

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

DANIELA ARROYO GONZÁLEZ; VICTORIA RODRÍGUEZ-ROLDÁN; J.G.; and PUERTO RICO PARA TOD@S,

Plaintiffs,

v.

RICARDO ROSSELLÓ-NEVARES, in his official capacity as Governor of the Commonwealth of Puerto Rico; RAFAEL RODRÍGUEZ-MERCADO, in his official capacity as Secretary of the Department of Health of the Commonwealth of Puerto Rico; and WANDA LLOVET-DÍAZ, in her official capacity as Director of the Division of Demographic Registry and Vital Statistics of the Commonwealth of Puerto Rico,

Defendants.

Civil No. 3:17-cv-01457-CCC

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 7, Plaintiffs Daniela Arroyo González, Victoria Rodríguez Roldán, J.G., and Puerto Rico Para Tod@s (“Plaintiffs”) move for summary judgment on their claims against Defendants Ricardo Rosselló Nevares, in his official capacity as Governor of the Commonwealth of Puerto Rico; Rafael Rodríguez Mercado, in his official capacity as Secretary of the Department of Health of the Commonwealth of Puerto Rico; and Wanda Llovet Díaz, in her official capacity as Director of the Division of Demographic Registry and Vital Statistics of the Commonwealth of Puerto Rico.

As fully set forth in the accompanying Memorandum of Law, Defendants’ policy and practice related to the correction of gender markers on birth certificates, based on the Vital Statistics Registry Act, 24 L.P.R.A. § 1231 (the “Birth Certificate Policy”), violates the equal protection guarantees of the Fourteenth Amendment to the U.S. Constitution; the fundamental rights to privacy, individual

dignity, liberty, and autonomy granted by the Fourteenth Amendment; and the right to freedom of speech under the First Amendment. The Defendants' administration and enforcement of Puerto Rico's Birth Certificate Policy has resulted in impermissible discrimination against the Plaintiffs on the basis of their sex and transgender status, prohibited an entire class of people from exercising their fundamental rights to informational and decisional privacy, infringed upon their fundamental rights to individual dignity, liberty, and autonomy, and impermissibly compelled transgender persons, including Plaintiffs, to publicly identify themselves with a sex inconsistent with who they are.

The Court should grant Plaintiffs' Motion for Summary Judgment; declare Puerto Rico's Birth Certificate Policy unconstitutional; permanently enjoin Defendants from enforcing the Birth Certificate Policy; and award Plaintiffs reasonable attorneys' fees, costs and expenses and other relief the Court deems just and proper.

Respectfully submitted,

/s/ Omar Gonzalez-Pagan

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CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing with the Clerk of the United States District Court for the District of Puerto Rico via the CM/ECF system this 26th day of June, 2017. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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