#### Joint Set of Exhibits Relating to Plaintiffs' Motion for Partial Summary Judgment

#### **Table of Contents**

Ex./Tab	Description	Combined Statement of Facts Nos.1
A (ECF No. 83-4)	Excerpts of the <i>Transcript of the Deposition</i> of <i>Paul Peek</i> , Defendant the United States Department of State's designee under Federal Rule of Civil Procedure 30(b)(6)	70, 75, 79-85, 97, 105, 107-121, 123- 149, 151, 172
B (ECF No. 83-5)	Excerpts of the Transcript of the Deposition of Frances Terri Day	55, 57-63, 65, 68, 77, 78, 86, 90, 119
C (ECF No. 83-6)	Excerpts of the Transcript of the Deposition of Andrew Dvash-Banks	1-8, 10-16, 20, 30-32, 39, 40, 44, 45, 47, 48, 50-53, 55, 56, 63

D1 : 4:00 2 :4 1

<sup>&</sup>lt;sup>1</sup> Plaintiffs' cited Combined Statement of Fact Numbers contained herein track the same numbers used in Plaintiffs' Statement of Undisputed Facts (ECF 83-24). Defendants' Statement of Genuine Disputes (ECF 101-1) altered this numbering for Fact Nos. 89-130. Defendants did so by deleting Plaintiffs' Fact No. 89. Because Fact 89 was deleted by Defendants, the subsequent numbering in Defendants' Statement of Genuine Disputes is one number lower than Plaintiffs' numbering until Fact No. 130. Defendants' Statement of Genuine Disputes repeats Fact No. 130 twice, entered as both 130 and 131. Because of the repetition, all facts after No. 131 in Defendants' Statement of Genuine Disputes resume the correct numbering that properly tracks Plaintiffs' original filing. Plaintiffs have corrected Defendants' improper alterations in the Combined Statement of Facts and citations herein track those corrected numbers.

Ex./Tab	Description	Combined Statement of Facts Nos.1
D	Example of the Transpoint of the Deposition	61, 63, 66, 67, 69-73,
(ECF No.	Excerpts of the Transcript of the Deposition of Margaret Ramsay	76, 79, 80, 83, 88, 89, 98, 107, 108, 119,
83-7)		122, 127
Е	Evaporate of the Turne societ of the Domonicion	54, 66, 67, 72, 73, 75,
(ECF No.	Excerpts of the Transcript of the Deposition of Larilyn Reffett	77, 90, 92, 94-96, 99, 110, 118, 119, 121,
83-8)	of Barriyii Regjeri	127
F	Excerpts of <i>Plaintiffs' Responses to</i>	
(ECF No.	Defendants' First Set of Discovery	46, 49, 100-106
83-9)	Responses	
G		
(ECF No.	Excerpts of the <i>Administrative Record</i>	56, 154
107-2;	Excerpts of the Auministrative Record	30, 134
107-3)		
G-1	Application for a Consular Report of Birth	
(ECF No.	Abroad of a Citizen of the United States of America, without exhibits, submitted on	9
83-12)	behalf of plaintiff E.J. DB.	
G-2	•	
(ECENI	Application for a U.S. Passport, without	
(ECF No. 83-13)	exhibits, submitted on behalf of E.J. DB.	
G-3	M · I· C A I D I D I	
(ECF No.	Marriage License for Andrew Dvash-Banks and Elad Dvash-Banks	11, 59
83-14)		
G-4	Surrogacy Agreement between Andrew Dvash-Banks, Elad Dvash-Banks and the	17-19, 21-28, 37-40,
(ECF No.	surrogate who carried E.J. DB. and his	64, 152-154, 158-161
83-15)	twin brother, A.J. DB.	,

Ex./Tab	Description	Combined Statement of Facts Nos.1
G-5 (ECF No. 83-16)	Statement of Live Birth of E.J. DB. from the Ontario Office of the Registrar General	29, 31, 33-35, 37, 60, 61
G-6 (ECF No. 83-17)	Ontario Superior Court of Justice Order dated September 28, 2016	37, 39-43, 45, 62
G-7 (ECF No. 83-18)	Letter from Viaguard Accu-Metrics dated January 30, 2017	47-49, 87, 88
G-8 (ECF No. 83-19)	Letter from Frances Terri Day to Andrew Dvash-Banks dated March 2, 2017	92, 93
G-9 (ECF No. 107-4)	"ACS Activity Log" at the United States Consulate in Toronto, Canada relating to the January 24, 2017 interview of the Dvash-Banks family, as that log appeared in the State Department's records on November 2, 2018	69
G-10 (ECF No. 107-5)	Email from Margaret Ramsay to Frances Terri Day dated January 24, 2017	67
Plffs' H  (ECF No. 83-21)	Consular Report of Birth Abroad received on or about March 2, 2017 from the United States Consulate in Toronto for A.J. DB., produced as DVASH-BANKS00000017	90, 91, 115

Ex./Tab	Description	Combined Statement of Facts Nos.1
Plffs' I	Statement of Live Birth for A.J. DB., received on or about November 3, 2016	
(ECF No. 83-22)	from the Ontario Office of the Registrar General, produced as DVASH- BANKS00000034	29, 36, 37
Plffs' J (ECF No. 83-23)	Letter dated January 24, 2017 received in January or February of 2017. The letter is written on the letterhead of the United States Department of State, United States Consulate General, Toronto, and is signed by Frankie Day, produced as DVASH-BANKS00000031.	74, 75, 162-164
Defs' H		
(ECF No. 102-1)	Excerpts of Plaintiffs' Responses to Defendants' Requests for Admission	39
Defs' I (ECF No. 102-2)	Excerpts of Defendants' Responses to Plaintiffs' Requests for Admission	102, 165, 168-170
Defs' J	Excerpts of Defendants' Second Set of	
(ECF No. 102-3)	Responses to Plaintiffs' First Set of Interrogatories	171
(ECF No. 102-4)	Excerpts of the Transcript of Terri Nathine Francis "Frankie" Day	63, 65, 70, 77, 79, 80, 83, 114-116, 155, 156
L (ECF No. 102-5)	Excerpts of the <i>Transcript of Andrew Dvash-Banks</i>	102, 103

Ex./Tab	Description	Combined Statement of Facts Nos.1
M (ECF No. 102-6)	Excerpts of the Transcript of Margaret Ramsay	157
N (ECF No. 102-7)	Excerpts of the Transcript of Larilyn Reffett	56, 60, 138, 172
O (ECF No. 102-8)	Excerpts of the Transcript of Paul Peek $("30(b)(6) witness")$	111, 112, 165-167, 170
P	DEFS001648-49, August 29, 2014 letter from Consul General, U.S. Embassy	
(ECF No. 102-9)	Bangkok, describing rationale behind asking for DNA testing at Embassies and Consulates worldwide	
Q (ECF No. 103-1)	DEFS001382-84, February 13, 2012 Information Memo to the Secretary on Assisted Reproductive Technology (ART), Citizenship and Visa Law	138, 172
R	Copy of news article published September 6, 2017, by CBS Los Angeles, titled "DNA"	
(ECF No. 103-2)	Dilemma: Baby Can't Get US Citizenship," containing statements by Plaintiff Andrew Dvash-Banks	106
S (ECF No. 103-3)	PDF copy of Immigration Equality webpage titled "Meet the Dvash-Banks Family"	106
T (ECF No. 103-4)	Complaint filed January 22, 2018	106

Ex./Tab	Description	Combined Statement of Facts Nos.1
U (ECF No. 110-3)	Excerpts of the <i>Transcript of the Deposition</i> of <i>Paul Peek</i> , Defendant the United States Department of State's designee under Federal Rule of Civil Procedure 30(b)(6)	154, 170, 172
Admin. Record Part 0 <sup>2</sup> (ECF No. 80)	Admin Record Certification Page	67
Admin. Record Part I  (ECF No. 80-2)	AR 001: Denial Letter — Letter issued by Vice Consul Terri N. Day denying passport and Consular Report of Birth Abroad applications submitted on behalf of E.J. D-B.	92, 93
Admin. Record Part II  (ECF No. 80-3)	AR 002 – 008: Case Notes — Case notes and related entries associated with the U.S. passport and Consular Report of Birth Abroad applications submitted on behalf of E.J. D-B.	56, 57, 95, 154
Admin. Record Part III  (ECF No. 80-4)	AR 009 – 072: Application Materials — Passport and Consular Report of Birth Abroad applications submitted on behalf of E.J. D-B.	21, 37, 39, 40, 64, 87, 146, 152, 153, 158- 161

<sup>&</sup>lt;sup>2</sup> At Defendants' request, Plaintiffs include the full Administrative Record here, which is also filed at ECF No. 80 as a standalone document.

Ex./Tab	Description	Combined Statement of Facts Nos.1
Admin. Record Part IV  (ECF No. 80-5)	AR 073: Email and attachments — Correspondence from Consul Margaret Ramsay to Vice Consul Terri "Frankie" Day, providing "ART guidance" for adjudication of Plaintiffs' applications.	67
Admin. Record Part V  (ECF No. 80-6)	AR 074 – 076: Email link content — As noted in email text, "2014 Cable on ART Cases" in the original.	127, 129, 166
Admin. Record Part VI (ECF No. 80-7)	AR 077 – 080: Email link content — "As noted in email text, "7 FAM 1100 Appendix D" in the original.	85, 110, 166
Admin. Record Part VII  (ECF No. 80-8)	AR 081 – 106: Foreign Affairs Manual (FAM) Provisions — Relevant provisions in effect during the adjudication timeframe (January 24, 2017–March 2, 2017).	67, 87, 98, 112, 142, 143, 151