



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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October 12, 2022

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, Attorney General of the State of New York v. The National Rifle Association of America, Inc. et al.*,  
Index No. 451625/2020

Dear Justice Cohen:

On behalf of the Plaintiff, the People of the State of New York, the Office of the Attorney General of the State of New York ("OAG") respectfully writes in response to the letter earlier this evening (NYSCEF 852) from P. Kent Correll, Esq., counsel for Mr. LaPierre, regarding an extension of time for Mr. LaPierre to answer the Second Amended Complaint following denial of his motion to dismiss. Plaintiff does not oppose an extension of time to file an answer but endeavored to work with Defendants to avoid prejudice to the Plaintiff thereby.

First, under the governing scheduling order, Plaintiff's contention interrogatories are due on October 18, 2022. Plaintiff needs Defendants' answers prior to that date so that Plaintiff may consider such answers, particularly any affirmative defenses, in drafting its interrogatories. We spoke with counsel for Mr. Frazer today and proposed a stipulation that addresses this issue by pushing back the due date for Plaintiffs' contention interrogatories. In email correspondence but not his letter to the Court, Mr. Correll agreed to that condition and we would ask that that be maintained.

Second, the "other conditions" Mr. Correll mentioned in his letter related to the issue that Mr. Correll raised in his third motion to dismiss this action for failure to name a necessary party. This argument was based upon the naming of "National Rifle Association of America, Inc." instead of "National Rifle Association of America" in the caption to this action. The Court denied that motion to dismiss on September 29, 2022, but directed the parties to meet and confer on the caption. While Plaintiff does not agree that it has named the wrong party and the NRA has appeared and defended this action, to address Mr. Correll's argument, we proposed a stipulation to amend the caption. Mr. Correll indicated his position that the Complaint must be

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amended and stated that he would consider a motion to reargue or renew his motion to dismiss absent an agreement to amend the complaint. Such amendment could start the time running anew to answer, extend the pleadings period herein, and cause Plaintiff the same prejudice we now seek to avoid in regard to not having answers sufficiently in advance of the close of all discovery to serve contention interrogatories. We asked Mr. Correll to agree to stipulate or to a motion on consent to amend the caption in lieu of further motion practice on the pleadings here. We believed this course was more in line with the view expressed by the Court at argument on September 29<sup>th</sup> that the pleading phase here be brought to an end.

Mr. Correll responded by asking for an extension to answer to October 21<sup>st</sup>, with no further discussion or agreement for addressing his stated intention to continue motion practice with regard to the pleadings.

Plaintiff is available for a conference should the Court wish to discuss this matter. Should the Court grant Mr. Correll's request, we ask that Plaintiff be given an extension of seven days after service of an answer to serve contention interrogatories upon the answering Defendant(s).

Respectfully,

*/s/ Monica Connell*

Monica Connell  
Senior Litigation Counsel  
Assistant Attorney General

cc: All Counsel of Record

The Court has considered the letter on behalf of Defendant Wayne LaPierre (NYSCEF 852); the response of Plaintiff the People by the NYAG (NYSCEF 853) and Mr. LaPierre's reply (NYSCEF 854).

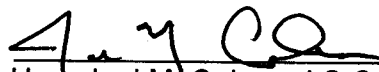
It is hereby

ORDERED that the time for Defendant Wayne LaPierre to file an answer is extended to October 21, 2022; it is further

ORDERED that the Plaintiff may serve contention interrogatories on or by October 28, 2022; it is further

ORDERED that the parties submit a proposed order amending the caption. The Court sees no need for further amendment or motion practice to make this minor change.

Date: October 13, 2022

  
Hon. Joel M. Cohen, J.S.C.