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January 20, 2021

By NYSCEF

Honorable Joel M. Cohen
Supreme Court of the State of New York
New York County
Commercial Division
60 Centre Street, Room 570
New York, New York 10007

Re: People of the State of New York v. The National Rifle Association, et al.,
Index. No. 451625/2020

Dear Justice Cohen:

We represent Defendant John Frazer in the above-referenced action. We write, as requested by the Court, to provide Mr. Frazer's position on whether and to what extent the Court should proceed with adjudicating the pending motions to dismiss, transfer, or stay filed by him. *See* NYSCEF Doc. No. 196.

While we believe that there are several grounds, present here, which merit a stay or order enjoining the instant litigation against Mr. Frazer as a non-debtor under Sections 362 and 105 of the Bankruptcy Code, we reserve all rights to raise those grounds to the Bankruptcy Court which can apply its broad equitable powers to issue such an order. *See, e.g., Kagan v. St. Vincents Catholic Med. Ctrs.*, 449 B.R. 209, 219 (S.D.N.Y. 2011). At this time, though, on Mr. Frazer's behalf, we agree with the other moving defendants to proceed with adjudication of the pending motions.

Relatedly, while I deeply appreciate the Court's kind expressions and offer in its Order (NYSCEF Doc. No. 199), I will attend the oral argument on January 21 on Mr. Frazer's behalf.

Respectfully submitted,

/s/ William B. Fleming

William B. Fleming

Cc: Counsel of Record (by NYSCEF)