

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.	:
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Index No. 451625/2020

IAS Part 3

Hon. Joel M. Cohen

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, upon Defendant John Frazer’s Memorandum of Law in Support of His Motion to Preclude Evidence Pursuant to CPLR 3126, and the Affirmation of William B. Fleming in Support of John Frazer’s Motion to Preclude Evidence Pursuant to CPLR 3126 dated March 17, 2023, with 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 April 3, 2023, for an Order:

- (1) Pursuant to CPLR 3126(3), striking from the Complaint allegations relying on the information sought by Frazer in his Contention Interrogatory Nos. 3, 5, and 6 to which Plaintiff has refused to provide complete responses, or
- (2) Pursuant to CPLR 3126(2), precluding Plaintiff from offering evidence at trial pertaining to information sought in Frazer’s Contention Interrogatory Nos. 3, 5, and 6 to which Plaintiff has refused to provide complete responses, or

- (3) Pursuant to CPLR 3124, compelling Plaintiff to supplement its responses to Frazer's Contention Interrogatory Nos. 3, 5, and 6, to which Plaintiff has refused to provide complete responses, with complete information (including, at a minimum, to provide specifics regarding each instance where the Attorney General contends Mr. Frazer failed to discharge a duty) and, pursuant to 22 NYCRR 202.21(e), vacating the Note of Issue, and
- (4) granting such other and further relief as this Court deems just and proper.

**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: New York, New York  
March 17, 2023

GAGE SPENCER & FLEMING LLP

By: /s/ William B. Fleming  
William B. Fleming  
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*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 17, 2023, a true and correct copy of the foregoing  
Notice of Motion was served on all counsel of record by NYSCEF.

By: /s/ William B. Fleming