

6. The Statute and the Defendants' actions under the Statute deny Plaintiff her fundamental right to define her bodily integrity.

7. The Statute and the Defendants' actions under the Statute deny Plaintiff her fundamental right to define her personal autonomy.

8. The Statute and the Defendants' actions under the Statute deny Plaintiff her fundamental right to define her gender autonomy.

9. The Statute and the Defendants' actions under the Statute deny Plaintiff her fundamental right to make certain private decisions without unjustified government intrusion.

10. The Statute and the Defendants' actions under the Statute: (i) deny Plaintiff due process of law in violation of the Fourteenth Amendment of the Constitution of the United States, (ii) deny Plaintiff equal protection of the laws in violation of the Fourteenth Amendment of the Constitution of the United States, (iii) violate the Americans with Disabilities Act, 42 U.S.C. § 12101, et. seq. as amended ("ADA"), and are actionable pursuant to 42 U.S.C. § 1983.

JURISDICTION AND VENUE

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

12. Plaintiff's claims for declaratory relief are brought pursuant to 28 U.S.C. §§ 2201 and 2202.

13. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b).

THE PARTIES

14. Plaintiff Jane Doe was born in the State of New Jersey. Plaintiff Jane Doe is appearing here under a pseudonym. A motion for anonymity is being filed simultaneously with this Complaint.

15. In his capacity as State Registrar, Defendant Arrisi is responsible for the administration of the Statute.

16. In her capacity as Commissioner of Health, Defendant Bennett is responsible for supervision of Health and Vital Statistics and Defendant Arrisi.

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

PERTINENT CONSTITUTIONAL PROVISIONS

18. The Due Process Clause of the Fourteenth Amendment to the United States Constitution provides that: “No State shall . . . deprive any person of life, liberty, or property, without due process of law.” *U.S. Const. amend. XIV, § 1.*

19. 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.*

PERTINENT FEDERAL STATUTES AND REGULATIONS

20. 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).*

21. Congress 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).*

22. For those reasons, Congress prohibited discrimination against individuals with disabilities

by public entities, in Title II of the ADA, at 42 U.S.C. § 12132:

[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.

23. The Code of Federal Regulations prohibits discrimination against individuals with disabilities by public entities at 28 C.F.R. § 35.130:

General prohibitions against discrimination. (a) No qualified individual with a disability shall, on the basis of 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 public entity.

24. An individual meets the ADA's definition of having a disability if they:

(a) have a physical or mental impairment that substantially limits one or more major life activities of such individual;

(b) have a record of such an impairment; or

(c) are regarded as having such an impairment. *42 U.S.C. § 12102(1)(A)*.

25. The statute is to be read broadly. *42 U.S.C. § 12102(4)(A)* states: "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."

26. At all times material herein, Vital Statistics and Health are public entities as defined under the ADA. *42 U.S.C. § 12132*.

PERTINENT NEW JERSEY STATUTES REGULATIONS AND POLICES

27. Health is authorized to prepare and retain birth certificates under the law of New Jersey. *N.J. Rev. Stat. § 26:8-23*.

28. Health is authorized to create Vital Statistics, appoint a state registrar, and provide for a system for registering and recording births. *N.J. Rev. Stat. § 26:8-1 et. seq.*

29. The Statute regarding gender identification on birth certificate allows changes for trans individuals only under restricted circumstances:

The State registrar shall issue an amended certificate of birth to a person born in this State who undergoes sex reassignment surgery and requests an amended certificate of birth which shows the sex and name of the person as it has been changed.

a. The State registrar shall issue the amended certificate of birth upon receipt of (1) a certified copy of an order from a court of competent jurisdiction which indicates the name of the person has been changed and (2) a medical certificate from the person's licensed physician which indicates the sex of the person has been changed by surgical procedure.

b. The amended certificate of birth shall be of the same general type as the original certificate of birth.

c. When an amended certificate of birth is issued, the State registrar shall notify the appropriate local registrar of vital statistics who shall enter the amended certificate in his local record and place his copy of the original certificate under seal.

d. The State register shall place the original certificate of birth and all papers pertaining to the amended certificate of birth under seal. The seal shall not be broken except by order of a court of competent jurisdiction.

Thereafter, whenever a certified copy of the certificate of birth is prepared, it shall be made from the amended certificate of birth except when an order of a court of competent jurisdiction requires that a certified copy be made of the original certificate of birth.

e. The fee for issuing the amended certificate of birth is \$6.00.

N.J. Rev. Stat. § 26:8-40.12 (Sex Reassignment Surgery; Amendment Of Birth Certificate)

30. The data gathered by Vital Statistics from birth certificates is used by New Jersey and the Federal Government to define, develop, and/or support government programs, including health and disability programs.

BACKGROUND

Being Transgender (“Trans”)

31. Plaintiff is trans.

32. Trans is a biological condition, likely due to brain neuroanatomy and the formation of that brain neuroanatomy in the womb.

33. Trans people are born with bodies whose anatomy and assigned gender differs from who they actually are.
34. Trans people cannot currently be diagnosed as such when first born.
35. Being trans is fundamental to Plaintiff's identity.
36. Being trans is an immutable characteristic of Plaintiff.
37. Being trans is not a mental disorder.

Trans People May Have Gender Dysphoria ("GD")

38. Trans people are often treated as outcasts and mocked, harassed, and hurt by others because, *inter alia*, their appearance may be shocking or disgusting to others.
39. The distress caused to a trans person by being an outcast may cause a trans person to suffer from Gender Dysphoria ("GD").
40. GD is a medical and therapeutic diagnosis "associated with clinically significant distress or impairment in social, occupational, or other important areas of functioning." *Diagnostic and Statistical Manual of Mental Disorders, 5th Edition ("DSM-V" at 302.85.)*
41. Trans people are diagnosed as suffering from GD when they have "clinically significant distress" associated with being trans. *Id.*
42. GD is not the same as being trans but may result from being trans.

Treatment of Gender Dysphoria ("GD")

43. Medical and therapeutic procedures for GD treatment may include name and gender changes on identity documents, hormone or other prescriptions, therapy, Sexual Reassignment Surgery ("SRS"), breast implants or removal ("top surgery"), and other procedures, including hysterectomy, genital reconstruction, and plastic surgery.
44. Procedures that are medically necessary to treat GD in a particular individual are based on that person's specific needs.

45. SRS, for example, is not medically necessary for all trans people, and may even be medically contraindicated for some.

46. Not all trans people want, need or are able to undergo one or more of these procedures. For example, not all trans people want, need or are able to obtain hormones, surgery, or other appropriate medical or therapeutic procedures.

Sexual Reassignment Surgery and Plaintiff's Fundamental Rights

47. Not all trans people want, need, or are able to undergo SRS.

48. SRS is expensive, and private insurance or public insurance may not cover its costs.

49. SRS may be contraindicated by a trans person's medical history because of other medical conditions.

50. Plaintiff's fundamental rights include the right to decide to undergo SRS.

51. The Statute's requirement harms Plaintiff by forcing her to undergo surgery that she does not want and forces Plaintiff to sterilize herself before she is allowed a correct birth certificate.

52. The Statute is state sanctioned compulsion, violating Plaintiff's rights under the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the U.S. Constitution:

a) The Statute and the Defendants' actions under the Statute compel Plaintiff to undergo unwanted surgery involving her reproductive capacity without any legal basis or justification;

b) The Statute and the Defendants' actions under the Statute deny Plaintiff her fundamental right to define her bodily integrity;

c) The Statute and the Defendants' actions under the Statute deny Plaintiff her fundamental right to define her personal autonomy;

d) The Statute and the Defendants' actions under the Statute deny Plaintiff her fundamental right to define her gender autonomy; and

e) The Statute and the Defendants' actions under the Statute deny Plaintiff her fundamental right to make certain private decisions without government intrusion.

53. The Statute and Defendants' actions under the Statute in refusing to provide accurate birth certificates to trans individuals with GD, but who have not undergone or will not undergo SRS, while at the same time providing accurate birth certificates to all other individuals, has no legitimate reason, much less a rational basis or compelling state interest.

54. The federal government does not require a trans person to undergo SRS to change gender classification for Social Security, immigration or passports, recognizing that that SRS is not a medically necessary part of gender transition for all trans people and that trans people may not want, need or be able to undergo SRS.

55. Various states, e.g., Pennsylvania, New York, California, Iowa, Oregon, Vermont, and Washington, as well as the District of Columbia, have updated their birth certificate laws, recognizing that trans people may not want, need or are able to undergo SRS.

56. New Jersey does not require SRS to change a gender marker on a driver's license.

Gender Dysphoria Is A Disability

57. 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.

58. Plaintiff is a trans person who has been diagnosed with GD.

59. Plaintiff has not undergone nor plans to undergo SRS.

60. Plaintiff belongs to the disadvantaged class of trans people diagnosed with GD.

61. Plaintiff belongs to the disadvantaged subgroup of trans people diagnosed with GD yet who have not undergone SRS.

62. Plaintiff is disabled within the definition of the ADA as her GD substantially impairs one or more of major life activities for her, including, but not limited to, interacting with others, reproducing, and social and occupational functioning.

63. Plaintiff is disabled within the definition of the ADA 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.

64. Defendants are aware that trans people with GD may be disabled as a result of their GD.

The Defendants Are Discriminating Under the ADA

65. The Statute and Defendants' actions under the Statute discriminate against those trans people diagnosed with GD who have not undergone SRS as the Statute refuses accurate identification documents, a benefit provided to those individuals who are not trans people diagnosed with GD.

66. A birth certificate is a fundamental identification document and, without their gender being accurately stated on their birth certificates, trans people with GD who have not undergone SRS may undergo suffering, emotional and mental distress.

67. The Statute and Defendants' actions under the Statute in not permitting a change to gender on a birth certificate for Plaintiff and those trans people diagnosed with GD who have not undergone SRS are discriminatory.

68. The Statute and Defendants' actions under the Statute discriminate against a subgroup, Plaintiff and those trans people diagnosed with GD who have not undergone SRS as the Statute permits a birth certificate gender change for the subgroup of those trans people diagnosed with GD who have undergone SRS.

69. The Statute and Defendants' actions under the Statute discriminate against Plaintiff and those trans people diagnosed with GD who have not undergone SRS as the Statute requires disclosure of intimate personal health details about a trans person's genitalia, status of that genitalia, and any related medical condition(s).

The Statute and Defendants' Actions are Intentionally Discriminatory

70. Defendants are aware of the State of New Jersey's established law regarding discrimination, the New Jersey Law Against Discrimination, which specifically bans discrimination against trans people in employment, housing, places of public accommodation, credit and business contracts. *N.J. Rev. Stat. § 10:5-12*.

71. Defendants have discriminated against Plaintiff and trans people in that Defendants' actions under the Statute specifically harm trans people by requiring them to:

- (a) disclose their most personal and intimate medical details,
- (b) undergo unwanted, unneeded and/or unavailable surgery, and
- (c) forego their fundamental rights.

72. Defendants discriminated against Plaintiff and trans people by authorizing birth certificates with incorrect gender designations for trans people.

73. Defendants have discriminated against Plaintiff and trans people by:

- (a) violating the State of New Jersey's own anti-discrimination law that mandates trans people are not to be discriminated against; and,
- (b) by providing incorrect statistics on trans people to other state and Federal entities, thus continually harming trans people by deliberately underreporting trans birth and population data, thus minimizing the trans population and deliberately decreasing the need for health, disability, and other government programs for that population.

74. Defendants have acted willfully and in bad faith and with animus towards Plaintiff and trans people as shown by the Governor of the State of New Jersey's actions and comments. Governor Christopher J. Christie declared on a radio show, shortly after vetoing a bill that would have provided birth certificate protections like those sought here for trans people, that people like Plaintiff, who do not desire to open their genitalia for the Governor's inspection in order to

obtain an accurate birth certificate, are “beyond the pale.” The Governor was then heard laughing at people like Plaintiff and others.

75. Plaintiff’s rights to due process under the law have been and are being violated by Defendants.

76. Plaintiff’s rights to equal protection under the law have been and are being violated by Defendants.

77. Plaintiff’s rights under the ADA have been and are being violated by Defendants.

78. Plaintiff’s rights have been and are being violated by Defendants knowingly, willingly, and in bad faith.

79. Plaintiff’s rights have been and are and are being violated by the challenged governmental activity, the Statute in the present case, are not contingent, are not and will not evaporate or disappear, and, by the Statute and Defendants’ continued promulgation and enforcement of the Statute, casts a substantial adverse effect on Plaintiff’s rights.

**COUNT I – VIOLATION OF THE DUE PROCESS CLAUSE
OF THE 14TH AMENDMENT**

80. Plaintiff incorporates by reference her allegations set forth in paragraphs 1 through 79 above.

81. Defendants’ adoption, promulgation, and enforcement of the Statute violate the Due Process Clause of the Fourteenth Amendment of the Constitution of the United States, *U.S. Const. amend. XIV, §1*, by arbitrarily, intentionally, and in bad faith depriving Plaintiff “of life, liberty, or property, without due process of law.”

82. Defendants’ adoption, promulgation, and enforcement of the Statute violate the Due Process Clause of the Fourteenth Amendment of the Constitution of the United States, *U.S. Const. amend. XIV, §1*, by arbitrarily, intentionally, and in bad faith depriving Plaintiff of her

right to refuse unwanted surgery involving her reproductive capacity without any legal basis or justification.

83. Defendants' adoption, promulgation, and enforcement of the Statute violate the Due Process Clause of the Fourteenth Amendment of the Constitution of the United States, *U.S. Const. amend. XIV, §1*, by arbitrarily, intentionally, and in bad faith depriving Plaintiff of her right to define and express her identity.

84. Defendants' adoption, promulgation, and enforcement of the Statute violate the Due Process Clause of the Fourteenth Amendment of the Constitution of the United States, *U.S. Const. amend. XIV, §1*, by arbitrarily, intentionally, and in bad faith depriving Plaintiff of her right to make personal choices central to her individual dignity and autonomy, including matters relating to the right to bodily integrity.

85. Defendants' adoption, promulgation, and enforcement of the Statute violate the Due Process Clause of the Fourteenth Amendment of the Constitution of the United States, *U.S. Const. amend. XIV, §1*, by arbitrarily, intentionally, and in bad faith depriving Plaintiff of her right to make personal choices central to individual dignity and autonomy, including matters relating to the right to personal autonomy.

86. Defendants' adoption, promulgation, and enforcement of the Statute violate the Due Process Clause of the Fourteenth Amendment of the Constitution of the United States, *U.S. Const. amend. XIV, §1*, by arbitrarily, intentionally, and in bad faith depriving Plaintiff of her right to make personal choices central to individual dignity and autonomy, including matters relating to the right to gender autonomy.

87. Defendants' adoption, promulgation, and enforcement of the Statute violate the Due Process Clause of the Fourteenth Amendment of the Constitution of the United States, *U.S.*

Const. amend. XIV, §1, by arbitrarily, intentionally, and in bad faith depriving Plaintiff her fundamental right to make certain private decisions without government intrusion.

88. There is no legitimate reason nor legal justification for Defendants' adoption, promulgation, and enforcement of the Statute, their intentional discrimination against Plaintiff and others like her, and their violation of Plaintiff's rights.

89. Defendants' adoption, promulgation, and enforcement of the Statute place a substantial obstacle in the path of trans people similar to Plaintiff seeking an accurate birth certificate, and constitutes an undue burden in violation of Plaintiff's fundamental rights.

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

91. Plaintiff seeks redress for Defendants' violation of her rights under 42 U.S.C. § 1983.

**COUNT II – VIOLATION OF THE EQUAL PROTECTION CLAUSE
OF THE 14TH AMENDMENT**

92. Plaintiff incorporate by reference her allegations set forth in paragraphs 1 through 79 above.

93. Defendants' adoption, promulgation, and enforcement of the Statute violate the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States, *U.S. Const. amend. XIV, §1*, and is without any rational basis by arbitrarily, intentionally, and in bad faith discriminating against a subgroup which includes Plaintiff, i.e., those trans people diagnosed with GD who have not undergone SRS by not allowing them to have their gender changed on their birth certificate, while at the same time providing for gender change on a birth certificate for the subgroup of those trans people diagnosed with GD who have undergone SRS.

94. Defendants' adoption, promulgation, and enforcement of the Statute violate the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States, *U.S. Const. amend. XIV, §1*, and is without any rational basis by arbitrarily, intentionally, and in bad faith providing inaccurate birth certificates without possibility of correction to trans individuals with GD, but who have not or will not undergo SRS, while at the same time providing accurate birth certificates to all other persons.

95. Defendants' adoption, promulgation, and enforcement of the Statute violate the Equal Protection Clause of the Fourteenth Amendment 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.

96. Defendants' actions in adopting, promulgating, and enforcing the Statute are undertaken purposefully, intentionally, and in bad faith, violate Plaintiff's fundamental rights, and bear no substantial or rational relationship to any compelling, important, or legitimate government interest.

97. Plaintiff seeks redress for Defendants' violation of her rights under 42 U.S.C. § 1983.

COUNT III – VIOLATION OF THE AMERICANS WITH DISABILITIES ACT

98. Plaintiff incorporate by reference their allegations set forth in paragraphs 1 through 79 above.

99. Defendants' adoption, promulgation, and enforcement of the Statute, personally and through their agents, servants, and employees, violate the ADA by discriminating against Plaintiff on the basis of her actual and/or perceived disabilities.

100. Defendants' adoption, promulgation, and enforcement of the Statute violate the ADA and is without any rational basis by arbitrarily, intentionally, and in bad faith discriminating on the basis of disability.

101. Defendants' adoption, promulgation, and enforcement of the Statute violate the ADA and is without any rational basis by arbitrarily, intentionally, and in bad faith discriminating against a subgroup, those trans people diagnosed with GD who have not undergone SRS 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 SRS.

102. Defendants' adoption, promulgation, and enforcement of the Statute violate the ADA and is without any rational basis by arbitrarily, intentionally, and in bad faith providing inaccurate birth certificates to trans individuals with GD who have not undergone SRS while at the same time providing accurate birth certificates to all others.

103. As a direct result of the aforesaid unlawful discriminatory practices engaged in by Defendants in violation of the ADA, Plaintiff has sustained harm.

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

105. Defendants' actions in adopting, promulgating and enforcing the Statute are undertaken purposefully, intentionally, and in bad faith, violate Plaintiff's fundamental rights, and bear no substantial or rational relationship to any compelling, important, or legitimate government interest.

106. Plaintiff seeks redress for Defendants' violation of her rights under 42 U.S.C. § 1983.

WHEREFORE, Plaintiff respectfully requests that this Court:

A. Enter a declaratory judgment that the Statute and Defendants' actions in promulgating and enforcing the Statute violates the Due Process and Equal Protection Clauses of the 14th Amendment of the United States Constitution and the Americans with Disabilities Act.

B. Issue a preliminary and permanent injunction Ordering Defendants to:

- i. Immediately cease enforcing the Statute;
- ii. Provide accurate birth certificates to trans people according to their gender identity or expression without requiring any medical or other procedure; and
- iii. Ordering Defendants to provide notice to any and all persons or entities Defendants may come into contact with in administering the Statute that the Statute will no longer be enforced and that the State of New Jersey will provide accurate birth certificates to trans people according to their gender identity or expression without requiring any medical or other procedure.

C. Award Plaintiff compensatory and punitive damages, costs, and disbursements, including reasonable attorneys' fees.

D. Award Plaintiff such other and further relief as the Court may deem just and proper.

Date: November 18, 2016

s/ Paul R. Fitzmaurice

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Counsel for Plaintiff Jane Doe

JS 44 (Rev. 07/16)

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
 Doe, Jane

(b) County of Residence of First Listed Plaintiff Montgomery Co., PA
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, Email and Telephone Number)
 Paul R. Fitzmaurice, Paul R. Fitzmaurice, P.C.
 130 Linden Avenue, Haddonfield, NJ 08033
 PaulRFitzmaurice@gmail.com; (856) 287-4902

DEFENDANTS
 See attached

County of Residence of First Listed Defendant Trenton
 (IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

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 | PERSONAL INJURY <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"/> 376 Qui Tam (31 USC 3729(a)) <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 checked="" type="checkbox"/> 950 Constitutionalality of State Statutes |

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 - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. section 1983

Brief description of cause:
Civil rights violations under 14th Amendment's Due Process and Equal Protection clauses, and ADA claim

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 11/18/2016 SIGNATURE OF ATTORNEY OF RECORD Paul R. Fitzmaurice

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Defendants

New Jersey Office of Vital Statistics and Registry;

Vincent T. Arrisi, in his official capacity as State Registrar for New Jersey Office of Vital Statistics and Registry;

New Jersey Department of Health;

Cathleen D. Bennett, in her official capacity as Commissioner of the New Jersey Department of Health.