

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

Hon. Joel M. Cohen

**AFFIDAVIT OF
REBECCA LOEGERING
IN SUPPORT OF
DEFENDANT WILSON H.
PHILLIPS'S RESPONSE TO
THE NRA'S MOTION FOR A
SEALING ORDER****Motion Sequence No. 61**AFFIDAVIT OF REBECCA LOEGERING

STATE OF TEXAS §

COUNTY OF DALLAS §

I, **Rebecca Loegering**, being duly sworn, hereby depose and state:

1. My name is Rebecca Loegering. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I am an attorney at the law firm of Winston & Strawn LLP, attorneys for Defendant Wilson H. Phillips ("Phillips") in the above-captioned matter. As such, I have personal knowledge of the facts set forth herein.

3. I submit this Affidavit in support of Phillips's Response to the NRA's Motion for A Sealing Order.

4. Attached hereto as Exhibit A is a true and correct copy of the Stipulation and Order for the Production and Exchange of Confidential Information (NYSCEF No. 869).

5. Attached hereto as Exhibit B is a true and correct copy, excluding exhibits, of the Expert Disclosure of the People of the State of New York by Letitia James, Attorney General of the State of New York (“NYAG”) concerning Eric A. Hines (the “Expert Disclosure”). A true and correct copy of the expert report of Mr. Hines (the “Hines Report”), which was Exhibit to the Expert Disclosure, has been filed in redacted form at NYSCEF 1683.

6. The Expert Disclosure did not designate the Hines Report as Confidential, nor did the Hines Report itself contain any notations on individual pages so designating it.

7. Following the NYAG’s September 16, 2022 production of the Hines Report without any confidentiality designation, no Party notified the NYAG to inform the NYAG that the Hines Report should have been so designated or to request that the Hines Report be reproduced with appropriate confidentiality designations.

8. On November 18, 2022, a staff member of the NRA’s Counsel sent an email to the Court Reporter for Mr. Hines’s deposition and Counsel for the Parties entitled “NYAG v. NRA et al: Hines Deposition – Confidentiality Designations Pursuant to Protective Order” (the “November 18 Email”). A true and correct copy of that email is attached hereto as Exhibit C. *See also* NYSCEF 1808.

9. On March 24, 2023, Mr. Phillips filed his Motion to Exclude Expert Testimony of Eric Hines. Attached to the Affidavit in Support of Mr. Phillips’s Motion as Exhibit A was an unredacted copy of the Hines Report.

10. In preparing exhibits to be attached to the Motion to Exclude, Counsel for Mr. Phillips referred to the Expert Disclosure and accompanying Hines Report produced by the

NYAG.


11. Because neither the Expert Disclosure nor the Hines Report itself contained any markings indicating that the Hines Report contained Confidential Information, Counsel for Mr. Phillips believed that the Hines Report was not subject to a confidentiality designation and, accordingly, attached an unredacted copy of the Hines Report as Exhibit A to the Affidavit in Support of Mr. Phillips's Motion to Exclude.

12. On April 5, 2023, Counsel for the National Rifle Association of America contacted Counsel for Mr. Phillips, drew the attention of Counsel for Mr. Phillips to the November 18 Email and to the NRA's position that the Hines Report contained Confidential Information, and requested that Counsel for Mr. Phillips (i) contact the Court to seek the withdrawal of the unredacted Hines Report from the public docket and (ii) refile the Hines Report with the redaction of a sentence in paragraph 75 on page 64 of that Report. That request was confirmed in an email, a true and correct copy of which is attached hereto as Exhibit D.

13. On April 5, 2023, following that request from Counsel for the National Rifle Association of America, Counsel for Mr. Phillips immediately contacted the Court, and the unredacted Hines Report was removed from the public docket.

14. On that same day, Counsel for Mr. Phillips informed Counsel for the NRA by email that these steps had been taken. Counsel for the NRA replied by email with an acknowledgment thanking Counsel for Mr. Phillips for having done so. Attached hereto as Exhibit E is a true and correct copy of that email correspondence, dated April 5, 2023.

15. Also on that same day, I redacted the Hines Report as requested and refiled the redacted version of the Hines Report through the NYSCEF filing portal. *See* NYSCEF 1683.


Rebecca Loegering

Dated: May 2, 2023
New York, New York

Respectfully Submitted,

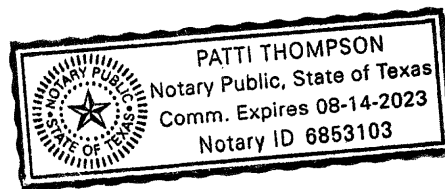
By: /s/ Rebecca Loegering
Rebecca Loegering (admitted *pro hac vice*)
WINSTON & STRAWN LLP
2121 North Pearl St., Suite 900
Dallas, Texas 75201
Tel: (214) 453-6500
rloegering@winston.com

Counsel for Defendant Wilson Phillips

On the 2nd day of May in the year 2023, before me the undersigned, personally appeared REBECCA LOEGERING, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within document and he acknowledged to me that he executed the same in his capacity, and that by his signature on the document, the individual or the person upon behalf of which the individual acted, executed the document.

WITNESS my hand and official seal.

Patti Thompson



Notary Public in and for the State of Texas

CERTIFICATE OF COMPLIANCE

1. The following statement is made in accordance with N.Y.C.R.R. § 202.8-b and Commercial Division Rule 17.
2. The foregoing Affidavit In Support of Defendant Wilson H. Phillips's Response to the NRA's Motion for a Sealing Order was prepared in the processing system Microsoft Word, with Times New Roman typeface, 12-point font.
3. Relying on the word count of the word-processing system, the total number of words in this document, exclusive of the caption and signature block, is 711 words.

Dated: May 2, 2023
Dallas, Texas

By: /s/ Rebecca Loegering
Rebecca Loegering

CERTIFICATE OF CONFORMITY

The undersigned does hereby certify that she is an attorney at law duly admitted to practice in the State of Texas and is a resident of the State of Texas, that she is a person duly qualified to make this certificate of conformity pursuant to Section 299-a of the Real Property Law of the State of New York: that she is fully acquainted with the laws of the State of Texas pertaining to the acknowledgment or proof of deeds of real property to be recorded therein; that the foregoing affidavit filed as the Affidavit of Rebecca Loegering in Support of Wilson H. Phillips's Response to the NRA's Motion for a Sealing Order in the matter with the Index Number 451625/2020, dated May 2, 2023 taken before Patti A. Thompson, a notary in State of Texas, Dallas County, was taken in the manner prescribed by such laws of the State of Texas, Dallas County, being the State in which it was taken; and that it duly conforms with such laws and is in all respects valid and effective in such State.

Dated: May 2, 2023
Dallas, Texas


Rebecca Loegering
Attorney at law in State of Texas