

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'S RESPONSES AND OBJECTIONS TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Pursuant to the Virginia Supreme Court Rules 4:1 and 4:8, Defendant/Counterclaim Plaintiff the National Rifle Association of America (the "NRA") submits the following Responses and Objections to Plaintiff/Counterclaim Defendant Under Wild Skies, Inc.'s ("UWS") First Set of Interrogatories (the "Interrogatories"). These responses are based on information currently available to the NRA. The NRA reserves the right to amend, supplement, or correct its responses in accordance with the Virginia Rules of the Supreme Court.

The information supplied in these answers is not based solely on the knowledge of the executing party, but may include knowledge of the party, the party's agents, representatives, and/or attorneys, unless privileged.

GENERAL OBJECTIONS

The General Objections set forth below apply to each of the numbered Interrogatories, whether or not specifically stated in Plaintiff's response or objections to each Interrogatory.

1. The NRA objects to the Definitions and Instructions, and to the Interrogatories, 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 Rules.

2. The NRA objects to the Interrogatories 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.

3. The NRA objects to the Interrogatories to the extent they subject the NRA to unreasonable burden and expense, including, but not limited to, the burden and expense of collecting or distilling information which is equally – or more readily – available to UWS.

4. The NRA objects to the Interrogatories to the extent they seek information not in its possession, custody, or control, or require the NRA to make unreasonable inquiries of persons or other entities. The NRA further objects to the Interrogatories to the extent that UWS already has the requested information within UWS's possession, custody, or control.

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

6. The NRA objects to the Interrogatories 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.

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

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

9. The NRA's failure to make a specific objection to a particular individual Interrogatory 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 information or documentation or will make any documents available for inspection and copying in response to an individual Interrogatory does not mean that the NRA, in fact, has any such information or documents, or that any such information or documents exist, but instead reflects an intention, subject to and without waiving any objections, to conduct a reasonably diligent search for responsive information in the NRA's possession, custody, or control.

10. Objections to these Interrogatories are made without waiver, and with preservation, of all objections as to competency, relevance, materiality, privilege and admissibility of the responses and the subject matter of such responses as evidence for any purpose in any proceeding, including trial, and in any other action.

11. Objections to these Interrogatories are made without waiver, and with preservation, of the right to object to the use of these Interrogatories and the subject matter of these Interrogatories on any ground in any proceeding in this action, including trial, and in any other action.

12. Objections to these Interrogatories are made without waiver, and with preservation, of the right to object on any grounds at any time to a demand or request for further or other responses (a) to these Interrogatories or (b) relating to the subject matter of these Interrogatories.

13. Objections to these Interrogatories are made without waiver, and with preservation, of the right to revise, correct, add to, supplement, or clarify these Responses and Objections.

14. In providing these responses to the Interrogatories, the NRA reserves and does not waive: (a) any objection as to the vagueness, ambiguity, or other infirmity in the form of an Interrogatory and

any objection based on the undue burden imposed by an Interrogatory; (b) any rights to object on any grounds to the use of any of the responses, objections, documents, or their subject matter, in any subsequent proceeding; and (c) any rights to object on any ground to any further discovery requests involving or relating to the subject matter of the Interrogatories.

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

SPECIFIC OBJECTIONS AND RESPONSES

INTERROGATORY 1

Please identify who is answering these interrogatories including their name, address, and phone number.

ANSWER

The NRA incorporates its General Objections.

The NRA identifies its outside counsel, Briglia Hundley P.C., 1921 Gallows Road, Suite 750 Tysons Corner, Virginia 22182, (703) 883-0880.

The NRA also identifies John Frazer, Secretary and General Counsel of the NRA.

INTERROGATORY 2

Please identify all individuals known to you whom you believe possess knowledge of, or documents relevant to, any issues of fact or allegations raised in the Complaint and describe in detail the knowledge or document which you believe the individual to possess.

ANSWER

The NRA incorporates its General Objections. The NRA also objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable exemption, immunity, or privilege from discovery, none of which are waived, and all of which are reserved.

Furthermore, 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 individuals with knowledge of any of the allegations raised in the Complaint, including individuals whose knowledge is de minimis or incidental, or was acquired under circumstances that make such individuals difficult to identify (e.g., knowledge relayed indirectly, as part of a communication to which the NRA was not a party). The NRA will not purport to identify such individuals. Likewise, based on overbreadth and undue burden, the NRA will not purport to identify individuals whose knowledge concerns facts that are not material to the parties' claims or defenses.

This Interrogatory is overbroad and unduly burdensome on the additional basis that it calls for names of litigation counsel or their agents, consultants, or experts; the burden of identifying these individuals, and the risk that doing so would expose counsel's thought processes or litigation strategies, exceeds the potential relevance of such information. Accordingly, the NRA will exclude the names of litigation counsel and their agents, consultants, and experts from its response.

The NRA objects to this Interrogatory as oppressive and unduly burdensome to the extent it seeks knowledge held by persons other than NRA employees or officers, and outside of the NRA's control.

Finally, the NRA objects to this Interrogatory to the extent that the information sought is already known to or in the possession of UWS, and is readily accessible to UWS. Accordingly, the NRA will not purport to set forth the knowledge held by UWS.

Subject to the foregoing objections, the NRA responds to this Interrogatory by stating that it continues to investigate the subject matter of the Complaint, and by identifying the following individuals whom it has determined, based on a reasonably diligent inquiry, are likely to possess knowledge of the Complaint: (i) Winnercomm, Inc., (ii) Tony Makris, (iii) any other employee, agent, representative, or officer of UWS, (iv) any person who worked on UWS trips, production, or airings, (v) and the below list of NRA-related individuals:

LAST	FIRST	Relationship	Knowledge
Brownell	Pete	Former NRA President	Execution of the Agreements
Cummins	Emily	Former NRA employee	Payments
DeWitt	Chris	NRA employee	Advancement, Public Relations
Frazer	John	NRA Secretary and General Counsel	Payments, Advancement
Froman	Sandra	Former NRA President	Public Relations
LaPierre	Wayne	NRA CEO and Executive Vice President	Advancement, Public Relations, Execution of the Agreements
Meadows	Carolyn	NRA President	Execution of the Agreements
Phillips	Wilson	Former CFO & Treasurer, NRA	Payments
Powell	Joshua	Former NRA employee	Advancement, Public Relations
Rowling	Sonya	NRA employee	Payments
Spray	Craig	NRA employee	Payments
Schropp	Tyler	NRA employee	Payments
Supernaugh	Lisa	NRA employee	Payments

INTERROGATORY 3

Please identify any expert witness you intend to call at the trial of this matter relating to the issues raised in the Complaint and please identify all information discoverable pursuant to Rule 4:1(b)(4)(A)(i) of the Rules of the Supreme Court.

ANSWER

The NRA incorporates its General Objections. The NRA also objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable exemption, immunity, or privilege from discovery, none of which are waived, and all of which are reserved.

The NRA objects to the Interrogatory as premature. The NRA will amend and supplement its response at the appropriate time.

INTERROGATORY 4

Please describe in detail the relationship between NRA and UWS including, but not limited to, when and how the relationship started, how it developed overtime, individuals involved and their key roles.

ANSWER

The NRA incorporates its General Objections. The NRA also objects to this Interrogatory to the extent it seeks descriptions of information protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable exemption, immunity, or privilege from discovery, none of which are waived, and all of which are reserved.

The NRA objects to this Interrogatory to the extent that the information sought is equally – or in some cases, more readily – available to UWS from other sources, such as its own files and personnel, and to the extent the Interrogatory calls for speculation. The NRA also objects to the Interrogatory to the extent that the information sought is already known to, or is in the possession of UWS and is readily accessible to UWS.

The NRA further objects to the Interrogatory as overbroad and unduly burdensome.

Subject to the foregoing objections, the NRA responds as follows: The “relationship between the NRA and UWS” is a contractual relationship by which the NRA provides payment in exchange for certain marketing deliverables and programmatic content by UWS. The relationship began years ago under contracts similar to the ones at issue here and involved a number of NRA personnel. On January 24, 2018, the NRA entered into the Advertising and Sponsorship Agreements with UWS. Shortly thereafter, the NRA began to have concerns about the quality, efficacy, and reach of UWS’s programs. Indeed, despite the NRA’s timely contractual payments in 2018, UWS failed to deliver the requisite number of original programs that year. Further, the NRA’s suspicions that UWS’s services degraded in value were further highlighted by UWS’s refusal to provide basic metrics by which to determine whether UWS was even a remotely successful endeavor. The NRA no longer believes that its business relationship with UWS benefits the NRA, its brand, or its members.

Subject to the foregoing objections and General Objections, the NRA also responds that it will produce documents responsive to this Interrogatory, pursuant to Rule 4:8(f). The NRA further responds that it continues to investigate the subject matter of the litigation and will supplement its response with additional responsive information it may acquire pursuant to Rule 4:1(e). See Response to Interrogatory 2.

INTERROGATORY 5

Please describe in detail the circumstances surrounding the execution of the Agreements by Pete Brownell and Carolyn Meadows, respectively, on January 24, 2018.

ANSWER

The NRA incorporates its General Objections. The NRA objects to this Interrogatory as oppressive and unduly burdensome to the extent it seeks knowledge held by persons other than NRA employees or officers, and outside of the NRA's control. Mr. Brownell is no longer a President or Board Member of the NRA. The NRA will not purport to set forth knowledge held by Mr. Brownell.

Moreover, the NRA objects to the Interrogatory to the extent "circumstances surrounding" is vague and ambiguous.

Subject to the foregoing objections and General Objections, the NRA responds to this Interrogatory as follows: Ms. Meadows acknowledged the contracts in the ordinary course of her duties as an officer of the Board.

INTERROGATORY 6

Please describe in detail which NRA executives, officers, and/or board members have appeared on UWS, in which timeframe, and in what capacity they appeared.

ANSWER

The NRA incorporates its General Objections. The NRA objects to this Interrogatory to the extent the information sought is equally or more readily available to UWS from other sources, such as its own files and personnel, and is already known or accessible to UWS.

In addition, the NRA objects to this Interrogatory as unduly burdensome and oppressive to the extent it seeks knowledge alleged to be held by persons other than NRA employees or officers, and outside

of the NRA's control. Moreover, in order to respond to this Interrogatory, the NRA would have to go through hours of footage and log every person who appeared on the UWS program, and review years' worth of records to determine the identify of any attendees. UWS is equally capable and better suited to perform this exercise if it desires the information it Requests.

Subject to the foregoing objections and General Objections, the NRA responds that it will produce documents responsive to this Interrogatory, pursuant to Rule 4:8(f). The NRA further responds that it continues to investigate the subject matter of the litigation and will supplement its response with additional responsive information it may acquire pursuant to Rule 4:1(e).

INTERROGATORY 7

Please list which NRA donors, if any, accompanied NRA executives, officers, and/or board members on UWS hunting trips.

ANSWER

The NRA incorporates its General Objections. The NRA objects to this Interrogatory to the extent the information sought is equally or more readily available to UWS from other sources, such as its own files and personnel, and is already known or accessible to UWS.

In addition, the NRA objects to this Interrogatory as unduly burdensome and oppressive to the extent it seeks knowledge alleged to be held by persons other than NRA employees or officers, and outside of the NRA's control. Moreover, in order to respond to this Interrogatory, the NRA would have to go through hours of footage and log every person who appeared on the UWS program, and review years' worth of records, some of which the NRA has never possessed or no longer possesses, to determine the identify of any attendees. UWS is equally capable and better suited to perform this exercise if it desires the information it Requests.

Subject to the foregoing objections and General Objections, the NRA responds that it will produce documents responsive to this Interrogatory, pursuant to Rule 4:8(f). The NRA further responds that it continues to investigate the subject matter of the litigation and will supplement its response with additional responsive information it may acquire pursuant to Rule 4:1(e).

INTERROGATORY 8

Please identify all individuals or entities to whom you have spoken about the relationship between the NRA and UWS.

ANSWER

The NRA incorporates its General Objections. The NRA also objects to this Interrogatory to the extent it seeks information about the NRA's investigative processes, or results, which are protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable exemption, immunity, or privilege from discovery, none of which are waived, and all of which are reserved.

Furthermore, 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 individuals to whom it has spoken, including individuals whose knowledge is de minimis or incidental, or was acquired under circumstances that make such individuals difficult to identify (e.g., knowledge relayed indirectly, as part of a communication to which the NRA was not a party). The NRA will not purport to identify such individuals. Likewise, based on overbreadth and undue burden, the NRA will not purport to identify individuals whose knowledge concerns facts that are not material to the parties' claims or defenses.

This Interrogatory is overbroad and unduly burdensome on the additional basis that it calls for names of litigation counsel or their agents, consultants, or experts; the burden of identifying these individuals, and the risk that doing so would expose counsel's thought processes or litigation strategies,

exceeds the potential relevance of such information. Accordingly, the NRA will exclude the names of litigation counsel and their agents, consultants, and experts from its response.

Subject to the foregoing objections, the NRA responds that it will supplement its responses to these Interrogatories at an appropriate time. See Response to Interrogatory 2.

INTERROGATORY 9

Identify all persons interviewed by you, your agents, or your attorneys in investigating the facts of this case. State whether you or your attorneys have in your possession or at your disposal, a copy of any signed or unsigned statement, recorded interview or documents made by the Defendant or agents or witnesses, and state the state and substance of any such statement.

ANSWER

The NRA incorporates its General Objections. The NRA also objects to this Interrogatory to the extent it seeks information about the NRA's investigative processes, or results, which are protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable exemption, immunity, or privilege from discovery, none of which are waived, and all of which are reserved.

Furthermore, 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 individuals to whom it has spoken, including individuals whose knowledge is de minimis or incidental, or was acquired under circumstances that make such individuals difficult to identify (e.g., knowledge relayed indirectly, as part of a communication to which the NRA was not a party). The NRA will not purport to identify such individuals. Likewise, based on overbreadth and undue burden, the NRA will not purport to identify individuals whose knowledge concerns facts that are not material to the parties' claims or defenses.

This Interrogatory is overbroad and unduly burdensome on the additional basis that it calls for names of litigation counsel or their agents, consultants, or experts; the burden of identifying these individuals, and the risk that doing so would expose counsel's thought processes or litigation strategies, exceeds the potential relevance of such information. Accordingly, the NRA will exclude the names of litigation counsel and their agents, consultants, and experts from its response.

Subject to the foregoing objections, the NRA responds that it will supplement its responses to these Interrogatories at an appropriate time. See Response to Interrogatory 2.

INTERROGATORY 10

Identify all documents used in preparing your answers to these Interrogatories and Requests for Admissions and attach them to your responses if not already provided in connection with Plaintiff's Request for Production of Documents.

ANSWER

The NRA incorporates its General Objections. The NRA also objects to this Interrogatory to the extent it seeks information about the NRA's investigative processes, or results, which are protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable exemption, immunity, or privilege from discovery, none of which are waived, and all of which are reserved.

INTERROGATORY 11

Identify all persons who participated, helped, or provided information in preparing answers to these interrogatories and describe their relationship to you.

ANSWER

The NRA incorporates its General Objections. The NRA also objects to this Interrogatory to the extent it seeks information about the NRA's investigative processes, or results, which are protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable exemption, immunity, or privilege from discovery, none of which are waived, and all of which are reserved.

Furthermore, the NRA objects to this Interrogatory to the extent "participated, helped, or provided information" is vague and overbroad. The NRA also 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 individuals to whom it has relied in preparing these objections and responses, including individuals whose knowledge is de minimis or incidental, or was acquired under circumstances that make such individuals difficult to identify (e.g., indirectly provided information prior to even receiving the Interrogatories). The NRA will not purport to identify such individuals. Likewise, based on overbreadth and undue burden, the NRA will not purport to identify individuals whose knowledge concerns facts that are not material to the parties' claims or defenses.

This Interrogatory is overbroad and unduly burdensome on the additional basis that it calls for names of litigation counsel or their agents, consultants, or experts; the burden of identifying these individuals, and the risk that doing so would expose counsel's thought processes or litigation strategies, exceeds the potential relevance of such information. Accordingly, the NRA will exclude the names of litigation counsel and their agents, consultants, and experts from its response.

Subject to the foregoing objections, the NRA responds that it will supplement its responses to these Interrogatories at an appropriate time. See Response to Interrogatory 2.

INTERROGATORY 12

Please describe in detail the facts and documents relied upon in asserting each of your affirmative defenses.

ANSWER

The NRA incorporates its General Objections. The NRA also objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable exemption, immunity, or privilege from discovery, none of which are waived, and all of which are reserved.

The NRA further objects to this Interrogatory because it is in effect eleven interrogatories in one. The NRA has asserted eleven affirmative defenses and must therefore provide eleven responses. This Interrogatory therefore is not one Interrogatory but eleven separate Interrogatories. This brings UWS's total number of Interrogatories to twenty-two. Any further interrogatories interpose by UWS will be treated as numbers twenty-three and forward by the NRA in any potential objections and responses.

The NRA objects to this Interrogatory as premature because it seeks the NRA's ultimate positions on its contentions and on what information remains to be discovered, even though discovery is in the earliest stages. Indeed, neither the NRA nor UWS have commenced document discovery in any substantial way; the NRA's response to this Interrogatory would therefore be incomplete. The NRA should not be required to answer this Interrogatory until after designated discovery is complete or a pre-trial conference is held. *See* Rule 4:8(e).

Subject to the foregoing objections, the NRA responds the following for each of the eleven Interrogatories implicit in this Interrogatory: The NRA will produce documents responsive to this Interrogatory pursuant to Rule 4:8(f). The NRA further responds that it continues to investigate the subject matter of the litigation and will supplement its responses with additional responsive information it may

acquire pursuant to Rule 4:1(e). The NRA further responds that UWS may find answers to its Interrogatories in the NRA's Answer, Affirmative Defenses, Demurrer and Counterclaims.

Dated: February 20, 2020

Respectfully submitted,

NATIONAL RIFLE ASSOCIATION
OF AMERICA

By counsel



James W. Hundley (VSB No. 30723)

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Counsel for the National Rifle Association of America

CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2020, I caused the foregoing to be served via electronic mail and first-class mail upon:

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Daniella A. Quinn
DYCIO &
BIGGS
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dquinn@dyciolaw.com

Counsel for the Plaintiff



James W. Hundley (VSB No. 30723)
Robert H. Cox (VSB No. 33118)

VERIFICATION


I, John Frazer, Secretary and General Counsel for the National Rifle Association of America (the "NRA"), am duly authorized to make this verification on behalf of the NRA. I have read Defendant's Objections and Responses To Plaintiff Under Wild Skies, Inc.'s First Interrogatories, and I believe, based on reasonable inquiry, that the answers set forth herein are true to the best of my knowledge, information, and belief.

I declare under penalty of perjury that the foregoing is true and correct.

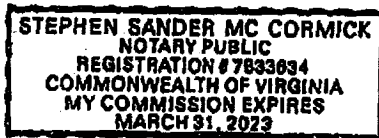


John Frazer

Subscribed and sworn before me
This 19th day of February 2020.



Notary Public



Fairfax County / SM