

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

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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.	:
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Index No. 451625/2020

IAS Part 3

Hon. Joel M. Cohen

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, pursuant to CPLR 3211(a)(2) and (a)(7), upon the Memorandum of Law in Support of John Frazer’s Motion to Dismiss Plaintiff’s Second Amended Complaint, the Affirmation of William B. Fleming dated June 6, 2022, and the exhibits annexed thereto, Defendant John Frazer (“Frazer”), by and through his attorneys Gage Spencer & Fleming LLP, will move this Court, before the Honorable Justice Joel M. Cohen, at the Supreme Court, New York County, Motions Submissions Part, Room 130 at 60 Centre Street, New York, New York 10007 at 9:30 a.m. on Wednesday, June 22, 2022, for an Order dismissing Plaintiff’s Second Amended Verified Complaint filed on May 2, 2022 (the “Second Amended Complaint”), with prejudice, and granting such other and further relief as this Court deems just and proper, on the ground that the Second Amended Complaint fails to state a cause of action, because:

- (1) The Attorney General lacks the statutory and other legal authority to obtain the remedies demanded in the Third Cause of Action;
- (2) The Attorney General lacks the statutory and other legal authority to obtain the remedies demanded in the Seventh Cause of Action; and

(3) The Attorney General lacks the statutory and other legal authority to obtain the remedies demanded in the Fifteenth Cause of Action.

Dated: New York, New York  
June 6, 2022

GAGE SPENCER & FLEMING LLP

By: /s/ William B. Fleming  
William B. Fleming  
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*Co-counsel for Defendant John Frazer*

To: PEOPLE OF THE STATE OF  
NEW YORK, by LETITIA JAMES,  
Attorney General of the State of New York (via NYSCEF)

**CERTIFICATE OF SERVICE**

I hereby certify that on June 6, 2022, a true and correct copy of the foregoing Notice of Motion was served on all counsel of record by NYSCEF.

By: /s/ William B. Fleming