

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

ASHTON ORR, ZAYA PERYSIAN,
SAWYER SOE, CHASTAIN ANDERSON,
DREW HALL, BELLA BOE, and REID
SOLOMON-LANE, on behalf of themselves
and others similarly situated,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States; U.S.
DEPARTMENT OF STATE; MARCO
RUBIO, in his official capacity as Secretary
of State; and UNITED STATES OF
AMERICA,

Defendants.

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

**PLAINTIFFS' MOTION TO STAY AGENCY ACTION
AND FOR PRELIMINARY INJUNCTION**

Defendants Department of State (the “Department”) and Secretary of State Marco Rubio (collectively, the “Agency Defendants”) have adopted and are currently implementing a policy to only issue passports with either female or male sex designations as determined by the definitions in Executive Order 14168, 90 Fed. Reg. 8615 (Jan. 20, 2025) § 2(d)–(e) (the “Executive Order”) and the ensuing Department directives, which turn either on whether a person “belong[ed], at conception, to the sex that produces” either “the large” or “the small reproductive cell,” or what the Agency Defendants have termed “biological sex at birth” (the “Policy”).

Pursuant to 5 U.S.C. § 705, Plaintiffs Ashton Orr, Zaya Perysian, Sawyer Soe, Chastain Anderson, Drew Hall, Bella Boe, and Reid Solomon-Lane (“Plaintiffs”) respectfully request the Court stay enforcement of the Policy during the pendency of this litigation, and require the Agency Defendants to process and issue passports consistent with the Department’s policy as of January

19, 2025, including permitting (i) changes to the sex designation on passports, including allowing individuals to self-attest to what their sex is, and (ii) the use of an “X” sex designation on passports.

Additionally, pursuant to Federal Rule of Civil Procedure 65(a), Plaintiffs respectfully request that the Court enjoin the Agency Defendants from enforcing the Policy and the Executive Order as applied to passports against Plaintiffs during the pendency of this litigation, and, as to Plaintiffs, require the Department to process and issue passports consistent with the Department’s policy as of January 19, 2025, and permit (i) changes to the sex designation on Plaintiffs’ passports, including allowing Plaintiffs to self-attest to what their sex is, or (ii) an “X” sex designation on any of the Plaintiffs’ passports where that is requested by the Plaintiff.

The grounds for this Motion are set forth in the accompanying memorandum of law.

REQUEST FOR ORAL ARGUMENT

Plaintiffs respectfully request an oral argument on this Motion.

Respectfully submitted,

February 18, 2025

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

I hereby certify that, pursuant to Local Rule 7.1, Plaintiffs' counsel conferred in good faith with counsel who will be representing Defendants via email on February 10, 2025 regarding the resolution of this motion, and they indicated that Defendants oppose this motion.

/s/ Isaac D. Chaput
Isaac D. Chaput

CERTIFICATE OF SERVICE

I hereby certify that on February 18, 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).

/s/ Isaac D. Chaput
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