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BY NYSCEF

Hon. Joel M. Cohen
Justice of the Supreme Court of the State of New York
Commercial Division, New York County
60 Centre Street
New York, NY 10007

Re: *People of the State of New York, by Letitia James, Attorney General of the State of New York v. The National Rifle Association of America, Inc. et al., Index No. 451625/2020*

Dear Justice Cohen:

On behalf of Plaintiff the People of the State of New York, the Office of the Attorney General of the State of New York (“OAG”) respectfully writes to address issues raised for the upcoming trial by Defendant Wayne LaPierre’s forthcoming resignation from his position as Executive Vice President (“EVP”) of the NRA.

With no warning to the Court or the parties, on January 5, 2024, on the eve of trial, the NRA made a very public announcement about Mr. LaPierre’s resignation. The announcement revealed few details regarding the circumstances or terms of his departure from the NRA. *See* “NRA EVP Wayne LaPierre Announces Resignation from NRA,” <https://home.nra.org/statements/nra-evp-wayne-lapierre-announces-resignation-from-nra/> (last visited Jan. 7, 2024). Plaintiff is only aware of the information the NRA has chosen to reveal to the general public, specifically that: (i) LaPierre “is stepping down from his position as chief executive of the organization, effective January 31”; (ii) “[l]ong-time NRA executive and Head of General Operations Andrew Arulanandam will become the interim CEO & EVP of the NRA”; (iii) “NRA President Charles Cotton reported that he accepted LaPierre’s resignation” during an NRA Board of Directors meeting; and (iv) “LaPierre cited health reasons as a reason for his decision” to resign. *Id.*

Mr. LaPierre’s upcoming resignation has no effect whatsoever on the viability of Plaintiff’s causes of action brought against the NRA and the individual defendants, including Mr. LaPierre. The NRA should not be permitted to present Mr. LaPierre’s resignation as a component of its

defense to liability at trial. It would be highly prejudicial to Plaintiff's case and it is not probative of the NRA or LaPierre's liability.

After standing lockstep with Mr. LaPierre for more than three years litigating this case, in its pre-trial memorandum, filed late on January 6th, the NRA suddenly purports to reverse course and assert that LaPierre's departure from the NRA in January 2024 is an example of "clear corrective action" taken by the organization for which it can avoid liability under EPTL 8-1.4. NYSCEF No. 2682 at 18. The NRA also asserts that Plaintiff cannot demonstrate that the misconduct of "rogue former officers" – which now presumably include Mr. LaPierre – can be imputed to the NRA to show the organization improperly administered charitable assets. *Id.* at 11-12. Whether Mr. LaPierre's resignation has any relevance is a question, but one to be addressed at the remedial stage of this case.

Given the timing and public nature of this event, Plaintiff recognizes that Mr. LaPierre's resignation is unavoidably a part of this case as a matter of fact. For that reason, in fairness, we request that the Court compel the NRA and Mr. LaPierre to provide the following information, before the start of trial, regarding the terms of Mr. LaPierre's departure:

- (1) what arrangements or agreements Mr. LaPierre has with the NRA or its affiliates regarding his resignation, severance, licensing, consulting or payments directly or indirectly to LaPierre and amounts of such payments;
- (2) any other position Mr. LaPierre holds or will hold within the NRA;
- (3) the NRA's succession plan following Mr. LaPierre's resignation;
- (4) confirmation as to whether Mr. LaPierre's January 2021 employment agreement is still in effect, is being honored by the NRA and whether and what payments Mr. LaPierre will receive thereunder;
- (5) any employment, independent contracting, consulting or other work Mr. LaPierre will undertake following his resignation for the NRA or any affiliate, vendor or contractor of the NRA; and
- (6) to the extent Mr. LaPierre intends to testify at trial that his resignation was due to a health problem, the nature of the health problem.

It may be that the NRA and Mr. LaPierre are amenable to providing this information before the start of trial. Given that the NRA announced Mr. LaPierre's resignation so close to the start of trial, and that information about Mr. LaPierre's resignation may be included in one or more of the Defendants' opening statements to the jury, Plaintiff is first bringing this issue to the Court for resolution.

We thank the Court for its consideration of this request.

Sincerely,
/s/Monica Connell
Assistant Attorney General