

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LISA WALTERS, et al.,)	
Plaintiffs,)	
vs.)	
BRIAN KEMP, et al.,)	
Defendants.)	Case No. 1:20-CV-1624-SCJ

NOTICE OF DISMISSAL OF ALL DEFENDANTS

The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the government, within the Constitution, has all the powers granted to it, which are necessary to preserve its existence; as has been happily proved by the result of the great effort to throw off its just authority.

Ex parte Milligan, 71 U.S. (4 Wall.) 2, 120-21 (1866)

Despite the strictures of *Ex parte Milligan*, *District of Columbia et al. v. Heller*, 554 U.S. 570 (2008), and *McDonald v. City of Chicago*, 561 U.S. 742 (2010), Defendants in this case have managed to deprive Plaintiffs and many other Georgians of their fundamental, constitutionally enumerated rights with impunity, relying on one “of the great exigencies of government.”

For two months, the people of Cherokee County, Georgia were deprived of their right and ability to carry handguns in public “in case of confrontation” unless they happened to have procured a license to do so before the current pestilence settled upon us. Plaintiff Lisa Walters received her license on May 30, 2020, and other law-abiding citizens of Cherokee County once again are apparently able to apply for (and receive, if they are eligible) such licenses.

In addition, Plaintiffs do not possess any facts leading them to believe Defendant Wood will resume refusing to accept and process license applications. He has, apparently, implemented measures to allow him to do so now, with no changes in the spread of COVID-19 or improvements in the ability to treat or prevent the disease. He has offered no explanations of why he did not implement those measures in March, instead of choosing to abrogate the United States Constitution for two months as a matter of expedience. If, for any reason, Defendant Wood does resume infringing on the Second Amendment rights of his constituents, Plaintiffs will re-examine this matter.

Rather than recognize the difficulty he has imposed on the people of Cherokee County, Defendant Wood instead has lashed out at them. On May 13, 2020 at 7:45 a.m. Plaintiff’s counsel emailed Wood’s counsel and said Plaintiffs were evaluating the news (announced the previous day) that Wood would resume accepting applications and they would make a decision regarding their intentions with the case.

The same day, at 4:36 p.m., Wood’s counsel emailed a demand that Plaintiffs dismiss the case or Wood would file a motion for sanctions against Plaintiffs.¹ In the letter, Wood chastised Plaintiffs for failing to do exactly what they said they would do: investigate the matter and make a decision. Though Wood’s threat was frivolous, Plaintiffs have elected to extend to him grace—this time—and are hereby dismissing their claims against all remaining Defendants pursuant to Fed.R.Civ.Proc. 41(a)(1)(A)(i) (the Defendants not having filed an answer or motion for summary judgment).

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¹ A copy of the demand is attached to this Notice for the Court’s convenience.

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