

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK – COMMERCIAL DIVISION

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PEOPLE OF THE STATE OF NEW YORK, BY	: Index No. 451625/2020
LETITIA JAMES, ATTORNEY GENERAL OF	:
THE STATE OF NEW YORK,	: IAS Part 3
	:
Plaintiff,	: Hon. Joel M. Cohen
	:
v.	: NOTICE OF MOTION
	: TO EXCLUDE EVIDENCE
THE NATIONAL RIFLE ASSOCIATION OF	: FROM ERICA HARRIS
AMERICA, WAYNE LAPIERRE,	:
WILSON PHILLIPS, JOHN FRAZER, and	:
JOSHUA POWELL,	: Oral Argument Requested
	:
Defendants.	:
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PLEASE TAKE NOTICE that, upon the Notice of Motion of Defendant the National Rifle Association of America (NYSCEF 1320), the Memorandum of Law in Support of Defendant the National Rifle Association of America’s Motion to Exclude Evidence from Erica Harris (NYSCEF 1321), the Affirmation in Support of Defendant the National Rifle Association of America’s Motion to Exclude Evidence from Erica Harris (NYSCEF 1322), the exhibits annexed thereto (NYSCEF 1323-1329), and all other papers, pleadings and proceedings in this action, Defendant Wayne LaPierre, by and through his attorney P. Kent Correll, of Correll Law Group, pursuant to Section VI(D) of this Court’s Part 3 Practices and Procedures (revised June 23, 2022), joins in the National Rifle Association of America’s motion to exclude evidence from Erica Harris (Motion Sequence No. 47), 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. 47, and will move this Court, before the Honorable Justice Joel M. Cohen, at the Supreme Court, New York County, Motion Submission Part, Room 130, at 60 Centre Street, New York, New York 10007, at 9:30 a.m. on

Motion Sequence No. 47

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 People of the State of New York, by Letitia James, Attorney General of the State of New York (the “Attorney General”) through the Attorney General’s proposed expert witness Erica Harris, and granting such other and further relief as this Court deems just and proper, on the grounds that:

- (1) Erica Harris’s analysis and testimony are neither helpful nor relevant to the trier of fact;
- (2) Erica Harris’s analysis and testimony are entirely unreliable because the underlying data Harris relied upon was fatally flawed and skewed to support her (and the Attorney General’s) preformed conclusions;
- (3) Erica Harris’s conclusions are misleading, unfairly prejudicial, and unsupported by her analysis; and
- (4) Erica Harris’s conclusions include impermissible legal and factual inferences and conclusions that usurp the roles of the Court and factfinder.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 2214(b), any answering affidavits, or other answering papers, must be served upon the undersigned at least seven days prior to the return date of this motion, or at such other time as set by the Court or agreed upon by the parties.

Dated: New York, New York
March 24, 2023

Respectfully submitted,

/s/ P. Kent Correll
P. Kent Correll
CORRELL LAW GROUP
250 Park Avenue, 7th Floor
New York, New York 10177
Tel: (212) 475-3070

Motion Sequence No. 47

E-mail: kent@correlllawgroup.com

Attorney for Defendant Wayne LaPierre

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was electronically served via the Court's electronic case filing system upon all counsel of record on this 24th day of March 2023.

/s/ P. Kent Correll
P. Kent Correll