

VIRGINIA:

IN THE CIRCUIT COURT FOR  
THE COUNTY OF FAIRFAX

UNDER WILD SKIES, INC.,

Plaintiff,

v.

NATIONAL RIFLE ASSOCIATION  
OF AMERICA,

Defendant.

Case No. CL-2019-0012530

**DEFENDANT NRA'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to Virginia Supreme Court Rules 4:1 and 4:9, Defendant the National Rifle Association of America (the "NRA") submits the following Responses and Objections to Plaintiff Under Wild Skies, Inc.'s ("Plaintiff" or "UWS") First Request for Production of Documents (the "Requests"), in the case styled *Under Wild Skies, Inc., v. Nat'l Rifle Ass'n*, No. CL20190012530. These Responses and Objections are based on information currently available to the NRA. The NRA reserves the right to amend, supplement or correct its Responses and Objections in accordance with the applicable rules.

**GENERAL OBJECTIONS**

The General Objections set forth below apply to each of the numbered Requests whether or not specifically stated in Defendant's response or objections to each Request.

1. The NRA objects to the Definitions and Instructions, and to the Requests, to the extent that they seek to impose obligations on the NRA greater than those imposed or authorized by the Code of Virginia or the Virginia Supreme Court Rules.

2. The NRA objects to the Requests to the extent they seek information or documents which are privileged, exempt, or protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable statutory or common law privilege, prohibition, limitation, immunity, or exemption from discovery. Nothing contained in these Responses and Objections is intended to be, or should in any way be deemed as, a waiver of the attorney-client privilege, attorney work product doctrine, or any other applicable privilege, immunity, prohibition, limitation, or exemption. The NRA's production of any document in response to any Request is not, and shall not be deemed or construed as, a waiver of any privilege, right, or objection on the part of the NRA with respect to any such document or information. In the event that the NRA inadvertently produces a privileged document or a document exempt from discovery, such production is not, and shall not be deemed or construed as a waiver of any privilege, right or objection on the part of the NRA, and the NRA reserves the right to demand from UWS the return of any such document.

3. The NRA objects to the Requests to the extent that they are overly broad and unduly burdensome.

4. The NRA objects to the Requests to the extent they are vague, ambiguous and/or unintelligible.

5. The NRA objects to the Requests to the extent they require production of documents not in its possession, custody, or control, or require the NRA to make unreasonable inquiries of

persons or other entities. In addition, the NRA objects to the Requests to the extent that UWS has the requested documents within its possession, custody, or control.

6. The NRA's failure to make a specific objection to a particular individual Request is not, and shall not be construed as, an admission that responsive information exists. Likewise, any statement or other indication herein that the NRA will produce any documents or make them available for inspection and copying in response to an individual Request does not mean that the NRA, in fact, has any such documents or that any such document exists, but instead reflects an intention, subject to and without waiving any objections, to conduct a reasonably diligent search for responsive documents in the NRA's possession, custody, or control.

7. The NRA's Responses and Objections are not intended to waive, and do not constitute a waiver of, any objections which the NRA may have to the admissibility, authenticity, or relevance of the information provided. For all information provided in response to the Requests, the NRA reserves all objections regarding the competency, relevance, materiality, or admissibility of any such information as evidence in any subsequent proceeding in, or trial of, this or any other action.

8. In providing these Responses and Objections to the Requests, the NRA reserves and does not waive: (a) any objections as to the vagueness, ambiguity, or other infirmity in the form of the Requests and any objections based on the undue burden imposed by the Requests; (b) any rights to object on any grounds to the use of any of the responses, documents, or their subject matter, in any subsequent proceedings; and (c) any rights to object on any ground to any further discovery requests involving or relating to the subject matter of the Requests.

9. The NRA reserves the right to supplement and amend these Responses and Objections due to, among other things, discovery of additional facts and materials and other developments or proceedings in this action.

10. The NRA objects to the Requests to the extent they seek information that is neither relevant to the subject matter of the litigation nor reasonably calculated to lead to the discovery of admissible evidence.

11. The NRA objects to the Requests to the extent they seek information that violates the right of privacy guaranteed by law to the NRA and/or third parties.

12. All objections previously noted or filed separately are incorporated herein in their entirety by reference as if set forth verbatim; none are waived.

13. The NRA objects to each Request as overly broad and unduly burdensome to the extent that it seeks "All Documents" and/or "All Communications" relating to a given subject matter. The NRA will make a diligent, good faith search of files identified as most likely to contain documents responsive to the Requests and will produce responsive, non-privileged, unobjectionable discovery material located in connection therewith. If any discovery material is inadvertently overlooked in the course of such search, such discovery material will be produced when located, subject to the objections set forth herein.

14. Subject to all the other objections set forth in this document, and in accordance with Rule 4:1(b)(6), the NRA will prepare a privilege log of materials withheld from production subject to any agreement by the parties.

15. All of the NRA's objections to the Requests shall be deemed to be continuing and are hereby incorporated into each of the Responses to the specific requests set forth below.

## **SPECIFIC OBJECTIONS AND RESPONSES**

### **REQUEST FOR PRODUCTION NO. 1:**

Produce any and all documents identified by, or relied upon in, your responses to the discovery propounded by Plaintiff.

### **RESPONSE:**

The NRA incorporates its General Objections. The NRA also objects to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable exemption, immunity, or privilege from discovery. Furthermore, in light of the early stage of this litigation, the NRA objects to this Request as premature on the basis that the NRA is not presently prepared to marshal and produce "any and all" evidence it "relied upon" to respond to Your Requests.

Subject to and without waiving the foregoing objections and General Objections, and following a reasonable search, the NRA shall produce nonobjectionable, responsive documents at a mutually agreeable time and place.

### **REQUEST FOR PRODUCTION NO. 2:**

Produce any and all pictures, documents, written statements, or any other tangible things which you intend to use at trial.

### **RESPONSE:**

The NRA incorporates its General Objections. The NRA also objects to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable exemption, immunity, or privilege from discovery. Additionally, in light of the early stage of this litigation, the NRA objects to this Request as

premature on the basis that the NRA is not presently prepared to marshal and produce "any and all" evidence it intends to use or rely upon at trial.

Subject to and without waiving the foregoing objections and General Objections, and following a reasonable search, the NRA shall produce nonobjectionable, responsive documents at a mutually agreeable time and place.

**REQUEST FOR PRODUCTION NO. 3:**

Produce the curriculum vitae of any expert you plan to use at trial.

**RESPONSE:**

The NRA objects to this Request as premature on the basis that the NRA is not presently prepared to marshal and produce all evidence it intends to use or rely upon at trial.

Subject to and without waiving the foregoing objections and General Objections, the NRA shall produce the curriculum vitae of any expert it plans to use at trial.

**REQUEST FOR PRODUCTION NO. 4:**

Produce any and all emails or other written communications exchanged between the NRA and Tony Makris as relating to UWS, television production, advertising, or hunting trips from January 1, 2016 to present.

**RESPONSE:**

The NRA incorporates its General Objections. The NRA also objects to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable exemption, immunity, or privilege from discovery. Further, the NRA objects to this Request on the grounds that it is unduly burdensome to the extent that it purports to require the NRA to gather and produce copies of documents which are equally available and accessible to Defendants as to the NRA. Moreover, the NRA objects to this Request on the grounds that it is overbroad and unduly burdensome to the extent that it purports the NRA to gather

and produce "any and all" communications with Tony Makris which indirectly or incidentally comprise, relate to, or mention UWS, television production, advertising, or hunting trips.

Subject to and without waiving the foregoing objections and General Objections, and following a reasonable search, the NRA shall produce nonobjectionable, responsive documents at a mutually agreeable time and place.

**REQUEST FOR PRODUCTION NO. 5:**

Produce any and all emails or other written communications exchanged between you and NRA executives and/or board members relating to UWS from January 1, 2016 to present.

**RESPONSE:**

The NRA incorporates its General Objections. The NRA also objects to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable exemption, immunity, or privilege from discovery. Moreover, the NRA objects to this Request on the grounds that it is overbroad and unduly burdensome to the extent that it purports the NRA to gather and produce "any and all" communications which indirectly or incidentally comprise, relate to the NRA executives and/or board members and UWS.

Subject to and without waiving the foregoing objections and General Objections, and following a reasonable search, the NRA shall produce nonobjectionable, responsive documents at a mutually agreeable time and place.

**REQUEST FOR PRODUCTION NO. 6:**

Produce any and all emails or other written communications exchanged between you and Winnercomm, Inc. and/or Outdoor Channel Holdings, Inc.

**RESPONSE:**

The NRA incorporates its General Objections. The NRA also objects to this Request on the grounds that it is overbroad and unduly burdensome to the extent that it purports the NRA to gather and produce "any and all" communications between the NRA and Winnercomm, Inc. and/or Outdoor Channel Holdings, Inc.

Subject to and without waiving the foregoing objections and General Objections, and following a reasonable search, the NRA shall produce nonobjectionable, responsive documents at a mutually agreeable time and place.

**REQUEST FOR PRODUCTION NO. 7:**

Produce and any all NRA Board meeting minutes from January 1, 2016 to the present.

**RESPONSE:**

The NRA incorporates its General Objections. The NRA also objects to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable exemption, immunity, or privilege from discovery. Likewise, the NRA objects to this Request to the extent it seeks documents and information not relevant to the subject matter of this litigation nor likely to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections and General Objections, and following a reasonable search, the NRA shall produce nonobjectionable, responsive documents at a mutually agreeable time and place.

**REQUEST FOR PRODUCTION NO. 8:**

Produce the applications, payments, and related documents of Wayne LaPierre and Susan LaPierre into the Shikar Safari Club International.



**RESPONSE:**

The NRA incorporates its General Objections. The NRA further objects to this Request to the extent that it purports to require the NRA to gather or produce documents in the possession of third parties, which are outside the possession, custody, or control of the NRA.

**REQUEST FOR PRODUCTION NO. 9:**

Produce copies of all payments from the NRA to UWS from 2016 to present.

**RESPONSE:**

The NRA incorporates its General Objections. The NRA also objects to this Request on the grounds that it is unduly burdensome to the extent that it purports to require the NRA to gather and produce copies of publicly available documents which are equally available and accessible to Defendants.

Subject to and without waiving the foregoing objections and General Objections, and following a reasonable search, the NRA shall produce nonobjectionable, responsive documents at a mutually agreeable time and place.

**REQUEST FOR PRODUCTION NO. 10:**

Produce the deposition transcript of Wayne LaPierre in the matter of National Rifle Association of America v. Ackerman McQueen, CL19001757, pending in the Circuit Court for the City of Alexandria.

**RESPONSE:**

The NRA incorporates its General Objections. The NRA also objects to the Requests to the extent they seek information that is neither relevant to the subject matter of the litigation nor reasonably calculated to lead to the discovery of admissible evidence. Further, the NRA objects to this Request to the extent that the NRA is prohibited from disclosing, under the Protective Order in

*National Rifle Association v. Ackerman McQueen, Inc. and Mercury Group, Inc.*, Case No. CL19001757, which, among other things, prevents the NRA from disclosing any deposition transcripts or exhibits that the parties have designated as “confidential” or “highly confidential” and/or for which the deadline to make such designations has yet to pass.

**REQUEST FOR PRODUCTION NO. 11:**

Produce any and all photographs, images, or likenesses from Botswana, Africa involving any NRA officer, director, or donor.

**RESPONSE:**

The NRA incorporates its General Objections. The NRA also objects to this Request on the grounds that it is unduly burdensome to the extent that it purports to require the NRA to gather and produce copies of publicly available documents which are equally accessible to Defendants as to the NRA. The NRA will not undertake to gather such materials. Likewise, the NRA objects to this Request to the extent it seeks documents and information not relevant to the subject matter of this litigation nor likely to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections and General Objections, and following a reasonable search, the NRA shall produce nonobjectionable, responsive documents at a mutually agreeable time and place.

**REQUEST FOR PRODUCTION NO. 12:**

Produce all documents used to set forth each of your affirmative defenses in the Defendant's answer.

**RESPONSE:**

The NRA incorporates its General Objections. The NRA also objects to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable exemption, immunity, or privilege from discovery.

Furthermore, in light of the early stage of this litigation, the NRA objects to this Request as premature on the basis that the NRA is not presently prepared to marshal and produce all evidence it intends to use or rely upon in support of its affirmative defenses. Moreover, the NRA objects to this Request on the grounds that it is overbroad and unduly burdensome to the extent that it purports the NRA to gather and produce "all documents" which indirectly or incidentally comprise, relate to its affirmative defenses.

Subject to and without waiving the foregoing objections and General Objections, and following a reasonable search, the NRA shall produce nonobjectionable, responsive documents at a mutually agreeable time and place.

Dated: February 7, 2020

Respectfully submitted,

NATIONAL RIFLE ASSOCIATION  
OF AMERICA

By counsel



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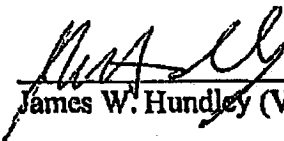
*Counsel for the National Rifle Association of America*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 7, 2020 I caused the foregoing to be served via electronic mail and first-class mail upon:

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