

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

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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.	:
-----X	

Index No. 451625/2020

Motion Sequence No. 44

**AFFIRMATION OF WILLIAM B. FLEMING IN OPPOSITION TO PLAINTIFF'S
MOTION TO DISMISS CERTAIN OF DEFENDANTS' AFFIRMATIVE DEFENSES
AND IN SUPPORT OF DEFENDANT JOHN FRAZER'S CROSS-MOTION FOR
LEAVE TO REPLEAD**

WILLIAM B. FLEMING, hereby affirms under penalties of perjury:

I am a member of the law firm Gage Spencer & Fleming LLP, attorneys for Defendant John Frazer ("Frazer") in this action, and a member of the bar of this Court. I submit this affirmation in opposition to Plaintiff People of the State of New York, by Letitia James, Attorney General of the State of New York's ("Plaintiff" or "NYAG") Motion to Dismiss Certain of Defendants' Affirmative Defenses, and in support of Frazer's cross-motion for leave to replead.

1. Annexed hereto as Exhibit 1 is a true and correct copy of the Expert Report of James F. Reda dated September 16, 2022.

2. Annexed hereto as Exhibit 2 is a true and correct copy of excerpts from the Deposition of Wilson H. Phillips, Jr. dated August 10-11, 2021.

3. Annexed hereto as Exhibit 3 is a true and correct copy of excerpts from the Deposition of the National Rifle Association by a Corporate Representative, John Frazer, dated July 29, 2022, August 9, 2022, and September 9, 2022.

1. Annexed hereto as Exhibit 4 is a true and correct copy of excerpts from the Deposition of Michael Erstling dated June 16, 2022.

2. Annexed hereto as Exhibit 5 is a true and correct copy of excerpts from the Deposition of Sonya Rowling dated July 14, 2022.

3. Annexed hereto as Exhibit 6 is a true and correct copy of excerpts from the Deposition of John Frazer dated July 12, 2022.

4. Annexed hereto as Exhibit 7 is a true and correct copy of excerpts from the Deposition of Greg Plotts dated March 22, 2022, and April 18, 2022.

5. Annexed hereto as Exhibit 8 is a true and correct copy of excerpts from the Deposition of Craig Spray dated January 14, 2022.

Dated: New York, New York
March 13, 2023

/s/ William B. Fleming

William B. Fleming

CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2023, a true and correct copy of the foregoing Affirmation of William B. Fleming in Opposition to Plaintiff's Motion to Dismiss Certain Affirmative Defenses and in Support of Defendant John Frazer's Cross-Motion for Leave to Replead Certain Affirmative Defenses was served on all counsel of record by NYSCEF.

By: /s/ William B. Fleming