

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

PRESENT: HON. DEBORAH A. KAPLAN

Administrative Judge

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

INDEX NO. 451625/2020

Plaintiff,

- v -

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

**ADMINISTRATIVE
ORDER**

Defendant.

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This action was brought by the Attorney General of the State of New York, pursuant to the authority to oversee not-for-profit entities registered in New York, under the Not-for-Profit Corporation Law, Estates Powers & Trusts Law, and Executive Law, to address alleged abuses in the operation and governance of the National Rifle Association of America, Inc. and against the named individual defendants, for breach of their fiduciary duties, waste, and other wrongful conduct. Among other things, plaintiff seeks an order of dissolution of the NRA pursuant to various provisions of the Not-for-Profit Corporation Law, based on alleged detailed and systematic wrongdoing by the NRA and its directors and members, as well as an accounting and orders requiring restitution of wrongful gains.

The action was commenced by the filing of a summons and complaint on August 6, 2020. At the same time, plaintiff filed an RJI and a Commercial Division addendum. The addendum was rejected on the ground that the action, which is in the nature of a governmental enforcement action, does not qualify for assignment to the Commercial Division. Consequently, the action was assigned to a General Part (Hon. G. Lebovits).

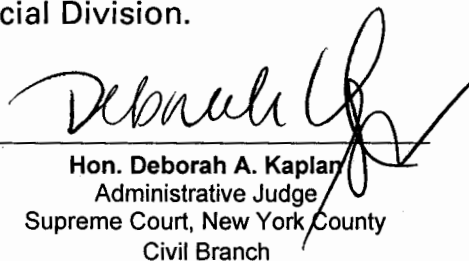
By letter dated September 16, 2020, Sarah B. Rogers, Esq., counsel for defendant National Rifle Association, requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70. By letter of the same date, William B. Fleming, Esq., counsel for defendant John Frazer (General Counsel of

the NRA), joins in NRA's request. Given the fact that plaintiff previously filed a Commercial Division addendum herein, it is presumed that plaintiff does not oppose NRA's and Frazer's application to transfer the action to a Justice of the Commercial Division.

The argument that enforcement proceedings by an arm of the government meets the standards for assignment of cases to the Commercial Division where complex business dealings are involved, does not find definitive support in the Commercial Division rules. Nevertheless, based solely on the particular facts of this case, and with no precedential basis for any other cases, the court grants the application.

Accordingly, the request for assignment to the Commercial Division is granted. The General Clerk's office is directed to transfer this action from Hon. G. Lebovits and to randomly reassign it to a Justice of the Commercial Division.

DATE: October 2, 2020



Hon. Deborah A. Kaplan
Administrative Judge
Supreme Court, New York County
Civil Branch