



GEORGIA DEPARTMENT OF LAW

40 Capitol Square SW
Atlanta, Georgia 30334-1300

CHRISTOPHER M. CARR
ATTORNEY GENERAL

www.law.ga.gov
(404) 656-3300

Writer's Direct Dial:
404-463-0770
Fax 404-651-5304

October 4, 2017

Via UPS

Honorable Scott S. Harris, Clerk
Supreme Court of the United States
1 First Street, N.E.
Washington, DC 20543

RE: *Jameka Evans v. Georgia Regional Hospital, et al.*, No. 17-370

Dear Mr. Harris:

Petitioner Jameka Evans has filed a petition for a writ of certiorari in this case. I write to inform the Court that neither Georgia Regional Hospital nor the individuals named as respondents (collectively, the "named respondents") were served with process in the action below, and they have not appeared or participated at any stage of the case in the courts below — including in the Eleventh Circuit proceedings that form the basis of the petition. The named respondents do not intend to participate in the matter now that it is pending before the Court. *See Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 350 (1999) ("In the absence of service of process (or waiver of service by the defendant), a court ordinarily may not exercise power over a party the complaint names as defendant.").

I also write to bring to the Court's attention that the Office of the Georgia Attorney General has received correspondence from *amici curiae* seeking the named respondents' consent to file *amicus* briefs. As unserved defendants, the named respondents are not "parties" in this case whose consent is required to file an *amicus* brief. SUP. CT. R. 37.2(a); *see Murphy Brothers*, 526 U.S. at 350 ("[O]ne becomes a party officially, and is required to take action in that capacity, only upon service of a summons."); *Saucier v. Katz*, 533 U.S. 194, 198 (2001) (named but unserved defendant "not a party to the suit"); *id.* at 211 & n.1 (Ginsburg, J., concurring) ("Though named as a defendant, Parker was never served with the complaint, and therefore did not become a party to this litigation."). The named respondents accordingly take no position regarding the filing of *amicus* briefs in this case.

The Honorable Scott S. Harris, Clerk
October 4, 2017
Page 2

In submitting this letter, the named respondents reserve any and all defenses that may be available to them in this action, which is still pending before the district court (S.D. Ga., No. 4:15-cv-103), including but not limited to any defenses based on a lack of personal or subject-matter jurisdiction and insufficient service of process.

Sincerely,

A handwritten signature in blue ink, reading "Sarah H. Warren", with a stylized flourish at the end.

Sarah Hawkins Warren
Solicitor General of Georgia

cc: Greg Nevins, Esq. (Counsel of Record for Petitioner)