

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ASHTON ORR, ZAYA PERYSIAN,
SAWYER SOE, CHASTAIN
ANDERSON, DREW HALL,
BELLA BOE, REID SOLOMON-LANE,
VIKTOR AGATHA, DAVID DOE, AC
GOLDBERG, RAY GORLIN, and
CHELLE LEBLANC, on behalf of
themselves and others similarly situated,

Plaintiffs,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States;
U.S. DEPARTMENT OF STATE; MARCO
RUBIO, in his official capacity as
Secretary of State; and UNITED STATES
OF AMERICA,

Defendants.

No. 1:25-cv-10313-JEK

ORDER

KOBICK, J.

The plaintiffs in this matter have moved for certification of the following two proposed classes under Federal Rule of Civil Procedure 23(b)(2):

1. A class of all people who currently want, or in the future will want, a U.S. passport issued with an “F” or “M” sex designation that is different from the sex assigned to that individual under the Passport Policy (“M/F Designation Class”); and
2. A class of all people who currently want, or in the future will want, a U.S. passport and wish to use an “X” sex designation (“X Designation Class”).

ECF 77, at 1. The plaintiffs propose excluding from both classes any person “who is a plaintiff in *Schlacter, et al. v. U.S. Department of State, et al.*, 1:25-cv-01344 (D. Md. filed Apr. 25, 2025), currently pending before the United States District Court for the District of Maryland.” *Id.*

In addition to considering whether to grant or deny the motion with the plaintiffs’ proposed class definitions, the Court is also considering the following revised class definitions:

1. A class of all people (1) who are transgender and/or have been diagnosed with gender dysphoria, and (2) who have applied, or who, but for the Passport Policy, would apply, for a U.S. passport issued with an “M” or “F” sex designation that is different from the sex assigned to that individual under the Passport Policy (“M/F Designation Class”); and
2. A class of all non-binary people who have applied, or who, but for the Passport Policy, would apply, for a U.S. passport with an “X” designation (“X Designation Class”).

Both class definitions, as revised, would likewise exclude any person who is a plaintiff in *Schlacter, et al. v. U.S. Department of State, et al.*, 1:25-cv-01344 (D. Md. filed Apr. 25, 2025).

The parties are invited, by June 3, 2025, to file briefs of up to five pages in length responding to these revised class definitions. The parties’ arguments with respect to the class definitions advanced by the plaintiffs are all preserved, and the failure to raise the same arguments with respect to these revised class definitions does not constitute waiver of those arguments.

SO ORDERED.

Dated: May 27, 2025

/s/ Julia E. Kobick
JULIA E. KOBICK
UNITED STATES DISTRICT JUDGE