

**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 OF
THE STATE OF NEW YORK,

Plaintiff,

v.

THE NATIONAL RIFLE ASSOCIATION OF
AMERICA, INC., WAYNE LAPIERRE,
WILSON PHILLIPS, JOHN FRAZER, and
JOSHUA POWELL,

Defendants,

ROSCOE B. MARSHALL, JR., individually and
derivatively on behalf of THE NATIONAL
RIFLE ASSOCIATION OF AMERICA, INC.,

Intervenor-Defendant,
Cross Claimant, and
Counter Claimant.

Index No. 451625/2020

**Hon. Joel M. Cohen
Part 3**

**NOTICE OF MOTION TO
INTERVENE BY
ROSCOE B. MARSHALL, JR.**

ORAL ARGUMENT REQUESTED

Please take notice that Roscoe B. Marshall, Jr., by his undersigned counsel, will move this Court as follows:

Date, Time and Place of Hearing:

Motion Submission Part a 60 Centre Street, Room 130, New York County Courthouse,
New York, NY 10007

October 12, 2021 at 9:30am

Supporting Papers:

1. Affidavit of Roscoe B. Marshall, Jr. dated September 20, 2021 with Exhibits A-L attached thereto.
2. Supporting Memorandum of Law
3. Proposed Answer, Counterclaims and Crossclaims in Intervention by Roscoe

B. Marshall, Jr.

Relief Demanded and Grounds:

Relief:

An Order under CPLR § 1012 granting the Proposed Intervenor's intervention as of right, or permissively under CPLR § 1013.

Grounds:

1. The Proposed Intervenor is a Director of the National Rifle Association ("NRA") and has the statutory right under N-PCL § 720 to assert derivative claims on its behalf.
2. The Proposed Intervenor has a real and substantial interest in the issues and subject matter of this action, and although he will be bound by the judgment his interests will not and cannot be adequately represented by the present parties.
3. This action involves the disposition of tangible and intangible property, and the impairment of the Proposed Intervenor's constitutional rights, and his interests may be affected adversely by the judgment.
4. The Proposed Intervenor has claims and defenses that have questions of controlling law and fact in common with this action.
5. The Proposed Intervenor seeks to assure that the NRA as an entity has independent, conflict-free counsel. The law firm presently representing the NRA is irreconcilably conflicted and the NRA is alleged by the Attorney General to be controlled by one or more of the individual defendants. Thus no present party or law firm can adequately protect the NRA's rights as an entity separate from the individual defendants.

Please take further notice that, pursuant to CPLR § 2214(b), answering papers, if any, must be served upon the undersigned at least seven (7) days prior to the return date of this motion.

Dated: June 24, 2021
New York, New York

Francois M. Blaudeau
(admitted *pro hac vice*)
Marc J. Mandich
(admitted *pro hac vice*)
Southern MedLaw
2224 1st Ave North
Birmingham, AL 35203-4204
Tel: (205) 547-5525
Fax: (205) 547-5535
Francois@SouthernMedLaw.com
Marc@SouthernMedLaw.com

George C. Douglas, Jr.
(admitted *pro hac vice*)
One Chase Corporate Center, Suite 400
Hoover, Alabama 35244
(205) 824-4620 tel.
(866) 383-7009 fax
GeorgeDouglas@fastmail.com

/s/ Taylor Bartlett

Taylor C. Bartlett, NY Reg. Num:
5283668
Heninger Garrison Davis, LLC
5 Pennsylvania Plaza
23rd Floor
New York, NY 10001
Tel: (800) 241-9779
Fax: (205) 380-8085
Taylor@hgdllawfirm.com

*Attorneys for Proposed Intervenor
Roscoe B. Marshall, Jr.*