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November 21, 2023

To the Eleventh Circuit Court of Appeals

Baughcum et al. v. Jackson, et al., Appeal 22-13444-AA

LETTER BRIEF OF JUDGES JACKSON, MARTIN AND SPIRES

Dear Clerk:

I am counsel of record for the Probate Judge Defendants in the referenced case, *i.e.*, Judges Jackson, Martin and Spires.

Pursuant to Fed. R. App. P. 28(j), I call to the Court's attention ***Swann v. Secretary of State*, 668 F.3d 1285 (11th Cir. 2012)**, which both sides discussed at oral argument. *Swann* rejects a futility exception to the standing requirement, a holding that directly refutes the Plaintiffs' argument that they have standing against the Probate Judges despite Plaintiffs' lack of any application for a weapon license. Likewise, *Swann* rejects standing where the claim is based solely on hypothetical Defendant conduct that never occurred.

In fact, the plaintiff in *Swann* did more than the Plaintiffs in this case. The *Swann* plaintiff actually submitted an application and there was an actual response from the defendant. By contrast, here no Plaintiff submitted anything, and

consequently no Probate Judge even had the capability to take any action relevant to this case.

We respectfully request the Court to consider *Swann* in its eventual ruling.

Very truly yours,

WILLIAMS & WAYMIRE, LLC

/s Jason C. Waymire

CERTIFICATE OF COMPLIANCE

Counsel certifies that this letter brief complies with the type-volume limitation set forth in F.R.A.P. 32(a) (7) (B). This brief contains 169 words, based on a count by commercial software.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing **LETTER BRIEF** upon all parties by electronic filing with the Eleventh Circuit Court of Appeals, which will provide an electronic copy to all counsel who have appeared.

This 21 day of November, 2023.

/s/ Jason Waymire

JASON WAYMIRE

**CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT**

Undersigned counsel for Defendant/Appellees Jackson, Martin and Spires hereby certifies that the following persons and entities may have an interest in the outcome of this case:

1. Association County Commissioners of Georgia-Interlocal Risk Management Agency (ACCG-IRMA), insurer for Probate Judge Defendants;
2. Baughcum, Christopher Jr., Plaintiff/Appellant
3. Bergstrom, William V., Counsel for Plaintiffs/Appellants
4. Bowen, Hon. Dudley H., United States District Judge
5. Burton, Beth, Deputy Attorney General, Counsel for Defendant/Appellee Chris Wright
6. Carr, Christopher M., Attorney General, Counsel for Defendant/Appellee Chris Wright
7. Cooper & Kirk, PLLC, Counsel for Plaintiffs/Appellants
8. County Reinsurance, LTD, reinsurer for insurer ACCG-IRMA;
9. Epps, Hon. Brian K., United States Magistrate Judge
10. Firearms Policy Coalition, Inc., Plaintiff/Appellant

11. Gore, Deborah Nolan, Assistant Attorney General, Counsel for
Defendant/Appellee Chris Wright
12. Jackson, Genola, Defendant/Appellee
13. John Monroe Law, P.C., Counsel for Plaintiffs/Appellants
14. Long, Sophie, Defendant/Appellee
15. Martin, Kathryn B., Defendant/Appellee
16. Meyers, Zane, Plaintiff/Appellant
17. Monroe, John R., Counsel for Plaintiffs/Appellants
18. Patterson, Peter A., Counsel for Plaintiffs/Appellants
19. Piper, Tina, Senior Assistant Attorney General, Counsel for
Defendant/Appellee Chris Wright
20. Spires, Janice D., Defendant/Appellee
21. Thompson, David H., Counsel for Plaintiffs/Appellants
22. Waymire, Jason C., Counsel for Defendants/Appellees Jackson,
Spires, and Martin
23. Williams, Terry of Williams Morris & Waymire, LLC –
Defendants/Appellees Jackson, Spires, and Martin
24. Williams, Morris & Waymire, LLC, Counsel for
Defendants/Appellees Jackson, Spires, and Martin

Christopher Baughcum, Jr., et al. v. Genola Jackson, et al.

No. 22-13444-AA

25. Wright, Chris, Defendant/Appellee

I am not aware that any publicly traded company or corporation has an interest in the outcome of this case or appeal.

/s/ Jason Waymire

Jason Waymire