

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

PEOPLE OF THE STATE OF NEW YORK,	§	
BY LETITIA JAMES, ATTORNEY GENERAL	§	Index No. 451625/2020
OF THE STATE OF NEW YORK,	§	Hon. Joel M. Cohen
	§	
Plaintiff,	§	Motion Sequence No. _____
	§	
v.	§	
	§	
THE NATIONAL RIFLE ASSOCIATION OF	§	<u>NOTICE OF MOTION</u>
AMERICA, WAYNE LAPIERRE, WILSON	§	
PHILLIPS, JOHN FRAZER, and JOSHUA	§	Oral Argument Requested
POWELL,	§	
	§	
Defendants.	§	

NOTICE OF MOTION

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 Erica Harris, the Affirmation In Support Of Defendant The National Rifle Association Of America’s Motion To Exclude Evidence From Erica Harris, and the exhibits annexed thereto, Defendant the National Rifle Association of America (“NRA”), by and through undersigned counsel, 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 27, 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 Erica Harris (“Harris”), and granting such other and further relief as this Court deems just and proper, on the grounds that:

- (1) Harris’s analysis and testimony is neither helpful nor relevant to the trier of fact;

- (2) Harris's analysis and testimony are entirely unreliable because the underlying data that Harris relied upon was fatally flawed and skewed to support her (and the NYAG's) preformed conclusions;
- (3) Harris's conclusions are misleading, unfairly prejudicial, and unsupported by her analysis; and
- (4) 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 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: March 10, 2023
New York, New York

/s/ Christopher T. Zona
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Svetlana M. Eisenberg
Christopher T. Zona
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**COUNSEL FOR DEFENDANT
THE NATIONAL RIFLE
ASSOCIATION OF AMERICA**

CERTIFICATE OF SERVICE

I, Christopher T. Zona, hereby certify that, on March 10, 2023, a true and correct copy of the foregoing document was electronically transmitted and served upon all counsel of record via this Court's electronic case filing system.

Dated: March 10, 2023
New York, NY

/s/ Christopher T. Zona
Christopher T. Zona