

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,

Index No. 451625/2020

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

Plaintiff,

**ORDER AMENDING  
CAPTION**

v.

THE NATIONAL RIFLE ASSOCIATION OF  
AMERICA, INC., WAYNE LAPIERRE,  
WILSON PHILLIPS, JOHN FRAZER, and JOSHUA  
POWELL,

Defendants.

Plaintiff the People of the State of New York, By Letitia James, Attorney General of the State of New York ("OAG") filed a Second Amended Verified Complaint (NYSCEF 646) naming, among other defendants, "The National Rifle Association of America, Inc." Defendants John Frazer, Wayne LaPierre and "the National Rifle Association of America" (collectively "Defendants") moved to dismiss (Mot. Seq. Nos. 28, 29, 30).

During oral argument on September 29, 2022 (NYSCEF 847), Defendants argued that dismissal of the OAG's pleading was warranted because "the AG has stubbornly refused to amend its complaint to name the National Rifle Association of America as a defendant. . . if we have a judgment at the end of the case it has to have the right caption" (Tr. 41:14-42:23). Counsel for the OAG agreed to "meet and confer and agree to substitute the name in the complaint. . ." (Tr. 66:4-21). Defendants' motions to dismiss were denied on the record, written orders were issued on October 3, 2022 (NYSCEF 844-846), and a conference to address remaining issues was directed (Tr.81:9-17).

On October 12, 2022, the OAG filed a letter indicating that counsel for Mr. LaPierre would not stipulate to amend the caption and instead contemplated another motion to dismiss, renew or reargue. On October 13, 2022, the Court issued an order directing 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” (NYSCEF 855).

No further submissions concerning the caption were made until December 1, 2022, when the OAG submitted a letter (NYSCEF 909) attaching a proposed order (NYSCEF 910) amending the caption to name “National Rifle Association of America” as a defendant in place of “National Rifle Association of America, Inc.” The OAG indicated in its letter that Defendants had not responded to a proposed stipulation shared on November 22, 2022.

Later on December 1, 2022, counsel for Defendant Wayne LaPierre submitted a letter (NYSCEF 911) requesting until December 9, 2022, to file a response. On December 9, 2022, despite the Court’s clear and unequivocal order to submit a proposed order to make a simple change, the National Rifle Association (NYSCEF 913), Mr. LaPierre (NYSCEF 916) and Mr. Frazer (NYSCEF 920) submitted letters requesting that the Court require OAG, in addition to amending the caption, to “(i) amend the summons and complaint; (ii) serve the amended summons and complaint on the NRA; and (iii) file the amended summon and complaint along with proof of their service” (NYSCEF 913). Notably, no argument has been made that *any* party has been prejudiced or confused by the apparently incorrect addition of “Inc.” to the NRA’s name in the pleadings under which the parties have been operating for more than two years.

OAG’s straightforward request to change “National Rifle Association of America, Inc.” to “National Rifle Association of America” in the caption and complaint is **GRANTED** pursuant to CPLR 2001, which permits “a mistake, omission, defect or irregularity. . . to be corrected,

upon such terms may be just. . .” The change does not warrant motion practice or the additional time and expense of further amendment and service of process. The parties’ efforts should, instead, be focused on completing discovery on schedule and getting this case ready for a prompt and efficient resolution.

Accordingly, it is

**ORDERED** that the caption of this action be changed such that the reference to the “National Rifle Association of America, Inc.” is changed to “National Rifle Association of America”; it is further

**ORDERED** that all references to the “National Rifle Association of America, Inc.” in the pleadings herein are deemed to refer to the “National Rifle Association of America”; it is further

**ORDERED** that the Clerk of Court shall change the caption of this action to the following:

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Plaintiff,

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AMERICA, WAYNE LAPIERRE, WILSON  
PHILLIPS, JOHN FRAZER, and JOSHUA  
POWELL,

Defendants.

**SO ORDERED**

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