

**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.**

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§ **INDEX NO. 451625/2020**  
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§ **NOTICE OF MOTION**  
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**PLEASE TAKE NOTICE** that upon the attached affirmation of Noah Peters, dated December 20, 2022, the accompanying motion and upon all the pleadings and proceedings in this action to date, The National Rifle Association of America (“NRA”), by undersigned counsel, 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 January 10, 2023, or as soon thereafter as counsel may be heard, for an order under CPLR 3104(d) reversing the November 29, 2022 ruling by the Special Master for Discovery that privileged documents that NRA has no intention of using or mentioning at trial are “presumptively discoverable” and must be submitted for in-camera review on the theory that the NRA effected an “at issue” waiver.

**PLEASE TAKE FURTHER NOTICE** that absent Court order or the parties’ agreement otherwise stating, answering papers, if any, are due to be served electronically at least seven days before the return date herein

An affirmation that a good faith effort has been made to resolve the issues raised in this motion is attached.

Dated: December 21, 2022

Respectfully submitted,

By: /s/ Noah Peters

Noah Peters

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William A. Brewer III

Svetlana M. Eisenberg

Noah Peters

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**ATTORNEYS FOR DEFENDANT**

**THE NATIONAL RIFLE ASSOCIATION**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing motion and related documents was electronically served via the Court's electronic case filing system upon all counsel of record on December 20, 2022.

/s/ Noah Peters

Noah Peters