

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

DANA ALIX ZZYYM,

Plaintiff,

v.

ANTONY J. BLINKEN, *in his official  
capacity as Secretary of State*, and  
RACHEL B. CRAWFORD, *in her official  
capacity as Director of the Colorado Passport  
Agency of the U.S. Department of State*,

Defendants.

Civil Action No. 15-2362-RBJ

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO RECONSIDER PLAINTIFF'S PASSPORT APPLICATION**

The Department of State respectfully requests an extension of time to reconsider Plaintiff Dana Alix Zzyym's passport application. The parties have previously requested four extensions: the first to allow the Department more time to review Plaintiff's supplementary materials to their passport application, ECF No. 116, the second to allow settlement discussions to begin, ECF No. 118, the third to continue settlement discussions, ECF No. 120, and the fourth to continue settlement discussions in light of the Department's announcement that it has begun moving towards adding a gender marker for non-binary, intersex, and gender non-conforming persons applying for a passport, ECF No. 122. The Court granted those extension requests. ECF Nos. 117, 119, 121, 123.

The parties now submit this fifth request to continue settlement discussions. The grounds for this further requested extension are as follows.

As previously referenced, the Department announced on June 30, 2021, that it "has begun moving towards adding a gender marker for non-binary, intersex, and gender non-conforming

persons applying for a passport” and is “evaluating the best approach to achieve this goal.” ECF No. 122. The process of adding a gender marker for non-binary, intersex, and gender non-conforming persons to U.S. passports is complex, requiring, among other things, some regulatory procedures as well as modifications to the Department’s information technology systems. As part of that process, the Department has coordinated with other relevant federal agencies. Working through issues during this coordination process has taken longer than expected. However, the Department believes that the parties should be able to conclude negotiations within the time provided by this remaining extension.

Accordingly, the Department requests that the reconsideration deadline be extended from September 1, 2021, to September 22, 2021. Plaintiff agrees to this request.

Dated: September 1, 2021

Respectfully submitted,

BRIAN M. BOYNTON  
Acting Assistant Attorney General  
Civil Division

ANTHONY J. COPPOLINO  
Deputy Branch Director  
Civil Division, Federal Programs Branch

*Benjamin T. Takemoto*  
BENJAMIN T. TAKEMOTO  
(DC Bar # 1045253)  
Trial Attorney  
United States Department of Justice  
Civil Division, Federal Programs Branch  
P.O. Box No. 883, Ben Franklin Station  
Washington, DC 20044  
Phone: (202) 532-4252  
Fax: (202) 616-8460  
E-mail: benjamin.takemoto@usdoj.gov

*Attorneys for Defendants*