

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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.

Index No. 451625/2020

**AFFIRMATION OF MONICA CONNELL IN SUPPORT OF THE ATTORNEY
GENERAL'S MOTION TO DISMISS THE NRA'S COUNTERCLAIMS**

MONICA A. CONNELL, an attorney duly admitted to practice before the Courts of this State, hereby affirms the following under the penalty of perjury pursuant to CPLR § 2106:

1. I am an Assistant Attorney General and Special Counsel in the Office of the New York State Attorney General ("OAG" or "Attorney General").

2. I submit this affirmation in support of the Attorney General's motion to dismiss Defendant National Rifle Association of America, Inc.'s ("NRA") Counterclaims for the limited purpose of providing the Court with true and correct copies of documents that are referenced in the accompanying memorandum of law.

3. Attached as Exhibit A is a true and correct copy of the NRA's Original Complaint and Jury Demand in *NRA v. James*, No. 1:20-cv-889 (N.D.N.Y.) ("Federal Countersuit"), filed on August 6, 2020.

4. Attached as Exhibit B is a true and correct copy of the New York County Supreme Court's decision, dated February 24, 2020, in *People v. Ackerman McQueen*, Index No. 451825/2019 (Sup. Ct. N.Y. Cnty.).

5. Attached as Exhibit C is a true and correct copy of the NRA's Memorandum of Law in Reply to Letitia James's Opposition to the NRA's Application for Relief under CPLR 2304 and 3103 (NYSCEF 43) in *NRA v. James*, Index No. 158019/2019 (Sup. Ct. N Y. Cnty.).

6. Attached as Exhibit D is a true and correct copy of the New York County Supreme Court's decision in *NRA v. James*, Index No. 158019/2019 (Sup. Ct. N.Y. Cnty.).

7. Attached as Exhibit E is a true and correct copy of the First Department's order in *NRA v. James*, Index No. 158019/2019. The NRA declined to pursue further appeal.

8. Attached as Exhibit F is a true and correct copy of the NRA's Amended Complaint (ECF No. 13) in the Federal Countersuit, dated October 9, 2020.

9. Attached as Exhibit G is a true and correct copy of the NRA's Notice of Voluntary Dismissal (ECF No. 34) in the Federal Countersuit, so-ordered on June 7, 2021.

10. Attached as Exhibit H is a true and correct copy of the United States Judicial Panel on Multidistrict Litigation's order denying the NRA's request for transfer and consolidation, entered on February 4, 2021, in *In re National Rifle Association Business Expenditures Litigation*, MDL No. 2979.

11. Attached as Exhibit I is a true and correct copy of the United States Bankruptcy Court for the Northern District of Texas's order granting the Attorney General's and Ackerman McQueen's motions to dismiss the NRA's (and its affiliate Sea Girt LLC's) bankruptcy petitions in *In re National Rifle Association of America and Sea Girt LLC*, No. 21-30085 (HDH) (Bankr. N.D. Tex.). The NRA did not appeal the court's order dismissing the bankruptcy proceeding.

12. Attached as Exhibit J is a true and correct copy of the Order of Dissolution, dated February 4, 2016, in *People v. Federation of Multicultural Programs*, Index No. 0005671/2015 (Sup. Ct. Albany Cnty.).

13. Attached as Exhibit K is a true and correct copy of the Attorney General's Settlement Agreement with the Metropolitan Council on Jewish Poverty, dated December 19, 2013.

14. Attached as Exhibit L is a true and correct copy of Assurance of Discontinuance 18-034, entered into by the Attorney General, The Richenthal Foundation, and the trustees of The Richenthal Foundation on April 25, 2018.

Dated: June 24, 2021
New York, New York

/s/ Monica Connell
Monica Connell

Attorney Certification Pursuant to Commercial Division Rule 17

I, Monica Connell, an attorney duly admitted to practice law before the courts of the State of New York, certify that this Affirmation in Support of the Attorney General's Motion to Dismiss the NRA's Counterclaims complies with the word count limit set forth in Rule 17 of the Commercial Division of the Supreme Court (22 NYCRR 202.70(g)) because the affirmation contains 569 words, excluding the parts exempted by Rule 17. In preparing this certification, I have relied on the word count of the word-processing system used to prepare this affirmation.

Dated: June 24, 2021
New York, New York

/s/ Monica Connell
Monica Connell