

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

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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

IAS Part 3

Hon. Joel M. Cohen

**NOTICE OF ELECTION TO TREAT UNVERIFIED OR
DEFECTIVELY VERIFIED PLEADING AS A NULLITY**

PLEASE TAKE NOTICE, that Defendant John Frazer (“Frazer”) 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.

Judicial dissolution under New York’s Not-for-Profit Corporation Law is a serious matter, and 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.” The Complaint against Frazer 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 30, 2020

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To: PEOPLE OF THE STATE OF
NEW YORK, by LETITIA JAMES,
Attorney General of the State of New York (via NYSCEF)