

**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

**PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

Pursuant to Rule 23 of the Federal Rules of Civil Procedure, Plaintiffs hereby move the Court for an order certifying the following classes in accordance with Federal Rule of Civil Procedure 23(b)(2):

1. A class of all people who currently want, or in the future will want, a U.S. passport issued with an “F” or “M” sex designation that is different from the sex assigned to that individual under the Passport Policy (“M/F Designation Class”); and
2. A class of all people who currently want, or in the future will want, a U.S. passport and wish to use an “X” sex designation (“X Designation Class”); except
3. No person who is a plaintiff in *Schlacter, et al. v. U.S. Department of State, et al.*, 1:25-cv-01344 (D. Md. filed Apr. 25, 2025), currently pending before the United States District Court for the District of Maryland, is included in either class, as requested by the *Schlacter* plaintiffs’ counsel.

ECF No. 76 ¶ 273.

Plaintiffs respectfully request that the Court appoint: (1) Plaintiffs Ashton Orr, Zaya Perysian, Chastain Anderson, Drew Hall, Bella Boe, Reid Solomon-Lane, Viktor Agatha, David

Doe, AC Goldberg, and Chelle LeBlanc as representatives of the M/F Designation Class; (2) Plaintiffs Sawyer Soe and Ray Gorlin as representatives of the X Designation Class; and (3) the undersigned as class counsel pursuant to Rule 23(g).

This Motion is supported by the attached Memorandum of Law and the Declarations of Isaac D. Chaput, Jon W. Davidson, Jessie J. Rossman, Ashton Orr, Zaya Perysian, Sawyer Soe, David Doe, AC Goldberg, Chastain Anderson, Drew Hall, Bella Boe, Reid Solomon-Lane, Viktor Agatha, Ray Gorlin, Chelle LeBlanc, Sarah D. Corathers, MD, and Ayden Scheim, PhD filed concurrently herewith.

**REQUEST FOR ORAL ARGUMENT**

Plaintiffs respectfully request an oral argument on this Motion.

April 30, 2025

Respectfully submitted,

/s/ Isaac D. Chaput

Isaac D. Chaput (*pro hac vice*)  
William P. Kasper (*pro hac vice*)  
COVINGTON & BURLING LLP  
Salesforce Tower  
415 Mission Street, Suite 5400  
San Francisco, CA 94105  
Telephone: 415-591-6000  
Facsimile: 415-591-6091  
ichaput@cov.com  
wkasper@cov.com

Jessie J. Rossman (BBO # 670685)  
Zoe R. Kreitenberg (BBO #715356)  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF MASSACHUSETTS,  
INC.  
One Center Plaza, Suite 850  
Boston, MA 02108  
Telephone: 617-482-3170  
jrossman@aclum.org  
zkreitenberg@aclum.org

Jon W. Davidson (*pro hac vice*)  
(admitted only in California)  
Li Nowlin-Sohl (*pro hac vice*)  
(admitted only in Washington)  
Sruti J. Swaminathan (*pro hac vice*)  
Malita V. Picasso (*pro hac vice*)  
James D. Esseks (*pro hac vice*)  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
125 Broad Street, 18th Floor  
New York, NY 10004  
Telephone: 212-549-2500  
Facsimile: 212-549-2650  
jondavidson@aclu.org  
lnowlin-sohl@aclu.org  
sswaminathan@aclu.org  
mpicasso@aclu.org  
jesseks@aclu.org

Aditi Fruitwala (*pro hac vice*)  
AMERICAN CIVIL LIBERTIES UNION

FOUNDATION  
915 15th St. NW  
Washington, DC 20005  
afruitwala@aclu.org

Ansel F. Carpenter (*pro hac vice*)  
Gavin W. Jackson (*pro hac vice*)  
COVINGTON & BURLING LLP  
1999 Avenue of the Stars  
Los Angeles, CA 90067  
Telephone: 424-332-4758  
Facsimile: 424-332-4749  
acarpenter@cov.com  
gjackson@cov.com

Jonathan Thompson (*pro hac vice*)  
Sean M. Bender (*pro hac vice*)  
COVINGTON & BURLING LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956  
Telephone: 202-662-5891  
Facsimile: 202-778-5891  
jthompson@cov.com  
sbender@cov.com

Robert C. Gianchetti\*  
Yuval Mor (*pro hac vice*)  
Alyssa L. Curcio (*pro hac vice*)  
COVINGTON & BURLING LLP  
The New York Times Building  
620 Eighth Avenue  
New York, NY 10018-1405  
Telephone: 212-841-1000  
Facsimile: 212-841-1010  
rgianchetti@cov.com  
ymor@cov.com  
acurcio@cov.com

*Attorneys for Plaintiffs*

*\*Pro hac vice application forthcoming*

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)**

I, Isaac D. Chaput, hereby certify that in accordance with Local Rule 7.1(a)(2), counsel for Plaintiffs communicated via email on April 28, 2025, with counsel at the Department of Justice, Elizabeth Layendecker, who indicated that Defendants oppose this motion.

/s/ Isaac D. Chaput  
Isaac D. Chaput

**CERTIFICATE OF SERVICE**

I hereby certify that on April 30, 2025, 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