

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

-----X	
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.	:
-----X	

Index No. 451625/2020

IAS Part 3

Hon. Joel M. Cohen

NOTICE OF MOTION

Motion Sequence No. 50

PLEASE TAKE NOTICE that upon the Memorandum Of Law In Support Of Defendant The National Rifle Association of America's Motion To Exclude Evidence From Jeffrey Tenenbaum (NYSCEF No. 1451), the Affirmation In Support Of Defendant The National Rifle Association of America's Motion To Exclude Evidence From Jeffrey Tenenbaum (NYSCEF No. 1452), and the exhibits annexed thereto (NYSCEF No. 1453-1457), and all other papers, pleadings and proceedings in this action, Defendant John Frazer ("Frazer"), by and through his counsel, pursuant to the Court's Part 3 – Practices and Procedures, Part VI(D) (revised June 23, 2023), joins the National Rifle Association of America's motion to exclude evidence from Jeffrey Tenenbaum (Motion Seq. No. 50) and incorporates by reference the facts, evidence, legal arguments, and authorities set forth in the aforementioned motion papers filed by Defendant the National Rifle Association of America in support of Motion Sequence No. 50, and 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 April 10, 2023, or at such other time as the Court may direct, for an order excluding

evidence and testimony intended to be offered by Plaintiff Attorney General of the State of New York (“NYAG”) through the NYAG’s expert witness Jeffrey Tenenbaum (“Tenenbaum”), and granting such other and further relief as this Court deems just and proper, on the grounds that:

- (1) Tenenbaum intends to offer inadmissible factual narratives, improper legal and statutory interpretations, and legal and factual conclusions that usurp the roles of the Court and the trier of fact;
- (2) Tenenbaum’s proffered testimony is inherently unreliable because of his lack of independence and objectivity and improper cherry-picking of materials to rely upon;
- (3) Tenenbaum’s expertise does not include New York-specific nonprofit organizations and law; and
- (4) Tenenbaum’s expertise does not include determining the reasonableness of executive compensation, and his opinions on the subject of executive compensation and the reasonableness or unreasonableness of such compensation are unsupported by any reliable methodology, surveys and statistics on reasonable compensation for corporate executives, including nonprofit executives.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR 2214(b), any opposition to the motion is due at least seven (7) days before the return date stated herein, or at such other time as set by the Court or agreed upon by the parties.

Dated: New York, New York
March 24, 2023

GAGE SPENCER & FLEMING LLP

By: /s/ William B. Fleming
William B. Fleming
410 Park Avenue, Suite 810
New York, New York 10022
Tel. (212) 768-4900
Email: wflaming@gagespencer.com
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 March 24, 2023, 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