

FOR THE RECORD

Court Agrees with NRA on Key Issues in Dispute

NOVEMBER 13, 2019 – The Circuit Court for Alexandria, Virginia, today dismissed a claim leveled against the NRA by Ackerman McQueen. The Court agreed with the NRA that Ackerman failed to state a claim against the NRA for violation of an “implied duty” of conduct, i.e. a duty not set forth anywhere in the parties' detailed Services Agreement. The Court dismissed Ackerman's claim because the parties' duties are expressed in the Services Agreement, and Ackerman cannot “read-in” additional responsibilities not stated in the Agreement. Ackerman has 21 days to try to replead its claim. The Court denied the NRA's motion to dismiss Ackerman's "abuse of process" claim.

On the same day, Ackerman requested that the Court permit it to view files withheld from Ackerman by the forensic examiner the NRA hired to conduct an inspection of Ackerman's books and records. The NRA successfully argued that Ackerman has no right to peer into the examiner's files, which contain the examiner's and the Association's opinions, impressions and communications with counsel. Accordingly, the Court will only permit Ackerman to see factual information in the examiner's files – information which the NRA has no interest in hiding.