

**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** :  
: :  
**Petitioners,** :  
: :  
**-against-** :  
: :  
**NATIONAL RIFLE ASSOCIATION OF AMERICA, INC.,** :  
**WAYNE LAPIERRE, WILSON PHILLIPS, JOHN FRAZER** :  
**and JOSHUA POWELL,** :  
: :  
**Respondents.** :  
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**Index # 451625/2020**

**Notice of election to treat  
unverified or defectively  
verified pleading as a nullity**

PLEASE TAKE NOTICE that Defendant the National Rifle Association of America (the “NRA”) elects to treat as a nullity, pursuant to N.Y. C.P.L.R. 3022, the “Verified Complaint” filed August 6, 2020, in the above-referenced matter (NYSCEF Doc. No. 1) (the “Complaint”), on the ground that the Complaint seeks judicial dissolution pursuant to N-PCL Article 11, yet fails to satisfy the verification requirements of N-PCL § 1103 and C.P.L.R. 3020.

As the Attorney General is no doubt aware, judicial dissolution under New York’s Not-for-Profit Corporation Law is a serious matter. Government officials who target a nonprofit for destruction must swear under oath that their allegations are true—or, at minimum, that they *believe* they are telling the truth. *See* N-PCL § 1103. The government has not done so here.

In particular, C.P.L.R. 3020 requires that any verification state “under oath that the pleading is true to the knowledge of the deponent, except as to matters alleged on information and belief, *and that as to those matters he believes it to be true.*” (emphasis added). The Complaint against the NRA contains a purported verification, but omits the last clause: it does not state that

matters alleged on information and belief are believed to be true. Under C.P.L.R. 3022, the Complaint was, accordingly, “served without sufficient verification.”

Dated: August 9, 2020

By: /s/ Sarah B. Rogers

**BREWER, ATTORNEYS &  
COUNSELORS**

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*ATTORNEYS FOR THE NATIONAL  
RIFLE ASSOCIATION OF AMERICA*

**To: (VIA NYSCEF)  
PEOPLE OF THE STATE OF  
NEW YORK, by LETITIA JAMES,  
Attorney General of the State of New York**