

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: IAS PART THREE

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

Plaintiff,

v.

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

Defendants.
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Index No. 451625/2020

Hon. Joel M. Cohen

NOTICE OF ELECTION TO
TREAT UNVERIFIED OR
DEFECTIVELY VERIFIED
PLEADING AS A
NULLITY PURSUANT TO
CPLR 3022

PLEASE TAKE NOTICE that Defendant Wayne LaPierre elects to treat as a nullity, pursuant to N.Y. C.P.L.R. 3022, the “Verified Complaint” filed August 6, 2020, in the above-referenced matter (NYSCEF Doc. No. 1) (the “Complaint”), on the ground that the Complaint seeks judicial dissolution pursuant to N-PCL Article 11, yet fails to satisfy the verification requirements of N-PCL § 1103 and C.P.L.R. 3020.

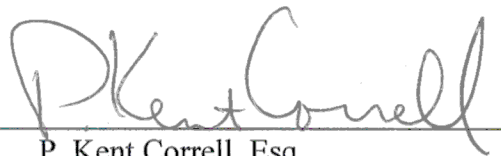
As the Attorney General is no doubt aware, judicial dissolution under New York’s Not-for-Profit Corporation Law is a serious matter. Government officials who target a nonprofit for destruction must swear under oath that their allegations are true—or, at minimum, that they *believe* they are telling the truth. *See* N-PCL § 1103. The government has not done so here.

In particular, C.P.L.R. 3020 requires that any verification state “under oath that the pleading is true to the knowledge of the deponent, except as to matters alleged on information and belief, *and that as to those matters he believes it to be true.*” (Emphasis added.) The Complaint contains a purported verification, but omits the last clause: it does not state that matters alleged

on information and belief are believed to be true. Under C.P.L.R. 3022, the Complaint was, accordingly, "served without sufficient verification."

Dated: New York, New York
October 29, 2020

By: _____



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