

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

DARCY CORBITT, *et al.*, )  
 )  
 Plaintiffs, )  
 )  
 v. ) CASE NO. 2:18-cv-91-MHT-SMD  
 )  
 HAL TAYLOR, *et al.*, )  
 )  
 Defendants. )

**PLAINTIFFS' UNOPPOSED MOTION FOR STATUS CONFERENCE**

Plaintiffs respectfully move this Court for a status conference in this action. In support of this Motion, Plaintiffs state as follows:

1. Plaintiffs filed their initial Complaint on February 6, 2018. Doc. No. 1. The Parties conducted discovery, culminating in cross-motions for summary judgment and evidentiary submissions. *See generally* Doc. Nos. 46–62.

2. At oral argument on July 30, 2019, the Parties agreed to submit the case on the record. *See* Doc. No. 69 at 1. The Court denied the Parties' motions for summary judgment and reserved the decision of "whether to decide the case on the paper record or to hold a trial as to some or all issues." *Id.*

3. On September 3, 2020, the Court requested supplemental briefing on, among other issues, whether the Court should "hold a hearing to determine whether the defendants' interest in law enforcement identification is 'hypothesized or invented post hoc in response to litigation.'" Doc. No. 81 at 2. The Parties concluded supplemental briefing on September 25, 2020. *See* Docs. No. 84, 85.

4. On September 28, 2020, Plaintiffs moved for an expedited ruling, because Plaintiff Darcy Corbitt's out-of-state driver's license was set to expire on September 30, 2020, and she

would be unable to drive to work, school, or medical appointments without a valid license. *See* Doc. No. 86.

5. The Court held a status conference on September 29, 2020, at which time counsel for Plaintiffs raised the possibility of moving for a temporary restraining order or preliminary injunction. *See* Doc. No. 88. As a result of the conference, the Plaintiffs chose not to submit a motion for interlocutory relief while the motion for expedited review remained pending.

6. The Court granted the motion to expedite on October 23, 2020. Doc. No. 93. The Court further notified the Parties by email communication from chambers on December 16, 2020, that the Parties would hear from the Court soon.

7. Plaintiffs appreciate the Court's prioritization of this matter and understand that further communication on this matter will be forthcoming from the Court soon. However, recent events have led to greater urgency for Ms. Corbitt, as explained briefly below, and more fully in her declaration, which is attached as Exhibit A.

8. Ms. Corbitt has been without a valid license for over three months. This has led to various hardships, including missing a family member's funeral. *See* Ex. A, ¶ 11.

9. Ms. Corbitt leases her own home, however, she moved in with family members because, without the ability to drive, she needed to be closer to her school and work locations. Indeed, she has no way to grocery shop, instead relying on others to drive her. *See id.*, ¶ 13.

10. On the evening of January 6, 2021, Ms. Corbitt had to flee violence in her family's home. She checked into a nearby hotel. She fears for her safety if she returns to her family's home and does not know what to do. She cannot safely stay with her family anymore or rely on them for help with transportation. She cannot afford to stay in a hotel and pay for rides long-term. She will

not be able to get to work, school, or medical appointments if she returns to her own home. *See id.* ¶¶ 14–18.

11. Plaintiffs respectfully request a status conference to seek the Court’s guidance on whether, in light of these changed circumstances, it is appropriate for Plaintiffs to move for a temporary restraining order seeking issuance of a temporary or provisional license for Ms. Corbitt listing her sex as female.

12. Plaintiffs’ counsel conferred with Defendants’ counsel and Defendants do not oppose this Motion.

## CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court hold a status conference with the Parties.

Respectfully submitted this the 11th day of January 2021.

s/ LaTisha Gotell Faulks  
LaTisha Gotell Faulks (ASB-1279I63J)

LaTisha Gotell Faulks  
Kaitlin Welborn\*  
ACLU of Alabama  
P.O. Box 6179  
Montgomery, AL 36106  
tgfaulks@aclualabama.org  
kwelborn@aclualabama.org

Rose Saxe\*  
James Esseks\*  
ACLU LGBT & HIV Project / ACLU Foundation  
125 Broad St., 18th Floor  
New York, NY 10004  
(212) 549-2605  
rsaxe@aclu.org  
jesseks@aclu.org

Gabriel Arkles\*  
Transgender Legal Defense and Education Fund  
520 Eighth Avenue, Ste. 2204  
New York, NY 10018  
(646) 993-1688  
garkles@transgenderlegal.org

\* Admitted Pro Hac Vice

**CERTIFICATE OF SERVICE**

I certify that I have, on January 11, 2021, electronically filed the foregoing pleading with the Clerk of the Court, using the CM/ECF filing system which serves all counsel of record.

/s/ LaTisha Gotell Faulks

LaTisha Gotell Faulks

# **EXHIBIT A**

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**DECLARATION OF DARCY CORBITT**

1. I am a Plaintiff in the above-captioned case.
2. Prior to September 30, 2020, I held a North Dakota driver's license with a female gender marker.
3. On September 30, however, my North Dakota license expired. I was unable to renew that license.
4. I have not held a valid driver's license for more than three months.
5. Defendants will not provide me with an Alabama driver's license with a female gender marker.
6. Getting a license with a male gender marker is not an option for me. I would have to lie about my gender to the government to get it. I am a devout Christian, and since February 2, 2020, a member of the Christian clergy. I believe that accepting a driver's license with a male gender marker would make me complicit in a lie about who I am, would deny the identity God has ordained for me, violate my baptismal and ordination vows, and undermine my ministry and Christian witness. It would also expose me to the risk of discrimination and violence any time I used my license.

7. Without a valid driver's license, I cannot drive to work, school, and medical appointments. *See* Doc. No. 52-28 ¶¶ 9–10.

8. While it has been a struggle, I managed to find ways to get through life without a driver's license until yesterday. Last night, that changed. Lacking a valid driver's license put my physical safety in jeopardy.

9. Although I am leasing a house, it is an hour's walk from my work and school. Public transportation does not run in the evenings, which is when I have classes, or on the weekends. Ridesharing is expensive and unreliable in my area. As a transgender person, walking alone, at night, in a neighborhood that is not well-lit, is ill-advised. Living in my house without a valid driver's license thus is unfeasible.

10. For the past three months I have been forced to live with my family so they can drive me where I need to go.

11. Of course, they have their own busy lives, and my work, school, and personal life have been disrupted. In many instances, I have been unable to fulfil my duties as a minister because I could not travel to my parishioners. Because I often could not get to campus for my classes, I required a remote option in my two seminars. Taking the courses remotely interrupted the flow of the in-person discussion, inconveniencing my teachers and classmates. And in November 2020, I had to miss the funeral of a great aunt who I have been close to for most of my life. I was unable to grieve with and support my family because I had no way to get to Columbia, South Carolina.

12. Staying with my family has been a financial burden to me because I still must pay for the lease and maintenance of my own home. To date, I have spent 41% of my monthly income maintaining a home I am unable to live in and which sits vacant. I recently learned that, because I have not been home to control the heating and air conditioning or do ordinary maintenance, the

house has developed a significant mildew problem. I had to discard over \$1000 worth of new furniture because of the damage, and I have been advised that the entire house will require professional cleaning before it can be safely re-inhabited.

13. Still, while staying with family has been logistically, personally, and financially inconvenient, it has allowed me to keep my job, continue my studies, and get basic necessities, like groceries and medicine.

14. Last night, however, I could not stay with my family either. A family argument became abusive and violent. A family member aggressively screamed at me and punched a hole in the wall. I was afraid I would be next.

15. I was terrified. I knew I needed to leave immediately. But I wasn't sure *how* I could leave, because I wasn't allowed to drive and didn't want to put my other family members in the home at risk of violence by seeking their assistance.

16. I was eventually able to get away, but lacking a valid driver's license delayed my ability to escape from a dangerous and violent situation, and made the crisis even more stressful.

17. I went to a hotel with nothing but my purse, medication, and two changes of clothes. The hotel insisted on photo identification to check in and would not accept an expired driver's license. Luckily, I happened to have my passport with me. If I had not, I would not have been able to check into the hotel. I am not sure where I would have gone if I could not have stayed there.

18. I don't know what to do next. As a graduate student, I do not make very much money. I cannot afford to stay in a hotel and pay for rides through ridesharing apps for more than a few days. If I go back to my own home, it could mean losing my job, interrupting my studies, and having no way to get to medical appointments. Until the mildew problem is resolved, it would also put my health at risk. If I go back to my family, it could mean getting physically attacked, and

maybe very badly hurt. I am trying to brainstorm options, but it isn't easy. If I had a valid driver's license, it would be far easier for me to find an option.

19. I hope to have a valid Alabama driver's license with a female gender marker as soon as possible so my life can return to normal.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: January 11, 2021

A handwritten signature in black ink, appearing to read "Darcy Corbitt", written over a horizontal line.

Darcy Corbitt

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**[PROPOSED] ORDER**

IT IS HEREBY ORDERED that Plaintiffs' Unopposed Motion for Status Conference is GRANTED.

\_\_\_\_\_  
U.S. District Court Judge Myron H. Thompson

\_\_\_\_\_  
Date