

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ASHTON ORR, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

Case No. 1:25-cv-10313-JEK

**AFFIDAVIT OF ISAAC D. CHAPUT IN SUPPORT OF PLAINTIFFS’
MOTION FOR DISCOVERY**

I, Isaac D. Chaput, hereby state as follows:

1. I am an attorney in the law firm of Covington & Burling LLP, counsel for Plaintiffs and for the Classes. I am admitted *pro hac vice* in the above-captioned matter.
2. I submit this Affidavit in support of Plaintiffs’ Motion for Discovery and Memorandum of Law In Support Thereof (“Motion”).
3. I have signed the Motion pursuant to Federal Rule of Civil Procedure Rule 11.
4. I have certified that to the best of my knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the Motion is not being presented for any improper purposes; the claims, defenses, and other legal contentions contained therein are warranted by existing law; the factual contentions contained therein have evidentiary support or will likely have evidentiary support after a reasonable opportunity for discovery; and any denials of factual contentions contained therein are warranted on the evidence or reasonable based on belief or a lack of information.

5. The matters set forth in this Affidavit are true and correct of my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

6. Plaintiffs filed this putative class action on February 7, 2025. ECF 1.

7. On February 18, Plaintiffs filed their Motion for Stay of Administrative Action and for Preliminary Injunction, ECF 29, which this Court granted in part on April 18, ECF 74.

8. Plaintiffs moved for class certification and to extend the preliminary injunction to the classes, ECF 77, 79; on June 17, the Court certified two Classes and applied the preliminary injunction to a subset of each Class, ECF 115.

9. On July 14, the Court informed the parties that it would hold an initial scheduling conference on August 5. ECF 133.

10. On July 31, Plaintiffs served their Rule 26(a) initial disclosures. A true and correct copy of those Initial Disclosures is attached hereto as **Exhibit A**. Defendants never served initial disclosures.

11. In the parties' Local Rule 16.1 Joint Statement, Plaintiffs proposed a nine-month schedule for fact and expert discovery. ECF 135 at 4. The Court thereafter ordered the government to produce the administrative record for the Passport Policy. ECF 137.

12. In June and July 2025, the government noticed appeals of this Court's preliminary injunctions. ECF 111, 131. On August 6, the Court ordered a stay of Plaintiffs' constitutional claims. ECF 137.

13. On September 4, the First Circuit denied the government's application for a stay of the June injunction. *Agatha v. Trump*, 151 F.4th 9 (1st Cir. 2025).

14. On September 19, the government applied to Justice Jackson for a stay of this Court's June injunction.

15. On November 6, the Supreme Court granted the application, stayed the injunction, and remanded for further proceedings in the First Circuit. *Trump v. Orr*, 146 S. Ct. 44 (2025).

16. On December 18, Plaintiffs moved this Court for an indicative ruling that it would dissolve the preliminary injunctions in light of the Supreme Court's stay order. ECF 168 at 1. The Court denied Plaintiffs' motion on January 26, 2026. ECF 175.

17. On June 8, the First Circuit dismissed the government's appeal as moot and vacated the preliminary injunction orders. ECF 183.

18. On June 29, the government moved for summary judgment on Plaintiffs' constitutional claims.

19. On July 1, the Court lifted the stay on Plaintiffs' claims. ECF 189.

20. On July 1, the Court also held a status conference, *see* ECF 185, ECF 186, during which Plaintiffs reiterated their desire to take discovery in support of their constitutional claims.

21. The Court stayed further summary-judgment briefing and ordered Plaintiffs to file this motion. ECF 190.

22. Other than Plaintiffs' Initial Disclosures and the administrative record filed, the Parties have not engaged in any discovery or served discovery requests in this action.

23. Good cause exists for Plaintiffs' inability to take discovery. Plaintiffs' failure to serve discovery requests has not been caused by lack of diligence, but by circumstances outside of Plaintiffs' control.

24. Proceedings before this Court were stayed between August 2025 and July 1, 2026.

25. Plaintiffs have repeatedly and consistently stated their desire to take discovery, as part of their intention to litigate this action expeditiously to final judgment.

26. If the Court grants the Motion, Plaintiffs are prepared to promptly serve requests for production and interrogatories on the government.

27. A true and correct copy of Plaintiffs' Draft Proposed Requests for Production is attached hereto as **Exhibit B**. A true and correct copy of Plaintiffs' Draft Proposed Interrogatories is attached hereto as **Exhibit C**.

28. Plaintiffs attach Exhibits B and C while reserving all rights to amend and add to these draft requests, or to serve additional requests in the future. Plaintiffs provide Exhibits B and C to inform the Court about topics on which they intend to pursue discovery.

29. On information and belief, the government possesses communications, memoranda, and other records related to the issues at the core of this litigation.

30. On information and belief, there are numerous individuals working for the government with personal knowledge related to the issues at the core of this litigation.

31. On information and belief, additional facts adduced through discovery would have direct bearing on Plaintiffs' claims.

32. On information and belief, the government could retrieve and produce these documents and data, as well as make knowledgeable persons available for depositions, within a reasonable time

33. Plaintiffs intend to inquire into the existence and role of animus against transgender people in informing the Passport Policy. *See, e.g.*, Ex. B (Proposed Request for Production No. 14: "Produce all documents and communications that you considered or reviewed, or that were available to you, in forming your opinion that there are 'idealogues' using 'socially coercive means to permit men to self-identify as women and gain access to intimate single-sex spaces and activities designed for women, from women's domestic abuse shelters to women's workplace showers.'").

34. Plaintiffs intend to serve and take depositions of government decisionmakers to conduct an inquiry into the existence of illicit animus. *See, e.g.*, Ex. B (Proposed Request for Production No. 1: “Produce all documents relating to the drafting, development, revision, or enactment of Executive Order 14168 of January 20, 2025, including but not limited to drafts of the order, sources relied upon in drafting it, and communications with any person concerning the drafting, development, revision, or enactment of the order.”); Ex. C (Proposed Interrogatory No. 2: “Identify the individuals who drafted or substantially contributed to the drafting of Executive Order 14168 of January 20, 2025, including, but not limited to, which officers or employees of the Defendants are responsible for such enforcement efforts.”)

35. Plaintiffs intend to pursue inquiries into the decisionmaking process and the practical fit between the Passport Policy and the government’s asserted interests. *See, e.g.*, Ex. C (Proposed Interrogatory No. 12: “Specify each way in which Defendants’ passport sex designation policy in effect immediately prior to the Executive Order of January 20, 2025, proved unworkable or otherwise negatively affected Defendants’ operations or other government interests for the duration of time it was in effect.”).

36. Plaintiffs intend to examine the government’s decades-long experiences in permitting Americans to update passport sex markers to align with their gender identity. *See, e.g.*, Ex. C (Proposed Interrogatory No. 13: “Identify negative impacts or limitations to any of the government interests identified in response to Interrogatory No. 4 from Defendants’ passport policies in effect prior to 1976, when no sex designation was required on documentation, and after 1992, when Defendants permitted individuals to amend their sex designation to a designation different from sex assigned at birth.”). On information and belief, Plaintiffs expect this inquiry

will undercut any government interest Defendants may assert to justify their new policy, from foreign affairs to administrability to security.

37. Plaintiffs intend to conduct expert discovery. On information and belief, such expert discovery will further reveal the scope of the harms the Passport Policy has caused to transgender, intersex, and non-binary Americans.

38. On information and belief, these and other discovery efforts would uncover facts material to the issues raised by the government's motions for summary judgment.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: July 15, 2026

/s/ Isaac D. Chaput
Isaac D. Chaput

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2026, a true copy of the foregoing will be electronically filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to counsel of record.

/s/ Isaac D. Chaput
Isaac D. Chaput

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ASHTON ORR, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

Case No. 1:25-cv-10313-JEK

PLAINTIFFS' INITIAL DISCLOSURES
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Plaintiffs provide the following initial disclosures to Defendants, subject to the limitations and reservations set forth below.

I. LIMITATIONS AND RESERVATIONS OF RIGHTS

These disclosures are based on information presently and reasonably available and currently in the possession, custody, and control of Plaintiffs at this time. Plaintiffs' disclosures represent a good-faith effort to identify individuals and information they reasonably believe at this time may be relevant to support their claims, as Rule 26(a)(1) requires. By making these disclosures, Plaintiffs do not represent that they have identified every document, tangible thing, or individual upon which they may rely, or which may be relevant to this lawsuit. Plaintiffs may obtain additional facts and identify additional witnesses and documents relevant to this action through research, investigation, and analysis; through discovery propounded on Defendants; and through discovery propounded on any third parties that may have knowledge of relevant facts. Accordingly, Plaintiffs expressly reserve the right to (A) revise, amend, correct, supplement, or otherwise modify these disclosures based upon any information, evidence, documents, facts, or

things that hereafter may be discovered, or the relevance of which may hereafter be determined; and (B) produce, introduce, or rely upon additional or subsequently acquired or discovered writings, evidence, and information at trial or in any pre-trial proceedings held herein.

Nothing in these disclosures shall constitute an admission or concession by Plaintiffs with respect to any issues of fact, law, discoverability, or admissibility. Plaintiffs expressly reserve all such objections.

Plaintiffs do not waive the right to object to the use of these disclosures, for any purpose, in whole or in part, in this or any other action; to object to any other discovery request or proceeding involving or relating to the subject matter of these disclosures; or to seek a protective order for any information to be provided in discovery in this case.

Plaintiffs do not provide herein, and will not provide, any information or documents protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity

II. List of Knowledgeable Individuals (Fed. R. Civ. P. 26(a)(1)(A)(i))

Pursuant to Rule 26(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiffs provide the following list of individuals who are believed likely to have discoverable information which Plaintiffs may use to support their claims in this action. Plaintiffs also incorporate by reference all witnesses identified in all other parties' Rule 26(a)(1) disclosures, all persons noticed for deposition in this case, all persons identified in any of the pleadings, filings, disclosures, discovery requests, or responses to discovery requests in this case, and all witnesses required for the authentication of documents and things. Plaintiffs reserve the right to supplement or amend this list, including through the identification of experts, pursuant to Fed. R. Civ. P. 26(e). In making these disclosures, Plaintiffs do not waive their right to object to the deposition testimony of any of the following individuals.

	NAME	CONTACT INFORMATION	SUBJECT MATTER
1.	Ashton Orr	c/o Counsel for Plaintiffs at Covington & Burling LLP	The circumstances surrounding Plaintiff's claims and injuries.
2.	Zaya Perysian	c/o Counsel for Plaintiffs at Covington & Burling LLP	The circumstances surrounding Plaintiff's claims and injuries.
3.	Sawyer Soe (pseudonym)	c/o Counsel for Plaintiffs at Covington & Burling LLP	The circumstances surrounding Plaintiff's claims and injuries.
4.	Chastain Anderson	c/o Counsel for Plaintiffs at Covington & Burling LLP	The circumstances surrounding Plaintiff's claims and injuries.
5.	Drew Hall	c/o Counsel for Plaintiffs at Covington & Burling LLP	The circumstances surrounding Plaintiff's claims and injuries.
6.	Bella Boe (pseudonym)	c/o Counsel for Plaintiffs at Covington & Burling LLP	The circumstances surrounding Plaintiff's claims and injuries.
7.	Reid Solomon-Lane	c/o Counsel for Plaintiffs at Covington & Burling LLP	The circumstances surrounding Plaintiff's claims and injuries.
8.	Viktor Agatha	c/o Counsel for Plaintiffs at Covington & Burling LLP	The circumstances surrounding Plaintiff's claims and injuries.
9.	David Doe (pseudonym)	c/o Counsel for Plaintiffs at Covington & Burling LLP	The circumstances surrounding Plaintiff's claims and injuries.
10.	AC Goldberg	c/o Counsel for Plaintiffs at Covington & Burling LLP	The circumstances surrounding Plaintiff's claims and injuries.
11.	Ray Gorlin	c/o Counsel for Plaintiffs at Covington & Burling LLP	The circumstances surrounding Plaintiff's claims and injuries.
12.	Chelle LeBlanc	c/o Counsel for Plaintiffs at Covington & Burling LLP	The circumstances surrounding Plaintiff's claims and injuries.
13.	Donald J. Trump	c/o Counsel for Defendants at the U.S. Department of Justice	Information concerning the circumstances surrounding the development and implementation of the Executive Order and the Passport Policy challenged in this action, and Defendants' defenses.

14.	Marco Rubio	c/o Counsel for Defendants at the U.S. Department of Justice	Information concerning the circumstances surrounding the development and implementation of the Executive Order and the Passport Policy challenged in this action, and Defendants' defenses.
15.	Matthew Pierce	c/o Counsel for Defendants at the U.S. Department of Justice	Information concerning the circumstances surrounding the development and implementation of the Executive Order and the Passport Policy challenged in this action, and Defendants' defenses.
16.	Ryan M. Dooley	c/o Counsel for Defendants at the U.S. Department of Justice	Information concerning the circumstances surrounding the development and implementation of the Executive Order and the Passport Policy challenged in this action, and Defendants' defenses.
17.	Former Principal Deputy Assistant Secretaries for Consular Affairs (permanent or acting)	c/o Counsel for Defendants at the U.S. Department of Justice	Information concerning the circumstances surrounding the development and implementation of the Executive Order and the Passport Policy challenged in this action, and Defendants' defenses.
18.	Former Deputy Assistant Secretary for Passport Services (permanent or acting)	c/o Counsel for Defendants at the U.S. Department of Justice	Information concerning the circumstances surrounding the development and implementation of the Executive Order and the Passport Policy challenged in this action, and Defendants' defenses.
19.	Unknown officials and employees of the United States federal government involved with developing and implementing the	c/o Counsel for Defendants at the U.S. Department of Justice	Information concerning the circumstances surrounding the development and implementation of the Executive Order and the Passport Policy challenged

	Executive Order and the Passport Policy challenged in this action		in this action, and Defendants' defenses.
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Plaintiffs note that there may be other individuals not identified at this time who have information that Plaintiffs may use to support their claims. Investigation continues as to other individuals with knowledge of relevant facts. Plaintiffs reserve the right to supplement the foregoing response.

III. Categories of Relevant Documents (Fed. R. Civ. P. 26(a)(1)(A)(ii))

Pursuant to Rule 26(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiffs provide the following description of the categories of documents, electronically stored information, and tangible things within Plaintiffs' possession, custody, or control that Plaintiffs may use to support their claims. By disclosing the following categories of documents, Plaintiffs do not waive any objections that Plaintiffs have or may have to the production of any or all particular documents within these categories.

Documents concerning the following matters:

1. Named Plaintiffs' communications exchanged with any passport agency or office regarding their passports.
2. Named Plaintiffs' communications exchanged with the State Department regarding their passports.
3. Named Plaintiffs' applications for passports.
4. Named Plaintiffs' applications for identity documents from other government agencies.
5. Documents and communications regarding harm Named Plaintiffs have experienced due to having a sex marker on an identity document other than the sex marker they want.

Plaintiffs reserve the right to disclose additional categories of documents in support of their claims as discovery develops or additional information is obtained. This disclosure does not constitute an admission as to the existence, relevance, or admissibility of the identified materials or a waiver of any attorney-client or work-product privilege, or any other applicable privilege or immunity.

IV. Calculation of Damages (Fed. R. Civ. P. 26(a)(1)(A)(iii))

Plaintiffs do not seek damages. Any calculation of attorneys' fees and costs is premature.

V. Insurance (Fed. R. Civ. P. 26(a)(1)(A)(iv))

Pursuant to Rule 26(a)(1)(A)(iv) of the Federal Rules of Civil Procedure, Named Plaintiffs have no applicable insurance carriers.

July 31, 2025

/s/ Isaac D. Chaput
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Attorneys for Plaintiffs

EXHIBIT B

Plaintiffs' Draft Requests for Production—Without Prejudice¹

REQUEST FOR PRODUCTION NO. 1: Produce all documents relating to the drafting, development, revision, or enactment of Executive Order 14168 of January 20, 2025, including but not limited to drafts of the order, sources relied upon in drafting it, and communications with any person concerning the drafting, development, revision, or enactment of the order.

REQUEST FOR PRODUCTION NO. 2: Produce all documents and communications between you and any non-governmental person or entity, including but not limited to advocacy organizations, think tanks, or lobbying groups, relating to Executive Order 14168 of January 20, 2025, or relating to any prior drafts of what became Executive Order 14168, or relating to the Passport Policy.²

REQUEST FOR PRODUCTION NO. 3: Produce all documents and communications that you relied upon, reviewed, considered, or rejected concerning your contention that requiring passports to reflect a person's sex assigned at birth advances any governmental interest.

REQUEST FOR PRODUCTION NO. 4: Produce all documents, studies, data, reports, or analyses that you relied upon, reviewed, considered, or rejected in asserting that Executive Order 14168 of January 20, 2025, and its subsequent implementation through the Passport Policy address a government interest in privacy.

REQUEST FOR PRODUCTION NO. 5: Produce all documents, studies, data, reports, or analyses that you relied upon, reviewed, considered, or rejected in asserting that Executive Order 14168 of January 20, 2025, and its subsequent implementation through the Passport Policy address a government interest in safety.

REQUEST FOR PRODUCTION NO. 6: Produce all documents, studies, data, reports, or analyses that you relied upon, reviewed, considered, or rejected in asserting that Executive Order 14168 of January 20, 2025, and its subsequent implementation through the Passport Policy address a government interest in foreign affairs.

REQUEST FOR PRODUCTION NO. 7: Produce all documents, studies, data, reports, or analyses that you relied upon, reviewed, considered, or rejected in asserting that Executive Order

¹ While Plaintiffs provide these draft document requests to inform the Court about topics on which they intend to pursue discovery, Plaintiffs reserve the right to serve additional document requests and modify these requests further prior to formal service on Defendants.

² For purposes of these requests, "Passport Policy" means Executive Order 14168, to the extent it purports to direct particular rules with respect to the issuance of passports, as well as "the substantive changes to [the State Department's] prior passport policy" intended to effectuate Executive Order 14168, which included "withdr[awing] the option for Americans to obtain a passport reflective of either their gender identity or sex assigned at birth" and "remov[ing] the option for intersex, non-binary, and gender non-conforming applicants to select 'X' as the sex marker." See ECF 74 at 2.

14168 of January 20, 2025, and its subsequent implementation through the Passport Policy address a government interest in law enforcement.

REQUEST FOR PRODUCTION NO. 8: Produce all documents, studies, data, reports, or analyses that you relied upon, reviewed, considered, or rejected in asserting that Executive Order 14168 of January 20, 2025, and its subsequent implementation through the Passport Policy address a government interest relating to misidentification of passport holders.

REQUEST FOR PRODUCTION NO. 9: Produce all documents, studies, data, reports, or analyses that you relied upon, reviewed, considered, or rejected in asserting that Executive Order 14168 of January 20, 2025, and its subsequent implementation through the Passport Policy address any other government interest that you contend justifies the Executive Order, including but not limited to consistency, uniformity, and government efficiency.

REQUEST FOR PRODUCTION NO. 10: Produce documents sufficient to show all complaints, reports, or instances since Defendants permitted individuals to change the sex designations on their passports in 1992 in which federal authorities allegedly could not accurately identify or misidentified any person due to an identity document reflecting the sex they live as rather than sex assigned at birth, including complaints received by any Defendant agency.

REQUEST FOR PRODUCTION NO. 11: Produce all documents and communications that you relied upon, reviewed, considered, or rejected concerning any governmental interest you contend supports requiring transgender, non-binary, or intersex persons to use an identity document bearing a sex designation that reflects their sex assigned at birth.

REQUEST FOR PRODUCTION NO. 12: Produce all documents that you considered or reviewed, or that were available to you, in forming your opinion that there is a “biological reality of sex.”

REQUEST FOR PRODUCTION NO. 13: Produce all electronic communications made, shared, or viewed by Defendants pertaining to the meaning of “a biological reality of sex.”

REQUEST FOR PRODUCTION NO. 14: Produce all documents and communications that you considered or reviewed, or that were available to you, in forming your opinion that there are “idealogues” using “socially coercive means to permit men to self-identify as women and gain access to intimate single-sex spaces and activities designed for women, from women’s domestic abuse shelters to women’s workplace showers.”

REQUEST FOR PRODUCTION NO. 15: Produce all documents that you considered or reviewed, or were available to you, in forming your opinion that “efforts to eradicate the biological reality of sex fundamentally attack women by depriving them of their dignity, safety, and well-being.”

REQUEST FOR PRODUCTION NO. 16: Produce all documents that you considered or reviewed, or that were available to you in forming your opinion that the “erasure of sex in

language” has a “corrosive impact not just on women but on the validity of the entire American system.”

REQUEST FOR PRODUCTION NO. 17: Produce all documents used to train, instruct, or provide guidance to any government employee, agent, or representative regarding implementation of Executive Order 14168 of January 20, 2025, with respect to passports, or regarding the Passport Policy.

REQUEST FOR PRODUCTION NO. 18: Produce all documents describing or reflecting policies, procedures, or guidelines for identifying violations of Executive Order 14168 of January 20, 2025, or of the Passport Policy, or of passport-related documents that do not comply with the order or the Passport Policy.

REQUEST FOR PRODUCTION NO. 19: Produce all documents describing or reflecting policies, procedures, or guidelines for complying with Executive Order 14168 of January 20, 2025, with respect to the Passport Policy, including but not limited to updates to physical infrastructure, software, or data management systems.

REQUEST FOR PRODUCTION NO. 20: Produce all documents reflecting, relating to, or evidencing any analysis of the operational impact of Executive Order 14168 of January 20, 2025, with respect to the Passport Policy, on any federal agency, governmental entity, or lessee.

REQUEST FOR PRODUCTION NO. 21: Produce all documents relating to any changes to identity document records systems, databases, fields, or related infrastructure that were implemented, proposed, or considered in response to Executive Order 14168 of January 20, 2025, or the Passport Policy, whether before or after its formal enactment.

REQUEST FOR PRODUCTION NO. 22: Produce all documents and communications, including emails, reflecting, relating to, or discussing the actual or anticipated impact or burdens of Executive Order 14168 of January 20, 2025, with respect to the Passport Policy on transgender, non-binary, or intersex individuals.

REQUEST FOR PRODUCTION NO. 23: Produce all documents and communications reflecting, relating to, or discussing any anticipated or actual response, or adverse consequences associated with or arising from Executive Order 14168 of January 20, 2025, with respect to the Passport Policy.

REQUEST FOR PRODUCTION NO. 24: Produce all electronic communications, including emails, sent or received on or after January 1, 2025, by any employee, agent, or designee of the Office of Defendants that contain any of the following terms, including singular and plural forms of: “birth sex,” “cross-dresser,” “disorder/difference of sex development,” “DSD,” “gender confusion,” “gender dysphoria,” “gender identity,” “gender marker,” “gender reassignment,” “hermaphrodite,” “intersex,” “sex assigned at birth,” “sex change,” “sex designation,” “sex marker,” “trans,” “transgender,” “transgendered,” “transsexual,” “transvestite,” “sex w/10 (birth! born designat! mark! chang! transgender! trans transsexual transvestite license bathroom restroom desig!)” + “gender ideol!” /p passport. This includes, for terms including more than one word, all

communications where those words appear within 3 words of each other, as well as all communications with variations on the ends of the terms to reflect plural use or tense changes.

REQUEST FOR PRODUCTION NO. 25: Produce all documents concerning instructions, policies, or other memoranda issued as a result of the entry of the Preliminary Injunctions,³ including, but not limited to, those distributed internally to the personnel of the State Department or made publicly available.

REQUEST FOR PRODUCTION NO. 26: Produce all documents demonstrating Defendants' awareness that Executive Order 14168 of January 20, 2025, and its implementation would restrict transgender, intersex, and non-binary individuals' ability to travel abroad.

REQUEST FOR PRODUCTION NO. 27: Produce all documents and communications describing how each of the Defendants' prior sex designation policies allowing passport sex designations to be updated based on information or certification from medical or psychological professionals, or later permitting transgender, intersex, and non-binary individuals to self-select or use neutral sex designations operated in practice.

REQUEST FOR PRODUCTION NO. 28: Produce all documents and communications detailing, cataloging, and/or describing any issues or difficulties arising for Defendants from each of Defendants' prior passport policies either allowing passport sex designations to be updated to reflect the sex a passport holder lives as rather than sex assigned at birth based on information or certification from medical or psychological professionals, or later permitting transgender, intersex, and non-binary individuals to self-select or use neutral sex designations on their passports.

REQUEST FOR PRODUCTION NO. 29: Produce data sufficient to show the total number of passports issued during the period in 2025 when the Preliminary Injunctions were in place, that were issued based on an attestation form pursuant to the Preliminary Injunctions issued in this case.

Plaintiffs are prepared to meet and confer regarding the specific ESI protocols the parties will apply.

³ For purposes of these requests, the Preliminary Injunction is that referenced in ECF 75 and 116.

EXHIBIT C

Plaintiffs' Draft Proposed Interrogatories—Without Prejudice¹

INTERROGATORY NO. 1: Identify each person acting on behalf of any of Defendants who has any knowledge regarding the creation, implementation, or enforcement of Executive Order 14168 of January 20, 2025, as it relates to passports, or the Passport Policy,² including, for each such person, their full name, job title, business or home address, and the nature of and basis for their knowledge.

INTERROGATORY NO. 2: Identify the individuals who drafted or substantially contributed to the drafting of Executive Order 14168 of January 20, 2025, including, but not limited to, which officers or employees of the Defendants are responsible for such enforcement efforts.

INTERROGATORY NO. 3: Identify each employee or agent of Defendants with knowledge of Plaintiffs' allegations in the Amended Complaint, and, for each such person, include their full name, job title, business or home address, and the nature of and basis for the knowledge they possess.

INTERROGATORY NO. 4: Identify all government interests you contend the passport-related provisions of Executive Order 14168 of January 20, 2025 or the Passport Policy furthers.

INTERROGATORY NO. 5: For each government interest identified in Interrogatory No. 4, explain how the passport-related provisions of Executive Order 14168 of January 20, 2025, or the Passport Policy serve that interest, including by identifying any facts supporting your contention that the government interest is furthered by passport-related provisions of Executive Order 14168 of January 20, 2025 or of the Passport Policy.

INTERROGATORY NO. 6: Identify and describe the uses for which any of Defendants make passport and other identity document data available, and identify which persons at which agencies, are responsible for such data compilation, processing and use.

INTERROGATORY NO. 7: Identify and describe any instructions or policy changes that were provided to the officers, employees, or agents of any of Defendants as a result of the entry of the Preliminary Injunction.

¹ While Plaintiffs provide these draft interrogatories to inform the Court about topics on which they intend to pursue discovery, Plaintiffs reserve the right to serve additional interrogatories and modify these interrogatories further prior to formal service on Defendants.

² For purposes of these requests, "Passport Policy" means Executive Order 14168, to the extent it purports to direct particular rules with respect to the issuance of passports, as well as "the substantive changes to [the State Department's] prior passport policy" intended to effectuate Executive Order 14168, which included "withdr[awing] the option for Americans to obtain a passport reflective of either their gender identity or sex assigned at birth" and "remov[ing] the option for intersex, non-binary, and gender non-conforming applicants to select 'X' as the sex marker." See ECF 74 at 2.

INTERROGATORY NO. 8: Specify your understanding of how issuing a transgender, intersex, or non-binary person a passport with a sex designation consistent with the sex that person lives as affects any of the interests identified in Interrogatory No. 4.

INTERROGATORY NO. 9: Identify each instance in which a transgender, intersex, or nonbinary person's use of a passport with a sex designation consistent with the sex they live as, rather than their sex assigned at birth, harmed or impacted any government interest, including those identified in Interrogatory No. 4.

INTERROGATORY NO. 10: Explain why Executive Order 14168 of January 20, 2025 defines Female and Male by reference to "reproductive cell[s]", and explain why the Defendants' definitions of Female and Male in the passport policy differs from that definition.

INTERROGATORY NO. 11: Explain how Defendants determined what evidence to use to verify a person's sex as defined by Executive Order 14168 of January 20, 2025, and the Passport Policy.

INTERROGATORY NO. 12: Specify each way in which Defendants' passport sex designation policy in effect immediately prior to the Executive Order of January 20, 2025, proved unworkable or otherwise negatively affected Defendants' operations or other government interests for the duration of time it was in effect.

INTERROGATORY NO. 13: Identify negative impacts or limitations to any of the government interests identified in response to Interrogatory No. 4 from Defendants' passport policies in effect prior to 1976, when no sex designation was required on documentation, and after 1992, when Defendants permitted individuals to amend their sex designation to a designation different from sex assigned at birth.

INTERROGATORY NO. 14: Describe Defendants' understanding of what comprises the Passport Policy, including any internal documents, guidance, or official protocol regarding use of sex designations on United States passports.