

EXHIBIT 6

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK - CIVIL TERM - PART 3

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PEOPLE OF THE STATE OF NEW YORK, BY LETITIA
JAMES, ATTORNEY GENERAL OF THE STATE OF NEW YORK,

Plaintiff,

-against-

INDEX NO.
451625/20

THE NATIONAL RIFLE ASSOCIATION OF AMERICA,
WAYNE LAPIERRE, WILSON PHILLIPS, JOHN FRAZER,
and JOSHUA POWELL,

Defendants.

JURY TRIAL
60 Centre Street
New York, New York
February 14, 2024

BEFORE: HONORABLE JOEL M. COHEN,
Justice, and a jury

APPEARANCES:

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL LETITIA JAMES
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New York, New York 10005
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ERIN KANDEL, ESQ.
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NOAH PETERS, ESQ.

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1
2 THE COURT: Mr. Farber, you wanted to raise
3 something?
4 MR. FARBER: Yes, your Honor. So, Question 2A in
5 the draft verdict sheet which relates to the breach of duty
6 claim against Mr. Phillips asks whether the plaintiff prove
7 by a preponderance of the evidence that at anytime between
8 March 20, 2014, and May 2, 2022, Mr. Phillips failed to
9 discharge the duty of his office; and that's what the Court
10 is finding as the relevant period.
11 The issue with Mr. Phillips is it is undisputed
12 that he retired from the NRA at the end of 2018; and so
13 asking the jury to make a finding about that for a period
14 beyond that and having scrutinized his conduct for a period
15 beyond that when he had no duties to the NRA after
16 December -- at least December 31, 2018. The actual date may
17 be a little earlier because, I believe, he --
18 THE COURT: Yeah, I understand that point.
19 I don't have a particular problem with changing
20 that.
21 MR. FARBER: Thank you.
22 THE COURT: I mean, I think where we would put
23 in is that date paren., the date his retirement, just so
24 the --
25 MR. FARBER: I think that's the right way to do it,

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1 your Honor.
2 THE COURT: The other?
3 MR. FARBER: The second point is on the
4 related-party transaction. There's a provision saying that
5 if the jury -- asks the jury to find if Mr. Phillips'
6 conduct was willful, there's a basis for awarding additional
7 damages.
8 As, your Honor, the draft instructions provide that
9 to find willfulness, they have to find that he did something
10 with knowledge that it was unlawful; and I submit there's no
11 evidence in the record that would support such a finding
12 with respect to Mr. Phillips on that transaction.
13 So, I -- I think that should be stricken from the
14 charge as to him.
15 THE COURT: Yeah, I -- that one, there's been a lot
16 of in evidence this case and --
17 MR. FARBER: Well, if the State can point to some,
18 then we might have a basis for it; but I'm aware of none.
19 THE COURT: The State went through all of the
20 Bylaws and procedures and policies and, yet, they weren't
21 followed. So, I mean, it is not that heavy a lift to show
22 that, you know, it was a transaction that was covered by the
23 policy and by law. He is the treasurer, and the fact that
24 the policy and the procedures weren't followed, that -- I
25 don't think that instruction requires somebody to know

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1 anything more than what they were doing when intentional and
2 whether they complied with the law or not is something the
3 jury can I think -- if they find there was a violation at
4 all -- which who knows -- but if there was
5 one, and it wasn't -- he didn't accidentally sign the
6 agreement.
7 MR. FARBER: No, your Honor's instruction goes
8 beyond that. It says it has to be knowledge that his
9 conduct was wrongful. So, it's not just that it is
10 intentional, not just that he consciously entered into it;
11 but did so knowing it was wrongful and I don't think there's
12 any evidence of that.
13 THE COURT: Well, the statutory violation of
14 wrongful includes not getting the appropriate approvals, and
15 whether it was fair to the NRA. I -- I think that one is
16 more fair game.
17 MR. FARBER: Thank you, your Honor.
18 THE COURT: I am -- I did go back and look at the
19 complaint, however; and I think Mr. Correll makes a fair
20 point that the complaint -- and I know there were
21 interrogatories later -- is very broad in terms of the
22 related-party claim against the NRA and it sort of creates
23 sort of everything that came before it.
24 But, the related-party claims -- related-party
25 transaction claims against Mr. LaPierre and Mr. Phillips are

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1 actually sort of narrow in the complaint, and they talk
2 about just the post-employment agreements.
3 So, I'm not sure what the -- now, again, the MMP
4 relationship, that's all fair game for the case at large,
5 both for the improper administration as well as the breach
6 of duty claims because there's a lot in that relationship;
7 but it is not pled as part of the related-party transaction
8 claim against Mr. LaPierre.
9 MR. SHIFFMAN: Your Honor, we will be putting in a
10 letter on this very shortly this morning. It was identified
11 in the contention interrogatories.
12 THE COURT: Well, the contention interrogatories, I
13 guess there was notice that it could be part of the claim
14 against the NRA. It still leaves the substantive question
15 of whether it is related-party transaction at all.
16 MR. SHIFFMAN: Well, the letter will address that.
17 THE COURT: Well, anyway, I'm a little wary of
18 that.
19 MR. SHIFFMAN: I think the Trump case, again, is on
20 point on that one there. There was a financial interest
21 that was a result of Mr. Trump directing his Foundation to
22 make donations on behalf -- grants on behalf of his
23 campaign, and Judge Scarpulla found --
24 THE COURT: That's a little more direct than this.
25 MR. SHIFFMAN: Not really, your Honor. There was

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1 no -- he benefitted his campaign by having his foundation
 2 make grants to veterans charities without the money ever
 3 touching the campaign's --
 4 THE COURT: His personal -- yeah, I mean, this one
 5 is at least another step removed.
 6 In other words, it's -- there's no -- I think the
 7 evidence is is that there was this relationship and then
 8 there were these personal relationships where, certainly,
 9 benefits were provided by MMP and maybe that's a conflict of
 10 interest under a different provision and maybe it has
 11 something to do with violation of duty.
 12 MR. SHIFFMAN: I think, your Honor, there's also
 13 evidence that Mr. LaPierre was involved in the arranging for
 14 the contracts and that there's temporal relationships
 15 between amendments and the times of the gifts. I think
 16 Mr. Conley took him through some of those transactions.
 17 THE COURT: But there is still the matter of the
 18 complaint, right? I mean, the complaint wasn't amended, and
 19 the complaint wasn't -- I expected it to sort of -- I
 20 remember reading the NRA part and it was sort of everything,
 21 and then I was struck I think that that particular claim is
 22 pretty narrow.
 23 MR. SHIFFMAN: Your Honor, it is only a claim
 24 that -- it's just a different legal theory. It is
 25 identified in the contention interrogatories. There's clear

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1 law that the pleadings can be amended to conform to the
 2 evidence; and when there's just a legal theory that there's
 3 no real prejudice, no discovery that would be needed here.
 4 It is Mr. LaPierre's own conduct. This was identified
 5 in the contention interrogatories as related-party
 6 transaction.
 7 THE COURT: As to him? Because, again, from a
 8 pleading perspective, it is part of the claim against the
 9 NRA, I guess, because that loops in everything; and then you
 10 can, in your contention interrogatories, give life to what
 11 you pled against the NRA. Again, whether it substantively
 12 is a related-party transaction is a different question; but
 13 did you specifically say, oh, and this -- in words or
 14 substance, this also amends our claim against LaPierre?
 15 MR. CORRELL: It did not, your Honor, and we did
 16 not take it that way.
 17 THE COURT: I'll wait for the letter, but the
 18 related-party transaction in the NRA letter I saw came in at
 19 whatever, four in the morning or the usual time, makes the
 20 point. It is a statutory claim. It has very specifics,
 21 series of definitions and everything else; and, again, you
 22 can make the claim under different parts of the N-PCL that
 23 are broader because it is in the complaint. The facts are
 24 in the complaint.
 25 It just seems a bit of a stretch to, also,

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1 separately as a related-party transaction.
 2 MR. SHIFFMAN: Your Honor, the legislative intent
 3 when it amended the statute in particular was to broaden and
 4 make it apply -- I think that's as Justice Scarpulla found
 5 -- to also all self-dealing.
 6 Financial interest is a very broad term. It
 7 doesn't talk only about a counterparty to a transaction. He
 8 has an interest in any transaction -- the language is
 9 transaction or other arrangement. It is very broad
 10 language.
 11 The legislative history -- which Justice Scarpulla
 12 cites -- makes it clear it was intended to be very, very
 13 broad language.
 14 THE COURT: With all respect, I don't find the
 15 Trump case a very good analogy to what's going on here.
 16 Is the jury here? Let's get on with our last day.
 17 I know the NRA has arguments you want to make on this point.
 18 Let's hold on to those.
 19 MS. ROGERS: There was a small administrative item,
 20 too, and I think Mr. Fleming might have a related point.
 21 There were Forms 990 and board minutes that were on
 22 the exhibit list that haven't come in. We were hoping to
 23 stipulate to put them in at the end of our case. They're
 24 tax returns and board minutes. They don't seem
 25 controversial.

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1 THE COURT: That makes sense.
 2 MR. FLEMING: In fact, your Honor, I did reach a
 3 stipulation with the Government last week about the 990s.
 4 THE COURT: It is hard to believe there are 990s
 5 that aren't in, yet, but that's fine.
 6 MR. FLEMING: I forgot to put them in officially
 7 yesterday.
 8 THE COURT: Your case hasn't closed. Look, I
 9 strongly encourage for things like 990s and official board
 10 minutes, but I'd like to introduce them in the jury's
 11 presence.
 12 MS. ROGERS: We understand.
 13 THE COURT: So, you can gather those together; and,
 14 hopefully, if there's agreement, then I'll be happy to
 15 introduce them in mass. I don't know if you're going to use
 16 them for anything?
 17 MS. ROGERS: Just wanted a complete record.
 18 They're board minutes and --
 19 THE COURT: You want to be able to reference them
 20 in closing?
 21 MS. ROGERS: Yes, yes. And people have testified
 22 things that happened at board meetings, and they were on the
 23 exhibit list and just didn't get used with witnesses.
 24 THE COURT: Yeah, I kind of vaguely remember doing
 25 something similar with the State.

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1 MS. ROGERS: Correct.
 2 THE COURT: So, we're not --
 3 MS. STERN: Sorry, I wanted to just respond to
 4 Ms. Rogers' point.
 5 I think we got this list very late last night. We
 6 responded if you could focus us on what you really need to
 7 get in. It is a very long list.
 8 THE COURT: Oh, is it?
 9 MS. STERN: Yes, it is quite lengthy. I think we
 10 would like to at least eyeball them and not wholesale put in
 11 every board meeting.
 12 THE COURT: Look, so you're saying these things
 13 have been mentioned or referenced?
 14 MS. ROGERS: Well, board meetings over the years
 15 have been referenced sometimes specifically and sometimes
 16 people say we had a board meeting, everyone was in the room.
 17 We had elections, they were free and fair.
 18 THE COURT: The only concern I have is putting
 19 things into the trial record that the jury and I never see
 20 other than to hear their numbers; and then sort of say
 21 however many years in the future, well, this was in the
 22 record and it supports X, Y or Z is a little much if the
 23 jury is not hearing anything about them.
 24 But, given what these are, which are 990s as a
 25 group, seem to be controversial. Anyway, I'm hoping can you

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1 MS. STERN: Sorry, Judge --
 2 MR. FARBER: Can I please?
 3 MR. STERN: I'm sorry, Mr. Farber.
 4 MR. FARBER: Judge, I had a similar objection to
 5 the State's in the similar position. I've not had a chance
 6 to review this massive stuff; but while I recognize the
 7 business records exception to the hearsay rule for board
 8 minutes. Generally, my concern is not knowing what's in
 9 them, there might be hearsay within hearsay, things are
 10 that, you know, prejudicial and improper for other reasons.
 11 So, for that reason --
 12 THE COURT: It would have to be something that was
 13 discussed in the trial for it to just -- for it to come in.
 14 I don't think that because the trial is about governance we
 15 can admit in mass all board books for all meetings during
 16 the relevant period.
 17 If there's something you wanted the jury and me --
 18 because this is a dual trial, I mean, you're also trying
 19 this to me. I've always sort of rejected that in bench
 20 trials where people sort of dump stuff in at the end and
 21 say, We didn't mention any of this to you. By the way,
 22 here's this other 10,000 pages that we need you to consider
 23 in your decision.
 24 I don't think that's really appropriate.
 25 MS. ROGERS: All I would say, your Honor, is that

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1 work it out.
 2 What's the length of this?
 3 MS. ROGERS: The list is lengthy because each board
 4 book is voluminous, so we've produced them as Part 1, Part
 5 2, Part 3 covering the relevant period -- relevant statutory
 6 period.
 7 THE COURT: Well, how I do determine in mass
 8 whether these are relevant to anything?
 9 MS. ROGERS: To the extent this is a lawsuit about
 10 NRA's corporate governance that has an evidentiary record
 11 spanning decades --
 12 THE COURT: Look, if the jury is not hearing it,
 13 this is all kind of a meaningless exercise.
 14 MS. ROGERS: Let us get you a winnowed list this
 15 morning. I do think for completeness the board minutes at
 16 least from the board meetings that were discussed should be
 17 in.
 18 THE COURT: That was a very important last piece,
 19 that if, if things have been discussed in front of the jury
 20 and just there was, you know, we forgot to sort of say, Oh,
 21 by the way, this is the board minutes that were referred to,
 22 that's fine. But, bringing in things that nobody has ever
 23 heard about and just having me dump it into the trial record
 24 seems not --
 25 MR. FARBER: And, Judge --

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1 there have been discussions during trial about how board
 2 meetings are conducted, how things happen, people run from
 3 the floor, does the nominating committee always vote the
 4 same way; and not all of these discussions have been
 5 anchored to the transcript, the board meeting on May 5,
 6 2011, right?
 7 So these are going to be -- a lot of these are
 8 going to be relevant in a way that isn't pin-cited to a
 9 meeting on a date, but is still --
 10 THE COURT: Let's continue this conversation at the
 11 first break. I want to get to the jury because we have a
 12 lot to do.
 13 I'll think about it, but I think there has to be
 14 more of a tether than that for me to -- look, if it's by
 15 consent I suppose, but it doesn't seem to be; I'm fine with
 16 filling in things that, Oh, we meant to put this in during
 17 X and so transcript testimony, but we forgot. This is
 18 something different.
 19 All right, shall we get the jury?
 20 MR. FARBER: Judge, do you want the witness on the
 21 stand?
 22 THE COURT: Sure, that will help.
 23 We're going to move with alacrity today, yes?
 24 MR. CORRELL: Yes, we are, your Honor.
 25

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NRA

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W. LaPierre - by Defendant - Direct/Mr. Correll Page 4276

1 (Whereupon, at this time the witness,
2 Wayne LaPierre, having been previously duly sworn/affirmed
3 by the Clerk of the Court, resumed the witness stand and
4 testified as follows):
5 THE COURT: Good morning.
6 THE WITNESS: Good morning, your Honor.
7 MR. CORRELL: Your Honor, may we have the court
8 officer deliver the binders to the witness? Then, your
9 Honor, may I approach with your set?
10 (Handed to the witness)
11 THE COURT: There's more?
12 MR. CORRELL: Yes, your Honor. We're not going to
13 use all of them.
14 (Handed up to the Court)
15 THE COURT: You got your lifting in today.
16 This is not the same two from yesterday?
17 MR. CORRELL: Pardon me?
18 THE COURT: This is not the same binders from
19 yesterday?
20 MR. CORRELL: There's one binder from yesterday
21 right at the end, and then there are two new ones which
22 we're going to use a few documents from there.
23 THE COURT: Okay. So, I have four now?
24 MR. CORRELL: You should have four.
25 THE COURT: Okay.

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1 MR. CORRELL: And we should be on the last five
2 tabs of the Volume 2 of yesterday.
3 THE COURT: There's no requirement to use each tab,
4 by the way.
5 MR. CORRELL: I have skipped many.
6 THE COURT: We still haven't gotten to the 2014
7 yet.
8 MR. CORRELL: We're almost there.
9 THE COURT: Am I correct that the Government still
10 has roughly an hour before the closing?
11 MS. STERN: My understanding is that we believe
12 that we have more than an hour; but the other side thinks
13 we have an hour, so we're not going to fight to the bitter
14 end.
15 THE COURT: All right, we'll call it an hour.
16 Proving again that gas expands to fill the size of
17 whatever container you put it in. If I had given you
18 twelve weeks, I'm sure the last day of the 12th week we'd be
19 scrambling to finish.
20 MR. CORRELL: Your Honor, I would point out that
21 Mr. LaPierre has consumed a grand total of seven hours to
22 the AG's forty hours.
23 THE COURT: I'm not criticizing anyone.
24 COURT OFFICER: Is the Court ready to receive the
25 jury?

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1 THE COURT: Yes, sir.
2 COURT OFFICER: All rise, jury entering.
3 (Whereupon, at this time the jury then entered the
4 courtroom.)
5 THE COURT: Good morning, everyone. Please have a
6 seat.
7 Okay, we're going to toggle back to finish
8 Mr. LaPierre's testimony.
9 So, Mr. Correll, I think you're still up.
10 DIRECT-EXAMINATION
11 BY MR. CORRELL: (Continuing)
12 Q Good morning, Mr. LaPierre.
13 A Good morning.
14 Q How are you feeling today?
15 A I'm fine, thank you.
16 Q I'd like to move quickly through this last binder that
17 we had yesterday, the second binder.
18 If you could direct your attention to Tab 94 and the
19 document that appears behind that.
20 Do you recognize that document?
21 A I'm sorry?
22 Q Tab 94.
23 A I'm going to it right now. Yes, I do.
24 Q What is it?
25 A It is a -- it is one of the NASCAR races that NRA

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1 sponsored with a -- with Tony Stewart and, obviously, wanted
2 Johnny Bass of Bass Pro Shops in there in the winner's circle.
3 Q And was Bass Pro Shops an organization that has a
4 relationship with the NRA?
5 A Yes, they were. They let us recruit members in their
6 stores. We actually have a museum in their store in
7 Springfield, Illinois, and we have displays in their National
8 Wild Life Museum in Springfield.
9 Q Do you believe that maintaining that relationship is in
10 the interest of the NRA?
11 A Absolutely. It is an important relationship, and it's
12 been official to the NRA.
13 MR. CORRELL: Move its admission in evidence, your
14 Honor. I just want to publish it. It is a one-page photo.
15 MR. CONLEY: Objection, relevancy, hearsay.
16 THE COURT: I don't really understand the
17 evidentiary value of just a picture like this.
18 MR. CORRELL: Your Honor, the AG has raised an
19 issue as to whether Mr. LaPierre breached his duty by going
20 to NASCAR events in a helicopter.
21 THE COURT: So, this is just a picture of a NASCAR
22 event. How does that --
23 MS. ROGERS: It is a picture of Mr. LaPierre at a
24 NASCAR event with one of the major supporters of the NRA
25 documenting the fact that his time spent on relationships is

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1 developing benefits to the NRA, and he's not just going to
 2 raise this for fun.
 3 THE COURT: If you want one as an exemplar, that's
 4 fine; but I'm not going to just move them all in.
 5 MR. CORRELL: Just one, your Honor.
 6 THE COURT: Overruled. Put it up there, if you
 7 want.
 8 (Displayed)
 9 Q Mr. LaPierre, please direct your attention to Tab 95
 10 and the document that appears behind that. Do you recognize
 11 that document?
 12 A Yes, I do. It is an another Texas Motor Speedway
 13 NASCAR event that NRA participated in with a -- we had a
 14 sporting clay shoot for their charity, and we -- we took donors
 15 there and we -- we were visible in front of everyone.
 16 Q And did you use that opportunity to communicate with
 17 prospective members of the NRA through a letter contained in the
 18 magazine or program that was distributed in connection with that
 19 race?
 20 MR. CONLEY: Objection, leading.
 21 THE COURT: Overruled.
 22 Q I direct your attention to page --
 23 A Yes, I see it. We did. We had a letter in the
 24 program.
 25 MR. CORRELL: Your Honor, move the admission of

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1 this document and the letter demonstrating its relevance to
 2 show that Mr. LaPierre was communicating through NASCAR with
 3 members and prospective members.
 4 MR. CONLEY: Objection on relevance and hearsay.
 5 THE COURT: Sustained.
 6 MR. CORRELL: Your Honor, it also --
 7 THE COURT: Sustained.
 8 MR. CORRELL: Your Honor, there's another reason
 9 why it is relevant.
 10 Mr. LaPierre was photographed for the purpose and
 11 he was -- his image was featured in this magazine, and one
 12 of the issues in this case is whether he violated his duty
 13 by signing -- to the NRA by signing a letter that gave the
 14 NRA the right to use his image and likeness and
 15 communicating with members.
 16 This is an exemplar of how the NRA used his image
 17 in soliciting members and donors.
 18 MR. CONLEY: And, your Honor, I also object to
 19 Mr. Correll testifying. I think --
 20 THE COURT: Sustained. Let's just keep moving.
 21 MR. CORRELL: Your Honor, I take exception.
 22 THE COURT: Fine.
 23 MR. CORRELL: And I will move through the rest of
 24 these exhibits. I object to the apparent effort by the
 25 AG to delay and obstruct this examination.

W. LaPierre - by Defendant - Direct/Mr. Correll Page 4282

1 THE COURT: I disagree that's what they're doing.
 2 Go ahead.
 3 Q Turn to the next tab, Tab 96, please. Do you recognize
 4 that document?
 5 A I do. It is "Time Magazine" where they recognize --
 6 I'm reading the cover -- "The Hundred Most Influential People in
 7 The World."
 8 Q Were you listed as one of the hundred most influential
 9 people in the world?
 10 A I don't think anybody really believes that, but somehow
 11 I was. It just shows you how crazy some of these things are.
 12 Q Direct your attention to page 12 of this document. Do
 13 you see that?
 14 A Yes, I do see it.
 15 Q And you see where it says "Leaders?"
 16 A Yes.
 17 Q And there are eleven people listed there. Do you see
 18 that?
 19 A I do.
 20 Q And this lists you as one of the eleven leaders,
 21 correct, of the hundred most influential people in the world;
 22 correct?
 23 A Yes, it does.
 24 MR. CORRELL: Your Honor, move this into evidence.
 25 It is "Time Magazine." It is evidence that he's perceived

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1 as a leader nationally.
 2 THE COURT: Can we just limit to the part rather
 3 than having the entire magazine as an exhibit?
 4 MR. CORRELL: Yes, your Honor. I would also say
 5 there are three pages that are relevant pages; the cover,
 6 page 12 and page 62.
 7 THE COURT: The article?
 8 MR. CORRELL: Yes.
 9 THE COURT: I'll admit it.
 10 MR. CONLEY: Object on relevance.
 11 THE COURT: Overruled. If you just limit it to the
 12 relevant pages.
 13 (Whereupon, at this time the Exhibit WLX 258 was
 14 admitted and received into evidence.)
 15 MR. CORRELL: Thank you, your Honor. May we
 16 publish the cover, please?
 17 THE COURT: Yes.
 18 (Displayed)
 19 MR. FARBER: Judge, do we have an exhibit number?
 20 THE COURT: Good point.
 21 MR. CORRELL: It has been marked for identification
 22 as WLX 258 in my binder, your Honor.
 23 THE COURT: Okay.
 24 MR. CORRELL: And I think electronically, as well.
 25 (Continued on next page)

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W. LaPierre - by Defendant - Direct/Mr. Correll Page 4284

1 Q And Mr. LaPierre, would you note under the leader --
 2 the list of leaders you see the name Barack Obama.
 3 A Yes, sir, I do.
 4 Q You see the name Wayne LaPierre?
 5 A I do.
 6 Q Kamala Harris?
 7 A Yes.
 8 Q Elena Kagan?
 9 A Yes.
 10 Q Joe Biden?
 11 A Yes.
 12 Q And Pope Francis?
 13 A Yes, I do.
 14 Q Did it give you any pleasure to know that you were
 15 listed in the same article as Pope Francis?
 16 A I don't know how that would even happen, to tell you
 17 the honest truth, but it was -- it was interesting, and it's --
 18 I don't know. It just shows you -- it just shows you people do
 19 crazy things in terms of making up these lists.
 20 Q And it says by Ted Nugent. So does that indicate that
 21 Ted Nugent did a little piece on you for this?
 22 A Honestly, I have no idea.
 23 Q Okay. Who is Ted Nugent, by the way?
 24 A He is a performer and a singer.
 25 Q And does he have an affiliation with the NRA?

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1 A There was a time when he was on the NRA Board. He no
 2 longer is.
 3 Q Directing your attention to the Tab 97, the document
 4 behind Tab 97. Actually, let me go back to the -- just the date
 5 of the Time Magazine. It's May 8, 2013.
 6 Do you see that?
 7 A Yes, I do.
 8 Q And what was the threat level to you at this time, if
 9 you can recall?
 10 MR. CONLEY: Objection, your Honor. Vague.
 11 THE COURT: He can answer his perception.
 12 A It was -- it was horrible. I had -- that was the week
 13 or two after I had been swatted at the house where somebody
 14 co-opted our phone number and called in and told the police that
 15 I had killed my wife and she was bleeding out and I would shoot
 16 the first police officer that showed up at the house, and it was
 17 -- it was horrible.
 18 The police called me, and as I said, Turn on all the
 19 lights and come out with your hands up, and I didn't know what
 20 was going on. My wife was running around crying and upset, and
 21 I finally -- I finally honestly decided I -- just whatever, and
 22 I said, I'm going to come out with my hands up out the front
 23 door, and I did that, and the police were all running toward me
 24 with their guns drawn, and it was -- it was -- I mean, those are
 25 the most dangerous situations not only for the citizen but for

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1 the police because they don't know what they are walking into,
 2 and it was the Fire Department was there too, and -- and it
 3 was -- and then the docking starting of stealing all our
 4 financial information and putting it back on the black web.
 5 Q Did you have any security at your home at the time?
 6 A That's -- yes. NRA had started security. No, there
 7 wasn't security at the home. I believe NRA had cameras at the
 8 home at that point.
 9 Q And did that affect your view as to the level of
 10 security that you needed to have going forward?
 11 A Yes, it did. That was the beginning of the harassment
 12 that started, not only on the street or restaurant or airports,
 13 but it started at the house.
 14 Q And who was the head of security at NRA at that time?
 15 A Russell Gordon.
 16 Q Did people call him Russ?
 17 A They did.
 18 Q And did he -- did you get any information from him
 19 about how you needed to change things to address this new
 20 development?
 21 MR. CONLEY: Objection. Calls for hearsay.
 22 MR. CORRELL: Just notice of what he was told. Just
 23 information.
 24 THE COURT: Overruled. That's what they started to
 25 say, that threat level and the harassment level was so high

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1 that I needed to travel private.
 2 They were also worried about if I got in an
 3 airplane and some -- like what's happening on the street.
 4 Somebody started harassing me or threw a cup of coffee at me
 5 on the plane or started screaming at me, everybody would
 6 pull out their cell phone and start taking pictures of it,
 7 and it would end up on the evening news with one hundred
 8 million dollars of negative publicity against the
 9 organization.
 10 Q Did you make a decision at that point to act on the
 11 recommendation and start flying private exclusively or almost
 12 exclusively?
 13 A Yes, I did. I trusted the security people. I had no
 14 reason to not to trust them, and I didn't think there was
 15 anything inappropriate about it given what I was going through
 16 personally, my family with the threat level.
 17 Q Did you believe that you had the authority to make that
 18 decision?
 19 A I did on the recommendation of our security director.
 20 Q And did you believe that you had any obligation to seek
 21 a resolution from the Board authorizing you to travel in that
 22 manner?
 23 A I did not.
 24 Q Did you later learn that questions had been raised
 25 about your authority to travel private?

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1 A I learned when the Attorney General of New York filed
2 their suit, that they raised that, that there was apparently a
3 regulation that I had no idea about, and yes, that's when I
4 learned it.

5 Q And after you learned that, what, if any, steps did you
6 take to address the issue and resolve it?

7 A NRA security director started -- did a survey in 2019
8 and then they presented it to the Board of Directors in 2020.

9 Q And did the AG raise any issues about your wife
10 traveling with you on the plane sometimes?

11 A Yes. My wife was involved for the Women's Leadership
12 Forum. She was a volunteer -- well, she actually started it I
13 think around 2005 as a volunteer, and they raised -- they raised
14 issues about her traveling with me.

15 Q And did Women's Leadership Forum events usually get
16 scheduled at or around the time of conventions?

17 A There was a big lunch at the convention that my wife
18 hosted as a volunteer. Colleen, our family member actually
19 worked for the NRA, was involved working with her on that as
20 were several other women.

21 In a period of ten years which is why I didn't think a
22 big deal about either my wife or Colleen moving around to places
23 in terms of traveling, they raised \$59 million in cash and about
24 112 in planned giving.

25 Q Did there come a time when you decided to go back

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1 through expense reports and travel records to identify any
2 flights that you thought or that you wanted to pay for in order
3 to respond to the AG criticism that you should have been paying
4 for some of those flights or part of these flights?

5 MR. CONLEY: Objection. Leading.

6 THE COURT: Overruled.

7 A Well, it started even before the AG. When I -- after I
8 received that call from Tom King about the Attorney General of
9 New York Schneiderman, I decided to -- wanted to do a complete
10 review of the entire NRA to make sure we were in compliance with
11 all the policies, procedures and Board of Directors. Also, with
12 the New York Non-Profit Law, and I said at the very beginning of
13 that -- I said, look, if there is any accounting, any
14 calculation, any mistake, anything I didn't do right, I want to
15 pay it back. So that's when I -- we -- we started a review
16 of -- all of that took several years to finish it up, but I
17 ended up paying back anything that was an accounting error or a
18 calculation, a mistake I made. Anything like that we found, I
19 paid back.

20 Q What was the process you followed to identify charges
21 that you wanted to pay back?

22 A It was a long -- I went through all the CAA invoices
23 which were the airline invoices. I went through -- I hired an
24 accounting firm with a tax attorney that worked on the process,
25 particularly in terms of the 4720 forms. I went through all my

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1 expense accounts, each one expense account by expense account
2 matching each trip with CAA invoices with business purpose of
3 the trip or whether it was something personal to it and matched
4 everything up together, and then turned it all over to the
5 treasurer's office. They did their own calculations with their
6 own tax attorney, and they made their analysis of it.

7 Q And in following that process, were you relying on your
8 recollection as to the purposes of trips as well as the
9 indications reflected in the expense reports?

10 A Yes.

11 Q And at the conclusion of that process, were you
12 confident that you had done all you reasonably could to identify
13 items that you wanted to pay back in order to square things up
14 with the NRA?

15 A Yes, I was confident that we had covered everything,
16 anything that could possibly be an issue and that I could look
17 in the mirror and actually facing God saying I have done
18 everything I can to make this right and square it up.

19 I mean, when I started down this process, I said to
20 myself not only in relation to this, but I said of reviewing
21 everything -- reviewing everything with the NRA, every person,
22 myself, every vendor, if I lose every friend I ever made, if I
23 lose every relationship I've ever made, I don't care. This is
24 what we're going to do because I'm going right down this path
25 and nothing is going to stop me.

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1 Q Did you end up writing a series of checks to the NRA to
2 cover these expenses?

3 A Yes, I did. I couldn't believe it, but if you added
4 everything up, it came over a million dollars.

5 Q Was some portion of that interest?

6 A I paid -- I paid all the interest on it, and I paid all
7 the federal taxes on it. It -- I mean, all of it ended up being
8 in relation to things I was doing with the NRA that there was an
9 accounting mistake, a calculation, a mistake I made, something I
10 didn't know about. But regardless of what it was, I squared it
11 up.

12 Q And did you follow this process with respect to things
13 other than flights?

14 A Yes. I followed -- again, I had no idea, but my wife
15 in -- particularly, in building the Women's Leadership Forum,
16 she would send out gifts to prospective donors, to donors, baby
17 gifts, holiday gifts, birthday gifts to keep in touch with them,
18 to build the relationship.

19 I would send out gifts to donors also. We would -- I
20 would send gifts to employees during the holidays just as good
21 will, and I didn't realize that I actually had put them on all
22 my expense reports and turned them into the NRA, but there was a
23 \$25 limit on what you could give as a gift, and I wasn't aware
24 there was a \$25 limit. So we went -- I went through every
25 expense report going back to 2011 and any gift that was over

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1 \$25, I paid the entire thing back to the NRA.
 2 Q Did you follow this same process with car services?
 3 A Yes, I did. I went through -- with the help of a
 4 paralegal, I went through every single expense report. I went
 5 through the car invoices in terms of transportation, and if
 6 there was any stop that I took that might not be related to the
 7 NRA while I was doing the trip, I ended up paying the whole
 8 thing. I just said I'll pay the whole thing back, and I paid it
 9 back.
 10 Q Anything else that you went looking for?
 11 A Well, there were things that I were completely unaware
 12 of that came to the attention in terms of the New York AG's
 13 suit, like there was hair and makeup for the Women's Leadership
 14 Forum.
 15 My wife who was the volunteer chair as I said, hosted
 16 the big women -- women's lunch at the national convention where
 17 there were 6, 7, 800, 900 people in the room. She was hosting
 18 it. It was filmed, and there was hair and makeup for not only
 19 for her but some other women used it also, and then they did
 20 summits where they would invite the women donors at various
 21 times of the year. There was hair and makeup for that as well
 22 as.
 23 MR. CONLEY: Objection, your Honor. Foundation.
 24 Mr. LaPierre testified he wasn't aware of this.
 25 MR. CORRELL: Your Honor, that's an improper

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1 objection.
 2 THE COURT: Well, I guess I just caution that in
 3 answering, if you can focus on your personal knowledge. I
 4 mean, if there are certain things you learned either from
 5 your wife or others, if you can distinguish between those
 6 and things that you observed and did yourself. But aside
 7 from that, you can proceed.
 8 THE WITNESS: Yes, your Honor.
 9 MR. CORRELL: Thank you, your Honor.
 10 A Yes, I knew that there was hair and makeup services
 11 being provided for those Women's Leadership events. I also saw
 12 it again when the Attorney General's Office filed the complaint
 13 against the NRA, and I just decided to take it off the table and
 14 pay it all back.
 15 Q And were these services -- were the women that attended
 16 these events, did they include members of the NRA?
 17 A They did.
 18 Q And were these services made available to other women
 19 who were members of the NRA?
 20 A Other women that were on stage at the event ended up
 21 using those services also. I don't know how many. I know some
 22 did.
 23 Q How about men who had to appear on stage?
 24 A The men had their own hair and makeup over at -- it was
 25 mostly at the forum or at the members' meeting. Those were the

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1 other two big events, and NRA provided hair and makeup services
 2 for all of those events. They involved women too, but most of
 3 the -- not all, but most of the people, speakers at those events
 4 were men, but not all.
 5 Q And so did you pay for all of that as well?
 6 A I did not. That was never raised by anyone or no one
 7 ever seemed to have a concern about it. It didn't make any
 8 sense to me but --
 9 Q So you concluded that the AG was not asking you to pay
 10 for the mens' makeup on the theory that your wife had used that
 11 makeup; is that fair to say?
 12 A My wife did not speak at those other events, but that's
 13 true.
 14 Q Okay. How about wardrobe? Did you go looking for any
 15 expenses relating to wardrobe?
 16 A I did. It came to my attention as we were doing the
 17 review of anything going back, that back in 2000, 2001, 2002 and
 18 2003 when Charlton Heston was getting out of the role as
 19 spokesperson and I was stepping into the role, that there
 20 were -- there was wardrobe that the advertising agency suggested
 21 I go get, and I didn't realize it at the time, but it was billed
 22 back to the National Rifle Association and NRA paid for it. So
 23 I reimbursed the NRA for that also including interest on it
 24 and --
 25 Q Do you recall how much the amount was for the suits

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1 themselves approximately?
 2 A It -- over 4 or 5 years, it was like 90,000.
 3 Q And what was the interest going back to 2000 or
 4 wherever it was?
 5 A I believe if you added in the interest, the entire
 6 figure came to \$251,000.
 7 Q Was there anything else that you wrote checks for to
 8 the NRA?
 9 A Yes, I did. There were -- I had purchased, and I think
 10 maybe one or two other people did, cars off of lease.
 11 If I had a lease car and the lease was coming up, I --
 12 I was interested in purchasing the vehicle. So I -- I called
 13 the NRA or Lisa George, the person in the purchasing that was
 14 responsible and said, what does it cost to buy the car off
 15 lease, and I was provided the figure, and I bought the car off
 16 lease.
 17 Q And when you did that, did you believe that that figure
 18 was correct?
 19 A I did. I asked what does it cost to buy this car off
 20 lease, and she -- she gave me a figure, and that's the check
 21 that I wrote.
 22 Q Did you later learn that that -- that that figure might
 23 not have been correct?
 24 A Yes, I did. I was -- totally to my surprise because I
 25 ended up buying two vehicles over a period of 8 or 9 years off

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1 lease, and I later learned that apparently there was some
2 negotiation struck by the treasurer's office with a car
3 dealership where the car dealership -- where somebody had
4 been -- bought a car off lease. It was at a -- at a lower
5 price, and I didn't realize that when I bought the car off
6 lease.

7 In fact, I might have not even bought it off lease had
8 I known that, but when I found that out, what I -- I did, and I
9 think what at least one other person did is we squared it up and
10 I paid the higher figure on what it would have cost originally
11 to buy the car off lease at the higher figure. I paid that back
12 on both -- both of the vehicles I bought off lease.

13 Q Did you also look for lodging that was reflected on
14 invoices or business expense reports to see whether there was
15 anything you wanted to repay to square things up with the NRA?

16 A I did. If there was any lodging on there that said --
17 ended up on someone else's card, if they went in and put their
18 card down because they were trying to protect me in terms of
19 security and that ended up being billed back to the NRA, I
20 squared that up.

21 There was a hotel bill at one of the conventions where
22 I originally saw the invoice. A lot of it wasn't mine, but
23 on -- when I saw the NRA, it just said WLP. So even though I
24 thought about -- I thought at least half of it wasn't mine, I
25 just -- I didn't have any proof that it wasn't -- WLP because no

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1 A I don't know how that happened, and I don't think we
2 were -- I or my wife received that.

3 If I had, I would have repaid it. If I did, I would
4 have repaid it.

5 Q Is there anything else you can think of that you paid
6 for through this process?

7 A Well, as I said, I mean, my -- my wife was working with
8 the Women's Leadership Forum. She was never, as I said, paid a
9 penny for it. It was all volunteer, but my -- my wife's
10 sister's daughter was working as an employee. So there were
11 times when I wanted to get her to a place, and I didn't see
12 it -- think it was inappropriate at the time given what they
13 were doing, how much -- how much money they were raising. What
14 I know now is that shouldn't have been done, and I paid the
15 entire charge of the airplane.

16 There was another about three times where I wanted to
17 move my wife to get to a place on this, and I -- she was the
18 only one on the plane, and I paid the entire charge of the plane
19 back to the organization.

20 There was one time where I didn't realize -- I mean,
21 they thought I had lung cancer. It turned out to be a false
22 diagnosis, but I was out in California, and they moved -- they
23 -- they booked my wife's sister's daughter and her daughter to
24 come out there and see me, and I ended up paying that entire
25 charge for the plane and the hotel. I didn't even realize they

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1 one could find that invoice that I saw. So what I ended up
2 doing was just paying that entire charge.

3 Q As you went through this process, did you have any
4 default rule as to if you weren't certain as to the business
5 purpose, you know, what you would do with that particular
6 invoice or expense?

7 A I wanted to completely be -- do the right thing. I
8 wanted to be completely squared up. I didn't want there to be
9 any doubt about it. So if there was any doubt, I was -- I was
10 over-inclusive. I paid -- I erred on the NRA's side.

11 Q Did you identify any small items, things like phones or
12 like something like that that you tripped across as you were
13 going through this process?

14 A Yes. Anything like that also, cell phone, something
15 like that, I squared up also.

16 Q And I think there was some reference earlier to Apple
17 TV or something like that.

18 Do you recall that?

19 A I do, and I -- still looking at those now and thinking
20 about them, I don't think they had anything to do with us.

21 I think that -- it obviously said WLP. I don't think
22 they had anything to do with us. I think they were
23 inappropriately put on there by somebody.

24 Q So that could have been a mistake or as far as you
25 know, you don't know how that happened; is that fair to say?

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1 were coming.

2 Q You didn't authorize that?

3 A I did not authorize that, and I didn't know about it.
4 My wife didn't know about it.

5 Q Who made that arrangement?

6 A Gayle Stanford.

7 Q And did she call you first?

8 A No.

9 Q Did she call you afterwards?

10 A No.

11 Q Did there come a time when you appeared before the
12 Audit Committee of the NRA to talk about the process you had
13 went through to identify these expenses that you wanted to
14 cover?

15 MR. CONLEY: Objection, your Honor. Outside the
16 scope of discovery.

17 THE COURT: I think the testifying about the
18 process analysis is okay. I think there is some meeting no
19 information was provided about.

20 MR. CORRELL: I had said in my case in chief I would
21 lay -- Mr. LaPierre would come and say what he said at the
22 meeting, and that is what he is doing.

23 THE COURT: Right. I just -- there may be some
24 areas where for whatever reason discovery wasn't given as to
25 the meeting minutes, and so there's been no obligations for

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1 anyone to probe what at least was recorded, so I may not
 2 permit you to go all the way through to that level of
 3 detail, but you can continue.
 4 MR. CORRELL: Thank you, your Honor.
 5 Q Can you tell the jury in sum and substance what you
 6 said to the Audit Committee at that meeting?
 7 A I told the Audit Committee that -- I went in. I had a
 8 meeting with the Audit Committee. I told them that -- what I've
 9 said here when I started down this process. I wanted to -- if
 10 there was any mistake, accounting error, calculation that I made
 11 where I received some benefit I shouldn't have received, I
 12 wanted to pay it back.
 13 I told him I had gone through this process of looking
 14 at everything that I talked about here including hiring an
 15 accounting firm. I had turned all of that calculations over to
 16 the treasurer's office. The treasurer's office had done their
 17 own analysis with their own tax accountants, and I had my
 18 analysis. They had their analysis. The treasurer's office did,
 19 and I told the Audit Committee this was everything that I wanted
 20 to square up with the NRA to the point where I got-- I received
 21 no advantage even if -- even if I was unaware of it, but I did
 22 receive an advantage.
 23 MR. CONLEY: I am going to object again. Referring
 24 to documents that were produced late and that we haven't had
 25 a chance to have discovery on it.

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1 THE COURT: Overruled. I would just ask maybe
 2 after this, you can put the timeframe around when this
 3 occurred because just for my benefit and maybe the jury's.
 4 Q When did this occur, Mr. LaPierre?
 5 A It was in December of 2023. There was one last
 6 calculation that I presented to him that just been discovered
 7 recently by the Institution for Legislative Action which was
 8 some old expense reports that they had misplaced that they had
 9 just discovered, and I went through those. And if there were
 10 any gifts on there, I -- I added those up and repaid them. That
 11 was the last payment.
 12 (Continued on the following page.)
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1 Q What did that payment come to, approximately?
 2 A I can't -- maybe 15,000, something like that. I'm not
 3 sure to tell you the truth. May have been less.
 4 Q I'd like you to direct your attention to Tab 16 in
 5 another binder -- well, why don't we do this.
 6 MR. CORRELL: Your Honor, I'd like to finish up
 7 with this binder and get it off of everyone's hands. I just
 8 have a few things I'd like to ask him about, and then go on
 9 to checks that you actually wrote.
 10 THE COURT: You're the pilot.
 11 MR. CORRELL: Thank you, your Honor.
 12 Q Please turn your attention to Tab 98 in Volume 2 of 2
 13 from yesterday.
 14 Do you recognize this document? It's been marked for
 15 identification as WLX 260.
 16 A Yes, I do.
 17 Q What is it?
 18 A It is an article that was prepared for the magazines
 19 which went through legislative accomplishments of the
 20 organization over the years, political accomplishments.
 21 Q Did you have any involvement in the preparation of this
 22 document?
 23 A I did. When I went down, I went down to publication
 24 and they had a writer there with me; and I went through it off
 25 the top of my head with him because I had lived it and I

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1 remembered it. So I -- I just went through this year, this is
 2 what happened; this year, that's what happened; this year,
 3 that's what happened. Went through it year by year.
 4 Q Is this a fair representation of words you spoke to
 5 this writer and asked to record in this document for use by the
 6 NRA?
 7 A Yes, it is. He probably made it a little bit more
 8 eloquent than what I said, but he's a good writer; but, yes,
 9 this is a fair representation of what I --
 10 MR. CONLEY: I apologize, the Realtime stopped.
 11 MR. CORRELL: I think the witness finishing his
 12 question is more important than you seeing realtime.
 13 So I would ask in the future that you allow
 14 the witness to finish before you complain about now having
 15 realtime.
 16 THE COURT: Bonnie.
 17 THE COURT REPORTER: Yes, Judge, it will take me
 18 ten seconds.
 19
 20 (Brief pause)
 21
 22 (Continued on next page)
 23
 24
 25

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NRA

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1

2 Q I'm sorry, Mr. LaPierre, for the interruption. Would

3 you like to finish your answer?

4 A I think -- I think that is the answer that I went

5 through it. He -- he wrote it up. He -- it is -- this is what

6 we ended up with.

7 Q And you believe this is a fair representation of what

8 you said in sum and substance?

9 A Yes, I do.

10 MR. CORRELL: Your Honor, move it into evidence

11 please. I'd like to publish it to the jury.

12 MR. CONLEY: Objection, relevance, hearsay.

13 THE COURT: It is clearly hearsay.

14 MR. CORRELL: Pardon me?

15 THE COURT: It is clearly hearsay. If you wanted

16 to, you can ask him all these fact questions, but there's no

17 hearsay exception for something like this.

18 So, sustained.

19 MR. CORRELL: Your Honor, I'd like to offer it on

20 another theory of relevance, which it is relevant to show an

21 exemplar of the work product he created on behalf of NRA and

22 sent to members with regard to the truth.

23 It shows the breadth of his responsibility and

24 shows the scope of his duties.

25 THE COURT: Sustained still.

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1 MR. CORRELL: Exception.

2 Q Please turn your attention to Tab 99. Do you recognize

3 this document?

4 A I do. It is a -- it is a book that the NRA put

5 together about the accomplishments of the organization and the

6 programs with the association and all that.

7 Q Did you have any involvement in the preparation of this

8 publication?

9 A I knew they were doing it. I may have talked with

10 them. I did not have a lot of involvement with this one.

11 Q Is this an example of a communication that the NRA made

12 with members and donors and prospective donors to advance the

13 interest of the NRA and the mission of the NRA?

14 A Yes, it is. This was prepared not only for our

15 members, but also who are the bread and butter -- bread and

16 butter of the association. I mean, they make it work everyday,

17 as folks would send in \$40 for a membership or \$30; but this

18 book was also prepared to send anyone that might be a high donor

19 or prospect to show the accomplishments of the organization.

20 It --

21 Q Can you explain to the jury your view as to the

22 importance of finding high donors for the NRA?

23 A Well, as I've said, I mean, the real bread and butter

24 of our association -- I mean, I always say whenever I meet

25 anybody on the road, people would say thanks to me; and I'd go,

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1 no, it is not me. It is you. I mean, they'd run me out of town

2 in five minutes if it weren't for you.

3 I mean, the power of the organization is not that

4 building in Washington. It is people around the country, but it

5 is important to find higher donors as other organizations have

6 because it -- it takes money to pay for all the programs, all

7 the magazines, the legislative advocacy, everything the

8 organization does. And if you find some higher donors, that

9 takes some pressure off of the folks that are constantly, you

10 know, because they believe in it sending in 5, 10, 15, 30, 45

11 dollar checks.

12 So, it is important for an organization to be strong to

13 have those high donors, particularly when it comes under

14 financial pressure. The finances of the NRA tend to waiver

15 depending on the atmosphere, depending on what the organization

16 is going through.

17 Q Does it also depend on politics, who's in office?

18 A It does. I mean, it is the same with every

19 organization in the country. I mean, I think that if -- apart

20 from the program stuff that goes on day to day, the safety

21 training, education that stuff; the political stuff varies by

22 the threat and by -- by who's in office.

23 So, if somebody is in office that's opposed to what an

24 organization stands for, people tend to give more. If someone

25 is in office that supports what an organization stands for,

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1 people tend to give less.

2 So, what the high donors do is they tend to round it

3 out when you're in one of those low periods.

4 Q Does the economy also have an effect on the importance

5 of a high donor for an organization like yours?

6 A It has a big effect on the -- on the 5, 10, 20, 35, 40

7 dollar donors, yes.

8 Q And what effect is that?

9 A Well, they're going on in their day-to-day lives and

10 they're trying to pay their gas bills, and they're trying to buy

11 food and take the family to dinner; and that probably is more

12 important than sending a check to some organization, whatever

13 the organization stands for.

14 MR. CORRELL: Your Honor, I move into evidence the

15 document that's been marked WLX 261, that appears behind Tab

16 99.

17 It is the last one in the book, and I promise I

18 will not offer anymore of these exemplars into evidence.

19 MR. CONLEY: Objection, relevancy, hearsay.

20 THE COURT: I don't understand the relevance.

21 MR. CORRELL: Again, it represents a compendium of

22 work that's put together for the organization in connection

23 with members and high donors. It is relevant to

24 Mr. LaPierre's efforts to find high donors, including by

25 traveling with the McKenzies and going to Hollywood and

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1 doing these shoots and things.
 2 It is part and parcel of what he does. It
 3 represents part of the performance of his duty, which is an
 4 issue in this case.
 5 THE COURT: Yeah, I just don't think the document
 6 itself -- I mean, I've allowed him to testify about all he
 7 does and all of that; but as I flip through this, there's
 8 all sorts of -- I mean, it is hearsay.
 9 I know you're putting it in not for hearsay
 10 purpose. You're putting it in, I guess, just to show that
 11 it was done; but there's no real dispute that all this kind
 12 of work gets done. It doesn't mean that all of them become
 13 trial exhibits, so I can't see any relevance to this.
 14 So --
 15 MR. CORRELL: Your Honor, if I may make one last
 16 attempt. It shows the breadth of his duties. He
 17 occupies -- well, one question in this case is whether he's
 18 discharged the duties of his position appropriately. One
 19 question is what was his position? What were his duties?
 20 And I think this is evidence of the breadth of his duties
 21 and the success, with which he has --
 22 THE COURT: This is an example of exercise of
 23 duties that nobody is questioning. I mean, this is just --
 24 I understand the point, but sustained.
 25 MR. CORRELL: May I have at least the cover sheet?

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1 THE COURT: No. The jury has a lot of documents to
 2 cope with in this case, and I'm only admitting the ones that
 3 I think are relevant to the claims and defenses.
 4 Q Mr. LaPierre, please turn your attention to Tab 16 of
 5 Volume 1 of 2 from the new binders that were put before you
 6 today.
 7 Actually, if you would turn to -- yes, tab 16.
 8 A Yes, I have it.
 9 Q Do you recognize this document?
 10 A Yes, I do.
 11 Q What is it?
 12 A That is the -- I believe that's the first check I wrote
 13 to the NRA in terms of the -- to cover the -- the charges that
 14 when I said I wanted to make good on everything even if it was
 15 the accounting, calculation, a mistake, whatever; I wanted to
 16 make it square with the NRA and I think that's the first check I
 17 wrote.
 18 Q And what is the date on that check?
 19 A November 12th -- November 16, 2020.
 20 Q It says "20" there, but you meant 2020; right?
 21 A Yes.
 22 Q And the bank cashed it anyway; correct?
 23 A They did.
 24 Q Could you --
 25 MR. CORRELL: Your Honor, I move this --

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1
 2 Q Well, there's something below that, an indication that
 3 says "processed November 16th."
 4 Do you see that?
 5 A Yes, yes, I do.
 6 Q What does that indicate to you?
 7 A Well, to me it was indicating it was processed by the
 8 bank.
 9 Q So it was cashed?
 10 A Yes.
 11 MR. CORRELL: Your Honor, move DX1-0514 into
 12 evidence if it hasn't been admitted already.
 13 MR. CONLEY: Your Honor, object on lack of
 14 foundation.
 15 MR. CORRELL: He wrote the check, your Honor.
 16 That's about as good a foundation you could get.
 17 THE COURT: Are you questioning the authenticity of
 18 it?
 19 MR. CONLEY: No, your Honor, and it is not with
 20 respect to the check. It is with respect to the -- what's
 21 beneath the check.
 22 THE COURT: Overruled. It is admitted and this is
 23 DX1-0514.
 24 MR. CORRELL: Correct.
 25 (Whereupon, at this time the Exhibit DX1-0514 was

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1 admitted and received into evidence.)
 2 Q Mr. LaPierre, would you turn to Tab 21 of your new
 3 binder and the document that appears behind that tab.
 4 Do you recognize that document?
 5 A Yes, I do.
 6 Q What is it?
 7 A That is another check that I wrote in terms of what I
 8 said at the start, if it was anything, I wanted to make it good.
 9 I wanted it squared up with the NRA. Even if I was unaware of
 10 it, that I wanted to square it up and this is -- I think this is
 11 the second check I wrote.
 12 Q What's the date on that check?
 13 A November 30, 2021.
 14 Q And what's the amount?
 15 A \$233,276.05.
 16 MR. CORRELL: Can we go back and put up the first
 17 check and publish it to the jury, please.
 18 Actually, I want to move this one into evidence,
 19 your Honor.
 20 THE COURT: It is admitted.
 21 MR. CORRELL: If we could publish the first one and
 22 then the second, please.
 23 (Displayed)
 24 Q Mr. LaPierre, would you direct your attention, please,
 25 to Tab 28 of your binder. That will be Volume 2. Take your

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1 time.

2 A I'm sorry, these are big binders. Tab 28?

3 Q Yes, sir. Do you recognize that document?

4 A I do.

5 Q What is it?

6 A This is the check that I wrote to the NRA for the

7 additional amount that I later found out from the treasurer's

8 office should have -- should have -- well, should have been

9 paid, but I didn't -- it is not the figure I was quoted. But to

10 the square up that 2013 Jeep that I bought off lease, that was

11 the additional amount with interest that -- that, that should

12 have been paid if I've been given the right figure.

13 MR. CORRELL: Thank you. Move it into evidence,

14 your Honor. It DX1-0515.

15 MR. CONLEY: No objection.

16 THE COURT: It is admitted.

17 (Whereupon, at this time the Exhibit DX1-0515 was

18 admitted and received into evidence.)

19 Q I'd like to next direct your attention to Tab 30 of the

20 binder you have before you.

21 Do you recognize that document?

22 A I do.

23 Q What is it?

24 A It is another check that I wrote. The same thing, to

25 square up with NRA anything I said at the start, if, if it -- if

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1 it was some benefit that came to me on a calculation or

2 accounting calculation or a mistake that I was unaware of, it --

3 that squared up a bunch of different things as I remember. It

4 was some airfare. There were some gifts. There were -- I think

5 hair and makeup might have been in that, stuff like that.

6 Q Was lodging and iPhone in this?

7 A Yes, I believe so.

8 MR. CORRELL: Your Honor, move the admission of

9 this document into evidence.

10 THE COURT: It is admitted. It is DX1-0505?

11 MR. CORRELL: Correct.

12 (Whereupon, at this time the Exhibit DX1-0505 was

13 admitted and received into evidence.)

14 Q Mr. LaPierre, if you would please direct your attention

15 to Tab 38 and the document that appears behind that tab. Do you

16 recognize this document?

17 A I do.

18 Q What is it?

19 A It is another check that I wrote to square up

20 everything with the NRA --

21 THE COURT: I think your microphone went off.

22 THE WITNESS: Yes, your Honor.

23 THE COURT: Press the power button on the bottom

24 there. Turn it on.

25 THE WITNESS: Thank you.

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1 A Yes, it is a check that I wrote to square up the -- the

2 transportation reimbursement where I -- if I made a stop or did

3 something, it wasn't entirely with the NRA, I just paid the

4 entire amount.

5 MR. CORRELL: Your Honor, move this into evidence.

6 MR. CONLEY: Your Honor, objection to everything

7 but the check. No objection to the check.

8 THE COURT: Yeah, there's some writing below it.

9 Some of it is his, some of it is not.

10 MR. CORRELL: Happy to just have the check, your

11 Honor.

12 THE COURT: Okay, can you do that?

13 MR. CORRELL: Can we publish this on the screen?

14 THE COURT: DX1-0796 admitted for the check.

15 (Whereupon, at this time the Exhibit DX1-0796 was

16 admitted and received into evidence.)

17 MR. CORRELL: Can we publish the last check, so

18 we're up to speed here. Please publish this for a moment.

19 (Displayed)

20 Q While that's happening, Mr. LaPierre, would you please

21 direct your attention to Tab 42 and the document behind it.

22 Do you recognize that document?

23 A I'm sorry, I'm still trying to get there.

24 THE COURT: Big binders. I feel your pain and your

25 paper cuts.

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1 THE WITNESS: Thanks, your Honor.

2 A Yes.

3 Q So and what is it?

4 A This is the -- the check that I wrote to -- back when

5 we discovered in going through this review, this 360 review that

6 there were some wardrobe charges going back to 2000, 2001, 2002,

7 2003 and 2004. I had no idea they charged the NRA and I ended

8 up reimbursing the organization with interest for those charges.

9 MR. CORRELL: Your Honor, I move the admission of

10 this document into evidence, DX1-0798.

11 THE COURT: It is admitted.

12 MR. CORRELL: Thank you.

13 (Whereupon, at this time the Exhibit DX1-0798 was

14 admitted and received into evidence.)

15 Q Mr. LaPierre, if you could now direct your attention to

16 Tab 44 --

17 THE COURT: Do you want --

18 Q The document that appears behind it as Ali publishes

19 the last one on the screen.

20 THE COURT: She did.

21 Q Do you recognize that document?

22 A Yes, I do.

23 Q What is it?

24 A It is the final check that I talked about that when --

25 when the Institute for Legislative Action found that some

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1 expense reports that they -- they misplaced and they discovered
 2 them in -- well, shortly before that, and I went through those
 3 to see if there was anything on there that -- under what I've
 4 been going through should have, should have been paid to the
 5 NRA, and it was for -- it was for some of those gifts that were
 6 over \$25 that went to donors and -- or, or maybe a vendor that I
 7 wanted to keep good relationships with or employees during the
 8 holiday season.
 9 Q Did you believe that these gifts were in the interest
 10 of the NRA?
 11 A Yes, I did.
 12 Q And was the purpose to help build or maintain
 13 relationships with people who were valuable to the NRA?
 14 A Yes, it was. I felt and my wife felt that they were
 15 the glue that kind of held things together. And in terms of
 16 relationships, I mean, you're not going to get a donation if you
 17 don't have a relationship with a person; and it helps solidify
 18 the relationships and it also helps I thought solidify
 19 relationship with staff that I gave gifts to. And if I did one
 20 with a vendor, I thought it helped solidify a relationship.
 21 Q Do you have a secretary or assistant?
 22 A I do.
 23 Q What's her name?
 24 A Andre Fisher.
 25 Q How long has she been with you?

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1 A Oh, gosh. She started with the NRA out of high school
 2 working for Harlin Carter who was the EVP back in the seventies.
 3 She's just retired. I think she's been with me for
 4 twenty-five years maybe.
 5 Q And did you believe it was important to the NRA to
 6 provide continuity in relationships with employees who were
 7 providing assistance to executives?
 8 MR. CONLEY: Objection, leading.
 9 THE COURT: Overruled.
 10 A Yes, I did. I thought that -- that continuity was
 11 important. I thought that, yes.
 12 Q Her father is a marine correct? Andre's father is a
 13 former marine?
 14 A He was.
 15 Q Was he a member of the NRA, as well?
 16 A I'm not sure.
 17 Q Is she a member of the NRA?
 18 A Yes.
 19 MR. CORRELL: Your Honor, I can't recall whether I
 20 moved this one into evidence.
 21 THE COURT: Which one?
 22 MR. CORRELL: This is Tab 44, DX1-0845.
 23 THE COURT: I don't know that you did, but I'll
 24 admit it.
 25 MR. CORRELL: Thank you, your Honor.

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1 Q And now --
 2 (Whereupon, at this time the Exhibit DX1-0845 was
 3 admitted and received into evidence.)
 4 MR. CORRELL: Will you publish it, please.
 5 THE COURT: DX1-0845.
 6 Q Would you direct your attention the Tab 47, please.
 7 A Yes.
 8 Q Do you recognize this document? You had said that was
 9 the last check, the previous one; but do you want to revise that
 10 answer.
 11 A Yes. Obviously, this is the last one that covered --
 12 covered those last invoices that ILA found.
 13 Q And this was to cover a recalculation -- recalculated
 14 interest rate --
 15 A I'm sorry, you're right. It was -- what this was was
 16 when our treasurer, Sonya Rowling, testified to that on that
 17 wardrobe going back to 2000, 2001, 2002, she initially did the
 18 wrong interest calculation. She did, I guess, a short-term
 19 interest calculation and she came back and said that she
 20 had made an error; that it should have been the long-term
 21 interest calculation, which raised the amount of interest by
 22 this amount.
 23 Q Now, you had engaged the firm, an accountant named Drew
 24 Cheney, an accountant and lawyer Drew Cheney to assist you in
 25 making sure you were all squared up with the IRS; correct?

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1 MR. CONLEY: Objection, leading.
 2 THE COURT: Overruled.
 3 A Yes.
 4 Q And they had performed a calculation and you had
 5 provided that to Sonya Rowling; correct?
 6 A Yes.
 7 Q And it was Sonya Rowling who noted that -- who
 8 requested that a long-term rate be used rather than a short-term
 9 rate; correct?
 10 MR. CONLEY: Objection, hearsay.
 11 Q Does that refresh your recollection as to whose error
 12 that was?
 13 A That is correct. Sonya said and told me and she
 14 told -- she explained to the Audit Committee that initially she
 15 had made the calculation based on a short-term interest rate and
 16 it should have been based on a long-term interest rate, and this
 17 was the additional amount that it should have been.
 18 Q And she was using the calculation that had been
 19 provided by the accountant mistakenly; correct?
 20 A Yes.
 21 Q And when she identified the error, did you resist the
 22 recalculation in any way?
 23 A No, I didn't.
 24 Q I want to change topics.
 25 MR. CORRELL: Did we move that into evidence? I

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1 don't think we did. Please, may we have that admitted into
 2 evidence?
 3 THE COURT: It is admitted. DX1-0504.
 4 MR. CORRELL: Would this be a good time to take a
 5 morning break? I can go longer if you'd like. I'm going
 6 to be changing topics and it's going to go for a little
 7 bit.
 8 THE COURT: If it's a good time for the morning
 9 break. All right, we'll take a short break.
 10 COURT OFFICER: All rise, jury exiting.
 11 (Whereupon, at this time the jury then left the
 12 courtroom.)
 13 (Whereupon, at this time the witness stepped down.)
 14 THE COURT: You can have a seat.
 15 Were we in the midst of a discussion we were
 16 supposed to continue at the break? I don't recall.
 17 MR. FARBER: I'm sorry, your Honor, I didn't hear
 18 the question.
 19 THE COURT: I remember cutting off a conversation
 20 before the jury came in and said we would continue it at the
 21 break.
 22 MS. ROGERS: So, your Honor, there were board books
 23 that we wanted to offer into evidence, and I think we've
 24 narrowed these to a shorter period of 2017 to present; and
 25 almost all of these board books correspond to relevant

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1 of relevance to showing if it does the kinds of documents
 2 board members receive, and so then the only question about
 3 admissibility is whether somehow it is outweighed by some
 4 other concern.
 5 (Continued on next page)
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1 events because of the density of relevant transactions and
 2 events during these years.
 3 So, we will have -- we can introduce them through
 4 Mr. Frazer. He can identify them. He's the secretary, or
 5 we can just stipulate to put them in if they're willing to
 6 stipulate or the Court is willing to let us put them in.
 7 MS. STERN: Your Honor, I just -- I'm not sure that
 8 you've seen these board books.
 9 THE COURT: I'm sure that I haven't.
 10 MS. STERN: There are hundreds and hundreds of
 11 pages, and they have reports from every committee,
 12 thirty-some-odd committees. I mean, there's a ton of
 13 stuff --
 14 THE COURT: I think the board books -- I thought
 15 about it. There's been testimony about whether the board
 16 members are receiving information and the process has been
 17 part of. And so I, I think there is -- if it's during the
 18 relevant period at least, there's some relevance to the
 19 process; and having said that, I don't know what I'm biting
 20 off by just accepting them. But, you all are the ones who
 21 are supposed to take a look at it and let me know if there's
 22 something in there that is either prejudicial or to either a
 23 defendant or to the plaintiff or whoever. I have no way of
 24 knowing that.
 25 So, I think I would agree that there's a base level

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1 MS. STERN: Could we at least have the opportunity
 2 to look at the sort of reduced list that Ms. Rogers referred
 3 to, and I'll ask one of my colleagues --
 4 THE COURT: Yeah. Absolutely. I think it needs to
 5 be done by the end of the day because they have to put it in
 6 at the end of their case.
 7 MS. STERN: We certainly can do that.
 8 MS. ROGERS: That's all on the DX list, and the
 9 plaintiff has copies, and we sent them a chart with the
 10 dates.
 11 THE COURT: Your codefendants also might want to
 12 take a look at them.
 13 MR. FARBER: That's correct, your Honor, and there
 14 are thousands of exhibits that have been noticed in this
 15 case. We got this list -- I forget whether it was late last
 16 night or this morning that has a lot of stuff on it.
 17 So telling me that we have had them already doesn't
 18 mean that I can sit here and intelligently -- first of all,
 19 I haven't reviewed them because they are not part of
 20 anything that was narrowed to the extent we can call it was
 21 done last night narrowing until then.
 22 THE COURT: Let me put it this way. The formal way
 23 this gets done is you have a witness. They go through it,
 24 you know, and I admit it in the normal course. I can't
 25 admit it by stipulation unless people have had a chance to

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1 look at it. So we will have to do it one way or the other.
 2 You know, I -- I'm not going to admit it sight unseen unless
 3 the parties have had a chance to look at it and sense any
 4 objections.
 5 MR. FARBER: And I'm open to a stipulation if I am
 6 given something narrower that I can actually look and access
 7 in this short time.
 8 THE COURT: I get it. I don't know whether it was
 9 hundreds or thousands of pages. It's a lot to swallow on
 10 the last day of evidence. So I'll see how you all can do.
 11 I don't know what else I can say. I mean, it's coming in
 12 the last day without a lot of notice. But typically, this
 13 kind of thing is done when, oh, you know, we talked about
 14 this, and I forgot to put it in.
 15 So I think, Ms. Rogers, you're going to have to
 16 count on the good will of your fellow litigants here.
 17 MS. ROGERS: I place great faith in the good will
 18 of my fellow counsel.
 19 THE COURT: I do know during the lunch break you
 20 guys are going to be busy doing other things that are
 21 important to me including the jury verdict sheet which is
 22 mission critical.
 23 All right. I'll see you in a minute.
 24 (Whereupon at this time there was a recess taken.)
 25 MS. STERN: Your Honor, may I raise something

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1 please?
 2 So we've just gotten notice from the NRA that they
 3 have again changed their list of witnesses for today from
 4 what we last heard and what the Attorney General's team
 5 prepared for today, and we are having just a constant
 6 switching of witnesses.
 7 THE COURT: Well, it's all in one day. Do you mean
 8 just different parts of the day or are they putting
 9 witnesses on that wasn't on the list before?
 10 MS. STERN: They are putting back on witnesses that
 11 they had taken off.
 12 MS. EISENBERG: That's incorrect, your Honor. We
 13 are talking about Mr. Commerford. He was going to go last
 14 night, and we just didn't get to him.
 15 THE COURT: Okay
 16 So they are all people who have been on the list.
 17 They are just -- everybody I am sure is streamlining to try
 18 to get through this.
 19 Now we are all being -- a little positive thinking
 20 is good, I guess, but you know, we are still in the middle
 21 of the direct of Mr. LaPierre. We haven't finished Mr.
 22 Frazer who has to not only finish direct but get -- go
 23 through cross, and you are now lining up people behind them
 24 who have to go through direct and cross. You're just going
 25 to have to keep in mind that however long this goes on,

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1 that's less time available for all of that.
 2 MS. EISENBERG: Understood, your Honor.
 3 For what it's worth, Mr. Commerford will be less
 4 than 20 minutes.
 5 THE COURT: It just has to also have time for
 6 cross. I mean, I don't know how much it's going to be, but
 7 you're going to have to regroup all of you at lunchtime and
 8 figure out how this is all going to play out because the
 9 afternoon, as you know, is two hours and change, and it's
 10 11:15, and we are not done with direct. So you can tell
 11 time as well as I can.
 12 All right. Let's let the jury come back. The
 13 witness, Mr. LaPierre.
 14 (Witness resumed the witness stand.)
 15 THE COURT OFFICER: All rise. Jury entering.
 16 (Whereupon, at this time the jury entered the
 17 courtroom.)
 18 THE COURT: Welcome back. Have a seat, everyone.
 19 MR. CORRELL: May I proceed, your Honor?
 20 THE COURT: Yes, sir.
 21 CONTINUED DIRECT EXAMINATION
 22 BY MR. CORRELL:
 23 Q Mr. LaPierre, before the break I had asked you a
 24 question about who calculated the -- recalculated the interest
 25 using a long-term rate versus a short-term rate, and I was a

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1 little unclear in your answer.
 2 Has your recollection of who did the calculation -- was
 3 it Nick Porto or was it Sonya Rowling?
 4 A It was the treasurer of the NRA Sonya Rowling.
 5 Q And do you know whether she had done that after Nick
 6 Porter had calculated it according to that -- that long-term
 7 formula or whether she did it independently of his?
 8 A In all honestly, I'm not sure.
 9 Q Okay. But as far as you know, the calculation was done
 10 appropriately and to the satisfaction of Sonya Rowling. Is that
 11 a fair statement?
 12 A Yes, that's what she said.
 13 Q Thank you. Just quickly, before we move on to the new
 14 topic, did anyone ever tell you that there was anything wrong
 15 with any of your expense reports?
 16 A No.
 17 Q And how long have you been working for the NRA?
 18 A I worked there 45 years.
 19 Q And when was the first time anyone suggested that there
 20 might be something wrong with your expense reports?
 21 A When we started to go through the 360 analysis, they
 22 started talking about the gifts that were on there that were --
 23 should have been paid for by me.
 24 Q And I know we don't have a lot of time, but I wanted to
 25 ask you briefly because there's been some discussion before

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1 about a conversation you had with Tom King. That was one of the
 2 things that kicked off the 360-degree review.
 3 Can you give us your recollection of that conversation
 4 with Tom King about his conversation with Attorney General
 5 Schneiderman?
 6 A Yes. I mean, Tom called me at the office and told me
 7 that he had been called by the Attorney General of New York
 8 General Schneiderman who told him that there was a lot of
 9 pressure being put on the Attorney General's Office and the
 10 Government in New York State to target the NRA, and that he
 11 suggested that -- I remember him saying that particularly
 12 New York Non-Profit Law has been changed. It's very detailed,
 13 and you'd be wise to take a good look at it to make sure you're
 14 in compliance because if -- you want to be in compliance if
 15 you're looking at --
 16 THE COURT: Just a caution for the jury. This has
 17 multiple levels of hearsay in it. The only part that I'm
 18 admitting it for its communication to Mr. LaPierre so that
 19 he heard this from someone and then whatever he -- however
 20 it affected him, but whether Mr. King in fact heard it from
 21 somebody else and whether that other person in fact said
 22 what Mr. King heard him say, you don't have any of those
 23 people here right now anyway. So this is just for the fact
 24 that Mr. LaPierre heard it or is testifying that he heard
 25 it.

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1 Q Mr. LaPierre, how did that affect you?
 2 A Well, I listened to Tom, and I particularly heard the
 3 word "compliance," and as I said, I mean, I concentrate on all
 4 the outward facing stuff for the organization, what I do, and I
 5 have gone through a whole list before and I thought that, well,
 6 it makes a good sense to go through the organization and take a
 7 complete look at whether NRA's in compliance with the policies
 8 and procedures of the Board and also whether it's in compliance
 9 with New York Non-Profit Law. I didn't know whether there was
 10 investigation coming or not, but it just made good sense to me.
 11 So I called our attorney Steve Hart who was the attorney of the
 12 Board.
 13 MS. ROGERS: Objection. Just going to caution the
 14 witness not to testify about privileged conversation with
 15 lawyers.
 16 Q You can testify about calling him and what you did
 17 after you called him, but you can't testify as to what you said
 18 to him or what he said to you.
 19 A What I did is we hired Morgan Lewis which was one of
 20 the top non-profit law firms in the country to start looking at
 21 NRA in terms of its procedures and its governance and state and
 22 local and national law.
 23 Q And I will leave this subject for my colleague Sarah
 24 Rogers to explore on her direct.
 25 I would like to move on to another subject which is the

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1 question of the so-called LaPierre post-employment agreement
 2 that you signed in 2013.
 3 So I'd like to first just ask you what, if anything,
 4 you can recall about an agreement that you signed in 2013.
 5 A President Jim Porter came to me and along with the
 6 counsel Steve Hart to the Board, and -- but it was President
 7 Porter that talked to me in particular and said we would like to
 8 present you with -- with this employment agreement, and if you
 9 agree, we'd like you to sign it and --
 10 Q And was Jim Porter a lawyer at the time?
 11 A Yes, he was.
 12 Q And was he chairman of the Board at the time?
 13 A He was president of the organization.
 14 Q Doesn't that make you also the chairman of the Board?
 15 A Yes, I guess.
 16 Q Is that the terminology?
 17 A Yes.
 18 Q Do you use different terminology?
 19 A I think they use "President."
 20 Q Was he also a member of the officers' compensation
 21 committee?
 22 A Yes, he was.
 23 Q And was he the chairman of the officers' chairman
 24 compensation committee?
 25 A Yes, he was.

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1 Q And what, if anything, did he say to you about the --
 2 this proposed agreement?
 3 MR. CONLEY: Objection. Hearsay.
 4 THE COURT: Overruled.
 5 A He said we'd like to present you with this. We -- we
 6 think it's in the interest of the organization, and we'd like
 7 you to sign it, and it -- I signed it.
 8 Q Let me direct your attention to Tab 5 and the document
 9 that appears behind that. Tab 5 is Volume 1 of 2 of the new
 10 binders. Tab 5, and it's Defendant's Exhibit WLX 15.
 11 Would you take a moment to look at that and tell me if
 12 you recognize it.
 13 A Yes, I do. That's the employment agreement that you're
 14 talking about.
 15 THE COURT: This has been introduced under another
 16 number; right?
 17 MR. CONLEY: Yes, your Honor. This has been
 18 admitted as Plaintiff's Exhibit 2500.
 19 MR. CORRELL: Yes.
 20 THE COURT: So at least we have a cross-reference
 21 for it.
 22 Q Please take a moment. It's a 1, 2, 3, 4-page letter;
 23 correct?
 24 THE COURT: Is there a way to use the PX, whatever
 25 it is, 2500. I rather not have another one introduced as

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1 the same because --

2 MR. CORRELL: Okay. Absolutely. I will refer to

3 this as PX 2500.

4 THE COURT: Thank you.

5 Q It's now published before the jury.

6 Would you direct your attention to, first of all, the

7 letterhead.

8 This is -- do you recognize that letterhead?

9 A Yes, I do. It's NRA letterhead.

10 Q That's the official letterhead of the National Rifle

11 Association of America at the time; correct?

12 A Yes.

13 Q And that's James Porter's name in the upper-right-hand

14 corner?

15 A Yes, it is.

16 Q And you see the date?

17 A I do. It's December 1, 2013.

18 Q And does that refresh your recollection as to when this

19 was presented to you?

20 A Yes.

21 Q And it is addressed to you at the National Rifle

22 Association, 11250 Waples Mill Road.

23 Is that the address of the headquarters?

24 A Yes.

25 Q Could you please read the first sentence of this letter

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1 starting with, "Dear Wayne."

2 A The National Rifle Association NRA or association has

3 determined that it is in the best interest of the association to

4 enter into a long-term contractual relationship with you.

5 Q Did you take that statement at face value?

6 A Yes, I did.

7 Q And after reading that statement, did you rely on that

8 statement in deciding whether or not to sign this agreement?

9 A Yes. Yes, I did.

10 Q And did you view Mr. Porter as reliable?

11 A Yes, he was president of the organization.

12 Q And did you review -- did you view him as competent?

13 A Yes.

14 Q And did you understand that he was member of the

15 officers' compensation committee, and in fact, the chairman of

16 the committee?

17 A Yes.

18 Q And did you have any knowledge that would cause you to

19 -- cause your reliance on that statement to be unwarranted?

20 A No.

21 Q And did you read the statement -- read this letter,

22 when it was -- I'm sorry -- presented to you?

23 A Yes, I did.

24 Q Could you read the next sentence, please.

25 A "It is with great delight that I am writing to extend

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1 to you an offer of employment with the National Rifle

2 Association once your term as an officer has ended."

3 Q And did you rely on that statement as well?

4 A Yes.

5 Q Okay. And did your term of office end -- well, let me

6 ask you this.

7 Has your term as an officer ended?

8 A My term as an officer ended at the January Board

9 meeting in 2024. I retired for health reasons.

10 Q And these were the health reasons you described to the

11 jury earlier at the beginning of your testimony?

12 A That's correct.

13 Q The -- does it say, and I will read this for you just

14 to make it faster.

15 "It can be said that you are exactly the kind of

16 intelligent and enthusiastic individual who will contribute

17 significantly to the NRA over the next five years. The NRA

18 recognizes your essential role in the leadership and continuing

19 growth of this organization and takes this action to assure that

20 your talents will remain available to the NRA and focused on our

21 mission."

22 Do you see that?

23 A I do.

24 Q Did you read that at the time?

25 A Yes.

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1 Q And did you believe that this was the reason you were

2 being offered this employment contract?

3 A Yes.

4 Q And this came on the heels of -- closely on the heels

5 of you being recognized as one of the top 50 -- I forget the

6 language -- Most Influential People in the World in Time

7 Magazine; correct?

8 A Yes; although the -- the reason I believed that they

9 were doing it was the fact that I had spent so much -- the years

10 -- the years out there with our membership. I spent so many

11 years doing television in terms of with our -- in front of the

12 country, and I believe they particularly were interested in the

13 value I brought to the organization in terms of all of that

14 identification with the membership and with supporters of.

15 Q And did you have any understanding as to whether this

16 would benefit the NRA by allowing the NRA to use your image and

17 signature and name in going forward in the event that you were

18 to leave the NRA to raise -- for purposes of raising money?

19 A Yes. That's why I believed actually that they were

20 offering me this contract.

21 Q And what, if any, understanding did you have at this

22 point as to how valuable your signature was on letters to

23 members for fundraising purposes?

24 A Well, I knew -- I knew that it -- it's all integrated

25 in a way -- it's all integrated marketing together, and I knew

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1 that the fact that I -- ever since Heston by now for 13 years,
 2 he's been the voice of the organization in front of the country
 3 and was out there doing speeches, doing speeches all over the
 4 country, doing friends' dinners all over the country, thanking
 5 our membership, staying in close contact with them and doing all
 6 kinds of debates and that were put in front of our membership.
 7 I knew that all of that made a difference in terms of
 8 how people respond when they get a letter and it has your
 9 signature on it. It's why the -- so -- and I knew the success
 10 we were having in raising money based on -- based on those
 11 -- those signatures.
 12 Q And what kind of success was that?
 13 A We -- we had tremendous success. Over between just
 14 2011 and 2023, we raised \$1.7 billion off of -- off of direct
 15 mail and digital.
 16 MR. CONLEY: Objection. Lack of foundation.
 17 MR. CORRELL: Your Honor, he was the EVP of the
 18 organization raising the funds. It was within his duty to
 19 understand.
 20 THE COURT: Overruled.
 21 MR. CORRELL: Thank you, your Honor.
 22 Q And did most of those letters go out under your
 23 signature?
 24 A They did. Some of the ILA letters -- in fact, most of
 25 the ILA letters went out under the signature, the ILA director.

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1 The signature of the PDF went out -- under my signature -- the
 2 PDF; although, I occasionally did some of them also.
 3 Q Did a letter ever go out under the signature of Oliver
 4 North?
 5 A Yes.
 6 Q How did those letters do compared to the other letters
 7 that were sent out?
 8 A It did not work.
 9 Q What do you mean by it didn't work?
 10 A It didn't -- it didn't provide a return on the
 11 investment which surprised me to tell you the truth. I thought
 12 it would have worked.
 13 Q And did you spend more money on the letter than you got
 14 back in terms of return?
 15 A I don't think we broke even on it.
 16 Q Okay. If you could just take a moment and look at the
 17 first term. It says "compensation."
 18 Do you see that?
 19 A Yes.
 20 Q At the time did you believe that that was fair,
 21 reasonable compensation for -- or would be -- if you left for
 22 the use of your image and likeness and signature in connection
 23 with fundraising?
 24 A Yes, I did.
 25 Q And take a look at -- if you would flip through to the

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1 -- so to the job description. It's at the top of the second
 2 page.
 3 Do you see that?
 4 A Yes.
 5 Q And I'll read it. It says, Job description. You will
 6 be an employee. Your employees will include fundraising for and
 7 promoting the NRA generally. You may promote or solicit funds
 8 for other Second Amendment organizations with excess -- with
 9 express approval of the executive vice-president or officers of
 10 the Board. Solely during the term of this agreement and upon
 11 your approval, the NRA may use your image and name for
 12 fundraising purposes; and it goes on to say, however, nothing in
 13 this employment agreement shall be construed to bar you from
 14 protecting your right to the exclusive use of your name or image
 15 against infringement by any party or parties.
 16 So did you understand from this agreement that you
 17 would also be required to continue to do things other than just
 18 allowing the NRA to use your image?
 19 A Yes, I did. I mean, basically I would be still working
 20 as a full-time employee raising money for the organization. Not
 21 only with fundraising letters and things like that but going on
 22 the road and meeting with donors and building relationships and
 23 trying to bring them into the NRA as members and as donors.
 24 Q Is this something you asked for, this agreement?
 25 A No.

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1 Q Whose idea was it?
 2 A I assume it was President Porters's. I didn't ask for
 3 it. They presented it to me.
 4 Q Was anyone else involved in presenting this to you?
 5 A As I remember, it was -- it was simply Jim Porter and
 6 the general counsel of the Board Steve Hart.
 7 Q And I see that there is a signature on there for Wilson
 8 Phillips.
 9 Do you see that?
 10 A Yes, I do.
 11 Q And does that refresh your recollection as to whether
 12 or not Mr. Phillips was involved?
 13 A I don't remember Mr. Phillips being involved when they
 14 presented it to me; although, he -- he -- he at some point
 15 signed it. He might have -- I just don't remember.
 16 Q Does that appear to be his signature?
 17 A Yes, it looks like it.
 18 Q Did there come a time when that agreement was amended?
 19 A Yes.
 20 Q And when was that?
 21 A I believe when Allan Cors was president of the
 22 organization.
 23 Q I'd like to direct your attention to Tab 6 in your
 24 binder which is admitted as PX 337.
 25 Do you recognize this document?

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1 A I do. It is another extension of this agreement that I
 2 hadn't remembered this that was proposed by Mr. Porter.
 3 President Porter.
 4 Q And was it your understanding that it was still -- that
 5 the determination that it was in the best interest -- let me
 6 read the exact language -- that the determination that it was in
 7 the best interest of the association for the association to
 8 enter into a long-term contractual relationship with you was
 9 still a valid determination?
 10 A Yes.
 11 Q And did you sign this?
 12 A I did.
 13 Q And did Mr. Phillips sign this?
 14 A Yes, he did.
 15 Q And was Mr. Porter still both the president and the
 16 chairman of the compensation committee at the time?
 17 A Yes, he was.
 18 Q At the time did you believe that any further approvals
 19 were necessary in order to -- for this agreement to be properly
 20 documented?
 21 A I didn't.
 22 Q And the original back in 2013, did you believe that any
 23 approval beyond that was necessary for it to be properly
 24 documented?
 25 A I didn't. It was presented to me by the president of

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1 the organization and the chief counsel of the Board, so I
 2 didn't.
 3 Q Did you believe it was fair and reasonable and in the
 4 best interests of the NRA to enter into this agreement with you?
 5 A Yes, I did. I had so many years, as I said, of being
 6 out there on the road, speaking with the membership, building
 7 relationships with the membership, being the TV spokesperson,
 8 literally being everywhere with our membership to the point they
 9 all called me Wayne. No one called me Mr. LaPierre. I mean, it
 10 was Wayne, Wayne, Wayne, and I kind of had this -- I never
 11 intended to have it, but I ended up kind of in this unusual
 12 role.
 13 Q Did you ever view it as a quote "poison pill?"
 14 A No.
 15 Q Do you know what the term "poison pill" means?
 16 A I did not until the Attorney General's Office started
 17 to refer to it in terms of their complaint.
 18 Q Do you know now what a poison pill is?
 19 A I assume it's some type of agreement that the person,
 20 in this case being me, could hold over the head of the
 21 association. That's the way I interpret it now.
 22 Q Did you -- was that your intent in entering into this
 23 agreement?
 24 A No, not at all.
 25 Q Did you ever hold it over the head of anyone in the

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1 organization?
 2 A I never did. I never even asked for it.
 3 Q Did the words "poison pill" ever emerge from the mouth
 4 of Mr. Porter at any point?
 5 A No.
 6 Q Did they ever emerge from your mouth?
 7 A No, I never even heard the term before.
 8 Q Did they ever emerge from Woody Phillips's mouth?
 9 A No.
 10 Q So this is something that emerged from the mouth of
 11 some lawyer working for the Attorney General of the State of New
 12 York; correct?
 13 MR. CONLEY: Objection.
 14 THE COURT: Sustained. Only because I don't
 15 remember where it came from or when.
 16 It wasn't during this trial; was it?
 17 MR. CORRELL: It's in the complaint, your Honor, I
 18 believe.
 19 Q So it emerged from the pen of the person who or from
 20 the keyboard of whoever drafted the complaint. Would that be a
 21 fair supposition?
 22 A That -- that's correct.
 23 Q Stating more simply, you hadn't seen the word anywhere
 24 until it appeared in the complaint; correct?
 25 A I had not.

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1 Q And hadn't heard the term?
 2 A I had not.
 3 Q Could you direct your attention to Tab 8. Do you
 4 recognize that document?
 5 A I do.
 6 Q What is it?
 7 A This is another extension that the president of the NRA
 8 and the chief counsel to the Board came to me with -- to extend
 9 that agreement for many more years.
 10 Q And this extended the terms of the original agreement;
 11 correct? It extended the original agreement; correct?
 12 A Yes.
 13 Q And so did you have any understanding as to whether the
 14 NRA still believed that it was in the best interest of the
 15 association to enter into this with you?
 16 A Yes. That's why I believed they presented it to me.
 17 Q And at the time you signed this, did you believe it was
 18 in the best interest of the association for you to sign it?
 19 A Yes, I did, given -- given the close bond I had with
 20 the membership and how that translated into memberships and
 21 donors and all that.
 22 Q Please take a look at the document behind Tab 9.
 23 Do you recognize that document? It's admitted as PX
 24 572.
 25 A I do.

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1 Q Is that your signature on the last page of the
2 document?
3 A Yes, it is.
4 Q Now if you look up above it where it says, In witness
5 whereof, it says, the party here to have dually executed this
6 agreement as of January blank, 2020.
7 Do you recognize that?
8 A I do.
9 Q This was actually executed in January 2021; correct?
10 A Yes, it was.
11 (Continued on the following page.)
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1 correct?
2 A No.
3 Q And they said --
4 A No.
5 Q They said if they chose to do that, they would pay you
6 \$500,000 a year; correct?
7 A If they chose to do it.
8 Q Right, so at that point the board valued the use of
9 your image and likeness in name for fundraising purposes at
10 \$500,000 a year; correct?
11 MR. CONLEY: Objection, leading.
12 MR. CORRELL: It's reflected in the contract, your
13 Honor.
14 THE COURT: You can answer.
15 A If they chose to do it.
16 Q And that didn't require you to perform any of the other
17 services that you would have had to perform as an employee;
18 correct?
19 A No. They would -- it would -- it would be used in
20 terms of fundraising for the association.
21 Q And did you ever receive a penny under this agreement,
22 under the prior agreement?
23 A I never received a penny under any of the agreements.
24 Q And did -- was any -- were any assets of the NRA
25 transferred to anyone else other than you in connection with

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1 Q So, that's a typographical error?
2 A That's correct.
3 Q And was it your intention by signing this agreement to
4 supersede the agreement that was signed in 2013?
5 A Yes, it was. I had told Mr. Cotton that in thinking
6 about it, I felt that this agreement that was signed on
7 April 30, 2018, really in looking at it and thinking about it
8 was a burden on the association; and I told Mr. Cotton in 2019
9 that I thought they ought to -- they ought to tear it up and
10 that's the way I felt about it. It had become a burden on the
11 association.
12 Q Is this something that was prepared at your request to
13 effectuate that desire to essentially cancel and rescind this
14 contract?
15 A I did. In fact, when I did my deposition with the
16 attorney general's office in June of 2020, I thought this had
17 already been torn up. I was surprised it was still in effect.
18 But, then, I worked with my counsel in terms of coming
19 up with this new agreement that was ratified by the board and
20 superseded any other agreements in January 2021.
21 Q And in this agreement, you did agree to give the NRA a
22 one-way option to use your image and likeness going forward if
23 they chose to; correct?
24 A If they chose to.
25 Q But there was in obligation on the NRA to do that,

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1 that agreement?
2 A No.
3 Q Was there any loss to the NRA due to that agreement?
4 A No.
5 Q Was there any waste of corporate assets due to that
6 agreement?
7 A No.
8 Q So, that agreement was -- had zero impact on the NRA;
9 is that correct?
10 A It had zero impact because none of them went into
11 effect.
12 MR. CORRELL: Thank you, your Honor. Pass the
13 witness to the NRA.
14 MR. CONLEY: Just for clarification, is this
15 direct?
16 MS. ROGERS: This is direct.
17 DIRECT-EXAMINATION
18 BY MS. ROGERS:
19 Q Good morning, Mr. LaPierre.
20 A Good morning.
21 Q I'm sorry I had to interrupt your testimony earlier
22 with the privilege issue. I'm going to ask you to walk a fine
23 line that we lawyers have to pay attention to, which is you can
24 testify about what you did; and if what the NRA did was hire a
25 lawyer, you can say that. Just don't testify about legal advice

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W. LaPierre - by Defendant - Direct/Ms. Rogers Page 4348

1 you asked the lawyer for or what they told you is legal or what
2 they told you wasn't. Okay?
3 A Okay.
4 Q All right, so you testified earlier that in 2017 or
5 2018 you heard from Tom King that the former attorney general,
6 Eric Schneiderman, was feeling political pressure to target you;
7 right?
8 MR. CONLEY: Objection, leading.
9 Q Do you recall that testimony?
10 A And target the NRA.
11 Q Right, and you said one thing that the NRA did in
12 response was hire a well-known law firm, Morgan Lewis;
13 right?
14 MR. CONLEY: Objection to counsel testifying.
15 THE COURT: We're trying to get a lot of things
16 done today, so I'm going to be a little more flexible about
17 this method of questioning.
18 So, go ahead.
19 Q You can answer.
20 A We hired Morgan Lewis.
21 Q To your knowledge, did the NRA also hire tax lawyers?
22 A Yes, I believe they did.
23 Q To your knowledge, did the NRA also hire forensic
24 accountants to comb through all of those out-of-pocket expenses?
25 A Yes, we did.

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1 Q To your knowledge, did the NRA also pay its auditors to
2 do special procedures targeting their allegations?
3 A Yes, NRA did.
4 Q To your knowledge, did the NRA also hire other
5 fundraising firms to make sure that what the McKenzie entities
6 were doing was cost effective?
7 A Yes, they did.
8 Q To your knowledge, did the NRA also hire compensation
9 consultants to make sure that what it was paying its executives
10 was fair?
11 MR. CONLEY: Objection to the leading and, also,
12 the timeframe is unclear.
13 Q During the time period relevant to this case from the
14 time you heard Eric Schneiderman was targeting you to the time
15 you were dragged into court; did to your knowledge, did the NRA
16 also hire compensation consultants to make sure that it was
17 paying its executives fairly?
18 MR. CONLEY: Objection.
19 THE COURT: Overruled.
20 Q You can answer.
21 A Yes, I did.
22 Q And to your knowledge did the NRA also hire security
23 experts to make sure that the security measures being taken for
24 you were appropriate?
25 A Yes, it did.

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1 Q All right. Let's talk a little bit more about David
2 McKenzie and specifically a company called ATI, Associated
3 Television International.
4 We heard testimony yesterday, do you recall, that for
5 every -- for contract management purposes at the NRA, every
6 contract has an owner.
7 Do you recall that?
8 A Yes.
9 Q Do you agree with that testimony?
10 A Yes.
11 Q Would it be fair to say for those purposes you were the
12 owner of the ATI relationship?
13 A Yes.
14 Q Did ATI tell you that it kept billing the NRA for the
15 Crime Strike show years after Crime Strike stopped being filmed?
16 A No, they didn't.
17 Q Now, I know you're not a lawyer, but do you have an
18 understanding of what fraud is?
19 A I have a general understanding of that.
20 Q Do you generally understand that this was a fraud on
21 the NRA?
22 MR. CONLEY: Objection, your Honor.
23 THE COURT: Overruled.
24 A Yeah, I found out during the 360 that they were
25 distributing it, but they weren't making new episodes; and I was

W. LaPierre - by Defendant - Direct/Ms. Rogers Page 4351

1 shocked when I saw bills still coming in and I worked with our
2 treasurer, Craig. He terminated the relationship. I encouraged
3 him to do that and wound it down and terminated it.
4 Q The NRA was the victim of that fraud; right?
5 A NRA paid -- paid invoices that I can't explain that
6 looked like they took advantage of the NRA.
7 Q And when that fraudulent scheme came out during your
8 360 review, it was terminated; right?
9 MR. CONLEY: Objection.
10 THE COURT: Yeah, I'll let the leading work, but --
11 MS. ROGERS: I'll stop if that helps.
12 THE COURT: Let's try to reel it back a little bit.
13 Q Mr. LaPierre, when that scheme came out, what
14 happened?
15 A I -- I was working with our treasurer, Craig Spray.
16 I -- Craig Spray wound down the relationship and terminated it.
17 Q So, would it be fair to say that when that billing came
18 to light, it was ended?
19 A Yes.
20 Q All right, Ackerman out-of-pocket expenses, that's what
21 you hired the forensic accountant to look at; right?
22 A Yes, our treasurer, our secretary and our General
23 Counsel hired FRA.
24 Q Right. Now, do you have an understanding as to whether
25 Ackerman under its contract was supposed to bill the NRA for

W. LaPierre - by Defendant - Direct/Ms. Rogers Page 4352

1 anything that you had not approved in writing?
 2 A Not under the contract.
 3 Q And you were an owner of that contract; right?
 4 A Yes.
 5 Q But Ackerman didn't tell that you it was billing the
 6 NRA for the expenses you described; right?
 7 A They did not.
 8 Q Would it be fair to say that the NRA was the victim of
 9 that fraud?
 10 A Yes.
 11 Q Would it be fair to say when that fraud was revealed in
 12 2018, the relationship ended?
 13 MR. CONLEY: Objection.
 14 A Yes.
 15 THE COURT: You have a continuing objection. If
 16 there's something different that happens, I'll be there.
 17 MR. CONLEY: Thank you, your Honor.
 18 A It ended in 2019.
 19 Q After the audit started in 2018?
 20 A Yes.
 21 Q We talked about the travel agent, Gayle Stanford. Did
 22 you authorize her to charge the NRA an extra ten percent on each
 23 of your flights?
 24 A No.
 25 Q Would it be fair to say that that was a fraud on the

W. LaPierre - by Defendant - Direct/Ms. Rogers Page 4353

1 NRA?
 2 A Yes.
 3 Q And what happened when the NRA's board learned about
 4 that fraud?
 5 A NRA, initially, it put that out to bid, and
 6 Ms. Stanford was terminated.
 7 Q You also talked this morning about a time when you
 8 thought you had cancer and you went to the Mayo Clinic; right?
 9 A Yes.
 10 Q And Tony Makris of Ackerman who was then one of your
 11 best friends went with you; right?
 12 A Yes.
 13 Q While you were laying on the gurney in the cancer
 14 clinic, Tony Makris asked you to sign extensions to two Under
 15 Wild Skies contracts; right?
 16 MR. CONLEY: Objection, your Honor. Counsel is
 17 testifying.
 18 Q Well, all right, Mr. LaPierre tell -- tell the jury
 19 about the circumstances you were in when Tony Makris asked you
 20 to sign those two contracts?
 21 A They -- they thought I had lung cancer. I -- it was
 22 the morning I was going to have the needle biopsy, and it was
 23 actually on the stairs that Tony presented me with the contract.
 24 Q Now, when you signed the contract that he gave you at
 25 the cancer clinic, there was not a business case analysis;

W. LaPierre - by Defendant - Direct/Ms. Rogers Page 4354

1 right?
 2 A There was not.
 3 Q And it would be fair to say that while you were busy
 4 getting a needle stuck in you because you had cancer, you didn't
 5 tell the board what was going on; right?
 6 A I did not. I thought it would end up going through the
 7 process.
 8 Q You testified at a deposition that that was a fraud
 9 against the NRA; right?
 10 A I'm sorry?
 11 Q I'll ask it this way. Would you agree with me that
 12 Tony Makris committed fraud against the NRA?
 13 A Yes, Tony -- not -- in relation to the show, I thought
 14 it was a good show. I thought Ackerman McQueen thought it was a
 15 good show. We thought it would provide viewers to the NRA TV
 16 network.
 17 It turns out what he ended up doing was we had an
 18 agreement with Tony could do sponsorship events to promote the
 19 show, to promote NRA's hunting brand. He did those at numerous
 20 shows for week long with people that attended the shows.
 21 He could also take donors and take celebrities on
 22 hunts, and it -- and he had -- he had supplementals to do that.
 23 When we started to do the 360, we asked for backup on
 24 all of the supplementals, backup because they were supposed to
 25 be for actual costs; and what he had ended up doing was suing

W. LaPierre - by Defendant - Direct/Ms. Rogers Page 4355

1 immediately for and anticipatory breach of contract and the
 2 relationship ended.
 3 Q You would agree with me that the NRA was the victim of
 4 Tony Makris's conduct; right?
 5 A Yes, I would.
 6 Q And you would agree with me that when that came to
 7 light as part of the 360, the relationship ended; right?
 8 A It ended.
 9 Q The last conversation you and I had in front of this
 10 jury, I asked you about some things that were mistakes that
 11 shouldn't have happened.
 12 Do you recall that?
 13 A Yes.
 14 Q I asked you about some flights and some gifts; right?
 15 A Yes.
 16 Q And you testified that those transactions shouldn't
 17 have happened, and you were acting outside of your authority
 18 when you did it; right?
 19 MR. CONLEY: Objection.
 20 Q Do you recall that testimony?
 21 A Yes, I, I -- and I have repaid the association for all
 22 of those. I thought that -- I didn't know that they were
 23 inappropriate at the time, but --
 24 THE COURT: There's no question yet.
 25 Q You gave me that testimony?

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W. LaPierre - by Defendant - Cross/Mr. Conley Page 4356

1 A Yes.

2 Q Even though you knew they would try to use it to hurt

3 you; right?

4 A Yes.

5 Q Why?

6 A Because it was the truth.

7 Q Thank you.

8 MS. ROGERS: Pass the witness.

9 THE COURT: Any other direct testimony?

10 Okay, plaintiff for cross.

11 CROSS-EXAMINATION

12 BY MR. CONLEY:

13 Q Almost good afternoon, Mr. LaPierre.

14 A Good afternoon.

15 Q Just getting situated.

16 All right, you previously testified that you began the

17 course correction in late 2017; correct?

18 A Yes.

19 Q And this lawsuit was commenced in August of 2020;

20 correct?

21 A That's correct.

22 Q And so that's about three years into your course

23 correction; correct?

24 A Yes.

25 Q And you read the complaint in this action; correct?

W. LaPierre - by Defendant - Cross/Mr. Conley Page 4358

1 not sure. I know I was in the process of working on it.

2 Q But this was a yes or no question, Mr. LaPierre.

3 Isn't it true that the time the complaint was lodged

4 against you, you had not made any repayments to the NRA?

5 A I'm -- that may be. I'm not exactly sure when the

6 first check was written as I sit here.

7 MR. CONLEY: Could we pull up DX1-0514.

8 THE COURT: Is somebody doing that?

9 (Displayed)

10 A I just found it. You're correct.

11 Q And this was your first repayment, correct,

12 Mr. LaPierre?

13 A Yes, it was.

14 Q And this was three months after the enforcement action

15 was commenced against you; correct?

16 A That's correct.

17 Q And it is three months after the complaint was lodged

18 against you detailing all the allegations that we just went

19 through; right?

20 A Yes, that's correct.

21 Q And this first repayment was for private flights,

22 correct?

23 A Yes, that's correct.

24 Q But you don't know how the amount of your repayment was

25 calculated; correct?

W. LaPierre - by Defendant - Cross/Mr. Conley Page 4357

1 A Yes.

2 Q And you'd agree that the complaint contained numerous

3 allegations that you improperly spent NRA funds on private

4 flights for family?

5 A The complaint said that.

6 Q And you'd agree the complaint alleged that you

7 improperly expensed gifts to the NRA?

8 A The complaint said that.

9 Q And you'd agree that the complaint contained

10 allegations that the NRA improperly paid for makeup and hair

11 services for your wife, Susan; correct?

12 A Yes, the complaint said that.

13 Q And that the NRA had improperly paid for luxury lodging

14 for your niece; is that right?

15 A The complaint said that.

16 Q And it also contained allegations that you had Tony

17 Makris join you on a trip to the Mayo Clinic and have the NRA

18 pay for yours and his lodging at the Four Seasons; correct?

19 A Yes, it said that.

20 Q Isn't it true that at the time this complaint was

21 lodged against you in August of 2020, three years into your

22 course correction, you had not made any repayments to the NRA;

23 is that correct?

24 A We were doing the -- I think the first check that we

25 went through, wasn't it April 19th or something like that? I'm

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1 A No, that's not -- I went through all the CAA invoices.

2 I went through the expense reports in terms of the trips. I

3 worked with the accounting firm that I had hired, and then the

4 treasurer's office also looked at it. They worked with a Arif

5 in terms of their office in terms of calculating the interest

6 and they looked at it, also.

7 Q Isn't it true you don't know what expenses the NRA

8 reviewed in coming up with this repayment amount?

9 A I know what I reviewed. I don't know everything the

10 NRA looked at. I assume they looked at everything.

11 Q In coming up with this figure?

12 A Yes.

13 Q You testified in this action, correct?

14 THE COURT: The deposition, you mean?

15 MR. CONLEY: Yes.

16 Q You were deposed in this action; right?

17 A Yes, I was.

18 Q And you swore an oath to tell the truth?

19 A I did.

20 MR. CONLEY: Jesse, could you pull up LaPierre's

21 litigation deposition at 322, lines 9 to 16.

22 (Video played)

23 Q You had no role in calculating the amount that would be

24 repaid to the NRA; correct?

25 A I went through the business -- the purposes of the

W. LaPierre - by Defendant - Cross/Mr. Conley Page 4360

1 trips. I went through all my expense reports. I also worked
 2 with the accounting firm that I had hired. This final figure
 3 was -- was the NRA looking at the interest figure and looking at
 4 their calculation of all that.

5 Q Your role in looking at the business purpose was to sit
 6 in a room with Susan Dillon at the Brewer firm and go through
 7 what the purposes of what various flights were; correct?
 8 A That's correct.

9 Q And what date range were the flights that you walked
 10 through?
 11 A I apologize, what do you mean by the term date range?
 12 Q What period of time did the flights cover that you
 13 reviewed?
 14 A Initially, it was from 2015 through 2019, and we did
 15 it --
 16 Q You went through this process of reviewing the flights
 17 in 2020; correct?
 18 A I probably -- I'm not sure.

19 Q And you flew private for several years before 2015;
 20 correct?
 21 A That's correct.

22 Q And in determining what charges to include in the first
 23 \$300,000 repayment to the NRA, no flights were considered before
 24 June of 2015; correct?
 25 A In the first batch. In the second batch, we went back

W. LaPierre - by Defendant - Cross/Mr. Conley Page 4361

1 to flights beginning in -- beginning January 1st, 2012.
 2 Q In the second batch?
 3 A Yes, that's correct.

4 MR. CONLEY: Could you please pull up the
 5 Defendants' Exhibit 508.
 6 THE COURT: Is that 1-508?
 7 MR. CONLEY: Yes, I'm sorry, DX1-508.

8 A I'm sorry, which tab is that?
 9 THE COURT: That's on the screen.
 10 (Displayed)
 11 THE WITNESS: I see, your Honor.

12 Q And, Mr. LaPierre, is this the repayment that you're
 13 referring to with other flights?
 14 A Yes, I believe so.

15 Q You're aware that the NRA has paid close to \$13 million
 16 for private flights from 2012 to 2019, correct?
 17 A I don't know the exact figure. I know they required me
 18 to fly private whether it was personal or business.

19 Q And when you say they required you to fly private,
 20 you're referring to the verbal direction that you received from
 21 Russ Gordon; is that right?
 22 A Russ Gordon and then Jim Staples and then our current
 23 security director, right.
 24 Q And this other repayment here, this was in November of
 25 2021; is that right?

W. LaPierre - by Defendant - Cross/Mr. Conley Page 4362

1 A Yes, that's correct.
 2 Q And that would be four years into your course
 3 correction; correct?
 4 A Yes, it would be.

5 Q And if we could turn to Defendant Exhibit 505, which I
 6 believe is Tab 30 in your book.
 7 A Okay.

8 THE COURT: It may be a different book, but. Is it
 9 on the screen?
 10 MR. CONLEY: Yes. That might be easier,
 11 Mr. LaPierre.
 12 THE COURT: Look at the one on the screen.
 13 THE WITNESS: Yes, it is a big book.

14 Q So, this is another repayment that you made to the NRA;
 15 is that right?
 16 A Yes, it is.
 17 Q In September of 2022?
 18 A Yes.

19 Q And what was this repayment for?
 20 A I think this one was for a combination of the -- the
 21 hair, the makeup. We talked about maybe some of the lodging,
 22 some of the gifts, things like that.
 23 Q And these are all various expense categories that were
 24 alleged against you in the attorney general's complaint;
 25 correct?

W. LaPierre - by Defendant - Cross/Mr. Conley Page 4363

1 A Yes, they were.
 2 Q And this is five years into your course correction;
 3 correct?
 4 A That would be correct.

5 Q And if we could turn to Defendants' Exhibit 796, which
 6 I think is Tab 38, but the screen might be easier.
 7 (Displayed)
 8 A I see it.

9 Q This is another repayment that you made to the NRA,
 10 correct?
 11 A Yes, it is.
 12 Q And what was this repayment for?
 13 A This, I believe, was for the transportation services.
 14 Q For the black car services?
 15 A Yes, that would be correct.

16 Q And you're aware that the NRA has paid millions in
 17 black car services since 2012; correct?
 18 A I'm not aware of what they paid.

19 Q You also have repaid the NRA for suits that were --
 20 billed the NRA through Ackerman McQueen; correct?
 21 A Yes, I did.
 22 Q And you repaid this in September of last year;
 23 correct?
 24 A Yes, I did.
 25 Q And that's a few months before this trial started, is

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1 that right?

2 A Yes, it is.

3 Q You were aware before last September that the NRA had

4 been billed for these suits, right?

5 A I did not find that out until we were doing the course

6 correction at some time about the middle of the course

7 correction that came up. I didn't find that out at the

8 beginning. I found that out some time later.

9 Q You recall -- I'm sorry. When did you find out?

10 A I'm not sure when I found out. It was something that I

11 didn't know about, and I was surprised when I was told about it.

12 It was later on.

13 Q Right, and in 2019 you testified that the NRA had paid

14 for these suits; correct?

15 A Not that I remember.

16 Q Do you recall being deposed in the Ackerman litigation?

17 A Yes.

18 Q And you were deposed in 2019, correct?

19 A Yes.

20 Q And you swore to tell the truth in that testimony?

21 A Yes.

22 MR. CONLEY: Jesse, could you pull up LaPierre's

23 Ackerman deposition September 24, 2019.

24 THE COURT: Any particular page?

25 MR. CONLEY: Page 211 to 212.

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1 directly to Ackerman McQueen.

2 I thought at that point they might have gone to the

3 NRA. It turns out they testified in the bankruptcy under oath

4 that they never charged the NRA for any of that. They were

5 simply part of their advertising role in terms of it being the

6 person who worked -- Leon Grand (phonetic).

7 What we later found out was that there were some suits

8 going back to 2000, 2001, 2002, and 2003 that they did bill the

9 NRA for and those are the ones that I repaid.

10 (Continued on next page)

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1 (Displayed)

2 Lines 24 to page 212, line 14.

3 Q So the question:

4 "QUESTION: Okay, so the bill -- then your

5 understanding is that the arrangement that you had worked

6 out with Ackerman McQueen is that once they received the

7 bills from Zegna, they would transmit those bills to the NRA

8 for reimbursement?

9 "ANSWER: That's what I -- that's what I believe

10 happened.

11 "QUESTION: Okay. When the NRA got the bill from

12 Ackerman McQueen for those Zegna expenses, so the NRA was

13 aware that these were for your clothing attire; correct?

14 "ANSWER: I'm sure that our treasurer was aware of

15 that."

16 And you repaid the NRA for suits that the NRA had

17 paid for through Ackerman McQueen a few months ago, right?

18 A Yes, I did. But, counselor, what you're talking about

19 here is completely different from that other payment.

20 These -- this deposition here is in reference to -- I

21 was doing all the television for the NRA at that point. Angus

22 McQueen didn't like the clothes I wore. I always wore a blue

23 suit. He wanted me to get other suits, all different colors,

24 all different styles. They had me go on something they set up

25 with Zegna, that store to pick out wardrobe. The bills went

W. LaPierre - by Defendant - Cross/Mr. Conley Page 4367

1 Q So you repaid the NRA for other suits that Ackerman had

2 billed the NRA for; is that right?

3 A Yes, going back to 2000 to 2004, I believe.

4 Q You testified earlier about some of the gifts that you

5 had reimbursed for; correct?

6 A Yes.

7 Q You did an expense, among other things, a gift for your

8 niece's husband; correct?

9 A I'm not sure if I did. I repaid it. I've repaid all

10 the gifts.

11 Q And you were -- you repaid gifts for -- purchased for

12 Millie Hallow; correct?

13 A Yes, I have repaid every single gift.

14 Q And gifts that you purchased for Gayle Stanford?

15 A Yes. I repaid all those.

16 Q And Tony Makris?

17 A Yes.

18 MR. CONLEY: Pass the witness.

19 THE COURT: Okay. Any other defendants? First the

20 other defendants who haven't asked any questions yet for

21 cross.

22 MR. WERBNER: No.

23 THE COURT: Any redirect?

24 MR. CORRELL: Are we now talking cross?

25 THE COURT: We are talking redirect.

W. LaPierre - by Defendant - Redirect/Ms. Rogers Page 4368

1 MS. ROGERS: I have a bit more redirect.
 2 MR. CORRELL: I am passing the witness
 3 THE COURT: Okay. No redirect for Mr. Correll and
 4 redirect for Ms. Rogers.
 5 REDIRECT EXAMINATION
 6 BY MS. ROGERS:
 7 Q Mr. LaPierre, you testified just now with the Attorney
 8 General that you didn't start repaying flights until either 2019
 9 or 2020; right?
 10 A I believe that's correct.
 11 Q And you testified also that you repaid those flights
 12 using invoices from CAA, the jet charter vendor; right?
 13 A Yes.
 14 Q Do you have any understanding as to how the NRA got its
 15 hand on those invoices and how long it took?
 16 A I know they were trying to get them for quite a while.
 17 I'm not sure exactly how long it took, but I know it wasn't an
 18 easy process from what I heard.
 19 Q Now, we also talked about your expense reports.
 20 A Yes.
 21 Q Did the NRA refuse to pay any of your expense reports?
 22 A Yes, they did.
 23 Q About how much money do you recall if you recall did
 24 the NRA just refuse and you had to eat?
 25 A I think they were late. They were several years, and

W. LaPierre - by Defendant - Redirect/Ms. Rogers Page 4369

1 it was -- I believe it was close to \$200,000.
 2 Q There was some -- there was some different testimony
 3 earlier about these Zegna suits that Angus McQueen told you to
 4 buy, whether you paid for them or not.
 5 Do you recall that?
 6 A Yes.
 7 Q Or whether the NRA paid for them or not. Do you recall
 8 that; right?
 9 A NRA did not pay for the ones that the Attorney
 10 General's counsel put on the screen.
 11 Q And they asked you about their complaint and
 12 allegations in their complaint about suits.
 13 Do you recall that?
 14 A Yes.
 15 Q So have you formed a view sitting here today having
 16 gone through all these records about whether the allegations in
 17 their complaint concerning suits were true or false?
 18 A They were false.
 19 Q Now, how did you form the view originally that the NRA
 20 had not paid for the suits?
 21 A Bill Winkler the treasurer of Ackerman McQueen during
 22 the bankruptcy testified under oath that they did not charge NRA
 23 for the suits.
 24 Q And later you discovered there was some other subset of
 25 suits that had been charged for; is that right?

W. LaPierre - by Defendant - Recross/Mr. Conley Page 4370

1 A I found out later on.
 2 Q That's when you made the repayment?
 3 A Yes, as part of the 360, we were looking at everything
 4 we could possibly find to look; and yes, found that going back
 5 to 2000.
 6 Q Now in the earlier year before the 360, your expenses
 7 were paid out of ILA; is that right?
 8 A Yes.
 9 Q That's the NRA's lobbying division; right?
 10 A Yes. That's the (c)(4) lobbying division.
 11 MS. ROGERS: Thank you. No further questions.
 12 THE COURT: Anything further from the State?
 13 MR. CONLEY: Just one question. I don't want to
 14 say that.
 15 THE COURT: I was going to say careful.
 16 RECROSS EXAMINATION
 17 BY MR. CONLEY:
 18 Q Mr. LaPierre, did you prep for your testimony today
 19 with Ms. Rogers?
 20 A No.
 21 Q Did you prep for your testimony today with anyone from
 22 the Brewer Firm?
 23 A I talked -- well, not since I started testifying, but
 24 over last weekend, I talked with -- I talked with Bill Brewer
 25 and I talked with my counsel Kent Correll.

J. Frazer - by Defendant - Cross/Ms. Stern Page 4371

1 MR. CONLEY: That's all, your Honor.
 2 THE COURT: Okay. Thank you, sir. You can step
 3 down.
 4 Mr. LaPierre, you're all set.
 5 (Witness excused.)
 6 THE COURT: Okay. Do we have another witness we
 7 can start?
 8 Oh, Mr. Frazer. Mr. Frazer, if you would.
 9 So just to remind myself, you finished with your
 10 direct and now we are on to other testimony?
 11 MR. FLEMING: I think all the defendants' table
 12 finished with Mr. Frazer's direct.
 13 THE COURT: Oh, okay. And so it's just for cross
 14 now.
 15 MR. FLEMING: That's right.
 16 THE COURT: So Mr. Frazer, just a reminder. You
 17 are still under oath from yesterday. Yes?
 18 THE WITNESS: Absolutely, your Honor.
 19 THE COURT: Ms. Stern, you may continue.
 20 MS. STERN: Thank you, your Honor.
 21 CROSS-EXAMINATION
 22 BY MS. STERN:
 23 Q Good afternoon, Mr. Frazer.
 24 A Good afternoon.
 25 Q So we meet again. So between the last time we did this

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1 and today, did you prepare for your testimony?
 2 A I did.
 3 Q Did you prepare for your testimony with anyone other
 4 than your own attorney Mr. Fleming?
 5 A Yes, I did.
 6 Q And who was that?
 7 A I met with Ms. Rogers.
 8 Q Okay. And did you discuss the testimony that you've
 9 given in this latest juncture of the trial?
 10 A I did.
 11 Q And did you discuss -- tell me what you discussed.
 12 A We reviewed documents and potential lines of questions
 13 and answers.
 14 Q And you discussed your answers?
 15 A We discussed some answers, but of course, my answers
 16 are my own.
 17 Q Okay. So yesterday you testified about attending Audit
 18 Committee's meetings in 2016 and 2017.
 19 Do you remember that?
 20 A I do.
 21 Q Okay. Can we turn to Tab 35 in the binder that has my
 22 handwriting on it or -- and to JFX52 which is in evidence. And
 23 can we turn to the Audit Committee report for September 10 to
 24 11, 2016, please.
 25 MS. STERN: Jesse, that's the got the number 219 at

J. Frazer - by Defendant - Cross/Ms. Stern Page 4374

1 disclosure of financial interest related-party transactions.
 2 Do you see that?
 3 A I do.
 4 Q Okay. And it states, "The committee reviewed financial
 5 disclosures regarding transactions between the NRA and its
 6 officers, directors and other related parties;" right?
 7 A I do. Yes.
 8 Q There is nothing there that says anything about any
 9 transactions being ratified; right?
 10 A That's correct 4.
 11 Q And nothing about any transactions being approved going
 12 forward?
 13 A That's correct.
 14 Q No mention of Sandy Froman?
 15 A Right.
 16 Q No mention of Dave Butz; right?
 17 A Right.
 18 Q Okay. No mention of Marion Hammer; right?
 19 A That's right.
 20 Q Okay. And you testified that the basis for your
 21 knowledge that those transactions with Board members Marion
 22 Hammer, Ms. Froman, Dave Butz, that they were both ratified and
 23 also approved going forward is because you were at the meeting;
 24 right?
 25 A Because I was at the meeting and participated in that

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1 the bottom of the page.
 2 THE COURT: It's up there.
 3 Q Okay. Are we all in the same place. Okay.
 4 So Mr. Frazer, this is the Audit Committee report for
 5 meetings -- for a meeting on September 8, 2016; right?
 6 A Yes, it is.
 7 Q Okay; and turn to -- at the bottom of the page, it's
 8 signed by Mr. Cotton; right?
 9 A It is.
 10 Q And he was the Chair of the Audit Committee; right?
 11 A That's correct.
 12 Q So you testified yesterday that this meeting
 13 September 8, 2016 which is recorded and reported in this report,
 14 that there were certain transactions with Board members that
 15 were considered by the Audit Committee; right?
 16 A Yes.
 17 Q And your testimony is that they were approved both
 18 retroactively ratified and in advance; right?
 19 A That's correct.
 20 Q And just looking at this report though, this is the
 21 report that is given to the whole Board; right?
 22 A I believe it was.
 23 Q That's the purpose of this report; right?
 24 A Yes.
 25 Q Okay. At the bottom of the page, it talks about

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1 discussion, yes.
 2 Q Okay. So just looking at the top of the Audit
 3 Committee report, you are not noted as being at that meeting;
 4 are you?
 5 A No, I'm not.
 6 Q Okay. So Steve Hart though, he was there; right?
 7 A My recollection is that he was, yes.
 8 Q Okay. But you're not even noted; right?
 9 A That's correct.
 10 MS. STERN: Okay. You can take that down, Jesse.
 11 Q Well, we are actually going -- yep. Okay. Can we take
 12 a look at PX 2586 which you -- which is put into evidence
 13 yesterday, I believe. It is in evidence. I know that. It's
 14 Tab 17 in the binder that Mr. Fleming gave you. But we can also
 15 put it up on the screen. Okay. And can you bring that up. Oh,
 16 that's it.
 17 Okay. So in PX 2586, we are looking at a document
 18 that's also the report of the Audit Committee; right? Do you
 19 see that?
 20 A Yes.
 21 Q And it has the same date, September 10 through 11,
 22 2016; right?
 23 A It does.
 24 Q And also reports on the September 8, 2016, Audit
 25 Committee meeting; right?

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1 A Correct.

2 MS. STERN: Okay. So let's look down to the bottom

3 of the page.

4 Jesse, if you can go to the next page. Before we

5 get to that. Okay. Jesse, below that. I just want to get

6 to the signature block.

7 Q Not signed; right?

8 A That's right.

9 Q Right. Okay. And then Jesse's done a side by side

10 here.

11 Have you done that? See if we can do that.

12 So we have JFX52 and -- sorry. This is not the right

13 page. We want to go to the September 10 to 11, 2016 report.

14 Okay. Signed by Mr. Cotton. And we just discussed the

15 discussion of related-party transactions.

16 And now let's look at the one that you discussed, the

17 exhibit that you discussed with the jury yesterday, PX 2586.

18 And we can turn to the next -- okay.

19 So Page 1 of this one at the bottom of the page, there

20 is a discussion of a variety of transactions; right?

21 A There is.

22 Q Okay; and then if we go to the next page, Jesse, on

23 2586, there is discussion of transactions that you testified

24 about --

25 A Yes.

J. Frazer - by Defendant - Cross/Ms. Stern Page 4377

1 Q -- at this meeting where you're not noted as being

2 there. And you testified that these transactions were approved,

3 and this is a version of the report that's not signed; right?

4 A That's correct; although, looking at this --

5 Q No. That was my question. The version of the report

6 is not signed; right?

7 A That's what we are looking at.

8 A Yes.

9 Q Thank you. We can take that down.

10 So the documents that you talked about yesterday, 2586

11 -- PX2586 which has a version of the Audit Committee report that

12 you and I just looked through; right?

13 A Yes.

14 Q Is it your testimony that that document -- and you have

15 it in front of you -- is the record of what the Audit Committee

16 considered when it was according to you approving transactions

17 for Sandra Froman, Marion Hammer, Dave Butz, Lance Olson,

18 Mercedes Schlapp, Mark Skelton? Those are all Board members;

19 right?

20 A They are, and -- I'm sorry, but I'm not sure I followed

21 your entire question. Excuse me.

22 Did your ask me if the -- if what is the record of what

23 the committee looked at?

24 Q The content of the documents that are attached to the

25 email that's 2586, PX 2586.

J. Frazer - by Defendant - Cross/Ms. Stern Page 4378

1 A Okay, but that's not in front of me right now.

2 Q I'm sorry. It's right in your binder. We were just

3 looking at it. It's Tab 17 of Mr. Fleming's binder.

4 THE COURT: He doesn't have Mr. Fleming's binder

5 and neither do I.

6 MS. STERN: He does.

7 A I see it now. Thank you for helping clarify that.

8 Q Sorry. So that's my question.

9 Is that the record --

10 A It is.

11 Q -- of what they considered?

12 A It is.

13 Q Okay; and that is the record of what they considered to

14 ratify those transactions?

15 A It is a record of -- of what the committee found with

16 respect to those transactions after going through all of them in

17 person.

18 Q Okay. So my question is is the record of what they

19 considered in coming to that conclusion --

20 A I'm sorry. I'm not sure I follow your question.

21 Q Does this document, the Audit Committee report and this

22 document that you called the Audit Committee Related-Party

23 Transaction Review September 26 Language For Minutes, does this

24 document reflect what the Audit Committee considered in coming

25 to the determination that you said was made at that meeting?

J. Frazer - by Defendant - Cross/Ms. Stern Page 4379

1 A This is what the committee considered, but of course,

2 the committee members bring their own perspective, information,

3 experience with the individuals, and I know there were

4 discussions about some of these transactions beyond what's on

5 the page.

6 Q This is the -- this is the record though that the NRA's

7 maintained; right? That's according to you.

8 A That's correct.

9 MS. STERN: Okay. Thank you. We can take it down,

10 Jesse.

11 Q So the secretary of the Audit Committee is the person

12 that's responsible for maintaining the records of the Audit

13 Committee; right?

14 A That's correct.

15 Q Again, and that was Mr. Tedrick during the period that

16 we have been talking about 2016, 2017?

17 A That's correct.

18 Q Okay. Mr. Tedrick was the secretary for -- until when?

19 A Until September of 2018.

20 Q Okay. So where does Mr. Tedrick maintain the records?

21 A In his own files.

22 Q And what kind of files?

23 A I'm not sure exactly how Mr. Tedrick maintains;

24 maintained his files electronically, paper or both.

25 Q So how do you know that he maintains them in his files?

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1 A Because when I have a -- well, actually, yesterday, we
2 saw an exhibit where I asked him to send me something back to
3 me, and he did.
4 Q So if you need something from the Audit Committee's
5 records, their minutes, their reports, you would go to Mr.
6 Tedrick?
7 A Unless I already have a copy in my own files, I would,
8 yes.
9 Q So during this period of time, he had the files; right?
10 A He had his own files of it, yes.
11 Q Okay. But you don't flow if they are hard copy; right?
12 A That's right.
13 Q You don't know if they are electronic?
14 A That's right.
15 Q Do you know if he takes --
16 A Well, actually correct. I know some of them are
17 electronic because he's emailed them to me.
18 Q Do you know -- does he take the copy that's been signed
19 and scan it in and put it in a folder? Like tell me what you
20 know about that.
21 A I don't know exactly how he does it; but of course, the
22 signed copy is also scanned in the secretary's office for
23 inclusion in the final Board minutes.
24 Q And did Mr. Tedrick put his electric -- you said now
25 you remembered he has them electronically because you have asked

J. Frazer - by Defendant - Cross/Ms. Stern Page 4381

1 for them.
2 A Right.
3 Q So are those available on a central NRA network that
4 somebody else could access?
5 A Yes, they could be accessed through the Information
6 Services Division, and I have also given instruction to all
7 committee secretaries more recently than this that all of their
8 records need to be stored on a shared drive rather than a local
9 hard drive so that they would be accessible to others.
10 Q When did that direction occur?
11 A I don't remember exactly. Within the last couple of
12 years.
13 Q After our lawsuit was commenced?
14 A Yes.
15 Q Okay. And is there any kind of like index of what are
16 the records of the Audit Committee?
17 A I don't know what -- again, I don't know if Mr. Tedrick
18 has created anything like that or if Mr. Tedrick created
19 anything like that when he was the committee secretary.
20 Q So you are the secretary of the NRA; right?
21 A Yes.
22 Q And you are responsible for -- we talked about this
23 before -- maintaining the policies of the NRA; right?
24 A That's right.
25 Q And so it's very important to have an official record

J. Frazer - by Defendant - Cross/Ms. Stern Page 4382

1 of what policies exist; right?
2 A Yes.
3 Q And it's very important to have an official record of
4 what the Audit Committee did; right?
5 A That's right.
6 Q The Audit Committee is a very important committee in
7 the oversight and management of the operations of the NRA;
8 right?
9 A Sure.
10 Q Okay. And who is the current secretary of the Audit
11 Committee?
12 A David Warren.
13 Q Do you have any personal knowledge as to whether Mr.
14 Warren has a repository of the audit committees's records?
15 A Mr. Warren keeps his own records; but whenever I have
16 asked him for anything, he's readily provided them.
17 Q And my question is does he have a repository of the
18 Audit Committee's records, not just Mr. Warren's own records?
19 A I mean, when I say "his records," I mean his records of
20 the Audit Committee. He certainly has records. He has a lot of
21 responsibility, so he has records of other stuff, but that's not
22 what we're talking about.
23 Q Okay. So I think you have already said that from time
24 to time you have had to go to Mr. Tedrick to go get copies of
25 historical records from the Audit Committee; right?

J. Frazer - by Defendant - Cross/Ms. Stern Page 4383

1 A I can recall one occasion at least.
2 Q Okay. And you've done that to also track down whether
3 transactions were actually reviewed and approved by the Audit
4 Committee; right?
5 A No. Usually, it's to confirm my own recollection or I
6 think in one case, it was to -- I think I was out of the office
7 and didn't have access to the network. And so I was asking for
8 something to be sent to me to double check.
9 Q So it's your testimony that you have never gone back to
10 go Mr. Tedrick to get a copy of a record to determine whether or
11 not a transaction had been acted upon by the Audit Committee?
12 A I don't think so because I don't think there was ever
13 any doubt in my mind about one.
14 Q Okay. Can we turn to I think this is Tab 1 in your
15 binder. Tab 1 in Mr. Fleming's binder, PX 1916, and it's not
16 yet in evidence.
17 Mr. Frazer, so this is an -- there is an email here to
18 you from Rick Tedrick.
19 Do you recognize this email?
20 A I do.
21 MS. STERN: I offer to admit it.
22 THE COURT: I'm sorry. Which binder are we in now?
23 MS. STERN: I'm sorry. We are in Mr. Fleming's
24 binder, and it's the first Tab, and it's PX 1916.
25 Can we bring in up on the screen for the judge.

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1 THE COURT: I gave back that binder. I forgot that
 2 we weren't done with all that stuff.
 3 MS. STERN: I only have the one copy.
 4 THE COURT: I can look on the screen. Is there any
 5 objection to this?
 6 MS. EISENBERG: No objection, your Honor.
 7 MR. FLEMING: No objection.
 8 THE COURT: All right. It's admitted.
 9 Q So Mr. Frazer, this is an occasion where Mr. Tedrick is
 10 sending you copies of some minutes; right?
 11 A Correct. And I think this is what I was thinking of
 12 earlier. I thought we had seen it yesterday.
 13 Q Oh, okay.
 14 So in 2021, he sent -- in November 2021, he is sending
 15 you a copy of minutes from 2017; right?
 16 A Yes.
 17 Q Okay. And so we turn to the next page. This is what
 18 he sends you; right?
 19 A Yes.
 20 Q This is an unsigned copy of minutes; right?
 21 A That's correct.
 22 Q Okay; and this is what he says are the minutes; right?
 23 A That is why I asked him -- apparently asked him for the
 24 minutes, and that's what he sent me.
 25 Q In 2021, this is what he says are the minutes; right?

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1 litigation. But there is no Bates numbers on this document; are
 2 there?
 3 A I mean, I assumed it was collected in this litigation,
 4 but I don't know exactly how that happened.
 5 (Continued on the following page.)
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J. Frazer - by Defendant - Cross/Ms. Stern Page 4385

1 A Right.
 2 Q Okay. And you are going back to Mr. Tedrick who is no
 3 longer the secretary at this point; right?
 4 A That's correct.
 5 Q But you are going back to him to get what you're asking
 6 for the official minutes.
 7 A I did because -- because he was the secretary at that
 8 time and I knew he would have it electronically.
 9 Q Okay. And so if we can turn to -- sorry, your Honor --
 10 in the binder that you don't have, JFX 66A, but that was
 11 admitted into evidence yesterday.
 12 THE COURT: It was. I remember that.
 13 Q Can we bring that up? Okay. And so this is a copy of
 14 minutes that you offered yesterday.
 15 These -- where did these come from?
 16 A These are -- are -- could I see the whole document?
 17 Q Sure. And you have it right there. It's Tab 6 in your
 18 binder from your counsel.
 19 A Okay. Okay. Yeah, this is the signed copy. I just
 20 want to make sure.
 21 Q Right. So where did this come from?
 22 A I'm not sure where that -- I know it was collected in
 23 this litigation. I just don't know exactly where it -- where it
 24 was collected from.
 25 Q Well, actually, you said it was collected in this

J. Frazer - by Defendant - Cross/Ms. Stern Page 4387

1 Q So, you actually don't know where this document came
 2 from. You just know that it has Mr. Tedrick's signature on it;
 3 right?
 4 A That's correct.
 5 Q And you don't know when he signed this document?
 6 A No, I don't.
 7 Q Could have printed it out in 2021 when he sent you it
 8 and signed it and scanned it; right?
 9 A I'm not going to speculate.
 10 Q Right, but you don't know?
 11 A I don't know.
 12 Q Okay.
 13 MS. STERN: Turning to JFX 52 in evidence. I think
 14 we can just pop that one up. If we can turn to the Audit
 15 Committee report for January 13 to 14 of 2018.
 16 (Displayed)
 17 Q So, we're just talking about this December 7, 2017,
 18 Audit Committee meeting; right?
 19 A Yes.
 20 Q So, Mr. Frazer, this is a copy of the report of the
 21 Audit Committee that reflects that meeting; right?
 22 A Yes.
 23 Q And you see that in the second paragraph, the Audit
 24 Committee met in Fairfax on December 7, 2017; right?
 25 A Right, via conference call, yes.

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J. Frazer - by Defendant - Cross/Ms. Stern Page 4388

1 Q And this is another meeting where you said there were
2 transactions that were reviewed and approved, right, by the
3 Audit Committee?
4 A That's right.
5 Q And you know that because you were there; right?
6 A That's right.
7 Q Okay, but you're not noted as being at that meeting;
8 are you?
9 A Actually, I am.
10 Q No, let's take a look at the second paragraph.
11 (Displayed)
12 Right?
13 A Oh, I'm sorry. I was looking at the first paragraph;
14 but, no. Although, like the September meeting it says other
15 members were in attendance.
16 Q As you just pointed out in the January 11, 2018,
17 meeting, they did note your presence; didn't they?
18 A They did.
19 Q But not at the meeting that you testified about; right?
20 A I can't account for Mr. Tedrick's drafting.
21 Q This is the official Audit Committee report; right?
22 A It is.
23 Q And it is signed by Mr. Cotton at the bottom of the
24 page; right?
25 A That's correct.

J. Frazer - by Defendant - Cross/Ms. Stern Page 4389

1 Q And there's nowhere in this report which goes to the
2 full board that says anything about any transactions being
3 reviewed and approved by the Audit Committee, any related-party
4 transactions; right?
5 A Well, if we take down the call out, let me see the
6 whole document.
7 Q I think you have a hardcopy there if you wanted to look
8 through it.
9 A Well, it does say -- it does say that I provided an
10 update on related-party transactions. It is not clear which
11 date it is referring to there.
12 Q Doesn't say anything about any transactions being
13 reviewed and approved, right?
14 A No, it doesn't.
15 Q Or any transactions being reviewed and ratified;
16 right?
17 A That's right.
18 Q Okay, thanks.
19 Oh, actually, going back -- we can go back to it, but
20 JFX 66A, the document that we looked at that you say are the
21 minutes of the meeting; is that the record of what was
22 considered by the --
23 A I'm sorry, can we have that again or point me to the
24 tab?
25 Q Sure, okay. We can pull it up, as well. It is behind

J. Frazer - by Defendant - Cross/Ms. Stern Page 4390

1 Tab 6.
2 A Oh, okay. Got it.
3 Q Okay. So, my question is is this the record according
4 to you of what the Audit Committee considered when it took
5 the actions that you say occurred at this December 7, 2017,
6 meeting?
7 A It's what the Committee recorded. Again, my
8 recollection is that there was discussion that went beyond
9 what's laid out on these pages.
10 Q This is the report that exists according to you in the
11 NRA's records?
12 A Correct.
13 Q Okay, thank you.
14 So, just change of subjects. You've had a lot of
15 questions about the MMP --
16 THE COURT: Counsel, we're just about -- we're
17 going to -- are you nearly done or?
18 MS. STERN: No, I'm going to be ten more minutes.
19 Do you want me to try? I know we're very tried on time.
20 THE COURT: If you can finish in ten, we'll push
21 the time toward closer to one than we usually have just to
22 try to get today done.
23 MS. STERN: I'll do my best.
24 THE COURT: Okay.
25 Q So, we -- we heard about a renegotiation of the MMP

J. Frazer - by Defendant - Cross/Ms. Stern Page 4391

1 contract, right?
2 A Right.
3 Q And that renegotiation occurred after Mr. LaPierre had
4 disclosed that he was receiving yachting trips and vacations
5 with the McKenzies; right?
6 A That's right.
7 Q And you weren't personally involved in those
8 negotiations; right?
9 A I wasn't involved in negotiating with directly with MMP
10 or with MMP counsel. Those were counsel-to-counsel discussions
11 as I testified, but I did speak with our counsel and other staff
12 on our end about it.
13 Q Okay. And Mr. LaPierre -- your understanding of
14 Mr. LaPierre's supposed recusal from that process was by virtue
15 of what Mr. LaPierre told you, right?
16 A It was based on my personal observation of the process
17 and the occasional discussions of it that came up with
18 Mr. LaPierre.
19 Q Your personal observation was also through other
20 people?
21 A Was -- was that everyone who discussed it all expressed
22 an understanding that Mr. LaPierre couldn't be involved, wasn't
23 involved and we were all trying to keep it that way.
24 Q But within the NRA's own internal review process,
25 Mr. LaPierre continued to be considered the responsible officer

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J. Frazer - by Defendant - Cross/Ms. Stern Page 4392

1 for the transaction; right?
 2 A That's right.
 3 Q And he was still in the chain of command on that
 4 relationship, right?
 5 A Yes.
 6 Q Okay. The Audit Committee never reviewed that
 7 renegotiated contract, did it?
 8 A I thought they did, but as sitting here, I'm not a
 9 hundred percent sure.
 10 Q What's the basis for your belief that they did?
 11 A I think I remember an Audit Committee meeting around
 12 that time, but I --
 13 Q An Audit Committee meaning around what time?
 14 A Around -- around or during the renegotiation.
 15 Q So, you testified as the corporate representative of
 16 the NRA in this litigation, right?
 17 A Yes.
 18 Q And when you testified as the corporate representative,
 19 you swore to tell the truth, right? Took an oath to tell the
 20 truth?
 21 A I did.
 22 Q And you did, right?
 23 A Yes.
 24 MS. STERN: Jesse, can we bring that up.
 25 (Video played.)

J. Frazer - by Defendant - Cross/Ms. Stern Page 4393

1 Q Thank you.
 2 MS. STERN: And just, your Honor, for the record
 3 because I understand these aren't transcribed, I just wanted
 4 to put in the pages.
 5 It is Mr. Frazer's corporate representative
 6 deposition, page 955, line 15, to 956, line 13.
 7 Q Yesterday, Mr. Frazer, you were asked about financial
 8 transactions with McKenna.
 9 Do you remember that?
 10 A I do.
 11 Q So, at some point the McKenna relationship you
 12 testified expanded from doing primarily consulting on
 13 fundraising to include also other kinds of business consulting;
 14 is that right?
 15 A That's correct.
 16 Q And Josh Powell was the point person at the NRA
 17 overseeing that business relationship; wasn't he?
 18 A Largely, yes.
 19 Q And, particularly, the expansion of it to do the
 20 business consulting work; right?
 21 A Yes.
 22 Q And his wife, Colleen Gallagher, was hired by McKenna
 23 to be a subcontractor to McKenna and senior advisor to McKenna
 24 while doing that work; right?
 25 A Yes.

J. Frazer - by Defendant - Cross/Ms. Stern Page 4394

1 Q And you're aware that Ms. Gallagher was Mr. Powell's
 2 wife; right?
 3 A At some point, I was introduced to her as his wife,
 4 yes.
 5 Q And you didn't raise any issues about the related-party
 6 transaction; right?
 7 A I don't remember exactly when I met her first in
 8 relation to when that work was occurring.
 9 Q But you didn't bring it to the Audit Committee when you
 10 learned that, right?
 11 A When -- after Mr. Powell disclosed that his wife was
 12 working for McKenna, he did disclose it and we did bring it to
 13 the Audit Committee.
 14 Q But my question, Mr. Frazer, was did you bring it to
 15 the Audit Committee when you discovered that relationship?
 16 A Um, I don't remember who exactly brought it up at the
 17 Audit Committee meeting, but it was thoroughly discussed.
 18 Q Mr. Frazer, do you recall, yourself, bringing it to the
 19 Audit Committee? Not Mr. Powell. I'm asking about you.
 20 A As I just said, I don't remember exactly who brought it
 21 up at the committee meeting.
 22 Q The cost of the services that were being paid to the --
 23 the amount being paid to McKenna during the period July 2016 to
 24 fall 2018 was, approximately, close to two and a half million
 25 dollars; right?

J. Frazer - by Defendant - Cross/Ms. Stern Page 4395

1 A I don't know the dollar amount.
 2 Q It was a sizable contract; right?
 3 A It was a sizable amount of business, but not all of the
 4 contract, no.
 5 Q Sorry?
 6 A I said it was a sizable amount of business. I'm not
 7 sure the size of the contract.
 8 Q The transaction was, ultimately, ratified by the Audit
 9 Committee, right?
 10 A It was with the caveat that it should be re-reviewed
 11 and dealt with.
 12 Q But it was ratified by the Audit Committee, right?
 13 A Yes, yes.
 14 Q And the Audit Committee records on that would
 15 accurately reflect what the amount of the contract fees were, at
 16 least at that time; right?
 17 A They should. I just don't have personal knowledge.
 18 Q There was no written contract for a big portion of what
 19 McKenna was providing; right?
 20 A That's right, and that was one of the concerns that the
 21 whistleblowers had raised.
 22 Q But it was ratified even though there was no written
 23 contract; right?
 24 A Well, the Committee's report would explain what was
 25 ratified.

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J. Frazer - by Defendant - Cross/Ms. Stern Page 4396

1 Q My question was it was ratified despite that there was
2 no written contract, right?
3 A What was ratified to my recollection was the -- the use
4 of McKenna's services during Ms. Gallagher's employment. I
5 don't recall that the Committee looked at the amounts.
6 Q So, the Committee didn't address the fact that there
7 was no contract; right?
8 A I don't remember.
9 Q Sorry, no written contract?
10 A I'm sorry, Ms. Stern, I just don't remember one way or
11 the other.
12 Q Okay. There was no written contract with David Keene,
13 board member who was being paid; right?
14 A Well, there -- there was at some point, yes.
15 Q At what point?
16 A In, I believe, 2019.
17 Q In 2019 there was a written contract?
18 A Yes.
19 Q Okay. And Sandra Froman, she had no written contract
20 either; right?
21 A Not that I'm aware of.
22 Q And David Butz, he was operating without a written
23 contract for a period of time; right?
24 A I'm not sure about that. I know at one point he had a
25 contract that had an automatic renewal provision, and I'm not

J. Frazer - by Defendant - Cross/Ms. Stern Page 4398

1 Good luck on the verdict sheet. I'm counting on
2 you. I am counting on you.
3 * * * * *
4 (Whereupon, at this time a luncheon recess was then
5 taken.)
6 (Continued on next page)
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J. Frazer - by Defendant - Cross/Ms. Stern Page 4397

1 sure when that went in or out. And, actually, later there was
2 definitely a written contract after we renegotiated it to a
3 daily rate rather than annual or monthly fee.
4 Q And that was later -- that was after the attorney
5 general's investigation began; right?
6 A I don't think so.
7 Q You think it was before the investigation began?
8 A I thought it was in 2019 -- I thought it was 2019.
9 Q You were asked --
10 A Maybe beginning 2020, but it was before the -- it
11 was -- I'm sorry, it was before the lawsuit began, and I'm not
12 sure in relation to the investigation.
13 MS. STERN: Your Honor, I'm feeling very -- a lot
14 of pressure for the jury to have lunch, and so I had hoped
15 to --
16 THE COURT: Yes, let's take a break. We'll
17 reconvene at 2:15. Thanks, everyone.
18 COURT OFFICER: All rise, jury exiting.
19 (Whereupon, at this time the jury then left the
20 courtroom.)
21 MR. CORRELL: Your Honor, could we get a time
22 check so we know? We're getting down to the minutes, I'm
23 afraid.
24 THE COURT: Let me know the results when you get
25 back.

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1
2 AFTERNOON SESSION
3 * * * * *
4 THE COURT: I got a quick report from my law clerks
5 which is not entirely encouraging, but the end is near. So
6 we need to get your comments condensed and to us as soon as
7 you can.
8 For what it's worth in my view, the related-party
9 transaction part of the verdict sheet is where most of the
10 convoluted and hard to organize things came in. I don't
11 think it is substantively that hard. It is just kind of
12 tricky to figure out how to describe it in a way that won't
13 confuse them. Anyway, comments as soon as you can.
14 One thing I wanted to have you at least be thinking
15 about, logistically, because this has happened in almost
16 every jury trial I've had, the jury goes to deliberate. The
17 first thing they do is send a note down asking for fifty
18 documents. And more times than I care to admit, the lawyers
19 then begin scrambling to go find them.
20 But, in the last few I've told the lawyers in
21 advance get hardcopies of at least the exhibits that got a
22 lot of attention. Just have at least two copies here on
23 Friday so that you don't have to go back to your office, you
24 don't have to do all sorts of things; and we can at least
25 get them quickly the documents that they're likely to ask

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1 for.

2 So, I know that's, logistically, takes a lot of

3 copying, getting things ready. I would suggest two copies

4 so they don't all have to look at the same one.

5 MS. EISENBERG: Your Honor, may I raise a quick

6 issue in connection with the closing?

7 THE COURT: Yes.

8 MS. EISENBERG: The NRA requested that the NYAG

9 identify the alleged misstatements for the 15th claim

10 because we don't know which specific statements they will

11 argue in their closing; and we need to know that because

12 they go last. Because there are eight different alleged

13 misstatements that have been featured in testimony, but in

14 the complaint they feature over twenty.

15 THE COURT: And there were no contentious

16 interrogatories to flush that out?

17 MS. EISENBERG: There were, but as the

18 related-party transaction experience shows just because they

19 listed them in contentious interrogatories doesn't mean

20 they're actually going to ask the jury to return a verdict

21 on.

22 THE COURT: Oh, you mean they may not use all of

23 them?

24 MS. EISENBERG: Exactly, and we only have

25 forty-five minutes for our closing and don't want to be

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1 focussing on the misstatements --

2 THE COURT: Why don't we do it this way; it is all

3 of them in the contentious interrogatories, unless they're

4 telling you they're withdrawing some? That's the way I

5 would do it because if they wanted to add one that's not in

6 the contentious interrogatories, I'd have a problem with

7 that for lack of notice.

8 But if they haven't -- I mean, I did ask that with

9 the related-party transactions and it turned out there were

10 a bunch that they're not pursuing, whistleblowers, there's a

11 bunch they're not pursuing. I think it would be helpful to

12 me to know, you know -- I guess I would say you need to tell

13 the other side if there are any misstatements for claim 15

14 that you identified that you're not pursuing, I think it is

15 reasonable for me to know that and, certainly, the other

16 side.

17 MS. EISENBERG: Thank you, your Honor. And then we

18 have the same request with regard to the first cause of

19 action where they claim that property was improperly

20 administered that subsumes conflict of interest and the like

21 and, again, we have no understanding what they will be

22 arguing in closing.

23 THE COURT: Well, look -- I think that's arguably

24 the broadest claim, and I think any evidence that came in

25 during the trial would be fair game for that; unlike the

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1 related-party transaction where it is a specific event or

2 the misstatements where it is a discrete thing, I mean

3 that's what discovery was supposed to be for, to tell you

4 what the claims are.

5 So, I think, you know, they opened, they explained

6 what their claims were going to be. I think my main concern

7 is that you not be surprised by things that have never been

8 disclosed as opposed to being over prepared.

9 MS. EISENBERG: Your Honor, thank you for

10 considering my request.

11 Just to be clear, conflicts of interest are very

12 much like related-party transactions. In fact, they listed

13 them on the same contentious interrogatories.

14 For example, HomeTelos, your question was was that

15 a related-party transaction; and they said, no, it violates

16 the conflict-of-interest policy, but not the law.

17 And, so they're quite capable of identifying

18 specific transactions that they allege were tainted by

19 conflicts of interest even if they were not related-party

20 transactions under 715.

21 So, we would request given that we only have

22 forty-five minutes and given that they go last and we don't

23 have rebuttal, that they identify specific transactions that

24 they intend to feature in their closing argument as

25 violative of that policy.

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1 MS. STERN: Your Honor, as you said, this is --

2 we're in trial. This is not discovery. There's not a basis

3 for asking us to lay out a roadmap. We've all been sitting

4 here for six weeks. They know what the evidence is, and we

5 want to focus on getting the rest of today done and getting

6 ready for proper process --

7 THE COURT: The roadmap has been laid out in the

8 openings. You can only use admissible evidence, so I'm not

9 going to create some new rule of procedure that requires

10 them to map out their closing in advance.

11 But I do think that it is a fair request on where

12 you have specifically listed out in contentious

13 interrogatories ten things. If you know now that you're not

14 going to pursue them, I'd like to know that for purposes of

15 my instructions because as you've heard during your lunch

16 meeting, I mean some of these things, like the post

17 employment agreement, it seems pretty clear from the

18 testimony that there's probably no damages so I don't -- I

19 need to know whether I need an instruction in advance on

20 which depends on what the claim is going to be.

21 Now, that's more acute with transactions specific

22 claims, but I don't think it is unfair that if you know now

23 you're not pursuing certain of the statements you said you

24 were pursuing before, you should let them know.

25 MS. STERN: Certainly, your Honor.

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1 THE COURT: All right --

2 MR. CORRELL: Your Honor, I wasn't able to get a

3 consensus of where we are on the clock. I think if you ask

4 that question, you might get that information.

5 THE COURT: All right, where are we on the clock?

6 I saw -- it seemed to me it was not that far from an hour

7 because Mr. Conley started just about at twelve and there

8 were some breaks while Mr. Frazer finished and then we

9 finished at one.

10 So, it's I would imagine something like

11 forty minutes, to something like forty minutes or so that

12 you used this morning?

13 MS. STERN: I think so.

14 MS. EISENBERG: Fifty-two minutes, your Honor.

15 Fifty-two minutes today.

16 THE COURT: That's your count?

17 MS. EISENBERG: That's correct, your Honor.

18 THE COURT: I thought it was somewhere in the

19 forty, forty-five range.

20 All right, so you still have a little bit to go and

21 we should stop talking then.

22 Let's get the jury, please.

23

24 (Continued on next page)

25

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1 to have Mr. Lapham go next and for me to call my expert, who

2 I expect will be fifteen minutes.

3 THE COURT: Which expert is that?

4 MR. CORRELL: It is an expert on custom and

5 practice with respect to reliance by corporate executives on

6 treasurers and other people and, also, he's a damages

7 expert.

8 THE COURT: And who is Lapham is he the security

9 one?

10 MR. PETERS: So, Mr. Lapham is head of security in

11 the NRA, and he is awaiting -- we sent the order to the

12 other side and to the Court, and we've always said, included

13 Mr. Commerford and Mr. Lapham --

14 THE COURT: This is not you versus the plaintiff

15 issue. This is an intra-defendant issue.

16 MR. CORRELL: Mr. Lapham is critical to us --

17 THE COURT: Sure, everyone is critical, and the NRA

18 I would imagine has had a lot more of the time on the

19 defense side.

20 MR. CORRELL: Yes, they have.

21 THE COURT: I think you get priority for your next

22 witness.

23 MR. CORRELL: Thank you, your Honor.

24 MS. STERN: Your Honor, one thing, that is on his

25 is the expert that Mr. Correll referred to, we did not get

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1

2 (Whereupon, at this time the witness, John Frazer,

3 having been first duly sworn/affirmed by the Clerk of the

4 Court, resumed the witness stand and testified as follows:)

5 THE COURT: My caution about not calling a witness

6 that we can't finish.

7 MR. CORRELL: Your Honor, that's my concern. I

8 have one more witness to call, my expert, and I'm afraid of

9 getting bumped. I have a very low time count compared to

10 the NRA and Frazer and --

11 THE COURT: Well, who gets to choose because the

12 State only has a few minutes, I guess, left.

13 I don't know, have you all talked about who the

14 next witness is?

15 MR. CORRELL: We have.

16 THE COURT: Is it yours?

17 MR. CORRELL: Well, no, it is not.

18 MR. PETERS: We've discussed the schedule with the

19 other side and with Mr. Correll. We are going to try as

20 hard as we can to get through Mr. Commerford, the Spray

21 video and Mr. Lapham. That's the order of operations right

22 now.

23 So, the sooner we get to it, the more likely I

24 think it is to happen.

25 MR. CORRELL: My preference, your Honor, would be

J. Frazer - by Defendant - Cross/Ms. Stern Page 4407

1 24-hours notice that he was putting him back on the list.

2 MR. CORRELL: Your Honor, there's some confusion

3 around that. The NRA purported to be communicating for me,

4 and I didn't see the communication. As soon as I learned

5 that that hadn't been disclosed, I disclosed it. I think

6 they got 22-hours notice instead of 24. He has no

7 demonstratives and no documents.

8 THE COURT: Raise your hand if you remember me

9 saying I didn't want chaos today.

10 MR. CORRELL: This isn't chaos, yet, your Honor.

11 THE COURT: I look forward to when that occurs

12 then.

13 Let's get started with getting this finish and then

14 move on from there. Then you have one small witness for the

15 NRA, and the next one is going to be --

16 MR. PETERS: We have three things that we're trying

17 to get accomplished, and I'm confident that we can get all

18 three of them accomplished, which is Commerford, Lapham and

19 Mr. Spray. We have to do all three. I think we're all in

20 agreement.

21 I understand --

22 THE COURT: The clock is ticking, so let's go.

23 Let's get the jury in.

24 COURT OFFICER: All rise, jury entering.

25 (Whereupon, at this time the jury then entered the

J. Frazer - by Defendant - Cross/Ms. Stern Page 4408

1 courtroom.)

2 THE COURT: All right, please have a seat.

3 MS. STERN: May I continue, your Honor?

4 THE COURT: Yes, please.

5 CROSS-EXAMINATION

6 BY MS. STERN: (Continuing)

7 Q Mr. Frazer, yesterday you testified about some

8 financial transactions with Marion Hammer; right?

9 A Yes.

10 Q And you referred to Marion Hammer as a gun lobbyist?

11 A I don't know if I used that term.

12 Q Did you refer to her as a lobbyist?

13 A She is a lobbyist.

14 Q So Marion Hammer, she was getting paid by the NRA, she

15 had three different streams of revenue from the NRA; right?

16 A At one time, yes.

17 Q And she was being paid for consulting services, right?

18 A That's correct.

19 Q And the consulting services contract was something that

20 had to be ratified; right?

21 A Yes.

22 Q And she was being paid anywhere between \$160,000 a year

23 to about \$220,000 a year; right?

24 A I don't remember the low end, but I do recall the high

25 end, 220.

J. Frazer - by Defendant - Cross/Ms. Stern Page 4409

1 MS. STERN: Can we pull up JFX 52, page 27 of the

2 PDF and we're at the September 8th to 9th, 2018 Audit

3 Committee report.

4 Q Pretty familiar with this document, right?

5 A I do see it.

6 Q Okay. And we're looking at the paragraph in the report

7 that's addressing Marion Hammer.

8 Are you with me?

9 A I see it.

10 Q And does this accurately reflect what the Audit

11 Committee considered in addressing Marion Hammer's consulting

12 services agreement?

13 A As with the others, this is what the committee put on

14 the record, but there were, obviously, other discussions in the

15 meeting.

16 Q And there's no discussion in this document about

17 considering any alternative transactions; right?

18 A No, because it refers to her unique experience.

19 Q Okay, we can move on from that. Thank you.

20 MS. STERN: Can we turn to Plaintiff's Exhibit 421,

21 which is the policy manual.

22 Q I think it is 21 in your -- Tab 21 in your binder.

23 A It is.

24 Q I fear that this is not the binder that the Judge has.

25 This is in evidence. We looked at it many times.

J. Frazer - by Defendant - Cross/Ms. Stern Page 4410

1 I just wanted to ask you about the related party and

2 conflicts-of-interest policy at page 27 of 300 I believe it is.

3 A Okay, I'm there.

4 Q And we're looking at the policy that you took a hand in

5 drafting, right?

6 A Yes, ma'am.

7 Q And this -- let's see. On the bottom of the number

8 page 20, the next page. Okay, where are we?

9 Can you turn to the paragraph that says "In the event?"

10 Do you see where I am?

11 A I see it, yes.

12 Q Okay. And so "In the event the NRA or a covered person

13 in error enters into or otherwise participates in a

14 conflict-of-interest transactions that requires pre-approval by

15 the NRA Audit Committee pursuant to this policy, such

16 transaction shall promptly upon discovery of such error be

17 presented to the NRA Audit Committee for its review."

18 That's what you decided that the policy should require;

19 right?

20 A That's the policy the board adopted, yes.

21 Q And then the Audit Committee has some options of what

22 it can also do, right? It can review it, but then there is some

23 other options, right?

24 A That's correct.

25 Q And one of those options is take a disciplinary action,

J. Frazer - by Defendant - Cross/Ms. Stern Page 4411

1 right?

2 A That's right.

3 Q And no disciplinary action was ever taken with respect

4 to Mr. LaPierre; right?

5 A That's correct. I mean, obviously, he agreed to repay

6 various items, but no disciplinary action in a personnel sense.

7 Q Just repaying what he misused is not a disciplinary

8 action, right? That you would just expect in the ordinary

9 course just to make the NRA whole; right?

10 A I would.

11 Q Okay. You were asked some questions yesterday about

12 your compensation. Do you recall that?

13 A Yes.

14 Q So, your compensation has to be reported on the NRA's

15 Form 990 each year; right?

16 A That's correct.

17 Q By virtue of your role as General Counsel and

18 secretary; correct?

19 A As secretary for sure.

20 Q And if somebody wanted to see what your compensation

21 was in any given year, they could go to Schedule J in the Form

22 990; right?

23 A That's correct.

24 MR. STERN: Can we pull up PX 225.

25 THE COURT: Counselor, you have your thoughts on

Page 4412

1 the time; right?

2 MS. STERN: Yes, I do.

3 THE COURT: I would just ask the defendants to

4 start thinking about allocating the remaining time in the

5 afternoon for hard stops for each of the witnesses that you

6 want to do. I mean hard stops, because there's not going to

7 be a lot of cross. So you should start writing those down

8 and I will enforce them.

9 Go ahead.

10 MS. STERN: PX 225, which is in evidence, and if we

11 can go, Jesse, to page 45 of 102.

12 Q And that's Schedule A that we're looking at; right?

13 A It is.

14 Q And this is for 2021?

15 A Yes, that's correct.

16 Q In 2021, your total comp with all of your benefits,

17 right, nontaxable benefits retirement is \$348,924; right?

18 A That's correct.

19 Q And that's the reduced comp that you said that you took

20 during the COVID period; right?

21 A That's the reduced salary. And then other things,

22 like, employer paid health insurance and 401k matches and other

23 fringe benefits, yes.

24 (Continued on next page)

25

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1 MS. STERN: Okay. Thank you. I have no further

2 questions. Pass the witness.

3 THE COURT: Okay. Anything further?

4 MR. CORRELL: Cross.

5 MS. EISENBERG: I just have redirect for Mr.

6 Frazer.

7 MR. CORRELL: I have one question on cross.

8 THE COURT: Then cross goes first. So don't do your

9 time allocations until after all this is all over.

10 CROSS-EXAMINATION

11 BY MR. CORRELL:

12 Q Mr. Frazer, how long have you been at the NRA?

13 A Well, I originally started in 1993, so 31 years minus

14 my time is private practice.

15 Q During your tenure has it been the practice of the NRA

16 to punish people for honest mistakes?

17 A No.

18 MR. CORRELL: Thank you.

19 MS. EISENBERG: May I proceed, your Honor.

20 THE COURT: Please.

21 MS. EISENBERG: Good afternoon. Can you hear me?

22 Thank you very much.

23 REDIRECT EXAMINATION

24 BY MS. EISENBERG:

25 Q Good afternoon, Mr. Frazer.

Page 4414

1 A Good afternoon.

2 Q You previously testified about the ratification of

3 related-party transactions. Do you recall that?

4 A I do.

5 Q And is it your understanding of the law that the

6 ratification defense is available up until the point when the

7 Attorney General makes a request for documents related to the

8 transaction?

9 MS. STERN: Objection.

10 MR. FARBER: Objection.

11 THE COURT: Sustained.

12 Q Did there come a time when the Attorney General served

13 a subpoena on the National Rifle Association?

14 A Yes.

15 Q Do you recall when that was?

16 A Well, there were a couple of them. I believe the first

17 was around June 2019.

18 Q Let's show Mr. Frazer, counsel and the Court what we

19 will mark as DX1-1089 for identification.

20 MS. STERN: Your Honor I think this is going beyond

21 the scope.

22 THE COURT: We don't know yet since it hasn't

23 started.

24 MS. STERN: The NRA did a direct already.

25 THE COURT: This is redirect.

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1 Q Mr. Frazer, do you recognize the document in front of

2 you?

3 A I believe so, yes.

4 Q What is it?

5 A It's a copy of the subpoena issued sometime -- well,

6 this -- sometime before June 28, 2019.

7 Q Let's take a look at the second page.

8 Does it provide the date of the subpoena?

9 A It does. June 3, 2019.

10 MS. EISENBERG: May I, your Honor, move to admit

11 this in evidence?

12 MR. FARBER: No objection.

13 THE COURT: Yes, it's relevant to the ratification.

14 So admitted.

15 MS. EISENBERG: Thank you. Let's display the

16 subpoena to the jury.

17 THE COURT: Have you marked it?

18 MS. STERN: DX1-1089. It's admitted.

19 MS. EISENBERG: Thank you, your Honor.

20 Q Mr. Frazer, and just to show the members of the jury,

21 where on this subpoena do we see the date on which it was

22 issued?

23 A The date is on the last page. On the signature page.

24 The last.

25 Q Which is the second page of the exhibit?

Frazer - By Defendant - Redirect/Ms. Eisenberg Page 4416

1 A That's right.

2 Q And is it in the paragraph that starts with the words

3 "Witness the Honorable Letitia James?"

4 A That's correct.

5 Q The date is June 3, 2019; is that correct?

6 A That's correct.

7 Q Let's display for Mr. Frazer, the Court and for the

8 moment just counsel what's been identified as DX 1-0517.

9 Mr. Frazer, do you recognize this document?

10 A I do.

11 Q What is it?

12 A It's a -- it's an Audit Committee meeting report dated

13 July 30, 2022.

14 MS. EISENBERG: Your Honor, at this point the NRA

15 moves to admit DX1-0517 in evidence.

16 THE COURT: Any objection?

17 MR. FARBER: Is it just the one page that was on

18 the screen?

19 MS. EISENBERG: That's correct, your Honor.

20 THE COURT: There was no second page?

21 MS. EISENBERG: That's correct.

22 MR. FARBER: No objection.

23 THE COURT: It's admitted.

24 Q Let's display this for the members of the jury.

25 Mr. Frazer, does this refer to a teleconference audit

Frazer - By Defendant - Redirect/Ms. Eisenberg Page 4417

1 committee on a particular date?

2 A It does. It refers to July 30, 2022.

3 Q And in the paragraph which is the second from the

4 bottom where it says "moved," can you please read that into the

5 record?

6 A It says, "Moved, the committee unanimously approves the

7 memorandum of understanding between the National Rifle

8 Association and the MMP companies as presented."

9 Q Do you recall Ms. Stern asking you whether or not the

10 Audit Committee was involved in the approval of the new MMP

11 contract?

12 A I do.

13 Q Does this document show that it was?

14 A It does.

15 Q Let's take a look at DX 1-0506.

16 THE COURT: Is this also for identification or is

17 this already in?

18 MS. EISENBERG: Actually, I'm not sure. Let's set

19 that aside. My colleagues can look it up for us, and we can

20 just move on for the moment.

21 Q Let's take a look at DX 1-0432 for identification.

22 Mr. Frazer, just to orient you, this is an email thread

23 containing two email messages and several attachments.

24 Do you recognize this family of documents?

25 A I do.

Frazer - By Defendant - Redirect/Ms. Eisenberg Page 4418

1 Q What are they?

2 A They are a set of documents related to the -- to an

3 Audit Committee action in September -- in or around

4 September 2016 in which the committee as an alternative to a

5 meeting gave unanimous written consent to a related-party

6 transaction.

7 MS. EISENBERG: Your Honor, at this point the NRA

8 moves DX 1-0432 into evidence.

9 MR. FARBER: Could we have a copy to review?

10 THE COURT: Any objection on the Plaintiff side?

11 MS. STERN: No objection, your Honor.

12 MR. FARBER: No objection, your Honor.

13 No objection.

14 THE COURT: It's admitted.

15 Q So we can publish it for the members of the jury, and

16 if you can just walk the members of the jury through the top

17 page.

18 A Sure. So what this reflects from what you can see on

19 the screen is that in the message at the bottom, I'm writing to

20 Rick Tedrick to check on the status of the written approval

21 request on this contract with Bart Skelton. Bart Skelton sadly

22 passed away a few months ago was an NRA Board member for several

23 years, and there was a proposed contract for him to write

24 articles for the NRA publications.

25 Q Thank you, Mr. Frazer.

Frazer - By Defendant - Redirect/Ms. Eisenberg Page 4419

1 Let's take a look at the second page of the exhibit.

2 Who is this email from and to whom is it addressed?

3 A The email is from Rick Tedrick who was the secretary of

4 the Audit Committee at the time, and he is addressing it to the

5 members of the Audit Committee at the time with copies to me,

6 Mr. Phillips, Ms. Cummins who was in the treasurer's office and

7 himself.

8 He sends it through a secure email portal that we use

9 from time to time, and it requests the -- as you can see, it

10 says that in the discussion shortly before this about

11 related-party transactions, the committee had inadvertently left

12 out a pending issue, and we pointed out that the committee could

13 approve it by unanimous consents and asked for that consent or

14 if people had any questions.

15 Q Is it fair to say that Mr. Tedrick states that this was

16 accidentally left out?

17 A That's correct.

18 Q While presenting the transactions with Board members

19 for committee approval; right?

20 A Yes.

21 Q Do you remember Ms. Stern asking you whether or not you

22 in fact attended the September 2016 meeting?

23 A Yes.

24 Q Do you remember her implying that in fact you did not?

25 MS. STERN: Objection, your Honor.

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Frazer - By Defendant - Redirect/Ms. Eisenberg Page 4420

1 THE COURT: Overruled.
 2 A No. I had attended that meeting.
 3 Q Do you recall her questioning imply?
 4 A Yes. Her implication that I didn't attend.
 5 Q How does that document that we are looking at right now
 6 relate to her question?
 7 A It relates to the fact that I was at the committee. I
 8 went through the list of transactions with the committee. In
 9 the course of doing that, we missed -- missed one that was on
 10 the list. It was actually advance approval as I recall rather
 11 than ratification, and we wanted to go back and make sure that
 12 we had corrected that error.
 13 Q Ms. Stern was provided with a copy of this document in
 14 discovery; correct?
 15 MS. STERN: Objection, your Honor.
 16 THE COURT: Sustained.
 17 Q Did the defendants list this document on their exhibits
 18 list?
 19 MS. STERN: Objection, your Honor.
 20 THE COURT: Also sustained. This is a fact
 21 witness.
 22 Q Let's take a look at DX 1-0506 for identification.
 23 Do you recognize this document?
 24 A I do.
 25 Q What is it?

Frazer - By Defendant - Redirect/Ms. Eisenberg Page 4421

1 A It's the Contract Review Signature Sheet for the -- it
 2 says Membership Marketing Partners, but it was really Allegiance
 3 Creative.
 4 MS. EISENBERG: The NRA moves to admit DX 1-0506 in
 5 evidence.
 6 MS. STERN: I thought this was already admitted
 7 yesterday.
 8 THE COURT: It kind of looks familiar.
 9 MR. FLEMING: There's a version. I can't say it's
 10 exactly -- yesterday -- actually, already in evidence even
 11 prior to my examination yesterday. PX 2426.
 12 THE COURT: All right. So it's in evidence. You
 13 can use it.
 14 MS. EISENBERG: Let's display it for the members of
 15 the jury.
 16 Q Mr. Frazer, does this is document that we have up on
 17 the screen show that the president, the first vice-president and
 18 the second vice-president signed the Contract Review Signature
 19 Sheet for the new MMP contract?
 20 A It does.
 21 Q Finally, let's take a look at PX-438 for
 22 identification.
 23 THE COURT: So you need to shut the screen down
 24 again.
 25 MS. EISENBERG: Thank you.

Frazer - By Defendant - Redirect/Ms. Eisenberg Page 4422

1 Q Mr. Frazer, do you recognize this document?
 2 A I do.
 3 Q And let's take a look at the second page of the
 4 exhibit.
 5 Do you recognize that?
 6 A I do.
 7 Q What is this family of documents?
 8 A It's a contract and a transmission email contract with
 9 David Keene to engage in speaking engagement and advocacy,
 10 outreach between the NRA and Mr. Keene, and there is the cover
 11 memo, if we can go back to that -- is an email in which I think
 12 if we scroll down -- I am sending back -- could we go to the end
 13 of the the attachment for a moment? It should be a signature
 14 page, I think.
 15 Well, I'm sorry. It wouldn't be that far down. Sorry.
 16 There is some long attachments to this.
 17 THE COURT: It was the agreement raised on cross?
 18 MS. EISENBERG: I'm sorry.
 19 THE COURT: Was this agreement raised on
 20 cross-examination.
 21 MS. EISENBERG: Yes. They asked specifically isn't
 22 it true that there was no contract wasn't reached with Mr.
 23 Keene.
 24 A Thank you for your patience. I just want to make sure
 25 this is a signed copy.

Frazer - By Defendant - Redirect/Ms. Eisenberg Page 4423

1 This is an email where I'm sending Mr. Keene a
 2 fully-signed copy of the agreement with him it looks like
 3 September 2019.
 4 MS. EISENBERG: At this point the NRA moves to
 5 admit PX 438 in evidence.
 6 THE COURT: It's admitted.
 7 MS. EISENBERG: Let's show the members of the jury
 8 the signature page which is on Page 8 or maybe 9 of 15. And
 9 let's scroll to the second page of the exhibit which is the
 10 first page of the consulting agreement.
 11 Mr. Frazer, thank you very much.
 12 Your Honor, I'll pass the witness subject to our
 13 discussion about those Board books. I think we are still
 14 discussing that with our colleagues.
 15 THE COURT: Okay.
 16 MR. FLEMING: Very briefly.
 17 As we spoke about this morning, I have reached a
 18 stipulation with the Plaintiffs for the admission of four
 19 990s.
 20 THE COURT: Okay.
 21 MR. FLEMING: And so those would be JFX30, JFX31,
 22 PX 222 and PX -- I'm sorry. JFX 33.
 23 THE COURT: Without objection, those are all
 24 admitted.
 25 MR. FLEMING: I would also call up PX 2249, please.

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Frazer - by Defendant - Redirect/Mr. Fleming Page 4424

1 THE COURT: That's in evidence.
 2 MR. FLEMING: Well, there is a duplicate of a
 3 document that Ms. Eisenberg just brought up.
 4 THE COURT: Okay.
 5 MR. FLEMING: And I have one question on it and
 6 literally one question. Well, after identifying it.
 7 REDIRECT EXAMINATION
 8 BY MR. FLEMING:
 9 Q Mr. Frazer, is this document a replica of what you were
 10 just shown by Ms. Eisenberg?
 11 A It is.
 12 Q And if we can scroll down to the exhibit number,
 13 please. You see a PX 2249?
 14 A I do.
 15 Q Do you understand that to be a Plaintiff's Exhibit?
 16 A I do.
 17 MR. FLEMING: Thank you.
 18 THE COURT: Okay. Anything further?
 19 MR. PETERS: No, your Honor.
 20 THE COURT: All right. So you're free to step
 21 down.
 22 MR. PETERS: We have the time allocations for you.
 23 THE COURT: Why don't you hand them up.
 24 You're doing it this way. Okay. I'm not sure what
 25 that means.

Frazer - by Defendant - Redirect/Mr. Fleming Page 4426

1 videos.
 2 THE COURT: How about we not talk anymore and we
 3 will just do -- it's 3:00.
 4 Call your next witness.
 5 MS. EISENBERG: Your Honor, the NRA calls John
 6 Commerford, your Honor.
 7 THE COURT: Is he in the room or is somebody going
 8 to get him?
 9 MS. EISENBERG: He is right outside the courtroom.
 10 I would suggest that if possible you end a little sooner on
 11 each of these and just preserve flexibility.
 12 MR. PETERS: Understood, your Honor.
 13 THE COURT: Remember this is still trial and not
 14 speed dating.
 15 MR. CORRELL: I can call Mr. Rabin right now while
 16 we wait for Mr. Commerford.
 17 THE COURT: I thought you needed to wait for
 18 Lapham.
 19 MR. CORRELL: That was my preference.
 20 THE COURT: I am the catcher. You guys are the
 21 pitchers.
 22 MR. PETERS: We are going to call Mr. Commerford.
 23 He will be here momentarily.
 24 THE COURT: Okay.
 25 MR. PETERS: I might go try to chase him down.

Frazer - by Defendant - Redirect/Mr. Fleming Page 4425

1 MR. PETERS: These are our time calculations. We
 2 are going to have Mr. Commerford go on at 3:00 p.m., and we
 3 anticipate he will finish at 3:20. Then we will have the
 4 Spray deposition clip. That will start 3:20 and end at
 5 3:55. Then we will have the Meadows clip. That will begin
 6 at 3:55, end approximately 4:10. Then we will have two more
 7 witnesses. We will have Mr. Lapham. We expect him to
 8 finish at 4:25 and then we will have 20 minutes for Mr.
 9 Rabin.
 10 THE COURT: So you're assuming zero minutes of
 11 cross across the board which is maybe a little aggressive,
 12 but 4:25 gives us still a little bit of wiggle room.
 13 That also means the jury has to be comfortable.
 14 Let's just see how we do.
 15 Which one is your witness.
 16 MR. CORRELL: Rabin.
 17 THE COURT: I would suggest putting -- you can do
 18 the same scrambling of numbers, but I don't want to leave
 19 yours till last.
 20 MR. CORRELL: Thank you, but I also need Mr.
 21 Lapham, so I would prefer to keep this order and just hue to
 22 it if we could.
 23 THE COURT: Well, all of these numbers assume no
 24 cross at all which is not reasonable.
 25 MR. PETERS: How about -- we can't cut time off the

Commerford - by Defendant - Direct/Ms. Eisenberg Page 4427

1 THE COURT: I don't want to lose you. Then we will
 2 have to send somebody after you.
 3 JOHN C O M M E R F O R D, a witness called on
 4 behalf of the Defendant, after having been first duly sworn,
 5 took the witness stand and testified as follows:
 6 THE CLERK: State your name.
 7 THE WITNESS: John Samuel Commerford.
 8 THE CLERK: Spell your last name.
 9 THE WITNESS: C-O-M-M-E-R-F-O-R-D.
 10 THE CLERK: Thank you. You may be seated.
 11 MS. EISENBERG: Your Honor, may I proceed?
 12 THE COURT: Yes, please.
 13 DIRECT EXAMINATION
 14 BY MS. EISENBERG:
 15 Q Good afternoon, Mr. Commerford.
 16 A Good afternoon.
 17 Q And what do you do at the NRA?
 18 A I am the chief of operations for the NRA Institute for
 19 Legislative Action.
 20 Q How long have you been in that position?
 21 A I started in that role in November of 2019.
 22 Q And how long have you worked at the NRA?
 23 A I started originally in August of 2007 as an intern.
 24 Q Where did you go to college?
 25 A I went to Hofstra University.

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Commerford - by Defendant - Direct/Ms. Eisenberg Page 4428

1 Q How did it come about that you became an intern at the
2 NRA?
3 A I took part in a State University of New York
4 internship program in conjunction with Hofstra University on my
5 final semester at college.
6 Q Is the Institute of Legislative Action a part of the
7 NRA?
8 A Yes, it is.
9 Q Is it fair to refer to ILA as a division of the NRA?
10 A Yes, it is.
11 Q And what is the mission of ILA?
12 A We inform our members and give them a voice on
13 legislative, informational issues and in legal issues in the
14 courts.
15 Q As you became the chief of operations in 2019, did
16 there come a time that you undertook certain steps to insure
17 that the NRA complies with laws, regulations and internal
18 policies?
19 A Yes, I did.
20 Immediately after Jason Ouimet took over as executive
21 director of NRA/ILA, he tasked me with this role in the Fall and
22 Winter of 2019.
23 Q Jason Ouimet replaced Mr. Cox; is that fair?
24 A Yes, he did.
25 Q After Mr. Cox left?

Commerford - by Defendant - Direct/Ms. Eisenberg Page 4429

1 A That's correct.
2 Q Did you do as Mr. Ouimet requested?
3 A Yes, I did.
4 Q Please describe the process.
5 A I did a complete review on all of our existing
6 contracts and vendors including whether we were in compliance
7 with existing NRA procedures, whether the vendors were
8 performing their duties as expected or whether they just needed
9 to continue from a business need.
10 Q With regard to those that you decided that you needed
11 to continue, what, if anything, else did you do?
12 A We processed each and every contract at the end of 2019
13 and make sure they were in compliance with our signature
14 process. Especially for contracts over \$100,000 requires quite
15 a few signatures.
16 We actually made sure that we had the maximum
17 signatures on each of these contracts.
18 Q And to the extent you decided to eliminate certain
19 vendors, did that help realize certain savings?
20 A It did. We were able to save our members approximately
21 a little more than \$4 million a year on an annualized basis.
22 Q While Mr. Cox was the head of ILA, is it fair to say
23 that he used ILA money to purchase sports tickets?
24 A Yes. NRA/ILA did have season sports tickets to the
25 Washington Nationals, Washington Wizards and Washington

Commerford - by Defendant - Direct/Ms. Eisenberg Page 4430

1 Capitals.
2 Q Once Jason Ouimet replaced Jason Cox and you became
3 chief of operations, what happened to those tickets?
4 A At the end of those contracts, they were not renewed.
5 Q They were not renewed?
6 A They were not.
7 Q What, if anything, did you do to insure that the
8 employees of the NRA, specifically ILA in your instance are
9 aware of the mechanism for reporting concerns through the
10 whistleblower hotline?
11 A We provide something as simple as a QR code that's
12 placed in high traffic areas within our Institute for
13 Legislative Action office floor at NRA headquarters and our
14 federal affairs office.
15 Q Did you personally take part in insuring that that
16 information is readily available?
17 A Yes, I did. I literally was the one that taped the
18 signs up in the high traffic areas?
19 Q As the chief of operations at ILA, are you familiar
20 with ILA's reimbursement policies?
21 A I am.
22 Q What if someone submits a reimbursement request that is
23 late?
24 A If it's longer than 30 days which is stricter than
25 standard NRA policy, it's rejected.

Commerford - by Defendant - Direct/Ms. Eisenberg Page 4431

1 Q What if it is timely but the employee fails to provide
2 information that justifies the business purpose of the request?
3 A Through our digitized system, there is an ability for
4 them to appeal, but it would be rejected.
5 Q After Mr. Cox left the NRA, has anyone at ILA used
6 private jets to travel for business?
7 A They have not.
8 Q How do you travel?
9 A Coach.
10 Q And what's your preferred hotel?
11 A Prefer Marriott chain hotels.
12 Q And from time to time, do you also review and revise
13 policies to insure compliance with laws and regulations?
14 A Yes, we do.
15 Q Can you give us an example of a recent policy update?
16 A Compliance is a huge factor at what we do at the
17 institute involving federal elections communication, compliance.
18 We've outsourced that program to a professional firm to make
19 sure we are 110 percent in compliance on everything we do.
20 We also make sure our staff in ILA attend the
21 compliance training seminars offered by NRA's Office of General
22 Counsel, and if they miss those, we make sure they have the
23 opportunity to do a makeup class.
24 Q Let's go back to your discussion about the mission of
25 ILA. I believe you said that it consists of legislative, legal

Commerford - by Defendant - Direct/Ms. Eisenberg Page 4432

1 and fundraising activities. Did I get that right?
 2 A And informational as well.
 3 Q To the extent you engage in informational activities,
 4 is that in support of the legal and legislative activities?
 5 A Yes. We communicate to our members so they are better
 6 aware and able to take part in the legislative and political
 7 process to support our mission.
 8 Q Please describe what you are referring to when you say
 9 legislative.
 10 A We provide representation and voice for our members at
 11 the state and local level as well as on Capitol Hill.
 12 Q Please describe what you mean when you refer to
 13 political activities.
 14 A We also provide a voice for our members and inform them
 15 on issues related to endorsements for political candidates but
 16 mainly to inform them on which lawmakers or candidates support
 17 the reasons that they joined NRA which is their Second Amendment
 18 rights.
 19 Q Are you familiar with whether or not ILA has separate
 20 bank accounts from the rest of the NRA?
 21 A I am.
 22 Q And what is the answer?
 23 A We are financially segregated from the NRA with
 24 separate accounts as required by our Bylaws.
 25 Q Has that been the case since 2013 when you returned to

Commerford - by Defendant - Direct/Ms. Eisenberg Page 4433

1 the NRA?
 2 A Yes, it is.
 3 Q And how are you confident that that's the case?
 4 A I have personally been involved with fundraising issues
 5 through our expense reimbursement policies. I directly see the
 6 checks to see that they are a separate account.
 7 Q Where does the money in ILA's bank account come from?
 8 A There is a few main sources of revenue for the
 9 institute. One is direct mail fundraising. Another is through
 10 individual donors. Another is through estate gifts and wills
 11 and also from the NRA itself.
 12 Q Sometimes money goes out of ILA accounts to the rest of
 13 the NRA; is that fair?
 14 A That's correct.
 15 Q And sometimes money comes from the NRA to ILA; right;
 16 A That's also correct.
 17 Q Setting that aside and focusing on the donors part.
 18 When donors donate money to ILA, for what purpose do they donate
 19 money?
 20 A To support our main issues, legislative issues, legal
 21 issues and helping us inform our members.
 22 Q We have heard during this trial about certain programs
 23 run out of the General Operations Department such as Eddie
 24 Eagle, Refuse To Be A Victim.
 25 Is ILA in any way involved with Eddie Eagle?

Commerford - by Defendant - Cross/Mr. Wang Page 4434

1 A We are not.
 2 Q Is ILA involved in any way with the Refuse To Be A
 3 Victim program?
 4 A It is not.
 5 Q Hunters For The Hungry?
 6 A We are not.
 7 Q Is ILA involved in any of the programs run out of the
 8 General Operations Department?
 9 A We are not.
 10 Q And what is your mission again -- focus of your mission
 11 again?
 12 A Legislative issues, legal issues and informing our
 13 members, especially on the political arena.
 14 MS. EISENBERG: Thank you very much, Mr.
 15 Commerford. I'll pass the witness.
 16 THE COURT: Any cross exam?
 17 MR. WANG: Very briefly, your Honor.
 18 THE COURT: Okay.
 19 CROSS-EXAMINATION
 20 BY MR. WANG:
 21 Q Good afternoon, Mr. Commerford.
 22 A Good afternoon.
 23 Q My name is William Wang. I am an Assistant Attorney
 24 General with the New York State Attorney General's Office.
 25 Just a brief question. On your direct testimony with

Commerford - by Defendant - Cross/Mr. Wang Page 4435

1 Ms. Eisenberg you talked about various activities focused on
 2 compliance.
 3 Do you remember that?
 4 A That's correct.
 5 Q All of those activities were performed after 2019;
 6 correct?
 7 A In the Fall and Winter of 2019 into 2020.
 8 MR. WANG: Pass the witness.
 9 THE COURT: Anything further?
 10 MR. CORRELL: Nothing here, your Honor.
 11 (Continued on the following page.)
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NRA

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1

2 THE COURT: Do you want to continue with your

3 next -- actually, I'm sorry, sir. I forgot about that.

4 You're free to step down.

5 THE WITNESS: Thank you, your Honor.

6 (Whereupon, at this time the witness was then

7 excused.)

8 THE COURT: I was going to ask, although you

9 actually were a little short of your time, which is good.

10 You have two witnesses on video?

11 MR. PETERS: Correct.

12 THE COURT: And two live witnesses. Right now

13 everything still going according to time. So, I guess we

14 can just keep going.

15 So, call your next witness by video.

16 MR. PETERS: The NRA calls Mr. Craig Spray.

17 THE COURT: Okay, so, we have a -- is it all

18 videotape?

19 MR. PETERS: It is all videotape.

20 THE COURT: All right, so this one we're going to

21 sit and watch.

22 (Whereupon, at this time the video was played.)

23 THE COURT: Okay, I'm going to suggest that maybe

24 we switch -- first of all, to get out of the back-to-back

25 video, do the two live witnesses; and if something happens,

C. Lapham - by Defendant - Direct/Ms. Eisenberg Page 4438

1

2 MS. EISENBERG: May I proceed, your Honor.

3 THE COURT: Yes, you may.

4 MS. EISENBERG: Thank you.

5 DIRECT-EXAMINATION

6 BY MS. EISENBERG:

7 Q Good afternoon, Mr. Lapham.

8 A Good afternoon.

9 Q What do you do at the NRA?

10 A I am the managing director of security.

11 MS. EISENBERG: Can the members of the jury hear

12 the witness? Perfect.

13 Q How long have you been the managing director of

14 security?

15 A Since May of 2023.

16 Q And previous to that, did you ever provide executive

17 security detail to Mr. LaPierre?

18 A Yes.

19 Q In what capacity was that?

20 A I was a contractor that provided executive protection

21 for the NRA executives of the NRA, in particular, Mr. LaPierre

22 since 2011.

23 Q So, that was between 2011 and 2023; right?

24 A Yes.

25 Q Who during the 2011 through 2023 time period was your

C. Lapham - by Defendant - Direct/Ms. Eisenberg Page 4437

1 either the jury needs a break and we need to delay, we can

2 always possibly move -- the Meadows is what, fifteen minutes

3 of video? I think we'll fit it in, but if the worst

4 happens, we can always play it in the morning, but I'm

5 hoping to avoid that.

6 So, Mr. Correll, who's your witness or who's the

7 next witness?

8 MS. EISENBERG: The NRA calls Mr. Lapham.

9 THE COURT: Okay, can we go get Mr. Lapham.

10 MS. EISENBERG: He's right outside. I already

11 confirmed it.

12 THE COURT: I appreciate you sticking with me

13 today. If anyone needs to --

14 JUROR: Stretch.

15 THE COURT: Stretching is good.

16 I figured a back-to-back video would be a lot.

17 CHRISTOPHER LAPHAM

18 called as a witness in behalf of the Defendant,

19 and after having been first duly sworn/affirmed by the

20 Clerk of the Court, took the witness stand and

21 testified as follows:

22 THE CLERK: State your name.

23 THE WITNESS: Christopher Lapham.

24 THE CLERK: Spell your last name.

25 THE WITNESS: L-A-P-H-A-M.

C. Lapham - by Defendant - Direct/Ms. Eisenberg Page 4439

1 contact at the NRA?

2 A My contacts at the NRA were Gordon Russell, Linda

3 Bradford and Jim Staples.

4 Q Fair to say those gentlemen are your predecessors?

5 A Yes.

6 Q When you provided executive security protection for

7 Mr. LaPierre in the years between 2011 and 2023, how frequently

8 did you work for the NRA then?

9 A It would differ. So, there were years that I could

10 have done about 80 days a year, other days could have been about

11 50 days a year.

12 Q When you helped with the executive protection for

13 Mr. LaPierre during those years, was it important for you to

14 assess the threat that Mr. LaPierre faced in order to carry out

15 your job?

16 A Yes.

17 MS. STERN: Objection, leading.

18 THE COURT: Overruled.

19 Q Did you say yes?

20 A Yes.

21 Q What did you do in order to assess the threat that

22 Mr. LaPierre faced?

23 A To do my job well, I would have to be familiar with the

24 threats that would come in towards any employee of the NRA,

25 which would include Mr. LaPierre. I was made aware of those,

C. Lapham - by Defendant - Direct/Ms. Eisenberg Page 4440

1 those threats which were coming in via internet, social media
 2 postings, telephone calls, voice mails, United States postal
 3 mailings, and the like. And through those years and still today
 4 I still keep up with the -- those threats and monitoring those
 5 threats that come in.
 6 Q Without getting into any graphic language, can you just
 7 give us a sense of the intensity and the frequency of the
 8 threats?
 9 A They are pretty intense. We're not going to hide
 10 anything. The NRA, you know, they're pretty polarizing. So
 11 with that, you're going to get feedback from people that don't
 12 agree with it. And in today's age and date of social media and
 13 the like and, you know, people are pretty nasty. So, the
 14 threats that come in are pretty intense and they are pretty
 15 frequent.
 16 Q Based on your assessment of that information, what did
 17 you determine to be the level of threat faced by Mr. LaPierre
 18 since you started providing executive protection for him?
 19 MS. KANDEL: Objection, timeframe.
 20 THE COURT: Have we established that timeframe?
 21 MS. EISENBERG: Yes. 2011, your Honor.
 22 THE COURT: Continue.
 23 A Can you repeat that now?
 24 Q I'd be happy to. Since 2011, did you form a view as to
 25 the level or the degree of threat that Mr. LaPierre faced based

C. Lapham - by Defendant - Direct/Ms. Eisenberg Page 4441

1 on your review of the various types of information that you just
 2 described?
 3 A Absolutely, yes.
 4 Q What was your conclusion?
 5 A With an objective assessment on that, absolutely the
 6 threats were pretty serious; and I feel especially in my role
 7 today it is my responsibility -- not only my responsibility, but
 8 the responsibility of the NRA to keep Mr. LaPierre and his
 9 family safe.
 10 Q You would agree that not every executive vice president
 11 of every not-for-profit corporation needs to travel by private
 12 charter; right?
 13 A Yes.
 14 MS. KANDEL: Objection.
 15 THE COURT: Overruled.
 16 MS. EISENBERG: Thank you, your Honor.
 17 Q Is there anything about the security threat faced by
 18 Mr. LaPierre that makes it highly advisable or necessary for him
 19 to fly private?
 20 A Yes.
 21 Q Please explain.
 22 A On a public flight, even if I put Mr. LaPierre in first
 23 class, front seat surrounding him by security, everybody is
 24 going to be sitting facing forward. You're not going to see any
 25 threat that comes up to you.

C. Lapham - by Defendant - Direct/Ms. Eisenberg Page 4442

1 Me, personally, if that was me doing executive
 2 protection, if they said, hey, this is what you're going to do,
 3 I wouldn't do it. I don't want to get hurt. This is a very
 4 polarizing company. It's a very polarizing person.
 5 Nobody saw the, you know, from the 911 flights, the
 6 attacks that happened there and people got killed on those
 7 flights. It would be disastrous. I would never do that.
 8 Q Throughout the time that you provided security detail
 9 to Mr. LaPierre, did you believe that flying private was a
 10 necessary way to mitigate the risk that he faced?
 11 MS. KANDEL: Objection, your Honor, foundation.
 12 THE COURT: I'm allowing leading more today just
 13 because we're trying to get through a few things, so
 14 overruled.
 15 Q Was your answer yes?
 16 A Yes.
 17 Q Have you done any executive protection work for any
 18 other not-for-profit corporations?
 19 A Yes.
 20 Q And are you familiar with any other not-for-profit
 21 corporations that permitted their executives to fly private?
 22 A Yes.
 23 MS. EISENBERG: Thank you very much, Mr. Lapham.
 24 No further questions.
 25 I'll pass the witness.

C. Lapham - by Defendant - Cross/Ms. Kandel Page 4443

1 MR. CORRELL: No questions, your Honor.
 2 THE COURT: Anything further? Any cross?
 3 MS. KANDEL: Yes, your Honor.
 4 THE COURT: Ms. Kandel, you're familiar with the
 5 time situation?
 6 MS. KANDEL: Yes, your Honor.
 7 CROSS-EXAMINATION
 8 BY MS. KANDEL:
 9 Q Good afternoon, Mr. Lapham.
 10 A Good afternoon.
 11 Q My name is Erin Kandel, and I represent the People of
 12 the State of New York in this action.
 13 A Great to meet you.
 14 Q You just testified that you were hired by the NRA in
 15 May of 2023; is that right?
 16 A Correct.
 17 Q And you were hired as the managing director of
 18 security; right?
 19 A Yes.
 20 Q And prior to that time, you were not an NRA employee;
 21 is that correct?
 22 A Correct.
 23 Q You were a contractor as you testified, right?
 24 A Yes.
 25 Q And you testified that you worked about 80 days a year

C. Lapham - by Defendant - Cross/Ms. Kandel Page 4444

1 at maximum before you were hired as the managing director?
 2 MS. EISENBERG: Objection, mischaracterizes his
 3 testimony.
 4 THE COURT: Overruled.
 5 A Can you repeat that?
 6 Q And you testified that you worked about at most 80 days
 7 a year when you were working as a contractor, is that right?
 8 A Correct, give or take.
 9 Q And while you worked as a contractor, you didn't have
 10 any decision-making authority with respect to NRA's security
 11 policies; is that right?
 12 A Correct.
 13 Q And --
 14 MS. KANDEL: Actually, no further questions. Thank
 15 you.
 16 THE COURT: Thank you.
 17 Anything else?
 18 All right, sir, thank you very much. You can step
 19 down.
 20 (Whereupon, at this time the witness was then
 21 excused.)
 22 THE COURT: Mr. Correll, do you have your next
 23 witness?
 24 MR. CORRELL: Yes, I do, your Honor. Your Honor, I
 25 call Mark Rambin.

M. Rambin - by Defendant - Direct/Mr. Correll Page 4446

1 if it's different, then I'll listen. We'll have to decide
 2 as we go.
 3 M A R K R A M B I N
 4 called as a witness in behalf of the Defendant,
 5 and after having been first duly sworn/affirmed by the
 6 Clerk of the Court, took the witness stand and testified as
 7 follows:
 8 THE CLERK: State your name.
 9 THE WITNESS: Mark Rambin, R-A-M-B-I-N.
 10 THE COURT: Thank you, sir. Good afternoon. Step
 11 close to the mike because it is a little soft.
 12 THE WITNESS: Okay, how's that?
 13 DIRECT-EXAMINATION
 14 Q Mr. Rambin, would you please introduce yourself to the
 15 jury.
 16 A Sure. My name is Mark Rambin. I'm a CPA. I'm from
 17 Texas. I have kind of a specialized practice in financial
 18 investigations, litigation matters, damages assessments.
 19 Q And what are you an expert in?
 20 A I would say you know, obviously, business, accounting
 21 and what I said in terms of my specialty in the litigation
 22 matters.
 23 Q What is your background?
 24 A I -- I'm a graduate of the University of Texas. I got
 25 a Bachelor's degree in accounting.

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1 THE COURT: Can we get Mr. Rambin, court officer,
 2 please.
 3 MR. CONLEY: I wanted to briefly raise one issue
 4 with respect to Mr. Rambin.
 5 Mr. Correll disclosed a supplemental report for
 6 Mr. Rambin on his exhibit list for trial, which we received
 7 a hardcopy of a few days before trial; and that supplemental
 8 report contains a couple opinions that is analyzing and
 9 summarizing Form 990 data. And both because of the timing
 10 and also because with respect to one of the opinions, it's
 11 of similar character to what was precluded with respect to
 12 Dr. Harris.
 13 We'd ask that Mr. Rambin not be permitted to
 14 testify on those issues.
 15 THE COURT: Well, two things. First of all, the
 16 report, itself, I assume, is not being offered into
 17 evidence.
 18 MR. CORRELL: That's correct, your Honor.
 19 THE COURT: That's generally not admissible.
 20 I don't really know what you're talking about, so
 21 I'm going to have to just assess it when I see it; but if
 22 it's sort of a statistical analysis based on how many people
 23 in the world report things, I certainly found that to be
 24 not -- I mean, I kept out certain expert evidence. If this
 25 is the same thing, then I would obviously keep it out. But

M. Rambin - by Defendant - Direct/Mr. Correll Page 4447

1 Q Did you study business administration, as well?
 2 A That's correct.
 3 Q And what work experience have you had?
 4 A So, after I got out of college, I sat for the CPA exam,
 5 got my license and then I worked for large public accounting
 6 firms in the auditing practice. And then over time, I moved
 7 more into doing this type of financial investigation, litigation
 8 matters.
 9 Q And were you engaged to conduct a review in this case
 10 and to offer opinions?
 11 A Yes.
 12 Q And were you -- could you tell us what work you did in
 13 order to form a basis for those opinions?
 14 A Sure. I looked at a lot of the information that was in
 15 production in this matter and also read testimony from
 16 depositions and, and then a lot of the -- a lot of my focus was
 17 on financial information, the 990s, the audited financial
 18 statements, the management letters issued by the independent
 19 auditors.
 20 Q And have you been following this trial?
 21 A Yes.
 22 Q Have you read the transcript of this trial to date?
 23 A Yes, I've -- and then I've been here the last two days;
 24 but, yeah, I've followed the trial pretty closely.
 25 Q And what opinions are you prepared to offer if the

M. Rabin - by Defendant - Direct/Mr. Correll Page 4448

1 judge qualifies you as an expert?
 2 THE COURT: Well, just the topics at this point.
 3 Q What topics?
 4 A The topics would be business organizations, the role of
 5 a CEO in that. And then, also, about economic damages sought
 6 against Mr. LaPierre.
 7 Q How many business organizations have you worked with?
 8 A Hundreds.
 9 Q Have you had an opportunity to observe the CEOs in
 10 those corporations interact with other officers or employees?
 11 A Yes.
 12 Q Have you been in a position to observe them interacting
 13 with accountants?
 14 A Yes.
 15 Q Outside auditors?
 16 A Yes, other experts. Outside, you know, things like
 17 attorneys, compensation specialists.
 18 Q And so the -- is one of the topics that you would offer
 19 an opinion on the reasonableness of a CEO relying on
 20 information, statements, opinions, reports, financial statements
 21 prepared or presented by others?
 22 A Yes.
 23 Q And is -- are the other topic that you would opine on
 24 is whether based on what you've seen in this case there's a
 25 reasonable basis for calculation of damages?

M. Rabin - by Defendant - Direct/Mr. Correll Page 4449

1 A That's correct.
 2 MR. CORRELL: Your Honor, I move his admission --
 3 his qualifications as an expert.
 4 THE COURT: One question. On the reasonableness, I
 5 think I permitted the other experts to talk about best
 6 practices and not give an opinion on was the driver
 7 negligent going through the red light, kind of thing.
 8 MR. CORRELL: Fair enough. It would be on custom
 9 and practice and based on his review, the conduct he's seen
 10 is consistent with custom and practice.
 11 THE COURT: Okay, any objection?
 12 MR. CONLEY: Your Honor, we do not object to
 13 Mr. Rabin's qualification as an accountant. We do object
 14 to qualifications speaking on industry standards in a
 15 non-sector.
 16 THE COURT: I'll permit it and leave it for cross,
 17 brief as though it may be.
 18 You can proceed.
 19 Q Mr. Rabin, would you give us a summary of your
 20 opinions, please?
 21 A My, my -- on the first point it's my opinion that it is
 22 a standard practice. That's why organizations have -- have an
 23 organization chart and have various areas of responsibility
 24 because the CEO can't do everything. It is just physically
 25 impossible.

M. Rabin - by Defendant - Direct/Mr. Correll Page 4450

1 And as we've heard from Mr. LaPierre and a lot of
 2 people, he didn't spend a lot of time in the building. He was
 3 out on the road doing public affairs and being the face of that
 4 organization. So, that's -- that's especially, I think,
 5 important in this situation.
 6 Q And what evidence did you see in the record that led
 7 you to that conclusion?
 8 A Just seeing the overall structure of the organization,
 9 the fact that you have a CFO, General Counsel. You've got a lot
 10 of different heads of different divisions of the organization;
 11 and then seeing that they're using outside auditors that they --
 12 you know, outside counsel, outside professionals on
 13 compensation.
 14 You see all those things. So there's a reason that,
 15 you know, one person can't do everything.
 16 Q And is in your experience have you observed executives
 17 hire people that they believe are reliable and then trust them
 18 to do their jobs?
 19 A Sure.
 20 Q And is it to take a baseball analogy, is it like you
 21 hire first baseman to play first base; you hire second baseman
 22 to play second base and so on?
 23 A Yeah, that's a good analogy.
 24 Q And you don't necessarily want to have a pitcher
 25 playing in the outfield, right, or vice versa?

M. Rabin - by Defendant - Direct/Mr. Correll Page 4451

1 A Unique player.
 2 Q Let's go to the question of damages. Did you take a
 3 look at the record to inform your opinion as to whether there's
 4 a basis for calculation of damages in this case with respect to
 5 Mr. LaPierre?
 6 A Yes.
 7 Q And what did you do?
 8 A Well, I looked at all the information that's been made
 9 available to me, and I see nothing that has specifically
 10 identified damages that resulted from any act or inaction of
 11 Mr. LaPierre.
 12 Q And did you take into account the fact that
 13 Mr. LaPierre had identified certain things that had been
 14 accounted for in one way that where issues arose as to whether
 15 they should be accounted for a different way? Did you look at
 16 any of that?
 17 A Certainly. I assume, you're referring to the amounts
 18 that were repaid?
 19 Q Yes.
 20 A And, yeah, I've looked through that. I heard his
 21 testimony about it and -- excuse me -- Ms. Rowling's testimony
 22 was important to me. She went through it with fine tooth comb.
 23 She probably shouldn't didn't use that term, but she did a memo
 24 about it and testified about it. So, I felt pretty confident
 25 that, that had been well addressed.

M. Ramin - by Defendant - Direct/Mr. Correll Page 4452

1 Q And in your opinion, based on your background, did you
 2 think that was an appropriate process that Mr. LaPierre followed
 3 to, to identify things that he wanted to pay back and to make
 4 sure those were paid back with interest calculated
 5 appropriately?
 6 A Sure. You know the fact that he went back, he had an
 7 outside accountant do it. I think that that's real helpful; and
 8 then the fact that he had the CFO look at it closely as well and
 9 to the extent that she had other people assist as well.
 10 Q Is there anything else you think you could tell the
 11 jury to help understand the evidence in this case and reach a
 12 just result in this case?
 13 MR. CONLEY: Objection.
 14 THE COURT: Maybe we can target it a bit.
 15 Q Anything else that you can tell based on your
 16 experience that you think might be helpful to the jury?
 17 MR. FARBER: Objection. You just can't ask a
 18 witness to tell the jury what it thinks it is going to be
 19 helpful.
 20 THE COURT: Yeah, I mean, is there a way to make it
 21 a little more targeted than that?
 22 MR. CORRELL: Yes, I can, your Honor.
 23 Q Is there anything else you would like to say to the
 24 jury?
 25 MR. FARBER: Objection.

M. Ramin - by Defendant - Cross/Mr. Conley Page 4453

1 MR. CONLEY: Objection.
 2 THE COURT: It's probably the same thing. My guess
 3 is this isn't the first time you've talked to him, so you
 4 may know what's coming next. Maybe you can target it.
 5 MR. CORRELL: I honestly don't, your Honor. I
 6 think we can leave it there.
 7 Thank you very much, Mr. Ramin. Thank you for
 8 being with us.
 9 THE COURT: Okay, any cross examination from the
 10 State?
 11 MR. CONLEY: Briefly, your Honor.
 12 CROSS-EXAMINATION
 13 BY MR. CONLEY:
 14 Q Good afternoon, Mr. Ramin.
 15 THE COURT: Is that on?
 16 MR. CONLEY: I think it is now.
 17 THE COURT: Much better.
 18 Q Mr. Ramin, you're being paid to testify in this case,
 19 correct?
 20 A My firm is getting compensated for my time.
 21 Q And what is your hourly rate?
 22 A 525.
 23 Q And how much has your firm been paid for this
 24 engagement?
 25 A Probably a little over a hundred thousand.

M. Ramin - by Defendant - Cross/Mr. Conley Page 4454

1 Q When you were deposed in this action, you testified
 2 that the money that Mr. LaPierre had repaid to the NRA was a
 3 receivable; right?
 4 A Yeah, ultimately, that's right.
 5 Q And as a receivable, you believe that it didn't cause
 6 harm to the NRA; correct?
 7 A That's correct.
 8 Q And --
 9 A Let me -- with the fact that there was interest paid,
 10 as well.
 11 Q Right, but you believe that the NRA -- the money that
 12 Mr. LaPierre repaid the NRA was just a receivable even before he
 13 paid the money back; correct?
 14 A Well, there was -- at the time I was testifying about
 15 it, there was a demonstrated -- that was a demonstrated pattern.
 16 Q This is a yes or no, Mr. Ramin. You believe that the
 17 money that Mr. LaPierre repaid the NRA was just a receivable
 18 even before he paid the money back to the NRA; correct?
 19 A That's the way it worked out.
 20 Q And you believed that it was a receivable regardless
 21 whether Mr. LaPierre intended to pay the money back at the time
 22 that he spent it; correct?
 23 A I'm more -- his later intent was more important to me.
 24 Q If Mr. LaPierre didn't intend to pay the money back,
 25 that would have caused damage to the NRA?

M. Ramin - by Defendant - Cross/Mr. Conley Page 4455

1 A Potentially.
 2 Q And you'd agree that when an executive at a
 3 not-for-profit diverts money away from the not-for-profit's
 4 mission, that harms the nonprofit; right?
 5 A It depends on the materiality. I don't think the
 6 numbers we're talking about here are the type that had an
 7 overall impact on the mission of the NRA.
 8 MR. CONLEY: No further questions.
 9 THE COURT: Okay, anything else?
 10 MR. CORRELL: No, your Honor.
 11 MR. FARBER: No, your Honor.
 12 THE COURT: Okay, thank you, sir. You're free to
 13 step down.
 14 (Whereupon, at this time the witness was then
 15 excused.)
 16 THE COURT: I think I should have used this timer a
 17 lot sooner. No, everybody is doing a great job today.
 18 Thank you.
 19 All right, the next witness?
 20 MR. PETERS: The NRA calls Carolyn Meadows by video
 21 deposition.
 22 THE COURT: Video or audio or combination?
 23 MR. PETERS: It will be a video, video and audio.
 24 THE COURT: Let's finish up.
 25 (Whereupon, the video was played.)

Page 4456

1 THE COURT: Can you pause that for one second?
 2 This is fifteen minutes, is that right? Fourteen minutes,
 3 okay.
 4 (Whereupon, the video continued to play)
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1 THE COURT: Look, I'm -- I have discretion to let
 2 you call him again. I assume this is really necessary, but
 3 -- and it will be very short or you know -- I mean, just --
 4 are these -- these are long documents.
 5 Are you going to just look at the ones that are in
 6 green on your email that the other defendants don't object
 7 to or are you going to do the entire list?
 8 MS. EISENBERG: Your Honor, I was going to do
 9 certain ones because I feel like I have to do them one by
 10 one to get in at least some before we run out of time.
 11 THE COURT: Well, the email you sent me, there were
 12 five that you said that the defendants had no objections to.
 13 Are those the five you wanted to get in?
 14 MS. EISENBERG: So there are five that defendants
 15 don't object to, but the NYAG does, and then the overall
 16 list contains around 20 because the Board meets three times
 17 a year, so we have three sets of Board books for every year,
 18 and there are certain ones --
 19 THE COURT: Your plan is to submit the entirety of
 20 all Board books for the whole period?
 21 MS. EISENBERG: My plan is to move to have -- admit
 22 the ones that I have time to authenticate with Mr. Frazer or
 23 I can just show him the first page of each one and have him
 24 ask him whether he recognizes it to be a Board book for the
 25 particular --

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1 THE COURT: I believe that's the final witness.
 2 MS. EISENBERG: Your Honor there is certain Board
 3 books that we move to admit in evidence. And in the event
 4 anyone objects, we'd like to get them in through Mr. Frazer
 5 as previously noted.
 6 THE COURT: Yeah. I have seen some email traffic
 7 saying that the Attorney General objects on the grounds of
 8 authenticity and foundation.
 9 MS. EISENBERG: Right. So we would call Mr. Frazer
 10 just to get that in, if that's the objection.
 11 MS. STERN: Your Honor, they have already called
 12 Mr. Frazer. All of the parties have already called him.
 13 MR. PETERS: No. Mr. Frazer called Mr. Frazer.
 14 MS. STERN: No. There was direct examination of
 15 Mr. Frazer and a redirect by Ms. Eisenberg this afternoon.
 16 THE COURT: I'm not really going to stand on
 17 ceremony about something like this. The documents you want
 18 to get in are all, Ms. Eisenberg, Board materials?
 19 MS. EISENBERG: Yes, they are all Board books.
 20 THE COURT: And the sole purpose of calling Mr.
 21 Frazer, if you can, is to identify them as authentic and
 22 business records?
 23 MS. EISENBERG: That is correct.
 24 MR. CORRELL: Your Honor, I would call him if
 25 necessary.

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1 THE COURT: And what -- what's -- by listing these
 2 in green, that means that one or more of the others object
 3 to the rest of them?
 4 MS. EISENBERG: Mr. Farber wasn't comfortable
 5 consenting to them coming in because he wanted additional
 6 time to review them.
 7 MR. FARBER: Well, Judge, I -- during court today,
 8 I reviewed the ones that the NRA gave me, and I gave back
 9 them and told them I had no objections the ones I reviewed.
 10 I think that's more than five. I didn't keep a record of
 11 which ones I reviewed.
 12 I have no objection to any of the ones that I
 13 reviewed which is what I told them, but I do object to any
 14 ones that I haven't had a chance to review.
 15 THE COURT: The only issue I have is, look, the
 16 purpose as I understand is at least in part to show the
 17 process.
 18 MS. EISENBERG: Correct, your Honor.
 19 THE COURT: And I'm wondering whether there is a
 20 way to do that without, you know, essentially sight unseen
 21 just tons of documents just moving into evidence which then,
 22 you know, is part of the trial record, and there is no real
 23 limitation on it, and none of us -- at least, I don't, and
 24 several of the parties don't know what's actually in them
 25 substantively. So if all we are doing is -- it's designed

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1 in part to show the jury that the Board members received
 2 lots of information as opposed to going through each one
 3 saying, well, this document says this, this document says
 4 that.
 5 MS. EISENBERG: Yes, your Honor. I think it's a
 6 little bit of each.
 7 There are specific ones that are approvals or
 8 and/or ratifications of related-party transactions with the
 9 Audit Committee reporting that to the Board.
 10 There is also the rescision of Oliver North's
 11 contract with Ackerman. There is also a report of the
 12 Security Operations Committee. So there are certain
 13 features of some of these Board books.
 14 THE COURT: But none of these were used with
 15 witnesses when those topics came up; right?
 16 MS. EISENBERG: That's correct, your Honor.
 17 I mean, they may have been used for iterations.
 18 THE COURT: Look, I mean we can discuss it a little
 19 bit more, but I'm not comfortable with them coming in for
 20 substantive purposes without some sort of a vetting as to
 21 what's in them because I have no idea whether there could be
 22 hearsay embedded within some of them. So that's why I was
 23 really pressing for stipulation because then I have some
 24 objective indication that there is nothing in there that's
 25 objectionable on some other grounds. So I don't think that

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1 just having a foundational, a broad level would be enough
 2 for me to admit them.
 3 MS. EISENBERG: Your Honor, if I may. Would it be
 4 possible to have -- agree that they are not coming for the
 5 truth of the matter asserted, only to evidence the legal act
 6 of approval or ratification or only to evidence that a
 7 report was made?
 8 THE COURT: Well, I mean, the ones that you're
 9 using to show validation and approval, that is a substantive
 10 use. That's -- and you know, we have seen a lot of Board
 11 minutes and Audit Committee minutes on these approvals, so I
 12 think that whatever you intended to use with witnesses
 13 you've used, and I don't know that -- I mean, it's not
 14 intended as a document dump, but I don't have the ability to
 15 assess all of that as one lump.
 16 MS. EISENBERG: What about just four documents?
 17 May I try to ask Mr. Frazer about just four of those?
 18 MS. STERN: Your Honor, can I be heard before we
 19 get to a witness in the last few minutes which we believe
 20 that they are already out of time if they want their three
 21 hours for their closing, but this is highly prejudicial.
 22 They have had a long time to put in documents that
 23 show what the Board did or didn't do. There have been
 24 extensive reports from the Audit Committee. They are in the
 25 record. They had an opportunity to do that. And to load

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1 the record -- these are hundreds of pages. There is all
 2 sorts of --
 3 THE COURT: I agree. I agree. I just -- I think
 4 if this was sort of an easy thing, I would be willing or if
 5 it had been documents that came up and that just we forgot
 6 to move them in, but they were shown or I would -- I would
 7 as a courtesy allow them to come in in sort of a shortcut
 8 way, but you know, it's -- there's honestly been plenty of
 9 time to get in anything that's important, and I don't think
 10 anything of utility is going to be given to the jury to just
 11 say, well, all right. I have now admitted this hundreds of
 12 pages here without any context or explanation.
 13 I -- you know, I don't see how making that part of
 14 the trial record does anybody any good. So I think, you
 15 know, unfortunately there has to be an end, and the end of
 16 introduction of evidence I think has come. So in the
 17 absence of -- you know, frankly, it seems like a lot of
 18 people are objecting to this procedure. I'm not comfortable
 19 doing it just based on foundation and authenticity, so I'm
 20 going to deny the request.
 21 All right. With that, anything further from the
 22 defendants?
 23 MR. WERBNER: No, not -- your Honor, not from Mr.
 24 Phillips.
 25 THE COURT: Meaning?

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1 MR. FARBER: Mr. Phillips rests.
 2 MR. PETERS: The NRA rests.
 3 MR. CORRELL: Mr. LaPierre rests.
 4 MR. FLEMING: And finally, Mr. Frazer rests.
 5 THE COURT: Okay. Well, that was very restful.
 6 So we are going to try to maximize our time
 7 tomorrow as best we can. We are going to do the closing
 8 arguments as I mentioned. We have leeway if we need it, and
 9 I suspect we might go till 5:30.
 10 I would like to even potentially get started at a
 11 tiny little bit earlier than we usually do. I don't know --
 12 is it possible to get here -- I'm not sure when they let you
 13 in the building so that we could start 9:15, 9:20 as opposed
 14 to 9:30.
 15 When do you usually get to the jury room?
 16 VOICES FROM THE JURY BOX: Nine.
 17 THE COURT: All right. So we will -- we will try
 18 to get started as close to 9:15 as we can.
 19 Does that work for everybody?
 20 MR. FARBER: I think 9:30 is a safer bet just on
 21 experience getting into the building for everybody, your
 22 Honor.
 23 MR. PETERS: Line can be very long.
 24 THE COURT: I'm telling you what I'm thinking.
 25 Usually we say we start at 9:30, and I usually

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1 don't get you out here until 9:45. So if I say 9:15, I'm
 2 hoping to start at 9:30. I'm revealing State secrets here.
 3 So we are going to shoot for 9:15, and I'm just trying to
 4 accelerate everyone's time clock so that we can start as
 5 close to somewhere between 9:15 and 9:30 as possible.
 6 Okay. Look forward to seeing you all bright and
 7 early.
 8 Have a good night.
 9 THE COURT OFFICER: All rise. Jury exiting.
 10 (Whereupon, at this time the jury exits
 11 the courtroom.)
 12 THE COURT: Okay. Can we just -- okay. Have a
 13 seat.
 14 So please, get me your comments as quickly as you
 15 can on the verdict sheets and the instructions.
 16 One thing I have been mulling. I talked to my law
 17 clerks, and I have heard there was at least one strenuous
 18 view in favor of this, and I think there is some sense to
 19 it. The order of the claims that I listed in the
 20 instructions and then followed in the verdict sheet didn't
 21 really have any magic to it. It was just the way it came
 22 out. I can see the logic which I think somebody suggested
 23 to -- you know, claim one is the EPTL claim, so I'm fine
 24 reordering the instructions and the jury verdict form so
 25 that it follows the order that the complaint follows

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1 starting with the EPTL. I think N-PCL is next.
 2 MR. CORRELL: It is. The second claim is the
 3 second cause of action 717, 720 against Wayne LaPierre.
 4 THE COURT: And then the third would be the
 5 Executive Law; right?
 6 MR. CORRELL: That's correct, your Honor.
 7 THE COURT: All right. I don't see any --
 8 MS. STERN: I don't remember the order exactly, but
 9 715 claims I think are in there and then Executive Law
 10 claims.
 11 THE COURT: Yeah. I'll -- but anyway, EPTL first.
 12 N-PCL second. Then Executive Law third. I'm fine with
 13 that.
 14 I have seen that the government has taken a few of
 15 the related-party transactions off the list. You know, my
 16 inclination at this point now is the one that I had been
 17 looking at was the MMP one, and while I think the argument
 18 is strained and the burden obviously is on the State to
 19 prove that there was some sort of connection between
 20 benefits given to individuals and the transaction itself,
 21 I -- I don't think I can say that it's irrational for
 22 someone to conclude that given the timing of some of the
 23 things, what happened, and the magnitude, you know so --
 24 MR. CORRELL: May I be heard on that? I think
 25 that's a mistrial, your Honor. The -- the claim was not

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1 asserted against Mr. LaPierre. It was slipped in on the
 2 last day of trial that he was deprived of notice.
 3 THE COURT: I'm sorry. You know what, I was
 4 thinking on the merits of that.
 5 Has the State responded in any way as to why I
 6 should permit it if it's not in the complaint?
 7 I was focusing on the merits.
 8 MS. STERN: We have put in a letter this morning on
 9 that.
 10 THE COURT: All right. Well, I will look at that
 11 issue again because that did -- I'm sorry for jumping the
 12 gun on that. The -- I think that is an issue I want to take
 13 a look at because that does go more to notice than to the
 14 merits.
 15 And again, I think that the -- it's a somewhat
 16 tenuous connection, but I -- you're right, Mr. Correll. I
 17 was -- so many issues are coming at me at so many different
 18 ways that I forgot the number of different arguments you had
 19 on that one.
 20 MR. CORRELL: Thank you.
 21 THE COURT: I'll take another look at that, and we
 22 will have time -- we don't have time to affect the closing
 23 argument, I don't think. I'll try to give you an answer
 24 before they start.
 25 MR. FARBER: Judge, one thing that we did discuss

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1 before, but just as a reminder, we raised with the Court and
 2 I believe your Honor was going to inform the jury before
 3 closing argument about the counts that had been dismissed or
 4 that were no longer part of the case.
 5 THE COURT: That's on my list.
 6 MR. FARBER: Thank you, your Honor.
 7 MR. PETERS: And we also have put in our letter
 8 that we don't believe that there's been anything close to
 9 evidence showing that Millie Hallow was a key person within
 10 the meaning of the statute. So you know, with all issues
 11 back on the table, we hope -- we don't think there is any
 12 basis for the kind of MMP ownership theory or financial
 13 interest theory or Ms. Hallow.
 14 MS. STERN: That's also addressed in our letter
 15 this morning, and we withdrew it. Just to be clear though,
 16 we withdrew the Hallow from the list because of the Statute
 17 of Limitations issue. So it's in the letter that we sent
 18 this morning.
 19 MR. PETERS: Oh, okay. Thank you.
 20 THE COURT: Makes me feel better is somebody else
 21 is missing these letters.
 22 MS. STERN: I'm going to raise an issue that I
 23 think maybe the other side won't object to is that we would
 24 like to propose to bring in coffee for the jurors tomorrow
 25 and lunch on Friday.

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1 THE COURT: I actually don't know whether there is
 2 any policy regarding bringing sort of more food products
 3 that are not water to the jurors. I'll find out.
 4 I mean, I think it's nice, but I -- I just don't
 5 know the answer to that.
 6 MR. PETERS: Will they know the origin of the gift
 7 they are receiving?
 8 MR. CORRELL: On a mere serious note, the
 9 allegation that hair and makeup is somehow a related-party
 10 transaction was not in the complaint here, so my same
 11 objection holds to that.
 12 THE COURT: Right. Well, I'll read the letters and
 13 let you know. I mean, it's not ideal for us to be working
 14 on the verdict form during the closing argument, but it's
 15 not unheard of. I don't think any of these issues
 16 fundamentally affect the instructions because the
 17 instructions are not going to list the related-party
 18 transactions.
 19 MR. CORRELL: There was one final issue that came
 20 up in the conference which was my request that we stick as
 21 close to -- closely as possible to the text of the statute
 22 and rather than paraphrasing and transposing terms.
 23 I know that instead of -- it may seem
 24 insignificant, but instead of duty of care and good faith,
 25 it should be --

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1 THE COURT: The point I wanted to make to you and I
 2 think I made this before is I haven't found any law anywhere
 3 in the statute or cases that would give me anything to hang
 4 on to to graft a -- some sort of an intent element to that
 5 claim, and I'm happy to see any and review any cases you
 6 have, but right now, it's just a -- if your responsible for
 7 the statement and the statement's inaccurate, that's all you
 8 need.
 9 MR. FLEMING: Well, I was -- I understand from your
 10 clerks that your Honor considered my request for scienter
 11 element, and that's fine.
 12 I was talking about a portion of what was in your
 13 original charge which quoted from the statute which says
 14 that a person to be removed from office needs to be
 15 responsible for the statement, and that's no longer in your
 16 charge.
 17 THE COURT: You mean, the removal part? The removal
 18 statute or the Executive Law?
 19 MR. FLEMING: Well, it's the Executive Law, and the
 20 penalty is, and I'm paraphrasing here, but that the Attorney
 21 General can sue to seek removal of a person of an officer,
 22 director, person responsible for the statement for the false
 23 statement.
 24 THE COURT: This is in the Executive Law?
 25 MR. FLEMING: It's in the statute.

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1 THE COURT: The report that I got was that you
 2 preferred the language before I monkeyed around with it this
 3 morning. So that's --
 4 MR. CORRELL: I'm not sure what I was looking at
 5 because things are flying at me pretty fast too.
 6 THE COURT: Yeah. I was -- actually, the only
 7 reason I made the change this morning is because by
 8 referring to whatever the duty is, I wanted to make sure the
 9 language was broad enough to encompass the business judgment
 10 rule part of the statute as well which is why I just said
 11 violating the statute was really the overarching message,
 12 but it appeared to get bad reviews; although, not to my face
 13 which I appreciate.
 14 I'll look -- I'll talk to the team upstairs who I
 15 appreciate. And look, not that I -- you know, we may have
 16 to have another little conclave over lunch where we hammer
 17 out the last pieces of it, and that one I will go to, and I
 18 hope not because I want to just be able to have everybody
 19 focus on the closing.
 20 MR. FLEMING: Your Honor, just if I may be heard, I
 21 believe I'm going first in the morning. And so the issue
 22 that I raised with your law clerks about the Executive Law
 23 and the removal of the portion of the statute that says for
 24 removal of a person for violation of that law, they have to
 25 be responsible for the statement. And then also --

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1 THE COURT: Which statute?
 2 MR. FLEMING: Section 175 of the Executive Law.
 3 THE COURT: I thought they were only seeking
 4 removal under the section of the N-PCL.
 5 MR. FLEMING: No. No, they are seeking banning Mr.
 6 Frazer.
 7 THE COURT: If it's in the statute, I'll take a
 8 look at that with my team. I need to let the court staff
 9 go. I'll see you all tomorrow.
 10 (Whereupon at this time the trial was continued
 11 until February 15, 2024.)
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**NYAG vs
NRA**

February 14, 2024

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