

## Motion Sequence 003

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 MOTION**

**PLEASE TAKE NOTICE** that, upon the annexed affirmation of P. Kent Correll, Esq. dated October 30, 2020, the exhibits annexed thereto, the accompanying memorandum of law dated October 30, 2020, in support of this motion, and all other papers, pleadings and proceedings in this action, Defendant Wayne LaPierre, by his undersigned attorney, will move this Court, before the Honorable Joel M. Cohen, at the Supreme Court, New York County, Motions Submissions Part, Room 130, at 60 Centre Street, New York, New York 10007, at 9:30 a.m. on Thursday, November 19, 2020, for an Order and/or Judgment:

(1) pursuant to CPLR 3211(a)(1), dismissing this action on the ground that a defense of improper venue is founded upon documentary evidence—*i.e.*, a certificate of incorporation;

(2) pursuant to CPLR 3211(a)(2), dismissing this action on the ground that this Court lacks jurisdiction of the subject matter;

(3) pursuant to CPLR 3211(a)(3), dismissing this action on the ground that plaintiff lacks the legal capacity, power, authority or standing to maintain this action in this Court;

(4) pursuant to CPLR 3211(a)(4), dismissing this action on the ground that another action is pending in the United States District Court for the Northern District of New York between the “same parties” and, substantively, the “same cause of action”;

(5) pursuant to CPLR 3211(a)(7), dismissing this action on the ground that the complaint fails to state a cause of action under Article 11 of the New York Not-for-Profit Corporation Law;

(6) pursuant to CPLR 327, dismissing this action on the ground of *forum non conveniens*;

(7) in the alternative, pursuant to CPLR 2201, staying this action pending resolution of related federal cases; and

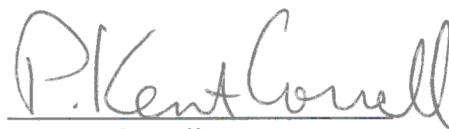
(8) granting such other, further and/or different relief as to the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to this Court’s direction, reply papers, if any, must be served upon the undersigned on or before November 12, 2020.

Dated: New York, New York  
October 30, 2020

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By:



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*Attorney for Defendant Wayne LaPierre*