

B R E W E R
ATTORNEYS & COUNSELORS

January 20, 2021

VIA NYSCEF

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

Re: *People of the State of New York by Letitia James v. National Rifle Association of America, Inc. ("NRA")*, Index No. 451625/2020

Dear Justice Cohen,

Pursuant to the Court's request (NYSCEF No. 196), we write on behalf of Defendant the National Rifle Association of America (the "NRA") to address the impact of the NRA's chapter 11 proceeding, commenced January 15, 2021, on the Court's adjudication of pending motions to dismiss, transfer, or stay these proceedings.

Although the NRA would have supported a brief adjournment in the wake of Mr. Liggio's untimely, unexpected death, the NRA is available to proceed with the hearing and adjudication of its pending motion to transfer venue (NYSCEF No. 133) (which should be decided first as a threshold matter)¹ and motion to dismiss or stay this action (NYSCEF No. 70).

Notwithstanding its agreement to proceed with pending motion practice, the NRA reserves its rights and remedies under the Bankruptcy Code, including its right to apply to the Bankruptcy Court, if appropriate, for any "order, process, or judgement that is necessary or appropriate" to carry out its reorganization. 11 U.S.C. § 105(a). However, the NRA does not intend to make any imminent application that would interfere with the oral argument scheduled for January 21, 2021.

¹ See, e.g., *Romero v City of New York*, 59 Misc. 3d 903, 905 (N.Y. Sup. Ct. 2018) ("once it is decided that venue should be changed, orderly procedure and comity mandate that all motions be relegated to the transferee court") (internal citations and quotation marks omitted).

Hon. Joel M. Cohen

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Sincerely,

/s/ Sarah B. Rogers

Sarah B. Rogers

cc: All Counsel of Record (via NYSCEF)