

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

Hon. Joel M. Cohen

**PLAINTIFF’S RULE 26 ESTIMATE OF THE LENGTH OF TRIAL, WITNESS
LIST WITH ESTIMATES FOR QUESTIONING AND DEFENDANTS’ COMBINED
WITNESS LISTS WITH ESTIMATES FOR QUESTIONING**

Plaintiff bears the burden of proof to prove its claims against five defendants. Plaintiff is endeavoring to streamline its presentation and anticipates narrowing this witness list. Plaintiff estimates that its direct questioning of witnesses, many of whom are Defendants or current employees of Defendant NRA, will take up to 79 hours.

The Defendants have, collectively, named 86 witnesses and indicated that they need at least 90 hours for their defense. This estimate does not include time for Mr. Powell, who is acting *pro se* and has not yet provided a witness list. Plaintiff has estimated that it may need as much as 44.5 hours for cross examination if all the defense witnesses testify. Plaintiff does not know Defendants’ estimates for cross examination.

Currently, if all designated witnesses testify, questioning will take at least 213.5 hours. Plaintiff asks for two hours for opening statements but hopes to limit the opening statement to less time. The Court has indicated that the trial is limited to six weeks. Plaintiff notes that the parties’ estimates exceed that amount of time and will have to be adjusted as per court direction.

#	Plaintiff’s Witness	Anticipated Length of Direct Questioning in Minutes
1.	Roscoe “Rocky” Marshall	90
2.	Esther Schneider	35

3.	Jeffrey Tenenbaum	240
4.	Oliver North	150
5.	Carolyn Meadows	90
6.	David Coy	180
7.	Charles Cotton	240
8.	Wayne LaPierre	420
9.	Ronin Colman	45
10	Judge Phillip Journey	90
11	Mildred Hallow	45
12	Joel Friedman	90
13	Richard Tedrick	90
14	Michael Erstling	90
15	Wilson "Woody" Phillips	360
16	Craig Spray	180
17	Sonya Rowling	180
18	John Frazer	420
19	Lisa Supernaugh	90
20	Gayle Stanford	225
21	Peter Brownell* ¹	25
22	Portia Padilla	25
23	Linda Crouch	20
24	Gurney Sloane*	45
25	Murray Drechsler	45
26	William Winkler	90
27	Anthony Makris	60
28	Forensic Risk Alliance	45
29	Tyler Schropp	60
30	Todd Grable	60
31	Joshua Powell	180
32	Willes Lee	180
33	Frank Tait	30
34	Christopher Cox	90
35	Sean Maloney	45
36	Eric Hines	390
37	Total	4740 (79 hours)

¹ Asterisks indicate that testimony will be by videotaped deposition.

#	Defense Witnesses Combined	Total Combined Time for Direct Questioning of Defense Witnesses in Minutes	Estimated Time for Cross-Examination In Minutes
1	Ackerman	10	5
2	AJ Ferate ²	10	5
3	Alan Nadel	120	45
4	Allan Cors	30	20
5	Amish Mehta	180	60
6	Andrew Arulanandam	120	45
7	Bill Carter	10	30
8	Bob Barr	40	30
9	Bob Romeo	15	15
10	Captain Blaine Wade	10	10
11	Captain Mike Allen	30	15
12	Carol Frampton	40	20
13	Charles Cotton	360	120
14	Chris Lapham	60	10
15	Christopher Lapham	20	10
16	Colleen Sterner	30	30
17	Craig Spray	135	45
18	Curtis Jenkins	60	15
19	David Coy	120	30
20	David Schiller	30	30
21	David Warren	30	30
22	Dean Cain	20	20

² Defendants NRA, Frazer and particularly LaPierre have designated dozens of witnesses who have never previously been identified in this action. Plaintiff has reached out to counsel to attempt to resolve this issue either by asking when such witnesses had been identified or, alternatively, by asking for the nature of their proposed testimony. The NRA provided some information and Plaintiff is withdrawing objection as to some of the NRA's witnesses. Defendant LaPierre has argued that he had no obligation to disclose any witnesses prior to circulation of this list. Plaintiff disagrees. Defendant Frazer has not responded. Plaintiff therefore asks leave of Court to move to exclude testimony by certain witnesses at trial if, in fact, Defendants intend to call them. Plaintiff can provide the list of witnesses and the grounds for exclusion before the pretrial conference if the Court would like to address the matter at the conference but Plaintiff suggests that this issue may be better handled as the Defendants determine which witnesses they will actually present. Plaintiff has also objected to a number of the defense witnesses because their testimony would be relevant, if at all, only in the remedial phase of the trial and because they are appearing by depositions recorded in an action where Plaintiff was not a party and did not have the opportunity to cross examine them. Plaintiff reserves objections to such witnesses and will present them to the Court.

23	Derek Robinson	20	20
24	Edie Fleeman	10	20
25	Emily Inskeep	15	20
26	Erik Thomas	15	20
27	Forensic Risk Alliance	60	30
28	Gary Jones	20	15
29	Glen Hoyer	30	15
30	Grant Spofford	20	15
31	Greg Plotts	180	60
32	Gurney Sloan	10	5
33	Herb Langford	90	30
34	J. Lawrence Cunningham	60	45
35	Jacqueline Husar	15	15
36	James Reda	60	30
37	Janet Nyce	15	10
38	Jim Staples	30	30
39	Jim Torres	15	10
40	Joe Gibbs	10	20
41	John Commerford	45	20
42	John Frazer	540	180
43	John Rocavich	15	15
44	John Sigler	20	20
45	Kayne Robinson	20	20
46	Kenneth Blackwell	20	15
47	Kim Rhode	15	10
48	Larry Craig	20	20
49	Wilson Phillips	360	120
50	Lucretia Hughes Klucken	30	15
51	Major Edward Land	60	10
52	Major General Charles Swannack	30	15
53	Mark Rabin	60	45
54	Mary Corrigan	15	10
55	Matt Lerner	210	180
56	Megan Allen	15	10
57	Michael Erstling	60	30
58	Michael Graham	60	45
59	Murray Dreschler	10	5
60	Nick Perrine	20	10

61	Niger Innis	30	15
62	Officer Ed Orellana	0	10
63	Peter Churchborn	10	10
64	Peyton Knight	30	10
65	Portia Padilla	60	15
66	Randy Kozuch	45	15
67	Raymond White	30	10
68	Richard Gardiner	15	10
69	Rick Ector	10	10
70	Robert Mensinger	60	25
71	Robin Evans	15	10
72	Ryan Sullivan	180	90
73	Sandra Froman	90	45
74	Scott Bach	30	25
75	Sheriff Jay Prince	10	10
76	Sonya Rowling	180	45
77	Stacey Cullen (Aprio)	20	30
78	Stephen P. Halbrook	15	15
79	Susan LaPierre	60	45
80	Tom King	20	35
81	Vanessa Shahidi	30	20
82	Wayne LaPierre	600	180
83	William Asa Hutchinson II	10	10
84	Willie Linear	30	15
85	Wilson Phillips	360	120
86	William Wang	15	--
		Total: 5405 minutes (90.08 hours)	Total: 2670 minutes (44.5 hours)

Dated: December 8, 2023
New York, New York

LETITIA JAMES
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