

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF New York

Index No. _____

RJI No. (if any) _____

PEOPLE OF THE STATE OF NEW YORK, by LETITIA JAMES,

-against-

Plaintiff(s)/Petitioner(s)

The National Rifle Association of America, Inc., et al

Defendant(s)/Respondent(s)

COMMERCIAL DIVISION**Request for Judicial Intervention Addendum****COMPLETE WHERE APPLICABLE** [add additional pages if needed]:**Plaintiff/Petitioner's cause(s) of action** [check all that apply]:

- ☒ Breach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g. unfair competition), or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings (e.g. sales of assets or securities; corporate restructuring; partnership, shareholder, joint venture, and other business agreements; trade secrets; restrictive covenants; and employment agreements not including claims that principally involve alleged discriminatory practices)
- ☐ Transactions governed by the Uniform Commercial Code (exclusive of those concerning individual cooperative or condominium units)
- ☐ Transactions involving commercial real property, including Yellowstone injunctions and excluding actions for the payment of rent only
- ☐ Shareholder derivative actions — without consideration of the monetary threshold
- ☐ Commercial class actions — without consideration of the monetary threshold
- ☐ Business transactions involving or arising out of dealings with commercial banks and other financial institutions
- ☒ Internal affairs of business organizations
- ☐ Malpractice by accountants or actuaries, and legal malpractice arising out of representation in commercial matters
- ☐ Environmental insurance coverage
- ☐ Commercial insurance coverage (e.g. directors and officers, errors and omissions, and business interruption coverage)
- ☒ Dissolution of corporations, partnerships, limited liability companies, limited liability partnerships and joint ventures — without consideration of the monetary threshold
- ☐ Applications to stay or compel arbitration and affirm or disaffirm arbitration awards and related injunctive relief pursuant to CPLR Article 75 involving any of the foregoing enumerated commercial issues — without consideration of the monetary threshold

Plaintiff/Petitioner's claim for compensatory damages [exclusive of punitive damages, interest, costs and counsel fees claimed]:\$ Plaintiff seeks restitution and damages in an amount to be determined at trial but which exceeds \$500,000.**Plaintiff/Petitioner's claim for equitable or declaratory relief** [brief description]:

See Addendum.

Defendant/Respondent's counterclaim(s) [brief description, including claim for monetary relief]:

N/A

I REQUEST THAT THIS CASE BE ASSIGNED TO THE COMMERCIAL DIVISION. I CERTIFY THAT THE CASE MEETS THE JURISDICTIONAL REQUIREMENTS OF THE COMMERCIAL DIVISION SET FORTH IN 22 NYCRR § 202.70(a), (b) AND (c).

Dated: 08/06/2020

/s/ Emily Stern

SIGNATURE

Emily Stern

PRINT OR TYPE NAME

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

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

Plaintiff,

v.

**NATIONAL RIFLE ASSOCIATION OF
AMERICA, INC., WAYNE LAPIERRE, WILSON
PHILLIPS, JOHN FRAZER, and JOSHUA
POWELL**

Defendants.

Attachment to Commercial Division RJL Addendum

Plaintiff's claim for equitable or declaratory relief:

The Attorney General, pursuant to her authority to oversee not-for-profit entities registered in New York, brings this action under the Not-for-Profit Corporation Law, Estates Powers & Trusts Law, and Executive Law addressing abuses in the operation and governance of the National Rifle Association of America, Inc. and against the Individual Defendants for breach of their fiduciary duties, waste, and other wrongful conduct. Plaintiff seeks an order, *inter alia*, (i) determining that the NRA is liable to be dissolved pursuant to (a) N-PCL § 1101(a)(2) based upon its pattern of conducting its business in a persistently fraudulent or illegal manner, the abuse of its powers, and the failure to provide for the proper administration of its trust assets and institutional funds; and/or (b) N-PCL § 1102(a)(2) because directors or members in control of the NRA have looted or wasted the corporation assets, have operated the NRA solely for their personal benefit, or have otherwise acted in an illegal, oppressive or fraudulent manner; (ii) directing the Individual Defendants to account, make restitution and pay all penalties resulting from the breach of fiduciary duties and their misuse of charitable assets for their own benefit and interests; (iii) removing certain individual defendants from their positions as officers within the NRA; (iv) rescinding related party transactions by the Defendants and directing the Individual Defendants to account for their profits and to pay the NRA up to double the value of each benefit improperly bestowed by such transactions; (v) directing the NRA to account for its official conduct with respect to management of the NRA's institutional funds; and (vi) ordering restitution from the Individual Defendants to recover illegal, unauthorized or ultra vires compensation, reimbursements, benefits or amounts unjustly paid to the Individual Defendants.