting that the documents be returned for correction or filing its motion to seal as an order to show cause. Instead, it simply waited to file the instant, untimely motion (Mot. Seq. 63) and now requests that the documents be sealed pending the outcome of the Court's decision without requesting emergency relief. NYSCEF 1796 at 4.

The documents at issue (NYSCEF 1326, 1427, 1430, 1437, 1451, 1453, 1455, and 1456) have been on the docket for approaching two months with full public access to the names of whistleblowers identified in those documents. Indeed, the names and information pertaining to whistleblowers have been reported by the press and continue to be available at various online locations. *See, e.g.,* NY Expert Witness Report, NRA in Danger (Mar. 23, 2023), <https://nraindanger.wordpress.com/2023/03/23/ny-expert-witness-report/>; Mike Spies, *Secrecy, Self-Dealing, and Greed at the N.R.A.*, New Yorker (Apr. 17, 2019), <https://www.newyorker.com/news/news-desk/secrecy-self-dealing-and-greed-at-the-nra>; *NRA Staff "Top Concerns" Memo*, NRA in Danger (Oct. 9, 2021), <https://nraindanger.wordpress.com/2021/10/09/nra-staff-top-concerns-memo/>; *Deposition of NRA Acting Interim CFO Sonya Rowling (Bankruptcy Proceedings)*, NRA Watch (Mar. 19, 2021), <https://nrawatch.org/filing/deposition-of-nra-acting-interim-cfo-sonja-rowling-bankruptcy-proceedings/>. The time for expeditiously moving to correct the NRA's error is long past, and the NRA's request to seal should be denied.

B. The Identities of the Top Concerns Whistleblowers that the NRA Seeks To Seal Are Already Publicly Available

Even setting aside the NRA's public disclosures of whistleblower information in Motion Seq. Nos. 47, 48, and 50, the NRA cannot establish a basis for sealing this information. The NRA seeks to seal documents that reference two of the authors of a document commonly referred to in this action as the "Top Concerns Memo." But the identities of these authors were already made public during the hearings in the NRA's bankruptcy litigation in Dallas, TX. *See* NYSCEF 1162 and 1163 (excerpts from publicly held bankruptcy hearing with testimony from one of the whistleblowers); NYSCEF 1456 at 14, 21 (referencing two whistleblowers who publicly identified themselves and testified during the NRA's bankruptcy proceedings). Therefore, the NRA's request to seal the identities of these two whistleblowers in NYSCEF 1456, 1780, and 1782 (at p. 35) should be denied.

C. The NRA Has Not Met Its Burden For Sealing The Subject Matter Of Whistleblower Reports

In Motion Seq. No. 60, the NRA requests that information related to the subject matter of certain whistleblower reports be redacted, specifically in NYSCEF 1694 at 20, 35 and NYCEF 1695. But the NRA has not articulated a reason why the subject matter of the reports should be protected. Internal complaints of misconduct and corruption are directly relevant to Plaintiff's claims and the NRA has failed to set forth any compelling reason for sealing such information. Having failed to meet its burden to overcome the presumption of the public's interest in the information, the NRA's motion to seal should be denied with respect to those two documents.

D. The NRA's Request to Redact Names Of Witnesses Not Tethered To Particular Whistleblower Allegations Should Be Denied

In Motion Seq. Nos. 60 and 63, the NRA seeks to seal an addendum to one of its expert witnesses' reports that merely lists the names of individuals who are discussed in the expert report. Specifically, the NRA asks to seal NYSCEF 1326 at Attachment A-5, NYSCEF 1455 at Attachment A-5, and NYSCEF 1699 at Attachment A-5.

The witnesses identified in the addendum are not tied to particular whistleblower reports or allegations, and the NRA has failed to articulate why the list should be redacted. Having failed to meet its burden to overcome the presumption of public interest in the documents, the NRA's request to seal these three documents should be denied.

4. There is No Basis for Sealing the Contested Information and Testimony Relating to Expert Lawrence Cunningham in Mot. Seq. No. 60

In Motion Seq. No. 60, the NRA seeks to seal what it calls "security information" discussed in the expert opinion it has proffered from Lawrence Cunningham. This opinion concerns an important issue in this case: LaPierre's use of private jets for himself, his friends and family for almost a decade (NYSCEF 646 ¶¶ 146-164), and the income and tax implications of the same under Treasury Regulation 26 C.F.R. 1.132-5(m), which addresses the requirements for and the tax and compensation treatment of an employer's payments for private air travel because of security concerns. Plaintiff agrees that any information that is actually sensitive and—if made public now—would create a security risk, should be sealed, such as studies that articulate details of the NRA's security system at various times. However, there are substantial portions of the Cunningham expert opinion that do not contain such sensitive information, and in the absence of a demonstrated need for sealing, particularly given their relevance to Defendants' failures to comply with the NRA's internal controls and 26 C.F.R. 1.132-5(m), should not be sealed.

After a meet and confer on April 26, 2023 (Sash Aff. at ¶3), the NRA agreed by email on May 8, 2023 (Sash Aff. at Exs. A, B), to withdraw certain of its requests to seal portions of Mr. Cunningham's deposition transcript and to otherwise limit certain of its other requests. Both the portions the NRA agreed to withdraw and those it did not agree to withdraw are indicated in the comment field of the transcript of the Cunningham deposition annexed to the Sash Aff. at Exhibit B. If not indicated in the comment field of Ex. B, Plaintiff assumes for purposes of this motion that the NRA intends to pursue sealing of those portions indicated in its chart as part of NYSCEF 1779.

Without prejudice to make an application to unseal, Plaintiff does not object to the temporary sealing, pre-trial, of the following portions of the Cunningham Transcript:

- Pages 187:22 –199:04
- Pages 201:08 –202:06
- Pages 203:15 –204:08
- Pages 231:02 –231:09
- Pages 232:24 –236:25 (Bolded Portions in Ex. B to the Sash Aff.)
- Pages 237:13 –239:03 (Bolded Portions in Ex. B to the Sash Aff.)

Plaintiff objects to the sealing of the remainder of the Cunningham deposition excerpts, or the Cunningham report or rebuttal report.

5. Plaintiff Temporarily Does Not Object to the Sealing of the “Highly Confidential” Documents

Without prejudice to make an application to unseal in the future, Plaintiff does not object to the NRA’s application (Mot. Seq. No. 60) to seal certain information designated as “Highly Confidential”, at issue on appeal. Plaintiff does this as a matter of expediency. This sealing request concerns 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 having to brief an emergency application to the Appellate Division for a stay and further disclosure delays, the parties reached an interim agreement that the NRA would produce the report as Highly Confidential. *See* Sash Aff., Ex. C (October 25, 2022 email chain).

Plaintiff discovered the Frenkel report when questioning a witness about a 2007 anonymous letter. Now, the NRA contends that all testimony and documents relating to the 2007 letter are Highly Confidential or should be sealed. Plaintiff does not believe that the stipulation is so broad, notwithstanding language used in a deposition, however, in the interests of not prolonging this dispute, Plaintiff does not object to the sealing request now without prejudice to revisit it in the event

the information becomes relevant to motion practice or at trial, or in the event that the NRA does not perfect or does not prevail on its appeal.

6. Plaintiff Does Not Object to Certain Sealing Requests in Motion Seq. No. 59 But Objects to the Sealing of Information Which is Not Sensitive and Which is Already Publicly Available

In Motion Seq. No. 59, Defendant LaPierre moves to seal information in filed documents pertaining to the identity of certain LaPierre relatives. This information is relevant to allegations that LaPierre relatives received employment, private flights or other improper benefits provided by the NRA. Plaintiff does not object to sealing the identities of family members who are minors or whose names have not been made public previously on the condition that LaPierre will agree that these people may be referred to in a manner that makes clear that they are his family members. Accordingly, Plaintiff does not object to LaPierre's request to seal the name of a minor, his niece's child, even though that name has been made publicly available previously. *See, e.g.,* [REDACTED]

[REDACTED]
[REDACTED] Plaintiff also does not object to the request to seal the names of certain other family members, whose names have not previously been made public to Plaintiff's current knowledge.

However, Plaintiff does not consent to the request to seal the names of LaPierre's niece and her husband, as their names have already been widely made public. *See, e.g.,* Mike Spies, *N.R.A. Chief Wayne LaPierre's Misleading Testimony About Free Yacht Trips in the Bahamas*, New Yorker (Dec. 22, 2021), <https://www.newyorker.com/news/news-desk/nra-chief-wayne-lapierres-misleading-testimony-about-free-yacht-trips-in-the-bahamas>; Natasha Anderson, *NRA chief who said he was given free use of 108ft yacht because his 'life was in danger' failed to disclose that he used it for his niece's wedding in the Bahamas and to cruise around the Caribbean*, DailyMail UK (Dec. 22, 2021), <https://www.dailymail.co.uk/news/article-10338167/NRA-chief-given-free-yacht->

nieces-wedding-NY-AG-claims.html; [REDACTED]

[REDACTED]

Indeed, those names were disclosed during the NRA's bankruptcy proceedings in Texas, *In re National Rifle Association of America and Sea Girt LLC*, Jointly Administered, Case No. 21-30085-hdh11 (Bankr. S.D. Tex.). No good cause exists for sealing publicly available information.

CONCLUSION

For the foregoing reasons, Plaintiff asks that the Court deny such portions of Defendants' motions to seal (Mot. Seq. Nos. 59, 60, 61, 62, and 63) as set forth herein, together with such other and further relief as the Court deems just and appropriate.

Dated: May 12, 2023
New York, New York

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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 this memorandum of law complies with the word count limit set forth in Rule 17 of the Commercial Division of the Supreme Court (22 NYCRR 202.70(g)) because the memorandum of law contains less than 7,000 words, excluding the parts exempted by Rule 17. 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

Appendix

Motion Seq. No.	NYSCEF No. of the document as originally filed	NYSCEF No. of Placeholder; Date Unredacted Copy Submitted to Chambers via Email	Description	Pin cite(s)	Defendants' Claimed Basis	Plaintiff's Response
59	NYSCEF 1671	NYSCEF 1766 Submitted to chambers via email by P. Kent Correll 3/31/2023	Transcript of Wayne LaPierre's Deposition	231:4 – 232:5	Names of Mr. LaPierre's wife's niece's family members and other family members	Plaintiff does not object to sealing of name of minor child and family members whose identities are not public but objects to sealing of names of family members who are NRA employees and/or received benefits from the NRA and whose names are already public. <i>See</i> Section 6, <i>supra</i> .

Motion Seq. No.	NYSCEF No. of the document as originally filed	NYSCEF No. of Placeholder; Date Unredacted Copy Submitted to Chambers via Email	Description	Pin cite(s)	Defendants' Claimed Basis	Plaintiff's Response
59	NYSCEF 1670	NYSCEF 1767 Submitted to chambers via email by P. Kent Correll 3/31/2023	Transcript of Private Travel Agent Gayle Stanford's Deposition	31:9 – 31:25	Names of Mr. LaPierre's wife's niece's family members	Plaintiff does not object to sealing of name of minor child but objects to sealing of names of family members who are NRA employees and/or received benefits from the NRA and whose names are already public. <i>See</i> Section 6, <i>supra</i> .
60	NYSCEF 1709 (Ex. Q)	NYSCEF 1784 Submitted to chambers via email by S. Eisenberg 4/4/2023	Transcript of Amish Mehta's Deposition	283:18 – 294:22	Revealing details of potential whistleblower report. <i>See also</i> NRA memorandum of law in support of the sealing motion NYSCEF 1770 at page 2.	Plaintiff does not object to sealing on a temporary, pre-trial basis.

Motion Seq. No.	NYSCEF No. of the document as originally filed	NYSCEF No. of Placeholder; Date Unredacted Copy Submitted to Chambers via Email	Description	Pin cite(s)	Defendants' Claimed Basis	Plaintiff's Response
60	NYSCEF 1676 (Ex. L)	NYSCEF 1787 Submitted to chambers via email by S. Eisenberg 4/4/2023	Transcript of Lawrence Cunningham's deposition	37:09 – 37:25 181:06 – 182:02 239:05 – 239:12 244:16 – 244:18 244:25	Safety and security of officer of the NRA. <i>See also</i> NYSCEF 1770 at pages 2-3.	NRA has agreed to withdraw. <i>See</i> Sash Aff. at Ex. B (Transcript).
60	NYSCEF 1676 (Ex. L)	NYSCEF 1787 Submitted to chambers via email by S. Eisenberg 4/4/2023	Transcript of Lawrence Cunningham's deposition	184:14 – 185:03 206:04 – 206:24 207:12 – 208:11 209:10 – 212:02 229:03 – 230:25 251:11 – 251:16	Same.	Plaintiff objects to sealing. <i>See</i> Section 4, <i>supra</i> .
60	NYSCEF 1676 (Ex. L)	NYSCEF 1787 Submitted to chambers via email by S. Eisenberg 4/4/2023	Transcript of Lawrence Cunningham's deposition	187:22 – 199:04 201:08 – 202:06 203:15 – 204:08 231:02 – 231:09	Same.	Plaintiff does not object to sealing on a temporary, pre-trial basis. <i>See</i> Section 4, <i>supra</i> .

Motion Seq. No.	NYSCEF No. of the document as originally filed	NYSCEF No. of Placeholder; Date Unredacted Copy Submitted to Chambers via Email	Description	Pin cite(s)	Defendants' Claimed Basis	Plaintiff's Response
60	NYSCEF 1676 (Ex. L)	NYSCEF 1787 Submitted to chambers via email by S. Eisenberg 4/4/2023	Transcript of Lawrence Cunningham's deposition	232:24 –236:25 237:13–239:03	Same.	Plaintiff does not object to sealing on a temporary, pre-trial basis the bolded portions in Ex. B to the Sash Aff. <i>See</i> Section 4, <i>supra</i> .
60	NYSCEF 1708 (Ex. P)	NYSCEF 1788 Submitted to chambers via email by S. Eisenberg 4/4/2023	Transcript of Matthew Lerner's deposition	172:22 –173:09	Terms of confidential settlement agreement. <i>See also</i> NYSCEF 1770 at pages 3-5.	Plaintiff objects to sealing. <i>See</i> Section 2, <i>supra</i> .
60	NYSCEF 1708 (Ex. P)	NYSCEF 1788 Submitted to chambers via email by S. Eisenberg 4/4/2023	Transcript of Matthew Lerner's deposition	185:24 –186: 13 344:10 – 345:05	Discussion of Highly Confidential and privileged document at issue on appeal (Jacob Frenkel's report). <i>See also</i> NYSCEF 1770 at page 3.	Plaintiff does not object to sealing on a temporary basis discussion of the Frenkel Report. <i>See</i> Section 5, <i>supra</i> .

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60	NYSCEF 1674 (Ex. J)	NYSCEF 1785 Submitted to chambers via email by S. Eisenberg 4/4/2023	L. Cunningham affirmative expert witness report	pp. 2, 6 – 13	Safety and security of officer of the NRA. <i>See also</i> NYSCEF 1770 at pages 2-3.	Plaintiff objects to sealing. <i>See</i> Section 4, <i>supra</i> .
60	NYSCEF 1674 (Ex. J)	NYSCEF 1786 Submitted to chambers via email by S. Eisenberg 4/4/2023	L. Cunningham rebuttal expert witness report	pp. 2 – 8	Same.	Plaintiff objects to sealing. <i>See</i> Section 4, <i>supra</i> .
60	NYSCEF 1669 & 1711 (Ex. E & Ex. S)	NYSCEF 1789 Submitted to chambers via email by S. Eisenberg 4/4/2023	Eric Hines' proposed affirmative expert witness report	p. 64	Terms of confidential settlement agreement. <i>See also</i> NYSCEF 1770 at pages 3-5.	Plaintiff objects to sealing. <i>See</i> Section 2, <i>supra</i> .

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60	NYSCEF 1693 (Ex. A)	NYSCEF 1780 Submitted to chambers via email by S. Eisenberg 4/4/2023	NRA expert witness report of Ryan Sullivan and Bruce Blacker dated, September 16, 2022	pp. 37-38 ¶ 72 nn.144-147 pp. 38-39 ¶ 73, nn. 148-151 p.39 ¶ 74, nn. 156-157.	Revealing identity of potential whistleblowers or details of their reports. <i>See also</i> NYSCEF 1770 at page 2.	Plaintiff objects to sealing. <i>See</i> Section 3, <i>supra</i> .
60	NYSCEF 1695 (Ex. C)	NYSCEF 1781 Submitted to chambers via email by S. Eisenberg 4/4/2023	NRA expert witness report of A. Mehta, September 16, 2022	pp. 26-27 ¶¶ K, L(a)–(c)	Same.	Plaintiff objects to sealing. <i>See</i> Section 3, <i>supra</i> .
60	NYSCEF 1694 (Ex. B)	NYSCEF 1782 Submitted to chambers via email by S. Eisenberg 4/4/2023	NRA expert witness report of Matthew Lerner, dated September 16, 2022	p. 20 ¶ 19-AWP: SP-280. p. 35 ¶¶ 110–111	Same.	Plaintiff objects to sealing. <i>See</i> Section 3, <i>supra</i> .

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60	NYSCEF 1699 (Ex. G)	NYSCEF 1783 Submitted to chambers via email by S. Eisenberg 4/4/2023	NRA expert witness rebuttal report of Ryan Sullivan and Bruce Blacker, dated October 7, 2022	Attachment A-5, pp. 1-2	Same.	Plaintiff objects to sealing. <i>See</i> Section 3, <i>supra</i> .
61	NYSCEF 1683	N/A	Hines' Report	p. 64 ¶ 175	Terms of confidential settlement agreement	Plaintiff objects to sealing. <i>See</i> Section 2, <i>supra</i> .
62	NYSCEF 1220	NYSCEF 1821 Submitted to chambers via email by S. Eisenberg 4/18/2023	Deposition Transcript attached to Chin Aff. at Ex. 25	411:1-18	Whistleblower	Plaintiff objects to sealing. <i>See</i> Section 1, Section 3, <i>supra</i> .

Motion Seq. No.	NYSCEF No. of the document as originally filed	NYSCEF No. of Placeholder; Date Unredacted Copy Submitted to Chambers via Email	Description	Pin cite(s)	Defendants' Claimed Basis	Plaintiff's Response
62	NYSCEF 1557	NYSCEF 1822 Submitted to chambers via email by S. Eisenberg 4/18/2023	Deposition Transcript attached to Mendelson Aff. at Ex. AH	1:12, 18 153:1 154:1 155:1 170:1 170:3–172:25 394:1, 20 411:1, 5, 13–18 412:1, 3, 9–17, 21–25 413:1, 10–23 414:1 415:1 416:14 417:1, 3, 21 418:1 419:1 420:1, 23 422:1, 15 423:1 424:1 425:1 426:1 427:1 428:3, 21	Whistleblower	Plaintiff objects to sealing. <i>See</i> Section 1 n.2, Section 3, <i>supra</i> .

Motion Seq. No.	NYSCEF No. of the document as originally filed	NYSCEF No. of Placeholder; Date Unredacted Copy Submitted to Chambers via Email	Description	Pin cite(s)	Defendants' Claimed Basis	Plaintiff's Response
62	NYSCEF 1586	NYSCEF 1823 Submitted to chambers via email by S. Eisenberg 4/18/2023	NYAG Counterstatement to Powell SJM	pp. 13-14, 16-17, 19	Whistleblower	Plaintiff objects to sealing. <i>See</i> Section 1, Section 3, <i>supra</i> .
62	NYSCEF 1802	NYSCEF 1824 Submitted to chambers via email by S. Eisenberg 4/18/2023	Powell Reply to NYAG Additional Facts	pp. 13, 16-17, 19	Whistleblower	Plaintiff objects to sealing. <i>See</i> Section 1 n.2, Section 3 <i>supra</i> .
63	NYSCEF 1326	Submitted to chambers via email by C. Zona 4/6/2023	Ex. D to Mot. 047: Sullivan & Blacker Rebuttal Report	Attachment A-5, pp. 1-2	Identifies potential whistleblowers.	Plaintiff objects to sealing. <i>See</i> Section 1, Section 3.A., <i>supra</i> .

Motion Seq. No.	NYSCEF No. of the document as originally filed	NYSCEF No. of Placeholder; Date Unredacted Copy Submitted to Chambers via Email	Description	Pin cite(s)	Defendants' Claimed Basis	Plaintiff's Response
63	NYSCEF 1427	Submitted to chambers via email by C. Zona 4/6/2023	MOL In Support Of Motion To Preclude Evidence CPLR 3126	p. 14	Identifies potential whistleblowers.	Plaintiff objects to sealing.
63	NYSCEF 1430	Submitted to chambers via email by C. Zona 4/6/2023	Ex. B to Mot. 048: NYAG Contention Interrogatory Responses	p. 8	Identifies potential whistleblowers.	Plaintiff objects to sealing.
63	NYSCEF 1437	Submitted to chambers via email by C. Zona 4/6/2023	Ex. I to Mot. 048: Email Correspondence	p. 8	Identifies potential whistleblowers.	Plaintiff objects to sealing.
63	NYSCEF 1451	Submitted to chambers via email by C. Zona 4/6/2023	Memorandum Of Law In Support Of Motion To Exclude Evidence From Jeffrey Tenenbaum	p. 6	Identifies potential whistleblowers.	Plaintiff objects to sealing. <i>See</i> Section 1, Section 3, <i>supra</i> .

Motion Seq. No.	NYSCEF No. of the document as originally filed	NYSCEF No. of Placeholder; Date Unredacted Copy Submitted to Chambers via Email	Description	Pin cite(s)	Defendants' Claimed Basis	Plaintiff's Response
63	NYSCEF 1453	Submitted to chambers via email by C. Zona 4/6/2023	Ex. A to Mot. 050: Expert Disclosure and Report of J. Tenenbaum	pp. 47–51, 58	Identifies potential whistleblowers.	Plaintiff objects to sealing. <i>See</i> Section 1, Section 3, <i>supra</i> .
63	NYSCEF 1455	Submitted to chambers via email by C. Zona 4/6/2023	Ex. C to Mot. 050: Sullivan & Blacker Rebuttal Report	Attachment A-5, pp. 1–2	Identifies potential whistleblowers.	Plaintiff objects to sealing. <i>See</i> Section 1, Section 3, <i>supra</i> .
63	NYSCEF 1456	Submitted to chambers via email by C. Zona 4/6/2023	Ex. D to Mot. 050: Lerner Rebuttal Report	p. 21	Identifies potential whistleblowers.	Plaintiff objects to sealing. <i>See</i> Section 1, Section 3, <i>supra</i> .