

**No. 12-14009**

**UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**

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DR. BERND WOLLSCHLAEGER, *et al.*,

*Plaintiffs-Appellees,*

v.

GOVERNOR STATE OF FLORIDA, *et al.*,

*Defendants-Appellants.*

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Appeal from the United States District Court for the Southern District of Florida  
Case No. 1:11-cv-22026-MGC (Honorable Marcia G. Cooke)

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**NOTICE TO THE COURT**

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The purpose of this notice is to inform the Court of an inadvertent breach of Eleventh Circuit Rule 47-6 in the above-captioned matter. As the attached declaration explains, the error was innocent and inadvertent. Counsel for Plaintiffs–Appellees has stipulated, based on the representations in the attached declaration, that the breach did not prejudice them. Nevertheless, the error was serious and regrettable. On behalf of myself and everyone involved at Cooper & Kirk, PLLC, I offer our sincere apologies to the Court and the parties.

January 6, 2017

Respectfully submitted,

s/ Charles J. Cooper

Charles J. Cooper

David H. Thompson

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*Counsel for Amicus Curiae*

*The National Rifle Association of*

*America, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 6, 2017, the undersigned caused the foregoing document to be filed electronically by using the Court's CM/ECF system. All parties are represented by registered CM/ECF users and will be served by the appellate CM/ECF system.

s/ Charles J. Cooper  
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**DECLARATION OF WILLIAM C. MARRA**

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I, William C. Marra, hereby declare as follows pursuant to 28 U.S.C. § 1746:

1. The purpose of this Declaration is to report to the Court an inadvertent breach of Eleventh Circuit Rule 47-6 in the above-captioned matter. On behalf of myself and everyone involved at Cooper & Kirk, PLLC, I offer our sincere apologies to the Court and the parties. The lapse was innocent and inadvertent, and counsel for Plaintiffs–Appellees (the party adverse to the position of the amicus that my firm represents) has stipulated, based on the representations in this declaration, that my participation did not prejudice them. Nevertheless, my error is serious and regrettable.

2. I am an attorney at the law firm of Cooper & Kirk, PLLC, and I assisted in the preparation of an amicus brief dated March 26, 2016, before the en banc Court

in the above-captioned matter. *See* Unopposed Motion of the National Rifle Association of America, Inc. for Leave to File En Banc Amicus Brief in Support of Appellants and Reversal (docketed March 28, 2016).

3. The appeal in the above-captioned case was docketed on August 2, 2012. From September 2012 to August 2013, I was employed by this Court as a law clerk to Judge William H. Pryor Jr.

4. I have no recollection of participating in the above-captioned matter as an employee of this Court. Judge Pryor was not on the merits panel for the case. I do not recall being aware that the case was pending at the time, and I have no recollection of any involvement with the case while I was employed at the Court. On January 15, 2013, Judge Pryor signed a single-judge order granting a consent motion of the American Osteopathic Association to join an amicus brief, but I have no recollection of working on that unopposed motion. The merits panel issued its initial decision on July 25, 2014, after my employment at the Court came to an end.

5. By the time I began working on this case in my capacity as an attorney, more than two years had elapsed since I completed my employment at this Court. I participated in this case as an attorney because I had no recollection of any involvement with the case as an employee of this Court. At the time that I participated as an attorney, I did not realize that my participation was prohibited because the case has been pending since 2012.

6. I became aware yesterday that although I did not participate in this case in my capacity as an employee of this Court, my subsequent participation as an attorney has violated Eleventh Circuit Rule 47-6, which states in relevant part that “[a] former employee of the court may not participate by way of representation, consultation, or assistance, in any matter which was pending in the court during the employee’s term of employment.”

7. We immediately informed Counsel for Plaintiffs–Appellees of the violation. They have authorized us to state, based on the representations in this declaration, that my participation did not prejudice them.

8. I express deep and sincere apologies for my error and oversight. Although my participation in this case was innocent and inadvertent, it was nevertheless a serious and regrettable error.

9. I take seriously my obligations to the Court generally and with respect to Rule 47-6 in particular. I deeply regret that this lapse occurred. I fully accept responsibility and I will do my best to ensure that no similar lapse occurs in the future.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 6, 2017.

  
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William C. Marra