

Composite Exhibit 3

Excerpt from U.S. PACER Docket for
Dell'Aquila, et al. v. Wayne LaPierre, et al.,
Civ. No. 3:19-cv-00679 (M.D. Tn.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

DAVID DELL'AQUILA, LORANND
BORJA, TODD CHESNEY, and
BRENT WEBER, on behalf of
themselves and all others similarly
situated,

Case No. 3:19-cv-00679

Judge William L. Campbell, Jr.

Plaintiffs,

Magistrate Jefferey S. Frensley

v.

WAYNE LaPIERRE, the NATIONAL
RIFLE ASSOCIATION OF AMERICA, a
New York not-for-profit corporation, and
the NRA FOUNDATION, INC., a
Washington, D.C. not-for-profit
corporation,

JURY TRIAL DEMANDED

Defendants.

SECOND AMENDED COMPLAINT

The Plaintiffs, David Dell'Aquila, Lorannda Borja, Todd Chesney and Brent Weber, on behalf of themselves and all those similarly situated, file this Amended Complaint, by and through counsel, against Wayne LaPierre, the National Rifle Association of America, a New York not-for-profit corporation, and the NRA Foundation, Inc., a Washington, D.C. not-for-profit corporation. In support hereof, the Plaintiffs state as follows:

Parties & Jurisdiction

1. Plaintiff, David Dell'Aquila, is an adult individual residing at 862 Bresslyn Road, Nashville, TN 37205.
2. Plaintiff, Lorannda Borja, is an adult individual residing at 405 Stella Avenue, Lawrenceburg, TN 38464.
3. Plaintiff, Todd Chesney, is an adult individual residing at Todd Chesney, 678 North Fire Sky Lane, Chino Valley, Arizona 86323.

COUNT I**Fraud****Dell'Aquila, Borja, Chesney
and Weber and NRA Class
v. LaPierre and the NRA**

69. The Plaintiffs incorporate by reference the allegations set forth in the preceding paragraphs as though fully set forth herein.

70. During the period from November 30, 2015 to January 26, 2019, Defendants LaPierre and the NRA solicited funds from Dell'Aquila, Borja and each member of the NRA Class.

71. When soliciting such funds, Defendants LaPierre and the NRA advised Plaintiffs that their funds would be used for gun safety education; to promote shooting sports and hunter safety; to foster wildlife conservation; and to protect gun ownership rights in the United States (collectively, the "NRA's core mission").

72. Dell'Aquila, Borja, Chesney, Weber and each member of the NRA Class reasonably relied upon the statements made by Defendants concerning the proposed use of the solicited funds.

73. As a result of such reliance, Dell'Aquila, Borja, Chesney, Weber and each member of the NRA Class donated funds to the NRA during the time period from November 30, 2015 to January 26, 2019.

74. Defendants' statements concerning the use of the solicited funds were materially and intentionally false. In reality, the NRA used the solicited funds for alternative purposes, including without limitation, the following:

- a. By spending over \$97,000 *per day* for the legal services of William A. Brewer, III during the first quarter of 2019, without obtaining documentation justifying such expense.

- b. By spending approximately \$2 million *per month* for the legal services of the Brewer Law Firm, over a thirteen-month period, without obtaining documentation justifying such expense.
- c. By spending \$274,695 for clothing purchases for Defendant LaPierre from a Beverly Hills clothing store -- through payments made to Ackerman McQueen -- without reporting such expenses as income for LaPierre in the reports filed by the NRA with the Internal Revenue Service (the "IRS").
- d. By spending \$243,644 on luxury travel for Defendant LaPierre to the Bahamas; Palm Beach; Los Angeles; Reno, Nevada; Budapest, Hungary; and Italy -- through payments made to Ackerman McQueen -- without reporting such compensation as income for LaPierre in the reports filed by the NRA with the IRS.
- e. By making inflated payments to the NRA's advertising agency, Ackerman McQueen, without obtaining documentation justifying such expense.
- f. By spending \$5,446.16 per month for a luxury apartment for Megan Allen, an intern in Fairfax, Virginia.
- g. By spending tens of thousands of dollars on hair and make-up expenses for Susan LaPierre, the wife of Wayne LaPierre.
- h. By spending funds to investigate the purchase of a \$6 million mansion for Wayne LaPierre on a lake and golf course near Dallas, Texas.
- i. By paying for private jets to fly Wayne LaPierre's relatives in April 2017.
- j. By paying for private jet travel for Wayne LaPierre on a regular basis.
- k. By promoting Josh Powell to Executive Director of General Operations, after the NRA settled two separate sexual harassment suits against Mr. Powell.

75. Defendants LaPierre and the NRA knew that their representations concerning the use of the solicited funds were materially false, at the time Defendants made such representations.

76. Dell'Aquila, Borja, Chesney, Weber and the NRA Class have incurred damages as a result of the NRA's expenditures, unrelated to its mission.

77. The total amount of damages incurred by all Plaintiffs, including the NRA Class, is greater than \$5 million.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

DAVID DELL'AQUILA, on behalf of)	
himself and all others similarly situated,)	
)	
Plaintiffs,)	
)	No: 3:19-cv-00679
v.)	Judge William L. Campbell Jr.
)	
WAYNE LAPIERRE, NATIONAL RIFLE)	Magistrate Judge Jefferey S. Frensley
ASSOCIATION OF AMERICA, and)	
NRA FOUNDATION, INC.)	
)	
Defendants.)	

**WAYNE LAPIERRE'S MOTION TO DISMISS PLAINTIFF'S AMENDED
COMPLAINT**

Defendant the Wayne LaPierre, by and through the undersigned counsel, hereby moves to dismiss Plaintiffs' Amended Complaint in its entirety for failure to state a claim for relief pursuant to Federal Rule of Civil Procedure 12(b)(6) and for failure to comply with the pleading requirements of Federal Rule of Civil Procedure 9(b). This Motion is based upon Wayne LaPierre's supporting memorandum of law, the arguments of counsel, and all of the files, records and proceedings therein.

Dated: December 16, 2019

By: /s/ W. Allen McDonald
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**BREWER, ATTORNEYS &
COUNSELORS**

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*ATTORNEYS FOR THE NATIONAL
RIFLE ASSOCIATION OF AMERICA AND
WAYNE LAPIERRE*

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's electronic filing system. A copy was also sent via U.S. Mail to the following:

DAVID DELL'AQUILA
862 BRESSLYN RD.
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Date: December 16, 2019

/s/ W. Allen McDonald

W. Allen McDonald

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NYSCEF DOC. NO. 253

RECEIVED NYSCEF: 06/17/2021

CASE-REFERRED, FRENSELY

**U.S. District Court
Middle District of Tennessee (Nashville)
CIVIL DOCKET FOR CASE #: 3:19-cv-00679**

Dell'Aquila v. LaPierre et al
Assigned to: District Judge William L. Campbell, Jr
Referred to: Magistrate Judge Jeffery S. Frensley
Demand: \$9,999,000
Cause: 28:1332 Diversity-Fraud

Date Filed: 08/06/2019
Jury Demand: Plaintiff
Nature of Suit: 370 Other Fraud
Jurisdiction: Diversity

Plaintiff

David Dell'Aquila
*on behalf of himself and all others
similarly situated*

represented by **Elliott J. Schuchardt**
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Plaintiff

Lorannya Borja

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Plaintiff

Todd Chesney

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Plaintiff

Brent Weber

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V.

Defendant

Wayne LaPierre
TERMINATED: 09/30/2020

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Defendant

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William A. Brewer
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ATTORNEY TO BE NOTICED

Defendant

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TERMINATED: 09/30/2020

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