

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FILED
RICHARD W. NAGEL
CLERK OF COURT

2021 JUN 23 AM 11:33

Stacie Ray, et al.,

Plaintiffs,

v.

Stephanie McCloud, et al.,

Defendants.

Case No. 2:18-cv-272

Judge Michael H. Watson

Magistrate Judge Vascura

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

CONSENT JUDGMENT

This cause came to be heard pursuant to the Complaint filed on March 29, 2018, by Plaintiffs Stacie Ray, Basil Argento, Jane Doe, and Ashley Breda (“Plaintiffs”) for injunctive relief and to force the Ohio Department of Health (“ODH”) to provide corrected birth certificates to transgender people born in Ohio. Extensive discovery took place, including depositions of each of the Plaintiffs and testimony from three separate expert witnesses. On January 16, 2020, Plaintiffs filed a motion for summary judgment. This Court granted Plaintiffs’ motion and entered a permanent injunction ordering Defendants, officials in the Ohio Department of Health’s Office of Vital Statistics, to end the Department’s prohibition against correcting the sex marker on the birth certificates of transgender people born in Ohio.

On May 18, 2021, the Department began permitting transgender people to request a change to their birth certificates in accordance with this Court’s

decision. Applicants seeking a corrected birth certificate from the Department must obtain a court order that finds facts establishing the applicant is entitled to the correction, and that orders the Department to make such a correction. Based on the Court's inherent authority to clarify the scope of its rulings, the Court confirms that its December 16, 2020 decision constitutes such an order as to Plaintiffs, in concert with the following additional agreed upon findings of fact and conclusions of law regarding the Plaintiffs and their entitlement to have their birth records corrected by ODH:

- Each of the Plaintiffs are transgender. The sex reflected on their birth records do not match their gender.
- Plaintiffs have all taken steps to bring their physical appearance and gender expression into conformity with their gender identity, including through clinically appropriate treatment undertaken in consultation with health care professionals.
- Plaintiffs have also taken steps to change their names and other biographical information contained on various state and federal identification documents.
- Each of the Plaintiffs has been diagnosed with gender dysphoria and have testified under oath at deposition that their gender identity does not match the sex identified on their Ohio birth records.

In light of the foregoing, the parties have agreed and the Court Orders as follows:

1. ODH shall immediately correct the sex marker on each of the Plaintiff's birth certificates and issue corrected birth records to the Plaintiffs or their counsel.
2. The original, uncorrected document will be sealed in a vault inaccessible to the public and the new, corrected birth certificate will not bear any markings indicating the correction was made.
3. This order issued by this Court is applicable only to the four plaintiffs in the above case, and not to others seeking correction of the sex marker on their birth certificates. The issuance of this order by this Court shall not be taken to dictate the types of findings of fact or conclusions of law that may be necessary when other individuals apply to other courts for orders entitling them to a correction of their birth certificates.

The Court shall retain jurisdiction over any issue that should arise from, or is related to, the Consent Judgment.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT

AGREED TO BY:

Dated June 22, 2021

/s/ Jason J. Blake

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