

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

Defendants.

Index No. 451625/2020

Motion Sequence No. \_\_\_\_

Hon. Joel M. Cohen

**PLEASE TAKE NOTICE** that upon the annexed Affirmation of Steven Shiffman, dated February 10, 2023, the exhibits annexed thereto, and the Memorandum of Law, dated February 10, 2023, in support of this motion, and all other papers, pleadings and proceedings in this action, the People of the State of New York, by their undersigned counsel, will move this Court, 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. EST on Monday, February 27, 2023 or as soon thereafter as counsel may be heard, pursuant to CPLR 3211(b) or, alternatively, pursuant to CPLR 3212, to dismiss the following affirmative defenses raised by Defendants:

- Defendant Powell's affirmative defenses #s 2-4, 6, 8 and the reservation of rights on page 91 of Defendant Powell's answer. NYSCEF 681.
- Defendant Phillips's affirmative defenses #s 2-3, 5, 8-9, 29. NYSCEF 682.
- Defendant Frazer's affirmative defenses #s 3-4, 17, 19, 29, 32. NYSCEF 864.
- Defendant LaPierre's affirmative defenses #s 2-3, 7, 17-18, 25-26, 40-41 and the reservation of rights on page 101 of Defendant LaPierre's answer. NYSCEF 865.

- Defendant National Rifle Association of America's affirmative defenses ¶¶ 2, 10, 14, 17, 20, 23-29, 36. NYSCEF 889.

**PLEASE TAKE FURTHER NOTICE** that, in accordance with CPLR 2214(b), any opposition must be filed on or before Monday, February 20, 2023, or such other date as agreed to by the parties or ordered by the Court.

Dated: February 10, 2023  
New York, New York

LETITIA JAMES  
*Attorney General of the State of New York*

/s/ Steven Shiffman  
Steven Shiffman  
Monica Connell  
Stephen Thompson  
Assistant Attorneys General  
NYS Office of the Attorney General  
28 Liberty Street  
New York, New York 10005  
(212) 416-6355  
Steven.Shiffman@ag.ny.gov

MEGHAN FAUX, *Chief Deputy Attorney General for Social Justice*  
JAMES SHEEHAN, *Chief of the Charities Bureau*  
EMILY STERN, *Co-chief of the Enforcement Section, Charities Bureau*  
*Of Counsel*