

1 Alexa M. Lawson-Remer (SBN 268855)  
lawsonr@sullcrom.com  
2 SULLIVAN & CROMWELL LLP  
1888 Century Park East, Suite 2100  
3 Los Angeles, California 90067-1725  
Telephone: (310) 712-6600  
4 Facsimile: (310) 712-8800

5 Theodore Edelman (*pro hac vice*)  
edlemant@sullcrom.com  
6 Jessica Klein (*pro hac vice*)  
kleinj@sullcrom.com  
7 Lauren M. Goldsmith (SBN 293269)  
goldsmithl@sullcrom.com  
8 SULLIVAN & CROMWELL LLP  
125 Broad Street  
9 New York, New York 10004-2498  
Telephone: (212) 558-4000  
10 Facsimile: (212) 558-3588

11 Aaron C. Morris (*pro hac vice*)  
amorris@immigrationequality.org  
12 IMMIGRATION EQUALITY  
40 Exchange Place, Suite 1300  
13 New York, New York 10005-2744  
Telephone: (212) 714-2904  
14

15 *Attorneys for Plaintiffs*

16  
17 **UNITED STATES DISTRICT COURT**  
18 **CENTRAL DISTRICT OF CALIFORNIA**  
19 **WESTERN DIVISION (LOS ANGELES)**  
20

21 ANDREW MASON DVASH- )  
BANKS AND E.J. D.-B., )  
22 )  
Plaintiffs, )  
23 )  
v. )  
24 )  
THE UNITED STATES )  
25 DEPARTMENT OF STATE, )  
and THE HONORABLE )  
26 MICHAEL R. POMPEO, )  
Secretary of State, )  
27 )  
Defendants. )  
28

Case No. 2:18-cv-00523-JFW-(JCx)  
**EXCERPTS FROM THE  
DEPOSITION OF MARGARET  
RAMSAY IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO  
DEFENDANTS' MOTION FOR  
PARTIAL SUMMARY JUDGMENT**  

---

  
Judge: Hon. John F. Walter  
Hearing Date: February 4, 2019  
Courtroom: 7A

1 Pursuant to Part 4(b) of the Court's Scheduling and Case Management  
2 Order (DKT 52), entered on August 21, 2018, attached hereto are excerpts from  
3 the deposition of Margaret Ramsay submitted in support of Plaintiffs' Opposition  
4 to Defendants' Motion for Partial Summary Judgment.

5 Dated: January 14, 2019 Respectfully submitted,

6 By: /s/ Alexa M. Lawson-Remer  
7 Alexa M. Lawson-Remer (SBN 268855)  
8 lawsonr@sullcrom.com  
9 SULLIVAN & CROMWELL LLP  
10 1888 Century Park East, Suite 2100  
11 Los Angeles, California 90067-1725  
12 Telephone: (310) 712-6600  
13 Facsimile: (310) 712-8800

14 Theodore Edelman (*pro hac vice*)  
15 edlemant@sullcrom.com  
16 Jessica Klein (*pro hac vice*)  
17 kleinj@sullcrom.com  
18 Lauren M. Goldsmith (SBN 293269)  
19 goldsmithl@sullcrom.com  
20 SULLIVAN & CROMWELL LLP  
21 125 Broad Street  
22 New York, New York 10004-2498  
23 Telephone: (212) 558-4000  
24 Facsimile: (212) 558-3588

25 Aaron C. Morris (*pro hac vice*)  
26 amorris@immigrationequality.org  
27 IMMIGRATION EQUALITY  
28 40 Exchange Place, Suite 1300  
New York, New York 10005-2744  
Telephone: (212) 714-2904

*Attorneys for Plaintiffs*

Margaret Ramsay

12/7/2018

**Pages 17-18**

22 Q. And are the Toronto Consulate's  
23 policies for adjudicating applications for  
24 passports and Consular Reports of Birth Abroad the  
25 same as the State Department's policies?

1 A. Yes.

**Pages 48-49**

12 Q. Did you talk to Ms. Day while the  
13 Dvash-Banks family was still at the consulate?

14 A. Yes.

15 Q. And was that a separate  
16 conversation from the one we were just discussing?

17 A. Yes, I believe so.

18 Q. And can you describe that  
19 conversation?

20 A. I believe she told me that it  
21 wasn't clear who the biological parents were and I  
22 discussed with her that the DNA testing was an  
23 option in these types of cases.

24 Q. So just to make sure that I'm  
25 understanding, while the Dvash-Banks family was at

1 the consulate for their interview, you had a second  
2 conversation with Ms. Day about how she should  
3 proceed?

4 A. I offered some guidance to her as  
5 to, you know, how the case could proceed, but  
6 ultimately she made the decision herself.

7 Q. And what decision was that?

8 A. She made the decision to place the  
9 case in a pending status, pending additional  
10 information.

**Page 60**

5 Q. What, if any, was your role in Ms.  
6 Day's decision to seek additional medical evidence  
7 such as DNA testing?

8 A. I suggested it to her.

Margaret Ramsay

12/7/2018

**Page 65**

15 Q. And is it your understanding that  
16 under the State Department's policies and  
17 procedures, Andrew and Elad Dvash-Banks are  
18 considered to be a married couple?

19 MS. ZEIDNER MARCUS: Objection to form.

20 THE WITNESS: That is my understanding.

**Page 77**

1 Q. If a married man and woman came  
2 into the consulate for an interview and presented  
3 their marriage certificate, would you direct their  
4 attention to this sign and ask them to consider  
5 these questions?

6 A. Not generally, but sometimes.

7 Q. And if a same-sex couple came to  
8 the consulate for an interview and presented their  
9 marriage certificate, would you present this sign  
10 to them and ask them to consider these questions?

11 A. I would direct my line of  
12 questioning toward asking respectfully about the  
13 biological connection between a parent and child,  
14 so I would ask interview questions that pertained  
15 to that.

**Page 84**

7 Q. And are you aware that the State  
8 Department changed its policy to treat gestational  
9 mothers who are the legal parent of a child the  
10 same as genetic mothers for purposes of citizenship  
11 and immigration benefits?

12 A. Yes.

**Page 103**

7 Q. Looking at this document, who are  
8 E█████ D█████-B█████'s legal parents under State  
9 Department policy and procedure?

10 A. It would be the people listed on  
11 the child's birth certificate, so Andrew and Elad.

Margaret Ramsay

12/7/2018

**Pages 104-105**

19 Q. Is this document entitled

20 "Statement of Live Birth"?

21 A. Yes.

22 Q. And according to this document,

23 who are E [REDACTED] D [REDACTED]-B [REDACTED]'s parents?

24 A. Andrew Mason Dvash-Banks and Elad

25 Dvash-Banks.

1 Q. And when you adjudicate CRBA

2 applications using a Statement of Live Birth in

3 Ontario, do you look at those fields to determine

4 who the child's parents are?

5 A. Yes.

6 Q. Under the State Department's

7 policies and procedures, as you understand them, is

8 this document sufficient proof of E [REDACTED]'s

9 parentage?

10 MS. ZEIDNER MARCUS: Objection to form.

11 THE WITNESS: It shows who the legal

12 parents are.

**Page 108**

2 Q. And under the State Department's

3 policies and procedures, is this document

4 sufficient proof of Andrew's and Elad's marriage?

5 MS. ZEIDNER MARCUS: Objection,

6 foundation, form.

7 THE WITNESS: Yes.

**Pages 108-109**

20 Q. In your practice adjudicating

21 applications, would an Ontario marriage licence

22 such as this one sufficiently demonstrate a valid

23 marriage?

24 A. Yes.

25 Q. And is it your understanding based

1 on this document that Andrew and Elad Dvash-Banks

2 are validly married?

3 A. Yes.

Margaret Ramsay

12/7/2018

**Pages 131-132**

22 Q. Do you know whether Ms. Day  
23 considered E█████ D█████-B█████ to be born in wedlock,  
24 as that term is used in the FAM and the INA?

25 A. I think initially, as evidenced by

1 her case notes, she may have considered them in  
2 wedlock because she saw a marriage certificate, but  
3 I believe after reviewing the guidance and as  
4 evidenced by the final denial letter, ultimately  
5 applied 309 of the INA to the decision-making.

**Page 154**

16 Q. Why did you think that in this  
17 case the FAM guidance was clear?

18 A. Because the FAM guidance on  
19 assisted reproductive technology cases is clear  
20 with regards to a biological relationship  
21 requirement, and once we had that information after  
22 the DNA testing, it was relatively straightforward  
23 to make the decision.

**Page 169**

5 Q. And to your understanding, what is  
6 the difference, if any, in the legal effect of a  
7 Consular Report of Birth Abroad and a Certificate  
8 of Citizenship?

9 A. A Consular Report of Birth Abroad  
10 is a citizenship document that shows a child was  
11 born a U.S. citizen and received U.S. citizenship  
12 at birth because of a U.S. citizen parent. A  
13 Certificate of Citizenship can be issued at any  
14 time in an individual's life to show that they have  
15 acquired U.S. citizenship.