

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 03M

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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,
JOSHUA POWELL,

Defendants.

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INDEX NO. 451625/2020

MOTION DATE 02/10/2023

MOTION SEQ. NO. 044

DECISION + ORDER ON
MOTION

HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 044) 1164, 1165, 1166,
1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1252, 1253, 1331, 1332,
1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349,
1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365,
1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381,
1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397,
1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413,
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1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510,
1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778,
1815, 1825, 1826, 2010

were read on this motion for PARTIAL DISMISSAL OR SUMMARY JUDGMNET

Upon the foregoing documents, and for the reasons stated on the record following oral
argument on June 8, 2023, it is

ORDERED that Plaintiff People of the State of New York, By Letitia James, Attorney
General of The State of New York's motion to dismiss certain defenses pursuant to CPLR
3211(b) or, in the alternative, for partial summary judgment dismissing certain defenses pursuant
to CPLR 3212(b) is GRANTED IN PART (excluding portions that were withdrawn or rendered
moot) and Defendant the National Rifle Association of America's ("NRA") affirmative defenses

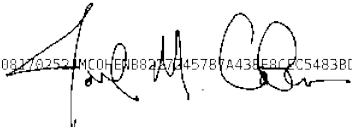
17, 20, 23, 24, 25, 26, 27, 28, 29, 33, 34, 35 and 36; Defendant Wayne LaPierre’s (“LaPierre”) affirmative defenses 2, 3, 26 and the unnumbered “catch all” defense; Defendant John Frazer’s (“Frazer”) affirmative defenses 3, 4 and 32; and Defendant Joshua Powell’s (“Powell”) affirmative defenses 6, 8 and the unnumbered “catch all” defense are **DISMISSED**; it is further

ORDERED that Defendants LaPierre and Frazer’s cross-motions to amend their affirmative defenses are **DENIED** as futile; it is further

ORDERED that the parties upload the June 8, 2023 transcript to NYSCEF upon receipt; it is further

ORDERED that, as soon as reasonably possible, the parties submit a joint letter proposing a trial plan and schedule so that the Court can reserve the necessary dates.

This constitutes the decision and order of the Court.

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JOEL M. COHEN, J.S.C.

6/8/2023
DATE

CHECK ONE:

CASE DISPOSED
 GRANTED DENIED

NON-FINAL DISPOSITION
 GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE