

1 JOSEPH H. HUNT
Assistant Attorney General

2 ANTHONY J. COPPOLINO
Deputy Director

3 LISA ZEIDNER MARCUS
Senior Counsel

4 Tel: (202-514-3336
lisa.marcus@usdoj.gov

5 VINITA B. ANDRAPALLIYAL
Trial Attorney

6 Tel: (202) 305-0845
vinita.b.andrapalliyal@usdoj.gov

7 UNITED STATES DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
8 P.O. Box 883
9 Washington, DC 20044

10 *Counsel for Defendants*

11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION

14 ANDREW MASON DVASH-BANKS,
et al.,

15 Plaintiffs,

16 v.

17 MICHAEL R. POMPEO, in his
18 official capacity as U.S. Secretary of
State, et al.,

19 Defendants.

Case No. CV 18-523-JFW(JCx)

**Parties' Joint Set of Exhibits in
Support of, and in Opposition to,
Defendants' Motion for Partial
Summary Judgment**

Hearing Date: Feb. 4, 2019
Hearing Time: 1:30 pm

Honorable John F. Walter

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EX. (ECF No.)	DATE	DESCRIPTION	COMBINED STATEMENT OF FACTS
Admin. Record Part I (ECF No. 80-2)	March 2, 2017	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.	20, 35, 36, 115
Admin. Record Part II (ECF No. 80-3)	Various	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.	18, 19, 100, 117
Admin. Record Part III (ECF No. 80-4)	January 24, 2017 – March 2, 2017	AR 009 – 072: Application Materials — Passport and Consular Report of Birth Abroad applications submitted on behalf of E.J. D-B.	2, 3, 5, 8, 9, 10, 11, 12, 13, 17, 24, 31, 32, 33, 34, 68, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 100, 101, 102, 147
Admin. Record Part IV (ECF No. 80-5)	January 24, 2017	AR 073: Email and attachments — Correspondence from Consul Margaret Ramsay to Vice Consul Terri “Frankie” Day, providing “ART guidance” for adjudication of Plaintiffs’ applications.	21, 27
Admin. Record Part V (ECF No. 80-6)	January 24, 2017	AR 074 – 076: Email link content — ALDAC dated January 31, 2014; as noted in email text, “2014 Cable on ART Cases” in the original.	132, 134

EX. (ECF No.)	DATE	DESCRIPTION	COMBINED STATEMENT OF FACTS
<p>Admin. Record Part VI (ECF No. 80-7)</p>	<p>January 24, 2017</p>	<p>AR 077 – 080: Email link content — As noted in email text, “7 FAM 1100 Appendix D” in the original.</p> <p>7 FAM 1100 Appendix D¹ is entitled “Acquisition of U.S. Citizenship at Birth - Assisted Reproductive Technology,” and contains, <i>inter alia</i>:</p> <ul style="list-style-type: none"> • 7 FAM 1110 App. D – Birth Abroad to a U.S. Citizen Gestational Mother Who Is Also the Legal Mother at The Time She Gives Birth (Birth Mother, But Not Genetic Mother)² • 7 FAM 1120 App. D – Birth Abroad to a Surrogate of a Child Who Is the Genetic Issue of a U.S. Citizen Mother And/Or U.S. Citizen Father³ • 7 FAM 1140 App. D – Establishing a Biological Relationship in an ART Case⁴ 	<p>25, 49, 58, 59, 114</p>

¹ The Administrative Record (and thus this Joint Set of Exhibits) contains provisions of the Administrative Record that were in effect at the time of the underlying adjudication. Many provisions of the Department of State’s Foreign Affairs Manual (“FAM”) have since been renumbered. *See* 1st Marcus Decl. (ECF No. 89-3) at 1–2.

As of June 27, 2018, 7 FAM 1100 Appendix D was renumbered [8 FAM 304.3](#); the current version can be found at <https://fam.state.gov/FAM/08FAM/08FAM030403.html>.

² 7 FAM 1110 App. D has since been renumbered to [8 FAM 304.3-1](#). *See* n.1, *supra*.

³ 7 FAM 1120 App. D has since been renumbered to [8 FAM 304.3-2](#). *See* n.1, *supra*.

⁴ 7 FAM 1140 App. D has since been renumbered to [8 FAM 304.3-4](#). *See* n.1, *supra*.

EX. (ECF No.)	DATE	DESCRIPTION	COMBINED STATEMENT OF FACTS
<p>Admin. Record Part VII (ECF No. 80-8)</p>	<p>Various</p>	<p>AR 081 – 106: Foreign Affairs Manual (FAM) Provisions — Relevant provisions in effect during the adjudication timeframe (January 24, 2017–March 2, 2017)</p> <p>Contains, <i>inter alia</i>:</p> <ul style="list-style-type: none"> • 7 FAM 1130 – Acquisition of U.S. Citizenship By Birth Abroad to U.S. Citizen Parent,⁵ which includes, <i>inter alia</i>: <ul style="list-style-type: none"> ○ 7 FAM 1131.2 – Prerequisites for Transmitting U.S. Citizenship⁶ ○ 7 FAM 1131.4 – A Biological Relationship, or Blood Relationship, Is Required for a U.S. Citizen Parent of a Child Born Abroad to Transmit U.S. Citizenship to the Child⁷ ○ 7 FAM 1131.4-1 – Establishing Blood Relationship⁸ • 7 FAM 1100 App. E, Birth in Wedlock, of Wedlock, Void and Voidable Marriages,⁹ which includes, <i>inter alia</i>: 	<p>37, 48, 50, 51, 58, 68, 98, 120, 124, 143, 144</p>

⁵ 7 FAM 1130 has since been updated and renumbered to [8 FAM 301.4](#). See n.1, *supra*.

⁶ 7 FAM 1131.2 has since been renumbered to [8 FAM 301.4-1\(B\)](#). See n.1, *supra*.

⁷ 7 FAM 1131.4 has since been renumbered to [8 FAM 301.4-1\(D\)](#). See n.1, *supra*.

⁸ 7 FAM 1131.4-1 has since been renumbered to [8 FAM 301.4-1\(D\)\(1\)](#). See n.1, *supra*.

⁹ 7 FAM 1100 App. E has since been renumbered to [8 FAM 304.1](#). See n.1, *supra*.

EX. (ECF No.)	DATE	DESCRIPTION	COMBINED STATEMENT OF FACTS
		<ul style="list-style-type: none"> ○ 7 FAM 1120 App. E – Authorities¹⁰ ○ 7 FAM 1140 App. E – “In Wedlock” and “Of Wedlock”¹¹ ● 7 FAM 1100 App. A – Deoxyribonucleic Acid (Dna) Testing and Citizenship,¹² which includes, <i>inter alia</i>: <ul style="list-style-type: none"> ○ 7 FAM 1110 App. A – Introduction and Authorities¹³ ○ 7 FAM 1130 App. A – Selection of an AABB LAB¹⁴ 	
1 (ECF No. 90-1)	November 19, 2018	Excerpts of Plaintiffs’ Responses to Defendants’ Requests for Admission.	4, 8, 94
2 (ECF No. 90-2)	December 31, 2018	Excerpts of Defendants’ Responses to Plaintiffs’ Requests for Admission.	56, 58, 64, 65, 66, 67

¹⁰ 7 FAM 1120 App. E has since been renumbered and reorganized; that “authorities” section is now covered by [8 FAM 102.1](#) (“Statutory Authorities”), [8 FAM 102.5-4](#) (“Certain Uniform Acts”), and [8 FAM 301.7](#). See n.1, *supra*.

¹¹ 7 FAM 1140 App. E has since been renumbered to [8 FAM 304.1-2](#). See n.1, *supra*.

¹² 7 FAM 1100 App. A has since been renumbered to [8 FAM 304.2](#). See n.1, *supra*.

¹³ 7 FAM 1110 App. A has since been renumbered to [8 FAM 304.2-1](#). See n.1, *supra*

¹⁴ 7 FAM 1130 App. A has since been renumbered to [8 FAM 304.2-3](#). See n.1, *supra*

EX. (ECF No.)	DATE	DESCRIPTION	COMBINED STATEMENT OF FACTS
3 (ECF No. 90-3)	October 5, 2018; November 16, 2018	Excerpts of Defendants' Responses to Plaintiffs' Interrogatories.	18, 19, 20, 21, 22, 69
4 (ECF No. 90-4)	December 20, 2018	Excerpts of the deposition transcript of Terri Nathine Frances "Frankie" Day, excerpted by Defendants	18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 38, 39, 40, 41, 45, 46, 47, 54, 55, 57, 61, 62, 63, 104, 109, 112, 125, 126/127, 128, 154, 155
5 (ECF No. 90-5)	December 12, 2018	Excerpts of the deposition transcript of Andrew Dvash-Banks, excerpted by Defendants	1, 3, 5, 6, 7, 14, 15, 16, 24, 32, 52, 53
6 (ECF No. 90-6)	December 7, 2018	Excerpts of the deposition transcript of Margaret "Maggie" Ramsay, excerpted by Defendants	21, 43, 44
7 (ECF No. 90-7)	December 6, 2018	Excerpts of the deposition transcript of Larilyn Reffett, excerpted by Defendants	22, 42, 71, 140
8 (ECF No. 90-8)	December 20, 2018	Excerpts of the deposition transcript of Department of State 30(b)(6) witness Paul Peek, excerpted by Defendants	58, 59, 60, 67, 123

EX. (ECF No.)	DATE	DESCRIPTION	COMBINED STATEMENT OF FACTS
9 (ECF No. 90-9)	August 29, 2014	DEFS001648-49 (August 29, 2014 letter from Consul General, U.S. Embassy Bangkok, describing rationale behind DNA testing at Embassies and Consulates worldwide).	70, 72
10 (ECF No. 90-10)	January 24, 2017	Dvash-Banks00000031 (letter from Vice Consul Frankie Day to Andrew Dvash-Banks, dated Jan. 24, 2017).	31, 32, 108
11 (ECF No. 95-3)	December 20, 2018	Excerpts of the deposition transcript of Department of State 30(b)(6) witness Paul Peek, excerpted by Plaintiffs	65, 67, 70, 71, 108, 109, 110, 111, 112, 113, 114, 119, 121, 122, 123, 124, 125, 126/127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152
12 (ECF No. 95-4)	December 20, 2018	Excerpts of the deposition transcript of Terri Nathine Frances "Frankie" Day, excerpted by Plaintiffs	23, 57, 61, 101, 102, 103, 129
13 (ECF No. 95-5)	December 12, 2018	Excerpts of the deposition transcript of the Deposition of Andrew Dvash-Banks, excerpted by Plaintiffs	6, 73, 74, 75, 76, 80, 88, 89, 94, 95, 96, 97, 98, 99, 100
14 (ECF No. 95-6)	December 7, 2018	Excerpts of the deposition transcript of the Deposition of Margaret Ramsay. excerpted by Plaintiffs	101, 104, 105, 106, 107, 120, 121, 122, 129, 132, 153, 154, 155

EX. (ECF No.)	DATE	DESCRIPTION	COMBINED STATEMENT OF FACTS
15 (ECF No. 95-6)	December 6, 2018	Excerpts of the deposition transcript of the Deposition of Larilyn Reffett. excerpted by Plaintiffs	106, 107, 108, 116, 117, 118, 129, 132
16 (ECF No. 95-8)	January 4, 2019	Portions of the Administrative Record, including AR 001 and AR 009–62, excerpted by Plaintiffs	77. 78. 79. 81. 82. 83. 84. 85. 86. 87. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 100. 101, 102 This exhibit includes copies/excerpts of two other filings listed above. namely Administrative Record Parts I and III. Plaintiffs generally cited to this excerpted version: Defendants generally cited to the previously filed version.
17 (ECF No. 112-3)	February 13, 2012	2012 Information Memo to the Secretary on Assisted Reproductive Technology (ART), Citizenship and Visa Law (DEFS001382).	71, 140
18 (ECF No. 112-4*)	Last updated September 19, 2018	18 FAM 201.1 (includes, inter alia, 18 FAM 201.1-1 and 18 FAM 201.1-4)	144
19 (ECF No. 112-5*)	March 2, 2017	A.J.'s CRBA	127

* The cover pages for Exhibits Nos. 18 and 19, as originally filed at ECF Nos. 112-4 and 112-5 included erroneous words suggesting that the exhibits were being filed in support of Defendants Opposition to Plaintiffs' Motion, rather than in support of Defendants' Motion for Partial Summary Judgment. To prevent confusion regarding the motion to which they pertain, the erroneous words have been crossed out for exclusion in the instant Joint Set of Exhibits. The exhibits are otherwise unchanged.

EX. (ECF No.)	DATE	DESCRIPTION	COMBINED STATEMENT OF FACTS
20 (ECF No. 112-6**)	December 6, 2018	Additional excerpts of the deposition transcript of the Deposition of Larilyn Reffett. excerpted by Defendants	100
21 (ECF No. 112-7**)	December 20, 2018	Additional excerpts of the deposition transcript of Department of State 30(b)(6) witness Paul Peek, excerpted by Defendants	124, 156

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** The cover pages for Exhibits Nos. 20 and 21 as originally filed at ECF Nos. 112-4 and 112-5 included erroneous words that have been crossed out for exclusion in the instant Joint Set of Exhibits. The exhibits are otherwise unchanged.