

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

Hon. Joel M. Cohen

Motion Seq. No. 44

**PLAINTIFF'S RESPONSE TO LAPIERRE'S RULE 19-a  
COUNTERSTATEMENTS**

Plaintiff, pursuant to Commercial Division Rule 19-a and the Individual Rules of this Court, submits this Response to Defendant LaPierre's Counterstatements to Plaintiff's Rule 19-a Statements. (NYSCEF 1347.)

Plaintiff objects to LaPierre's Counterstatements, which do not constitute short and concise statements of the material facts as to which it is contended that there exists a genuine issue to be tried, as required by Commercial Division Rule 19-a(b). LaPierre's Counterstatements do not raise facts that preclude the relief Plaintiff seeks or require resolution at trial. Further, Plaintiff objects to the extent that LaPierre's Counterstatements are not supported by citation to admissible evidence and where such Counterstatements are attempts to re-litigate issues or matters already decided by the Court.

**Defendant Wayne LaPierre's Statement of Facts**

1. Each year the NRA files a Form 990 with the Internal Revenue Service.

**RESPONSE:** Disputed. Plaintiff objects that LaPierre cites to no admissible evidence in support of this statement, as required by Rule 19-a(d). This statement does not comply with Commercial Division Rule 19-a(b), as it does not contain an issue of material fact as to which there is a genuine issue to be tried. This statement is not material because even if disputed, it does not preclude the relief Plaintiff seeks for the reasons set forth in the accompanying memorandum of law.

2. Each year, the NRA files a Char500 with the New York State Office of the Attorney

General Charities Bureau, attaching a copy of the NRA's Form 990. [https://www.charitiesnys.com/](https://www.charitiesnys.com/RegistrySearch/show_details.jsp?id={7DFC840A-50AC-42D4-8BA4-4169910FEFA6})

[RegistrySearch/show\\_details.jsp?id={7DFC840A-50AC-42D4-8BA4-4169910FEFA6}](https://www.charitiesnys.com/RegistrySearch/show_details.jsp?id={7DFC840A-50AC-42D4-8BA4-4169910FEFA6})

**RESPONSE:** Undisputed but not material. This statement does not comply with Commercial Division Rule 19-a(b), as it does not contain an issue of material fact as to which there is a genuine issue to be tried. This statement is not material because even if disputed, it does not preclude the relief Plaintiff seeks for the reasons set forth in the accompanying memorandum of law.

3. The NRA filed Char500s with the New York State Office of the Attorney General

Charities Bureau for 2008, 2009, 2010, 2011, 2012, 2014, 2015, 2016, 2017, 2018, 2019 and 2020,

attaching copies of its Form 990, which disclosed the amount of compensation the NRA paid

Defendant Wayne LaPierre and the fact that the organization was providing first-class or charter

travel. [https://www.charitiesnys.com/RegistrySearch/show\\_details.jsp?id={7DFC840A-50AC-](https://www.charitiesnys.com/RegistrySearch/show_details.jsp?id={7DFC840A-50AC-42D4-8BA4-4169910FEFA6})

[42D4-8BA4-4169910FEFA6}](https://www.charitiesnys.com/RegistrySearch/show_details.jsp?id={7DFC840A-50AC-42D4-8BA4-4169910FEFA6})

**RESPONSE:** Disputed. To the extent LaPierre summarizes or characterizes the contents of the filings, Plaintiff respectfully directs the Court to the full filings for their full and complete context. Plaintiff further objects that this statement does not comply with Commercial Division Rule 19-a(b), as it does not contain an issue of material fact as to which there is a genuine issue to be tried. This statement is not material because even if disputed, it does not preclude the relief Plaintiff seeks for the reasons set forth in the accompanying memorandum of law.

4. On December 12, 2022, the Court ordered that references to the "National Rifle

Association of America, Inc." in all pleadings herein were deemed to refer to the "National Rifle

Association of America”. *See* Order Amending Caption dated December 12, 2022 (NYSCEF 921).

**RESPONSE:** Undisputed.

5. On January 3, 2023, Defendant LaPierre filed an Amended Verified Answer of Defendant Wayne LaPierre dated January 3, 2023 (“AVA”) (NYSCEF 1023).

**RESPONSE:** Disputed. Plaintiff objects to the extent that this statement is a legal conclusion to which no response is required regarding the validity of the document filed on January 3, 2023, which Plaintiff disputes LaPierre was entitled to file without leave to amend from the Court. Plaintiff further objects that this statement does not comply with Commercial Division Rule 19-a(b), as it does not contain an issue of material fact as to which there is a genuine issue to be tried. This statement is not material because even if disputed, it does not preclude the relief Plaintiff seeks for the reasons set forth in the accompanying memorandum of law.

6. The AVA was filed as of right under CPLR 3025(d) after this Court, to correct a defect in the Attorney General’s pleading, ordered that references to the “National Rifle Association of America, Inc.” in all pleadings herein were deemed to refer to the “National Rifle Association of America”. *See* Order Amending Caption dated December 12, 2022 (NYSCEF 921).

**RESPONSE:** Disputed. Plaintiff objects that this statement is a legal conclusion to which no response is required. Plaintiff further objects that this statement does not comply with Commercial Division Rule 19-a(b), as it does not contain an issue of material fact as to which there is a genuine issue to be tried. This statement is not material because even if disputed, it does not preclude the relief Plaintiff seeks for the reasons set forth in the accompanying memorandum of law.

7. The amendment of Defendant LaPierre’s prior pleading was required under CPLR 3025(d) and was necessary to change Defendant LaPierre’s responses to certain allegations whose meanings had changed as a result of the Court’s order, thus requiring a different response, and leave of court was not required.

**RESPONSE:** Disputed. Plaintiff objects that this statement is a legal conclusion to which no response is required. Plaintiff further objects that this statement does not comply with Commercial Division Rule 19-a(b), as it does not contain an issue of material fact as to which there is a genuine issue to be tried. This statement is not material because even if disputed, it does not preclude the relief Plaintiff seeks for the reasons set forth in the accompanying memorandum of law.

8. Defendant LaPierre is the Executive Vice President and Chief Executive Officer of the National Rifle Association of America (“NRA”). He has held that position since 1991. *See* Affidavit of Wayne LaPierre sworn to March 13, 2023 (hereinafter cited as “LaPierre Aff.”) ¶ 2.

**RESPONSE:** Undisputed but not material. Plaintiff objects that this statement does not comply with Commercial Division Rule 19-a(b), as it does not contain an issue of material fact as to which there is a genuine issue to be tried. Plaintiff further objects that this statement does not comply with Commercial Division Rule 19-a(b), as it does not contain an issue of material fact as to which there is a genuine issue to be tried. This statement is not material because even if disputed, it does not preclude the relief Plaintiff seeks for the reasons set forth in the accompanying memorandum of law.

9. Defendant LaPierre started working for the NRA in early 1978. *See* LaPierre Aff. ¶ 3.

**RESPONSE:** Undisputed but not material. Plaintiff incorporates its response to Paragraph 8, *supra*.

10. Stephen Shulman, Esq. represented the NRA as outside counsel (through several law firms, including Cadwalader, Wickersham and Taft) from 1977 until his death in 2011. During that time, Defendant LaPierre relied heavily on Mr. Shulman for legal advice regarding a broad range of matters, including corporate, tax, regulatory and compliance matters, and he was involved in developing policies and procedures relating to compensation, travel and security, as well as other internal affairs. *See* LaPierre Aff. ¶ 4.

**RESPONSE:** Disputed. Plaintiff incorporates the statements and objections set forth in Paragraph 8, *supra*, and further objects that Defendant LaPierre failed to identify Mr. Shulman as a potential witness in response to contention interrogatories. *See* Shiffman Aff. Ex. C. Plaintiff further objects that this statement does not comply with Commercial Division Rule 19-a(b), as it does not contain an issue of material fact as to which there is a genuine issue to be tried. This statement is not material because even if disputed, it does not preclude the relief Plaintiff seeks for the reasons set forth in the accompanying memorandum of law. Plaintiff lacks sufficient information to form a belief as to the truth of this statement.

11. Gordon Russell was employed by the NRA as its Director of Security from 1994 until his death in 2014. During that time, Defendant LaPierre relied heavily on Mr. Russell for

professional advice and instructions on security matters, including use of charter travel, and Mr. Russell provided Defendant LaPierre with information and advice regarding threat levels, threat assessments and the need for use of charter travel for security reasons. *See* LaPierre Aff. ¶ 5.

**RESPONSE:** Disputed. Plaintiff incorporates its response to Paragraph 10, *supra*.

12. During Defendant LaPierre's 45 years at the NRA, no one from the Internal Revenue Service ("IRS") ever raised an issue with him concerning his compensation or use of charter travel. *See* LaPierre Aff. ¶ 6.

**RESPONSE:** Disputed. Plaintiff incorporates its response to Paragraph 10, *supra*.

13. Until 2020, no one from the New York State Office of the Attorney General ("OAG") had ever raised an issue with Defendant LaPierre concerning his compensation or use of charter travel. *See* LaPierre Aff. ¶ 7.

**RESPONSE:** Disputed. Plaintiff incorporates the statements and objections set forth in Paragraph 8, *supra*.

14. Because no one from the IRS, and no one from the OAG (until 2020), ever raised any issue about his compensation or use of charter travel, Defendant LaPierre believed that neither agency had any issue with his compensation or charter travel, and that his compensation and use of charter travel were appropriate and lawful. *See* LaPierre Aff. ¶ 8.

**RESPONSE:** Disputed. Plaintiff incorporates the statements and objections set forth in Paragraph 8, *supra*.

15. If the IRS or the Attorney General had challenged Defendant LaPierre's compensation or charter travel in 2009 or 2010, Mr. Shulman would have been available to testify as a witness on his behalf as to the process by which his compensation was determined and the

process by which the need for charter travel was determined, and Mr. Russell would have been available to testify as a witness on Defendant LaPierre's behalf on the process by which his need for charter travel was determined. While Defendant LaPierre wouldn't have disclosed any confidential attorney-client communications with Mr. Shulman or the substance of any advice he received from him, Defendant LaPierre would have relied on him to organize files and refresh his recollection as to facts and Mr. Shulman would have been able to coordinate with various people who would be fact witnesses in Defendant LaPierre's defense and help him locate documents that could be used in his defense. *See LaPierre Aff.* ¶ 9.

**RESPONSE:** Disputed. Plaintiff incorporates the statements and objections set forth in Paragraphs 8 and 10, *supra*.

16. Defendant LaPierre believes strongly that it would be unfair and inequitable for the Court to require him to defend himself against charges relating to compensation he received in years prior to 2011, or his use of charter travel prior to 2015, without the benefit of the testimony of these two critically important witnesses. *See LaPierre Aff.* ¶ 10.

**RESPONSE:** Disputed, Plaintiff incorporates the statements and objections set forth in Paragraph 8, *supra*, and further objects that this statement is a legal conclusion to which no response is required.

17. Defendant LaPierre also believes strongly that it would be unfair and inequitable for the Court to require him to defend himself against charges relating to compensation he received in years prior to 2020, and charter travel he used before 2020, given the failure of the IRS and the OAG to act sooner to bring any concerns or issues they had to his attention promptly upon receiving the NRA's annual Form 990 and Char500 filings, which disclosed the amount of his compensation and, beginning in 2008 and continuing to date (with the exception of 2013), disclosed the fact that the NRA was providing first-class or charter travel, because, as a result of

their conduct, Defendant LaPierre was led to believe that the amount of his compensation was viewed by the IRS and the OAG as reasonable and commensurate with the services he provided to the NRA and that his use of charter travel was appropriate and lawful. *See* LaPierre Aff. ¶ 11.

**RESPONSE:** Disputed. Plaintiff incorporates its response to Paragraph 16, *supra*.

18. If the IRS or the OAG had informed Defendant LaPierre in 2009 or 2010 that they believed that the amount of my compensation was unreasonable and unlawful or that his use of charter travel was unwarranted and unlawful, he would have immediately sought advice from Mr. Shulman and would have followed his advice as to how to proceed, and he would have made sure that Mr. Shulman consulted with Mr. Russell regarding the threats that had been received and the need for use of charter travel for security reasons. *See* LaPierre Aff. ¶ 12.

**RESPONSE:** Disputed. Plaintiff incorporates the statements and objections set forth in Paragraphs 8, 10, and 16, *supra*.

*[Remainder of page intentionally left blank]*

Dated: April 3, 2023  
New York, New York

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