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NYSCEF DOC. NO. 157 RECEIVED NYSCEF: 11/12/2020

Motion Sequence 006

INDEX NO. 451625/2020

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,

Index No. 451625/2020

Plaintiff, : IAS Part 3

v. : Hon. Joel M. Cohen

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

Defendants.

AFFIRMATION OF P. KENT CORRELL, ESQ.

- I, P. KENT CORRELL, an attorney duly admitted to practice in the courts of the State of New York, hereby affirm the following under the penalty of perjury pursuant to CPLR § 2106:
- 1. I am the principal of Correll Law Group and attorney of record for Defendant Wayne LaPierre ("LaPierre") in this action and am fully familiar with the facts and circumstances in this case.
- 2. I make this affirmation in support of LaPierre's motion for change of place of trial and stay of proceedings pursuant to CPLR 510(1) and 511(c) in the above-captioned action brought by the Office of the Attorney General for the State of New York.

EXHIBITS

3. Attached hereto as Exhibit 1 is a true and correct copy of the complaint filed on August 6, 2020, in the United States District Court for the Northern District of New York by the

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National Rifle Association of America against Letitia James, individually and in her official capacity, Civil Case No. 1:20-cv-00889-MAD-TWD (N.D.N.Y.).

- 4. Attached hereto as Exhibit 2 is a true and correct copy of the National Rifle Association's certificate of incorporation dated November 17, 1871, and filed with the Secretary of State of the State of New York ("Secretary of State") on November 20, 1871.
- 5. Attached hereto as Exhibit 3 is a true and correct copy of an order granting the National Rifle Association's application to change its name to the National Rifle Association of America dated September 3, 1877, and filed with the Secretary of State on October 26, 1877.
- Attached hereto as Exhibit 4 is a true and correct copy of a Certificate of Report of 6. Existence of the National Rifle Association of America notarized on May 31, 1951, and filed with the Secretary of State on June 15, 1951.
- 7. Attached hereto as Exhibit 5 is a true and correct copy of a Certificate of Extension of Purposes and to Provide a Stated Minimum Number of Directors of the National Rifle Association of America, Pursuant to Section Thirty of the Membership Corporations Law dated March 22, 1956, and filed with the Secretary of State on June 4, 1956.
- 8. Attached hereto as Exhibit 6 is a true and correct copy of a Certificate of Type of Not-for-Profit Corporation of the National Rifle Association of America dated August 2, 1973, and filed with the Secretary of State on August 28, 1973.
- 9. Attached hereto as Exhibit 7 is a true and correct copy of a Certificate of Amendment of the Certificate of Incorporation of the National Rifle Association of America under Section 803 of the Not-for-Profit Corporation Law dated July 15, 1977, and filed with the Secretary of State on October 19, 1977.

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10. Attached hereto as Exhibit 8 is a true and correct copy of a Certificate of

Amendment of the Certificate of Incorporation of the National Rifle Association of America Under

Section 803 of the Not-for-Profit Corporation Law dated October 7, 1985, and filed with the

Secretary of State on October 15, 1985.

11. Attached hereto as Exhibit 9 is a true and correct copy of a Certificate of Change of

the National Rifle Association of America Under Section 803-A of the Not-for-Profit Corporation

Law filed with the Secretary of State on December 3, 2002.

12. Attached hereto as Exhibit 10 are true and correct copies of screen shots of each

page from Exhibits 2-9 evidencing the filing of each document with the Secretary of State.

13. Attached hereto as Exhibit 11 is a true and correct copy of the National Rifle

Association's Motion to Transfer Cases for Coordinated or Consolidated Pre-Trial Proceedings

Pursuant to 28 U.S.C. § 1407 dated October 20, 2020.

Executed this 12th day of November 2020 in New York, New York.

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CERTIFICATION OF COUNSEL OF COMPLIANCE WITH APPLICABLE WORD LIMITS

Pursuant to Commercial Division Rule 17 (22 NYCRR 220.70), I hereby certify that this Affirmation of P. Kent Correll, Esq. contains 713 words, excluding the parts exempted by Rule 17, and, therefore complies with the 7,000-word limit applicable to affirmations.

Dated: New York, New York November 12, 2020

P. Kent Correll, Esq.

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