

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK, COMMERCIAL DIVISION**

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,

FRANCIS TAIT, JR., and MARIO  
AGUIRRE, individually and derivatively on  
behalf of THE NATIONAL RIFLE  
ASSOCIATION OF AMERICA, INC.,

Intervenors-Defendants,  
Counter Claimants, and Cross Claimants.

**Index No. 451625/2020**

**Hon. Joel M. Cohen**

**Part 3**

**Notice of Motion To Intervene**

**By Francis Tait And Mario Aguirre**

**ORAL ARGUMENT REQUESTED**

**NOTICE OF MOTION TO INTERVENE BY FRANK TAIT AND MARIO AGUIRRE**

Please take notice that upon the affirmations of Francis Tait, Jr. and Mario Aguirre, by their undersigned counsel, the above referenced Intervenors will move this Court as follows:

**Return Information:**

Motion Submission Part at 60 Centre Street, Room 130, New York County Courthouse,  
New York, NY 10007

July 2, 2021 at 9:30am

**Supporting Papers:**

1. Affidavit of Francis "Frank" Tait, Jr. dated January 6, 2021
2. Affidavit of Mario Aguirre dated January 8, 2021
3. Affirmation of Taylor Bartlett dated June 16, 2021
4. Supporting Memorandum of Law and Exhibits thereto
5. Proposed Answer, Counterclaims and Crossclaims in Intervention of Francis "Frank" Tait, Jr. and Mario Aguirre
6. Verification of Francis "Frank" Tait, Jr. dated January 11, 2021
7. Verification of Mario Aguirre dated January 12, 2021

**Relief Demanded and Grounds:**Relief:

An Order under [CPLR § 1012](#) granting the Proposed Intervenors intervention as of right, or permissively under [CPLR § 1013](#).

Grounds:

1. The Proposed Intervenors have a statutory right to intervene.
2. The Proposed Intervenors have real and substantial interests in the issues and subject matter of this action, and although they will be bound by the judgment their interests will not and cannot be adequately represented by the present parties.
3. This action involves the disposition of tangible and intangible property, and the impairment of the Proposed Intervenors' constitutional rights, and their interests may be affected adversely by the judgment.
4. The Proposed Intervenors have claims and defenses that have questions of controlling law and fact in common with this action.
5. The Proposed Intervenors seek to assure that the NRA as an entity has independent, conflict-free counsel. The law firm presently representing the NRA is irreconcilably conflicted and the NRA is alleged by the Attorney General to be controlled by one or more of the individual defendants. Thus no present party or law firm can adequately protect the NRA's rights as an entity separate from the individual defendants.

Please take further notice that, pursuant to [CPLR § 2214\(b\)](#), answering papers, if any, must be served upon the undersigned at least seven (7) days prior to the return date of this motion.

Dated: June 17, 2021  
New York, New York

*/s/ Taylor Bartlett*

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