

**In the
Supreme Court of the United States**

JAMILA HAMBRICK, ADMINISTRATOR OF THE
ESTATE OF DERRICK KHALID HAMBRICK,

Petitioner,

v.

WELLS FARGO BANK, N.A.,

Respondent.

**On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Eleventh Circuit**

BRIEF IN OPPOSITION

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CORPORATE DISCLOSURE STATEMENT

Respondent WELLS FARGO BANK, NATIONAL ASSOCIATION (“N.A.”) is a national banking association, not a corporation. Wells Fargo Bank, N.A. is a wholly owned subsidiary of Wells Fargo & Company, a publicly traded corporation with ticker symbol NYSE: WFC.

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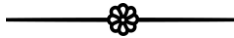
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BRIEF IN OPPOSITION OF RESPONDENT WELLS FARGO BANK, N.A.

Comes Now Wells Fargo Bank, N.A. (“Wells Fargo” or “Respondent”) and pursuant to Rule 15 of the Rules of the U.S. Supreme Court hereby files its Response to Petitioner’s Petition for Writ of Certiorari. The Petition should be denied because this is not a case of great concern, gravity, or importance to the public, and the Court of Appeals correctly affirmed the Trial Court’s decision granting Wells Fargo’s motion for summary judgment.



INTRODUCTION

The Petition should be denied because it fails to present any compelling reason for this Court's review. Ms. Hambrick seeks to have this Court review the decision of the Eleventh Circuit affirming the District Court’s grant of summary judgment to Wells Fargo, which rejected Petitioner’s arguments urging the admissibility of double hearsay contained in a police report. Dissatisfaction with the Eleventh Circuit's review of the District Court's application of its local rules is not grounds for granting certiorari. While Ms. Hambrick offered two Questions for review before this Court, Question 2 regarding the alleged violation of her right to a trial by jury was not argued before or addressed by the courts below. Moreover, Ms. Hambrick has not identified any actual conflict between the Eleventh Circuit’s decision in this case and the decisions of any

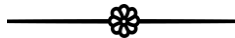
state court of last resort, any other Circuit Court, or this Court.

Therefore, pursuant to Supreme Court Rule 10 (Sup. Ct. R. 10), Ms. Hambrick's Petition should be denied.



OPINIONS AND ORDERS

The September 5, 2024, order and opinion of the United States District Court for the Northern District of Georgia, granting respondent's summary judgment motion are unreported and reproduced in the Petition for Writ of Certiorari at 51-73. An appeal was initially considered and ruled upon by the United States Court of Appeals for the Eleventh Circuit on November 7, 2025, in an unpublished opinion reproduced in the Petitioner's Supplemental Appendix. The Eleventh Circuit denied Petitioner's petition for rehearing or reconsideration en banc. (Pet.App.14a, 3).



JURISDICTION

The judgment of the Eleventh Circuit Court of Appeals was entered on November 7, 2025. A petition for rehearing en banc was denied on December 12, 2025 (Pet.App.14a). The petition for a writ of certiorari was filed on March 12, 2026. The jurisdiction of this Court was invoked by petitioner under 28 U.S.C. § 1254(1).



STATEMENT OF THE CASE

In an unpublished opinion, the United States Court of Appeals for the Eleventh Circuit affirmed the decision of the United States District Court for the Northern District of Georgia, holding that Petitioner Jamila Hambrick (“Petitioner”) had not established the admissibility of drunk driver Maurice Watson’s alleged statement to a police officer as recorded by a second police officer in an arrest report. Specifically, the Eleventh Circuit held that the district court did not err in finding that Maurice Watson’s statement, that he was coming from a work event on the night of the accident, could not be reduced to an admissible statement. (Pet.App.1a, 11).

The Eleventh Circuit additionally held that the district court correctly found that Hambrick provided no admissible evidence to show that Wells Fargo served Watson alcohol as required under the Georgia Dram Shop Act, O.C.G.A. § 51-1-40. (Pet.App.1a, 11). The Petition largely ignores this second holding that further demonstrates her failure to establish a viable dram shop cause of action as a matter of law. Petitioner acknowledges her duty to establish that Wells Fargo furnished a noticeably intoxicated Maurice Watson alcohol. (Pet. at 12). The only evidence that Petitioner proffered to demonstrate Wells Fargo’s act of furnishing alcohol was that Wells Fargo had a beverage finance division, which Petitioner argued held events in 2019 where alcohol was served. (Pet. at 11). Both the district court and the Eleventh Circuit correctly held that there was no evidence shows that Wells Fargo was hosting

an event that night or that Wells Fargo furnished the alcohol, which is required to impose liability under Georgia's Dram Shop Act. (Pet.App.1a, 10; Pet. 15a, 18).

Petitioner has requested that this Court review this decision. For the reasons set forth herein, Respondent submits that the Petition for Writ of Certiorari should be denied.



ARGUMENTS

I. Respondent's Correction of Potential Misstatements in the Petition for Writ of Certiorari.

Counsel are admonished that they have an obligation to the Court to point out in the brief in opposition, and not later, any perceived misstatement made in the petition. Any objection to consideration of a question presented based on what occurred in the proceedings below, if the objection does not go to jurisdiction, may be deemed waived unless called to the Court's attention in the brief in opposition.

Sup. Ct. R. 15.2.

In her petition, Ms. Hambrick contends that Maurice Watson made a "spontaneous statement" to the investigating officers, which was recorded in the police arrest report. (Pet. at 4). The work function statement was not heard by the officer who prepared the arrest report relied upon by Petitioner. (Pet.App.1a, 6).

For the first time in this petition, Petitioner also adds information regarding Mr. Watson's blood alcohol content and the quantity of alcoholic beverages it would take to reach this blood alcohol content. (Pet. at 24). Expert testimony supporting this opinion was not before the district court or the Eleventh Circuit appellate court to enable Petitioner to use this argument in support of her petition.

Petitioner also falsely claims that Wells Fargo's corporate representative, Howard Kim, testified that he could not confirm or deny that Wells Fargo hosted an event where it served alcohol on the night of August 3, 2019. (Pet. at 5). The district court's and Eleventh Circuit's orders affirming summary judgment contain Mr. Kim's affirmative testimony that Wells Fargo did not host an event the night of August 3, 2019. (Pet.App.1a, 4; Pet.App.15a, 4-5).

II. Petitioner Fails to Meet the Standard for the Grant of a Petition for Certiorari.

Supreme Court Rule 10 provides that “[a] petition for a writ of certiorari will be granted only for compelling reasons.” Sup. Ct. R. 10. Rule 10 lists the following examples of the types of cases in which the Court may grant certiorari:

(a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court,

as to call for an exercise of this Court's supervisory power;

(b) a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals;

(c) a state court or United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

Id.

Rule 10 expressly states, “[a] petition for a writ of certiorari is rarely granted when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law.” *Id.* The Petition should be denied because it presents no “compelling reasons” for granting certiorari in this case. *See id.*

Here, it is undisputed that there is no circuit split. Nothing set forth in the Petition articulates a conflict between a United States court of appeals and a state court of last resort. Neither does Petitioner’s dram shop action implicate a conflict on an important federal question among state courts of last resort. Rather, this matter at issue was simply a Georgia dram shop action arising from a single incident in which Petition failed to meet her burden of proof on summary judgment. Therefore, in the absence of any compelling reasons for review, the Petition should be denied.

III. The Eleventh Circuit's Holding Is Not Inconsistent with This Court's Holding in *Beech Aircraft Corp. v. Rainey*.

Petitioner argues that the Eleventh Circuit “categorically excluded all third-party statements recorded in police reports” from admissibility under the public records exception. (Pet. at 10). Petitioner purposely misstates the Eleventh Circuit’s analysis of the hearsay statement contained in the arrest report at issue. The Eleventh Circuit acknowledged the public record hearsay exception under Federal Rule of Evidence 803(8) but clarified that “[for] the exceptions to apply, the report must contain factual findings that are based upon the knowledge or observations of the preparer of the report, as opposed to a mere collection of statements from a witness.” (Pet.App.1a, 6). The challenge to the admissibility of the public record in *Beech* involved the admissibility of fact versus opinion contained in an investigative report. *Beech Aircraft Corp. v. Rainey*, 488 U.S. 153, 154 (109 S. Ct. 439) (1988). The Eleventh Circuit’s has upheld and applied the holding in *Beech* that factually based conclusions or opinions are automatically excluded from the scope of Rule 803(8)(C). *Id.* at 446. *Hines v. Brandon Steel Decks, Inc.*, 886 F.2d 299, 302 (11th Cir. 1989). The statement at issues on which Petitioner bases her entire claim involves neither a factually based conclusion nor opinion.

Petitioner’s other cited authorities present no conflict with the rulings of the Eleventh Circuit or other federal appellate courts, because none of those authorities address the essential issue of whether the one party’s hearsay statement as heard by a second party and relayed and recorded by a third party meets the requirements for admissibility under the hearsay

exceptions outlined in Rule 803. Petitioner's claims of error have no further impact than the termination of her individual case. There exists no precedential value in granting Petitioner's petition. Petitioner has not proposed a question for review related to anything other than the potential of ordinary error. As set forth in Sup. Ct. R. 10(a), claims of error do not typically warrant granting certiorari. In the absence of any meaningful articulation of the manner in which review of this matter would result in significant precedential value, the Court should deny certiorari.



CONCLUSION

No legal basis has been offered by Petitioner for this Court to grant her Petition for Certiorari. For the foregoing reasons, Respondent respectfully requests this Court deny Jamila Hambrick's Petition for Writ of Certiorari.

Respectfully submitted,

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