

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 Jeffrey Tenenbaum, the Affirmation In Support Of Defendant The National Rifle Association Of America’s Motion To Exclude Evidence From Jeffrey Tenenbaum, 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 April 3, 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 Jeffrey Tenenbaum (“Tenenbaum”), and granting such other and further relief as this Court deems just and proper, on the grounds that:

- (1) Tenenbaum intends to offer inadmissible factual narratives, improper legal and statutory interpretations, and legal and factual conclusions that usurp the roles of the Court and the trier of fact;
- (2) Tenenbaum's proffered testimony is inherently unreliable because of his lack of independence and objectivity and improper cherry-picking of materials to rely upon; and
- (3) Tenenbaum's expertise does not include New York-specific nonprofit organizations and law.

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 17, 2023
New York, New York

/s/ Christopher T. Zona
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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 17, 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 17, 2023
New York, NY

/s/ Christopher T. Zona
Christopher T. Zona