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October 16, 2024

By NYSCEF

Honorable Joel M. Cohen
Supreme Court of the State of New York
New York County
Commercial Division
60 Centre Street, Room 570
New York, New York 10007

Re: *People of the State of New York v. The National Rifle Association, et al.*,
Index. No. 451625/2020

Dear Justice Cohen:

We represent Defendant John Frazer in the above-referenced action. I write to address the respective proposed final judgments submitted by the Plaintiff NYAG and Defendant NRA on October 4, 2024.

Mr. Frazer opposes Plaintiff's proposed final judgment. Plaintiff's submission fails to reference important specifics about the jury's and the Court's treatment of the requested relief against Mr. Frazer. In its place, Plaintiff presents an imprecise and misleading statement of the jury's decision concerning Mr. Frazer (and the other defendants). In the preamble to its proposed final judgment, Plaintiff omits all specific jury determinations in favor of a general statement that the jury rendered a verdict "in favor of Plaintiff . . . against Defendants National Rifle Association of America ("NRA"), Wayne LaPierre, Wilson Phillips, and John Frazer on Plaintiff's First, Second, Third, Fourth, Twelfth, Thirteenth, Fourteenth, and Fifteenth Causes of Action." This language self-servingly suggests that the jury reached a verdict against all the defendants on eight causes of action.

Plaintiff's language omits key specifics, however, particularly as respects Mr. Frazer. For example, its submission does not account for the Court's prior dismissals of claims on a motion to dismiss (NYSCEF 610 at 37-42) and by directed verdict (NYSCEF 3570 at 4104-4110). Also, it does not address or reference the jury's verdict sheet (NYSCEF 3212), nor the jury's particular determinations therein (i) that Mr. Frazer caused no monetary harm to the NRA and (ii) that no cause to remove him from office was proved (*id.* at 6, 14). Lastly, the proposed final judgment omits all reference to the Court's July 29 decision denying Plaintiff's requests for non-statutory relief against Mr. Frazer (NYSCEF 3431 at 2261-2262). In fact, Plaintiff's submission includes no final order, adjudication, or decree relating to Mr. Frazer at all.

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Because the NRA's proposed final judgment makes reference to the Court's prior orders, the jury's verdict sheet, and the Court's July 29 decision, and because it contains appropriate adjudicatory language pertinent to Mr. Frazer, we endorse the version submitted by the NRA. We also incorporate and adopt the arguments made by the other defendants which may be relevant to Mr. Frazer.

For these reasons, Mr. Frazer respectfully requests that the Court deny the NYAG's proposed final judgment and adopt the NRA's proposed final judgment.

Respectfully submitted,

/s/ William B. Fleming

William B. Fleming

Cc: Counsel of Record (by NYSCEF)