

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JANE DOE

and

JOHN DOE,

Plaintiffs,

v.

CIVIL ACTION NO.

Debra Romberger,
in her official capacity as Director of the
Pennsylvania Division of Vital Records,
Pennsylvania Division of Vital Records,
Dr. Karen Murphy,
in her official capacity as
Secretary of Pennsylvania
Department of Health,
Pennsylvania Department of Health,

Defendants.

COMPLAINT

PRELIMINARY STATEMENT

1. The Pennsylvania Division of Vital Records (“Vital Records”) is a division of the Pennsylvania Department of Health (“Health.”)
2. Vital Records operates and administers the Commonwealth’s Birth Certificate program and is required to do so in accordance with the laws of the United States.
3. Plaintiffs Jane Doe and John Doe were born in Pennsylvania, are transgender, and desire to change their gender on their birth certificates from an original gender assigned at birth to their correct gender.
4. Vital Records has a policy that will not permit the change without a court order or proof that Plaintiffs have undergone Gender Confirmation Surgery (“GCS”.)

5. Vital Records' policy (the "Policy") violates (i) the Equal Protection clause of the United States Constitution, and (ii) the Americans with Disabilities Act, 42 U.S.C. §12101, et. seq. ("ADA") and are actionable pursuant to 42 U.S.C. § 1983.

JURISDICTION AND VENUE

6. This Court has jurisdiction over the parties and the claims asserted herein pursuant to 28 U.S.C. § 1331.

7. Plaintiffs' claims for declaratory relief are brought pursuant to 28 U.S.C. §§ 2201 and 2202.

8. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because Plaintiffs reside within this judicial district, the events giving rise to this action occurred in this judicial district, and Defendants are subject to personal jurisdiction in this judicial district.

THE PARTIES

9. Plaintiff Jane Doe resides within this judicial district and was born in the Commonwealth. Plaintiff Jane Doe is appearing here under a pseudonym. A motion for anonymity is being filed simultaneously with this Complaint.

10. Plaintiff John Doe resides within this judicial district and was born in the Commonwealth. Plaintiff John Doe is appearing here under a pseudonym. A motion for anonymity is being filed simultaneously with this Complaint.

11. In her capacity as Director Of Vital Records, Defendant Romberger is responsible for the administration of the Policy.

12. In her capacity as Secretary of Health, Defendant Murphy is responsible for supervision of Health and Vital Health and Defendant Romberger.

13. All Defendants are obligated to ensure that transgender people are treated in accordance with the Constitution and laws of the United States. Defendants Romberger and Murphy have at all relevant times hereinafter mentioned acted under color of state law and are being sued in their official capacity.

PERTINENT CONSTITUTIONAL PROVISIONS

14. The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution provides that: “No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, §1.

15. The Supremacy Clause of the Constitution provides “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the contrary notwithstanding.” U.S. Const. art. VI, cl. 2.

PERTINENT FEDERAL STATUTES AND REGULATIONS

16. Congress enacted the ADA in 1990 “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” 42 U.S.C. § 12101(b)(1). It found that “historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem.” 42 U.S.C. § 12101(a)(2). For those reasons, Congress prohibited discrimination against individuals with disabilities by public entities. The ADA states:

[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. 42 U.S.C. § 12132.

17. The ADA's definition of "disability" includes "being regarded as having such an impairment." 42 U.S.C. § 12102(1)(C).
18. An individual meets the ADA's definition of having a disability if he or she establishes that he or she has been subject to an action that the ADA prohibits "because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity." Id. §§ 12102(1)(C), 12102(3)(A).
19. The statute is to be read broadly. 42 U.S.C. § 12102(4)(A) ("The definition of disability in this chapter shall be construed in favor of broad coverage of individuals under this chapter, to the maximum extent permitted by the terms of this chapter.")
20. At all times material herein, Vital Records and Health are public entities as defined under the ADA. 42 U.S.C. § 12132.

PERTINENT PENNSYLVANIA STATUTES REGULATIONS AND POLICES

21. Health is authorized to prepare and retain birth certificates under the law of Pennsylvania. (Administrative Code of 1929, §§ 2104, 2111, 71 P. S. § 534, § 541.)
22. Health is authorized to create Vital Records. (Vital Statistics Law of 1953, § 201, 35 P. S. § 450.201 et. seq.)
23. The Pennsylvania Code regulations regarding issuance of birth certificates are at 28 Pa Code, Chapter 1.
24. Neither the enabling statute nor the code regulations provide for changes to gender on birth certificates.

25. The Policy of Vital Records regarding gender identification on Birth Certificate allows changes for trans individuals only under restricted circumstances:

The first option is to obtain a Court Order which changes the name and also includes a directive to the Division of Vital Records to change the gender designation. It is required that the Court Order be certified, signed by the judge and affixed with the seal of the court. A photo-copy of the Court Order is not acceptable.

The second option if you already possess a certified Court Order change of name is a two step process. The first step is to amend the name on the original birth record with the certified Court Order change of name in your possession. It is required that the Court Order be certified, signed by the judge and affixed with the seal of the court. A photo-copy of the Court Order is not acceptable. The birth certificate may reflect a name that does not agree with the stated gender until the second step is completed.

The second step will amend the gender item listed on the birth record. After gender reassignment surgery [a/k/a GCS], submit a statement from the physician who performed the surgery stating that the gender reassignment is successfully completed.

FACTS

26. Plaintiffs are transgender.

27. Transgender is a biological condition, due to brain neuroanatomy and the formation of that brain neuroanatomy in the womb.

28. Transgender (or “trans”) people are born with bodies whose anatomy and assigned gender differs from whom they actually are.

29. Trans people cannot be diagnosed as such when first born.

30. Gender Dysphoria (“GD”) is a medical and therapeutic diagnosis, referring to the physical, mental and emotional difficulties that may arise in trans people due to the conflict between their brain anatomy and body anatomy. Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (“DSM-V” at 302.85.)

31. Trans people are diagnosed as suffering from GD when they have “clinically significant distress” associated with being trans. *Id.*

32. GD is not the same as being transgender but may result from being transgender.

33. Procedures for GD treatment may include hormone or other prescriptions, therapy, Gender Confirmation Surgery (“GCS”), breast implants or removal (“top surgery”), and other procedures, including hysterectomy, genital reconstruction, and plastic surgery, as appropriate and prescribed and medically necessary for the particular person.
34. Not all trans people want, need, or are able to undergo GCS.
35. GCS is expensive, and private insurance or public insurance (e.g., Medicaid) may not cover its costs.
36. GCS may be contraindicated by a trans person’s medical history because of other medical conditions.
37. The Federal Government does not require a trans person to undergo GCS to change gender classification for Social Security or passports, recognizing that trans people may not be able to undergo GCS.
38. Various states, e.g., New York, California, Iowa, Oregon, Vermont, and Washington, as well as the District of Columbia, have updated their birth certificate policies to recognize that an individual’s gender does not depend on surgical status.
39. Pennsylvania does not require GCS to change a gender marker on a driver’s license.
40. GD is an identifiable, severe, and incapacitating disease that causes constant suffering, emotional and mental distress.
41. GD is a disability within the meaning of the ADA in that it substantially impairs one or more of major life activities, including, but not limited to, interacting with others, reproducing, and social and occupational functioning.
42. A birth certificate is a fundamental identification document and, without their gender being accurately stated on their birth certificates, trans people with GD but without GCS undergo constant suffering, emotional and mental distress.

43. Defendants' Policy, in not permitting a change to gender on a birth certificate for those trans people diagnosed with GD yet without GCS, is discriminatory.

44. Defendants' Policy discriminates against a subgroup, those trans people diagnosed with GD yet without GCS, as the Policy permits a birth certificate gender change for the subgroup of those trans people diagnosed with GD who have undergone GCS.

45. Defendants' Policy discriminates against those trans people diagnosed with GD yet without GCS as the Policy refuses accurate identification documents, a benefit provided to those individuals who are not trans people diagnosed with GD.

46. Plaintiffs are trans people who have been diagnosed with GD. Nether Plaintiff has undergone or plans to undergo GCS.

47. Plaintiffs are harmed by Defendants' Policy.

48. Plaintiffs belong to the disadvantaged subgroup of trans people diagnosed with GD yet without GCS.

49. Plaintiffs belong to the disadvantaged class of trans people diagnosed with GD.

50. Plaintiffs are disabled within the definition of the ADA as their GD substantially impairs one or more of major life activities, including, but not limited to, interacting with others, reproducing, and social and occupational functioning.

51. Plaintiffs are regarded as disabled because they are able to establish that they have been subject to an action the ADA prohibits because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

52. Additionally, Defendants are treating Plaintiffs significantly differently than other similarly-situated, non-transgendered individuals born in Pennsylvania.

53. Defendants are aware of established medical and scientific evidence that trans people with GD may be disabled as a result of their GD.

54. Defendants' Policy, in providing inaccurate birth certificates to trans individuals with GD, but who have not or will not undergo GCS, while at the same time providing accurate birth certificates to all other, is without any rational basis.

55. Defendants are aware of the Commonwealth's established law and policy banning transgender discrimination in state employment and by state contractors.

56. Defendants are aware of the policy of the Commonwealth regarding trans discrimination as recently announced by Governor Wolf: "it is the policy of the Commonwealth to treat all residents of this Commonwealth with dignity and respect, regardless of race, gender, creed, color, sexual orientation or *gender identity or expression, and discrimination on any grounds should be prohibited.*"

57. As a result, Defendants have acted willfully and in bad faith in their birth certificate Policy.

58. Plaintiffs' rights to equal protection under the law have been violated by Defendants.

59. Plaintiffs' rights to equal protection under the ADA have been violated by Defendants.

60. Plaintiffs' rights were and are being violated by Defendants knowingly, willingly, and in bad faith.

61. Plaintiffs' rights were and are being violated by the challenged governmental activity in the present case, are not contingent, are not and will not evaporate or disappear, and, by the Policy and Defendants' continued promulgation and enforcement of the Policy, casts a substantial adverse effect on Plaintiffs' interests and rights.

COUNT I – VIOLATION OF THE EQUAL PROTECTION CLAUSE

62. Plaintiffs incorporate by reference their allegations set forth in paragraphs 1 through 61 above.

63. Defendants' adopting, promulgating, and enforcing of the Policy violate the Equal Protection Clause of the Constitution of the United States, U.S. Const. amend. XIV, §1 by arbitrarily, intentionally, and in bad faith discriminating against a subgroup, those trans people diagnosed with GD yet without GCS by not permitting a birth certificate gender change, while at the same time providing a birth certificate gender change for the subgroup of those trans people diagnosed with GD who have undergone GCS and is without any rational basis.

64. Defendants' adopting, promulgating, and enforcing of the Policy violate the Equal Protection Clause of the Constitution of the United States, U.S. Const. amend. XIV, §1 by arbitrarily, intentionally, and in bad faith providing inaccurate birth certificates to trans individuals with GD, but who have not or will not undergo GCS, while at the same time providing accurate birth certificates to all other and is without any rational basis.

65. Defendants' adoption, promulgation, and enforcement of the Policy violate the Equal Protection Clause of the Constitution of the United States, U.S. Const. amend. XIV, §1 by arbitrarily, intentionally, and in bad faith discriminating on the basis of sex, gender identity or expression and/or disability.

66. The Defendants' actions in promulgating and enforcing the Policy are undertaken purposefully, intentionally, and in bad faith, and bear no substantial or rational relationship to any compelling, important or legitimate government interest.

67. 42 U.S.C. § 1983 provides that Plaintiffs may proceed here to enforce their rights under the Equal Protection clause against Defendants.

COUNT II – VIOLATION OF THE AMERICANS WITH DISABILITIES ACT

68. Plaintiffs incorporate by reference their allegations set forth in paragraphs 1 through 67 above.

69. The actions of Defendants, through their agents, servants, and employee in discriminating against Plaintiffs on the basis of their actual and/or perceived disabilities and failing to provide reasonable accommodation for their disability, violates the ADA.

70. Defendants' adoption, promulgation, and enforcement of the Policy violates the ADA by arbitrarily, intentionally, and in bad faith discriminating against a subgroup, those trans people diagnosed with GD yet without GCS by not permitting a birth certificate gender change, while at the same time providing a birth certificate gender change for the subgroup of those trans people diagnosed with GD who have undergone GCS and is without any rational basis.

71. Defendants' adoption, promulgation, and enforcement of the Policy violates the ADA by arbitrarily, intentionally, and in bad faith providing inaccurate birth certificates to trans individuals with GD, but who have not or will not undergo GCS, while at the same time providing accurate birth certificates to all other and is without any rational basis.

72. Defendants' adoption, promulgation, and enforcement of the Policy violates the ADA by arbitrarily, intentionally, and in bad faith discriminating on the basis of disability.

73. As a direct result of the aforesaid unlawful discriminatory practices engaged in by Defendants in violation of the ADA, Plaintiffs have sustained harm.

74. As a further direct result of the aforesaid unlawful discriminatory practices engaged in by Defendants in violation of the ADA, Plaintiffs suffer severe emotional distress, embarrassment, humiliation, and loss of self esteem.

75. Defendants' actions in promulgating and enforcing the Policy are undertaken purposefully, intentionally, and in bad faith, and bear no substantial or rational relationship to any compelling, important, or legitimate government interest.

76. 42 U.S.C. § 1983 provides that Plaintiffs may proceed here to enforce their rights under the Americans with Disabilities Act against Defendants.

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Enter a declaratory judgment that the Policy violates the Equal Protection Clause of the United States Constitution and the Americans with Disabilities Act.
- B. Issue a preliminary and permanent injunction:
 - i. Ordering Defendants to immediately provide Plaintiffs with birth certificates that accurately record their gender;
 - ii. Ordering Defendants to immediately withdraw the Policy and provide a policy for birth certificate gender change that provides for gender change without any need for GCS;
 - iv. Ordering Defendants to provide notice to any and all persons or entities Defendants may come into contact with in administering the Policy is discriminatory and has been withdrawn, and that a new policy, providing for gender change without any need for GCS is now controlling.
- C. Award Plaintiffs compensatory and punitive damages, costs and disbursements, including reasonable attorneys' fees; and
- D. Award Plaintiffs such other and further relief as the Court may deem just and proper.

Respectfully submitted,

Date: May 13, 2016

/Julie Chovanes/
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Counsel for Plaintiffs Jane Doe and John Doe

16.0.2337

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jane Doe & John Doe
 Phila

DEFENDANTS

Pomberger, Div. of Records
 Morphy, Dept Health
 Harrisburg

16 2337

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Julie Chouaves, Esq.
 Chouaves Law LLC
 P.O. Box 4307 Phila PA 19188

Attorneys (If Known)

unknown

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|---|--|--|---|---|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY | CIVIL RIGHTS | PRISONER PETITIONS | | | |
| <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input checked="" type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC 12101, 42 USC 1983

Brief description of cause:

ADA & Equal Protection

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

5-13-2016

SIGNATURE OF ATTORNEY OF RECORD

Julie Chouaves

MAY 13 2016

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

JP

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 17th St, Philadelphia PA 19107 16 2337
Address of Defendant: 3030 Kline Plaza, Harrisburg PA 17104
Place of Accident, Incident or Transaction: Philadelphia PA
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes [] No [X]

Does this case involve multidistrict litigation possibilities? Yes [] No [X]

RELATED CASE, IF ANY:

Case Number: Judge Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes [] No [X]
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes [] No [X]
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes [] No [X]
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes [] No [X]

CIVIL: (Place [X] in ONE CATEGORY ONLY)

A. Federal Question Cases:

- 1. [] Indemnity Contract, Marine Contract, and All Other Contracts
2. [] FELA
3. [] Jones Act-Personal Injury
4. [] Antitrust
5. [X] Patent
6. [] Labor-Management Relations
7. [X] Civil Rights
8. [] Habeas Corpus
9. [] Securities Act(s) Cases
10. [] Social Security Review Cases
11. [] All other Federal Question Cases (Please specify)

B. Diversity Jurisdiction Cases:

- 1. [] Insurance Contract and Other Contracts
2. [] Airplane Personal Injury
3. [] Assault, Defamation
4. [] Marine Personal Injury
5. [] Motor Vehicle Personal Injury
6. [] Other Personal Injury (Please specify)
7. [] Products Liability
8. [] Products Liability — Asbestos
9. [] All other Diversity Cases (Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Julie Chovanes, counsel of record do hereby certify:
[] Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
[X] Relief other than monetary damages is sought.

DATE: 5-13-2016 Julie Chovanes Attorney-at-Law 50176 Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 5-13-2016 Julie Chovanes Attorney-at-Law 50176 Attorney I.D.#

MAY 13 2016

JP

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

DOE et al. v. Romberger, et al.

CIVIL ACTION

NO. 16 2337

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus - Cases brought under 28 U.S.C. § 2241 through § 2255. ()
(b) Social Security - Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
(c) Arbitration - Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
(d) Asbestos - Cases involving claims for personal injury or property damage from exposure to asbestos. ()
(e) Special Management - Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
(f) Standard Management - Cases that do not fall into any one of the other tracks. ()

(f)

5-13-2016 Date
Julio Chaves Attorney-at-law

Plaintiffs Attorney for

267 235 4570 Telephone FAX Number

jchouanes@chouanes.com E-Mail Address

(Civ. 660) 10/02

MAY 13 2016