

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, WAYNE LAPIERRE,	:
WILSON PHILLIPS, JOHN FRAZER, and	:
JOSHUA POWELL,	:
	:
Defendants.	:
-----X	

Index No. 451625/2020

IAS Part 3

Hon. Joel M. Cohen

**NOTICE OF
CROSS-MOTION**

PLEASE TAKE NOTICE that, pursuant to CPLR 3025, upon the Memorandum of Law in in opposition to Plaintiff The Attorney General of the State of New York's ("Plaintiff" or "NYAG") Motion to Dismiss Certain of Defendants' Affirmative Defenses pursuant to CPLR 3211(b) and 3212, and in support of his cross-motion for leave to replead certain affirmative defenses under CPLR 3025(b) and (c), his Counterstatement of Facts pursuant to 22 N.Y.C.R.R. § 202.8-g(b) and Commercial Division Rule 19-a(b), and the Affirmation of William B. Fleming dated March 13, 2023, with the exhibits annexed thereto, Defendant John Frazer ("Defendant"), by and through his attorneys Gage Spencer & Fleming LLP, 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 March 29, 2023, for an Order:

- (1) Granting Defendant leave to replead, pursuant to CPLR 3025(b) and (c), if necessary, to amend and supplement his operative Answer in the above-captioned action; and
- (2) Granting such other and further relief as this Court deems just and proper.

Dated: New York, New York
March 13, 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 13, 2023, a true and correct copy of the foregoing
Notice of Cross-Motion was served on all counsel of record by NYSCEF.

By: /s/ William B. Fleming