IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

DANA ALIX ZZYYM,

Plaintiff,

v.

ANTONY J. BLINKEN, *in his official capacity as Secretary of State*, and RACHEL B. CRAWFORD, *in her official capacity as Director of the Colorado Passport Agency of the U.S. Department of State*,

Defendants.

Civil Action No. 15-2362-RBJ

DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO RECONSIDER PLAINTIFF'S PASSPORT APPLICATION

The Department of State respectfully requests an extension of time to reconsider Plaintiff Dana Alix Zzyym's passport application. The parties have previously requested four extensions: the first to allow the Department more time to review Plaintiff's supplementary materials to their passport application, ECF No. 116, the second to allow settlement discussions to begin, ECF No. 118, the third to continue settlement discussions, ECF No. 120, and the fourth to continue settlement discussions in light of the Department's announcement that it has begun moving towards adding a gender marker for non-binary, intersex, and gender non-conforming persons applying for a passport, ECF No. 122. The Court granted those extension requests. ECF Nos. 117, 119, 121, 123.

The parties now submit this fifth request to continue settlement discussions. The grounds for this further requested extension are as follows.

As previously referenced, the Department announced on June 30, 2021, that it "has begun moving towards adding a gender marker for non-binary, intersex, and gender non-conforming

persons applying for a passport" and is "evaluating the best approach to achieve this goal." ECF No. 122. The process of adding a gender marker for non-binary, intersex, and gender non-conforming persons to U.S. passports is complex, requiring, among other things, some regulatory procedures as well as modifications to the Department's information technology systems. As part of that process, the Department has coordinated with other relevant federal agencies. Working through issues during this coordination process has taken longer than expected. However, the Department believes that the parties should be able to conclude negotiations within the time provided by this remaining extension.

Accordingly, the Department requests that the reconsideration deadline be extended from September 1, 2021, to September 22, 2021. Plaintiff agrees to this request.

Dated: September 1, 2021

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General
Civil Division

ANTHONY J. COPPOLINO
Deputy Branch Director
Civil Division, Federal Programs Branch

Benjamin T. Takemoto
BENJAMIN T. TAKEMOTO
(DC Bar # 1045253)
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
P.O. Box No. 883, Ben Franklin Station
Washington, DC 20044
Phone: (202) 532-4252
Fax: (202) 616-8460
E-mail: benjamin.takemoto@usdoj.gov

Attorneys for Defendants