

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
KANSAS CITY DIVISION**

NYLA FOSTER; LUC BENSIMON;
JESSICA HICKLIN; C.K.; and KANSAS
STATEWIDE TRANSGENDER
EDUCATION PROJECT,

Plaintiffs,

v.

JEFF ANDERSEN, in his official capacity as
Secretary of the Kansas Department of Health
and Environment; ELIZABETH W. SAADI,
in her official capacity as State Registrar for
the State of Kansas; and KAY HAUG, in her
official capacity as Director of Vital Statistics
for the State of Kansas,

Defendants.

Civil Action No. 18-02552-DDC-KGG

JOINT MOTION FOR ENTRY OF CONSENT JUDGMENT

In light of the parties having reached a joint resolution regarding the above-captioned matter, Plaintiffs Nyla Foster; Luc Bensimon; Jessica Hicklin; C.K.; and Kansas Statewide Transgender Education Project (collectively, “Plaintiffs”), by and through their attorneys, and Defendants Jeff Andersen, in his official capacity as Secretary of the Kansas Department of Health and Environment; Elizabeth W. Saadi, in her official capacity as State Registrar for the State of Kansas; and Kay Haug, in her official capacity as Director of Vital Statistics for the State of Kansas (collectively, “Defendants”), by and through their attorney, respectfully move this Court to enter the proposed Consent Judgment (attached hereto as an Exhibit), and in support thereof, state as follows:

1. On October 15, 2018, Plaintiffs filed a Complaint for Declaratory, Injunctive, and Other Relief against Defendants alleging that Kansas's Birth Certificate Policy, prohibits transgender people born in Kansas from obtaining birth certificates reflecting their true sex, consistent with their gender identity, violates, *inter alia*, Equal Protection Clause and the Due Process Clause of the Fourteenth Amendment to the United States Constitution (Dkt. 1).

2. The Parties desire to resolve the issues raised by Plaintiffs' Complaint and subsequent proceedings without the necessity of further litigation.

3. The Parties consent to entry of the attached proposed Consent Judgment as dispositive of all issues raised in this matter.

4. The Parties intend the proposed Consent Judgment to benefit all Kansans, including transgender people born in Kansas, and to be binding on Defendants unless and until modified by the Court on motion with proper cause shown under Federal Rule of Civil Procedure 60.

WHEREFORE, in light of the Parties' agreement to jointly dissolve this regarding this matter, the Parties hereby jointly move this Court to enter the attached Consent Judgment.

Dated on this 21st day of June, 2019.

Respectfully submitted,

/s/ Eugene Lueger

Eugene Lueger (S. Ct # 13972)
Legal Services Office
KDHE
Curtis State Office Bldg., Ste. 560
1000 SW Jackson St.
Topeka, KS 66612

Tel. No. (785) 296-0088
Fax No. (785) 559-4272
Email: gene.lueger@ks.gov

Attorney for Defendants

/s/ James D. Lawrence

James D. Lawrence (Bar No. KS #22565)
Sarah R. Holdmeyer (Bar No. KS #27584)
BRYAN CAVE LEIGHTON PAISNER LLP
One Kansas City Place
1200 Main Street, Suite 3800
Kansas City, Missouri 64105
t: (816) 374-3200 | f: (816) 374-3300
jdlawrence@bclplaw.com
sarah.holdmeyer@bclplaw.com

Katherine A. Keating*
BRYAN CAVE LEIGHTON PAISNER LLP
Three Embarcadero Center, 7th Floor
San Francisco, California 94111
t: (415) 675-3400 | f: (415) 675-3434
katherine.keating@bclplaw.com

/s/ Omar Gonzalez-Pagan

Omar Gonzalez-Pagan*
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
120 Wall Street, 19th Floor
New York, New York 10005
t: (212) 809-8585 | f: (212) 809-0055
ogonzalez-pagan@lambdalegal.org

Kara N. Ingelhart*
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
105 West Adams Street, Suite 2600
Chicago, Illinois 60603
t: (312) 663-4413 | f: (312) 663-4307
kingelhart@lambdalegal.org

Attorneys for Plaintiffs

* Admitted *pro hac vice*.