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February 13, 2020

James Hundley
BRIGLIA HUNDLEY, P.C.
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Re: UWS v. NRA Discovery Deficiencies

Dear Mr. Hundley,

I am in receipt of the NRA's (hereinafter sometimes "you" or "your") Objections & Responses to Plaintiff's first set of Interrogatories, Request for Production of Documents, and Request for Admissions.

As an initial matter, your objections to all discovery and admissions responses are all untimely. All discovery was served upon your office by facsimile on January 17, 2020 at 11:19 a.m. Discovery responses would, therefore, have been due on or before February 7, 2020. (As I am sure you are aware, Rule 1:7 no longer provides for additional time when service is accomplished by facsimile.) You emailed the NRA's responses at 10:18 p.m. on February 7, 2020. This is not a timely response as we have not consented in writing to the exchange of pleadings by electronic mail. Further, in spite of your certificate of service indicating that responses were "mailed" on February 7, 2020, the envelope is clearly postmarked on February 10, 2020. Thus, your responses are untimely, objections are waived and all admissions are deemed admitted.

Without waiving this position, I will proceed to discuss how and why the objections and responses, even if somehow timely, are without merit.

You have made blanket objections to all of the discovery requests going so far as incorporating the General Objections to each and every request, many of which do not apply to certain requests thus making them frivolous objections. You have objected to even the most basic of requests, such as questions about who is answering the interrogatories. Additionally, you have made repeated objections based upon attorney-client privilege without providing a privilege log, or even the basic information required by Virginia Supreme Court Rule 4:1(b)(6)(i).

Demand is hereby made that ***all*** objections be withdrawn and that substantive answers be provided forthwith. This letter shall stand as our effort to confer prior to filing a motion to compel, overrule objections and for sanctions with the court.

EXHIBIT
7

General Objections

As an initial matter, the "General Objections" are improper as a whole. Notwithstanding the all too common practice of asserting "general objections" (which we did not in answering your discovery), the discovery rules do not allow for such objections. Rules 4:8(d), 4:9(b)(ii), and 4:11 all direct that an answering party must make specific response to each request or interrogatory question. I would further submit that the "incorporation" of the General Objections into each of the specific responses does not resolve this issue. We are entitled to know which objections you contend apply out of the "blanket" of General Objections. Indeed, incorporation compounds the impropriety by necessarily incorporating objections that do not or could not apply to the request or interrogatory question at issue. Numerous Circuit Court judges have expressed this very view. See Loudoun County Asphalt v. Wise Guys, 79 Va. Cir. 605 (Loudoun 2009); Petkheo v. Galae Thai, Inc., 2015 Va. Cir. Lexis 271 (Alexandria 2015). The general objections are simply asserted in bad faith.

We demand that all such objections be withdrawn.

Interrogatories

The specific objections you assert to specific interrogatory requests, including the incorporation of general objections, are all unfounded. Additionally, to the extent you have provided some substantive information, you have failed to provide that under oath as required by Rule 4:8.

Interrogatory 1 requests the identity of the person who is answering the interrogatories on behalf of Defendant. You incorporate your General Objections, including that this interrogatory is "vague, ambiguous and/or unintelligible" (General Objection No. 5), claim the information is protected by attorney client privilege, and is work product, amongst others. These objections are without merit and made in bad faith. This is the most basic of interrogatory requests that is included in almost every set of interrogatories issued. The bad faith nature of the objection is compounded by the simple fact that, ultimately, the person answering the interrogatories is required to sign the answers under oath. Thus, there can be nothing "privileged" about his or her identity.

Interrogatory 2, like 1, is a basic, straightforward request inquiring who has knowledge of, or documents relevant to, the ongoing litigation to which you have launched numerous objections. Rule 4:1(b)(1) expressly allows for the discovery of persons "having knowledge of any discoverable matter." While I do recognize that you have identified some individuals, the information is provided "subject" to the utterly unfounded objections and limits what is obviously a larger set of persons.

Interrogatory 3 is a standard request for expert information. None of the General Objections could apply and nothing about the question seeks privileged information. Furthermore, calling the interrogatory "premature" is absurd since you well know that there is no duty to disclose such information under the Court's scheduling order without the same being requested in discovery.

Interrogatory 4 asks for a description of the relationship between the NRA and Under Wild Skies. None of General Objections could possibly apply and there is nothing about this question that seeks privileged information. The interrogatory plainly seeks relevant and discoverable information. While I do recognize that you have provided a purportedly substantive answer, the information is provided "subject" to the utterly unfounded objections. Also, the reference to Rule 4:8(f) is not responsive because no documents have been produced.

Interrogatories 5 simply asks for information related to the execution of the agreements at issue in this case. None of General Objections could possibly apply and there is nothing about this question that seeks privileged information. The interrogatory plainly seeks relevant and discoverable information and there is nothing vague nor ambiguous about the phrase "circumstances surrounding." While I do recognize that you have provided a purportedly substantive answer, the information is provided "subject" to the utterly unfounded objections.

Interrogatories 6 and 7 ask for the NRA to confirm which "executives, officers, and board members" and which "donors" have appeared on the Under Wild Skies television program. The NRA asserts similar objections to both questions. Contrary to your assertion, the NRA is in the best position to determine which of the individuals within the categories identified have or have not appeared on the program because the NRA is in the best position to identify those individuals and simply ask them. The assertion that years of records and hours of footage must be reviewed is nothing more than subterfuge and avoidance of the NRA's discovery obligations. Also, the reference to Rule 4:8(f) is not responsive because no documents have been produced.

Interrogatory 8 asks for individuals with whom the NRA has spoken about the relationship between UWS and the NRA. The information sought is clearly relevant to the issues in the case. Again, the General Objections are asserted but none would apply. The privilege objections are without merit as the question does not seek the substance of conversations but the identity of individuals. Similarly, the overbreadth objection is without merit insofar as this case concerns claims in excess of several million dollars. While there is a promise to supplement and reference to a prior answer, such is given subject to the meritless objections.

Interrogatory 9 seeks only the identity of persons interviewed and whether or not statements have been obtained. None of the General Objections asserted would apply. The overbreadth objections are completely without merit. Again, the identity of individuals is sought, not the substance of conversations. The NRA would know who it interviewed and can easily identify such persons. While there is a promise to supplement and reference to a prior answer, such is given subject to the meritless objections.

Interrogatory 10 seeks the identity of documents used in preparing these responses. None of the General Objections would apply. And, to the extent that privilege is asserted, no privilege log has been provided.

Interrogatory 11 seeks the identity of persons who assisted in the preparation of these responses. As with other interrogatories, only the identity of such persons is sought. As such, none of the General Objections would apply. There is also nothing vague about the language used

in the question. While there is a promise to supplement and reference to a prior answer, such is given subject to the meritless objections.

Interrogatory 12 requests the facts and documents relied upon in asserting each affirmative defense. Given that the NRA plead the affirmative defenses, it must have a basis for each of the defenses assuming they were pled in good faith. As such, there is no basis for the various objections listed for this interrogatory both as to the General Objections asserted and as to the specific objections. Indeed, your response to this Interrogatory is perhaps the most egregious of all your responses given that the issue falls squarely within Ford Motor Co. v. Benitez, 273 Va. 242 (2007). There, as I'm sure you're aware, the Supreme Court upheld sanctions for the assertion of affirmative defense not grounded in fact after a defendant failed to articulate its bases in response to discovery. As such, there is nothing objectionable about this question. As to the numerosity objection, while we disagree with your position that this question represents 11 separate questions, we are still within the limit set forth in the Rules regardless of how you count them.

Requests for Production of Documents

The NRA has failed to produce a single document in response to Plaintiff's requests and again asserts "General Objections." All prior statements regarding "General Objections" apply equally to the Document Requests as they do to the Interrogatories. Further, many of the Requests have a specific objection to the requested documents being "premature" given the early stages of discovery. "Premature" is not a proper objection. This case has a trial date and any discoverable materials may be requested at this time and the NRA is obligated to give a proper response ***at this time*** subject to its duty to seasonably supplement. Additionally, there are numerous claims of attorney-client privilege, but no privilege log has been provided. Finally as to the "mutually agreeable time and place" for production, please produce all documents to this office. The remainder of the objections shall be addressed below:

Request 1 seeks the production of any documents identified in your answers to Interrogatories. It would follow that if you identify a document in that context it would clearly be relevant and should be produced. As such, all asserted objections are without merit and must be withdrawn.

Requests 2 and 3 seek tangible things to be used at trial and the CV of any expert. These are clearly relevant and discoverable and not subject to objection. If the answer is "none at this time," then that is the proper answer, but there is nothing objectionable about either question.

Request 4 seeks written communications between the NRA and Mr. Makris relating to the Plaintiff entity, the television show and other related matters. The request gives a limited time frame from January 1, 2016 to the present. There is utterly ***nothing*** objectionable about this request. The General Objections do not apply. It is further inconceivable how communications between Makris and the NRA could be privileged, but I cannot determine that without a privilege log. Your response further states that the documents are "equally available and accessible to ***Defendants*** as to the NRA." The NRA is the Defendant in this case. Perhaps your staff should be more careful in its cut and paste of boilerplate objections from other litigation pending by or

against the NRA. In any event, if you meant to say that correspondence is equally available to this Plaintiff as the NRA, that is no answer regarding correspondence between litigants. As you well know, in litigation one party's claim as to what the universe of written correspondence consists of may not be identical to the opposing party and it is beyond standard for parties to thus exchange correspondence.

Requests 5 and 6 seek correspondence between the NRA and its executives or board members regarding this Plaintiff from January 1, 2016 to the present and similarly correspondence between the NRA and Winnercomm and/or Outdoor Channel Holdings. A most basis reading of the pleadings would demonstrate that these requests are relevant and reasonably calculated to lead to the discovery of admissible evidence. There is nothing objection about these two requests and the objections should be withdrawn.

Request 7 seeks Board meeting minutes from January 1, 2016 to the present. You objected on the grounds that the Request seeks information that is not relevant or likely to lead to the discovery of admissible evidence. The purpose of the Board meetings are to discuss ongoing business of the NRA, development, advertisements, sponsorships, and fundraising, amongst other topics. As such, because the NRA advertised on UWS, it was surely discussed in such meetings. Moreover, individuals attending one or more said Board meetings have in fact confirmed that UWS was discussed during at least one of these meetings. There is surely relevant material to be discovered.

Request 8 seeks documents related to the LaPierre's relationship with the Safari Club International. As repeatedly stated, the General Objections are not applicable and without merit. Further, if the answer is "none" then the NRA should state "none." It is not an objection to say that documents sought are outside of the party's possession, custody or control. The NRA must affirmatively say "none" or produce the documents.

Request 9 seeks records of payment to Plaintiff from 2016 to the present. The General Objections do not apply and are without merit. You object on the grounds that the payments are public record available to Plaintiff; however, copies of checks and/or wire transfers are in fact not public record and are within the possession, custody, and control of the NRA.

Request 10 seeks a deposition transcript of Mr. LaPierre. Insofar as your objections are untimely, the transcript must be produced.

Request 11 seeks information related to trips to Botswana for NRA officers, directors, or donors. The information sought is plainly relevant and the General Objections are not applicable. Further, the information sought is not "publicly available."

Request 12 seeks documents related to the affirmative defenses asserted by the NRA. Such information is plainly relevant for the same reasons as discussed under Interrogatory 12. I further note that the General Objections are without merit and there is no privilege log provided.

Requests for Admissions

As previously stated, we would assert that your admissions responses were untimely and, therefore, admitted by operation of law. But, the objections and answers are, without waiving that position, addressed as follows:

Rule 4:11 is clear that "If objection is made, the reasons therefor shall be stated." Here, you simply state for each and every Request for Admission "The NRA incorporates its General Objections" with no basis or reason for the objections. Moreover, Rule 4:11 repeatedly states that written answers or objections are to address each request. Therefore, we hereby demand that all objections be withdrawn as to the requests that admissions or denials were made.

You specifically object to **Request 6** on the basis that "binding contracts" is vague and overbroad. As I would hope you would be aware, a "binding contract" is a legally enforceable agreement between two or more parties.

You state that "The NRA lacks information sufficient to admit or deny this Request" to **Request No. 11 and 22.** "An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny. Rule 4:11(a). You have failed to make such a statement. Furthermore, Request 11 states "Admit that UWS paid for Wayne LaPierre's and Susan LaPierre's hunting trophies while he was Executive Vice President of the NRA." Your statement that you lack sufficient information in disingenuous given that Wayne LaPierre is an NRA executive and simply asking him this question would yield a response.

As to **Requests 12 and 13,** you object on the basis that "an elephant hunt" is vague. There is no "hiding the ball" here, it is exactly what it says it is, a hunt for elephant. You further object to both on the grounds that they are unlikely to elicit information relevant to claims or issues in this lawsuit; however, one of the main issues is the allegation that UWS did not produce the requisite number of shows and it is our position that it is because Wayne LaPierre and Susan LaPierre did not want certain footage aired. Lastly, whether the information is in the possession, custody, or control of UWS is immaterial to the admission. We are not asking for additional information or documentation, we are simply requesting an admission or denial.

Again, in **Request 17,** you object because the information is already in the possession, custody, or control of UWS. The purpose of a request for admission is simply for a party to admit or deny the statement, whether the party serving the requests is already in possession of that information is immaterial.

Lastly, you have failed to provide any specific objection or answer to **Request 24.**

These objections are clearly without merit as our discovery requests are fully compliant with the Rule of Discovery. They are narrowly tailored to lead to discoverable evidence, and are standard practice in litigation. Therefore, it would be in your client's best interest to withdraw your objections now, rather than have them argued in court.

We therefore ask that you withdraw your objections, and fully answer discovery by February 21, 2020. Please inform me of your client's intentions by this Friday, February 14, 2020, close of business. You have now had in excess of four weeks to address these issues. If we do not hear from you by then, or if your client continues to refuse to provide responsive answers, we will file a motion to compel for argument on March 6, 2020. No further delay will be tolerated.

In closing, please be advised that the Plaintiff\Counter Defendant reserves the right to seek sanctions at such Motion to Compel. Section 8.01-271.1 of the Virginia Code is clear. Specifically, it states that every "pleading, written motion, and other paper of a party represented by an attorney shall be signed by at least one attorney and that of record in his individual name, and the attorney's address shall be stated on the first pleading filed by that attorney in the action." It further states, as I am certain you are aware, that "the signature of an attorney constitutes a certificate by him that (1) he has read the pleading, motion or other paper, (ii) to the best of his knowledge, information and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and (iii) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation."

Your blanket objections to the discovery propounded, including objections to the most basic of questions\requests, clearly fall outside of Virginia's good faith statute. There is simply no justification for these types of responses and I am confident any judge in this Court will have little trouble agreeing that these tactics are designed for improper purposes.

Regards,

Danielle A. Quinn, Esq.