

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

KARI L. CHIN, et al.,

Plaintiffs,

Case No. 4:15-cv-00399-RH-CAS

v.

JOHN H. ARMSTRONG, in his official
capacity as Surgeon General and Secretary
of Health for the State of Florida, and
KENNETH JONES in his official
Capacity as State Registrar,

Defendants.

JOINT STATUS REPORT AND PROPOSED DISCOVERY PLAN

Plaintiffs, Kari Chin, Deborah Chin, Alma Vezquez, Yadira Arenas, Catherine Pareto, Karla Arguello and Equality Florida Institute Inc. (the “Plaintiffs”) and Defendants, Dr. John Armstrong and Kenneth Jones (“Defendants”) (collectively the “Parties”) submit the following, pursuant to the Court’s September 14, 2015 Order directing the parties to confer and provide a joint report and plan on case scheduling matters pursuant to Rule 26(f) of the Federal Rules of Civil Procedure:

- I. **Rule 26 (f) Conference.** Pursuant to the Court’s September 14, 2015 Order and Rule 26(f) of the Federal Rules of Civil Procedure, Nichole C. Geary, counsel for the Defendants, and Christopher Stoll and Amy Whelan, counsel for the Plaintiffs, conferred on October 14, 2015 for the purpose of agreeing on a proposed plan for the completion of discovery, filing of motions and trial activities.

II. Joint Report and Plan.

a. Nature and Complexity of the Case. This action arises from the United States' Supreme Court's recent ruling in *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015) and involves its application to section 741.212, Florida Statutes, which defines marriage for purposes of interpreting any Florida state statute or rule as a legal union between one man and one woman (explicitly excluding same-sex unions). Specifically, the legal question is whether the conduct of the Florida Department of Health (the "Department") is unlawful.

i. Plaintiffs' Contentions. Plaintiffs contend that the Department's conduct in refusing to issue them birth certificates listing both spouses as parents, when such certificates are routinely issued to married opposite-sex couples pursuant to § 382.013(2)(a), Florida Statutes, violates the holding in *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015), which requires states to recognize the legal marriages of same-sex couples on the same terms and conditions as all other marriages.

ii. Defendants' Contentions. Defendants contend that the Department is an executive agency whose powers are limited to the ability to administer and enforce the laws and rules related to the State of Florida's public health system including the authority to act as the state's registrar of vital statistics pursuant to section 381.0011, Florida Statutes. Therefore, the Department lacks the authority to revise existing legislation or to apply case law in a manner that invalidates existing legislation without clear judicial authority to do so.

- b. Discovery Plan.** Both Parties are in agreement that the issues presented to this court are purely legal in nature and do not anticipate the need to conduct any discovery.
- c. Dismissal and Joinder of Parties.** The parties do not anticipate any motions for dismissal of claims or parties at this time.
- d. Amendments to Pleadings.** Plaintiffs anticipate amending the complaint. The parties agree that the deadline to do so should be November 15, 2015.
- e. Trial Date.** Both Parties are in agreement that as there are no contested issues of fact a trial will not be necessary.
- f. Prospects for Settlement.** The possibility of settlement cannot yet be evaluated.
- g. Position on Referral to Magistrate Judge.** The parties have conferred regarding this issue.

Respectfully submitted this 28th day of October, 2015.

/s/ Christopher F. Stoll
Christopher F. Stoll
Attorney for Plaintiffs

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/s/ Jay Patrick Reynolds
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 28, 2015, I electronically filed the foregoing with the Clerk of the Court by using CM/ECF System which will send a notice of electronic filing to the following:

Mary B. Meeks Mary Meeks, P.A. P.O. Box 536758 Orlando, FL 32853 Email: marybmeeks@aol.com	Elizabeth Schwartz Elizabeth Schwartz, P.A. 690 Lincoln Road Suite 304 Miami Beach, FL 33139 E-mail: eschwartz@sobelaw.com
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I HEREBY CERTIFY that on October 28, 2015, a true and correct copy of the foregoing document and the notice of electronic filing was sent via electronic mail to the following non-CM/ECF participants:

Amy Whelan*
Catherine P. Sakimura*
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* Admission to N.D. Fla. Pending