

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION**

LAUREN GREY, VICTOR WILLIAMS, and )  
NICHOLAS GUARINO, on behalf of themselves )  
and all persons similarly situated, )

Plaintiffs, )

v. )

LA MAR HASBROUCK, MD, MPH in his official )  
capacity as State Registrar of Vital Records, )

Defendant. )

No. 11 CH 17091

Judge Michael B. Hyman

**ORDER**

This matter comes to the Court on the parties' Joint Motion for Approval and Entry of Consent Decree pursuant to Section 2-806 of the Illinois Code of Civil Procedure, 735 ILCS § 5/2-806. Having reviewed the joint motion, the proposed consent decree, and all other appropriate materials:

1. The Court makes a preliminary finding that resolution of this lawsuit as set forth in the proposed consent decree falls within the range of fair, adequate and reasonable settlements.

2. The Court grants Plaintiffs' motion for class certification of a class of:

All persons with an existing Illinois birth record who are or will be unable to obtain an Illinois birth certificate with the sex designation that matches their internal sense of gender solely because of Defendant's refusal to issue birth certificates with a revised sex designation to persons who have not had genital reconstruction surgery.

In addition, the Court certifies Plaintiffs as class representatives and Plaintiffs' counsel as class counsel.

3. The Court will hold a fairness hearing regarding the ultimate fairness, adequacy,

and reasonableness of the proposed consent decree on October 23, 2012 at 10:00 a.m. Any objections to the proposed consent decree shall be filed by October 2, 2012, and the parties may file responses to such objections by October 16, 2012. Courtesy copies of the objections and responses, if any, shall be provided to the Court by October 16, 2012. Plaintiffs shall file their petition for fees, costs, and other expenses by October 2, 2012; Defendant shall file notice on October 16, 2012 of its intention to object or not to Plaintiffs' request for fees, costs, and other expenses.

4. The Court orders notice to the Plaintiff class of the class certification, the proposed consent decree, the opportunity to object, and the fairness hearing in the forms attached as Exhibits 2 and 3 of the parties' joint motion. Exhibit 2 is the regular notice, whereas Exhibit 3 is a shortened version of it. Defendant forthwith shall distribute the notice by means of: (a) publishing the shortened version of the notice in the Windy City Times; (b) posting the regular notice on the Department of Public Health website; and (c) mailing the regular notice by first class mail to all persons previously denied a change in the sex designation on an Illinois birth certificate by the Department of Public Health since January 1, 2010; and (d) mailing the regular notice by first class mail to all persons previously denied a change in the sex designation on an Illinois birth certificate between September 1, 2008, and December 31, 2009, for whom it has complete records.

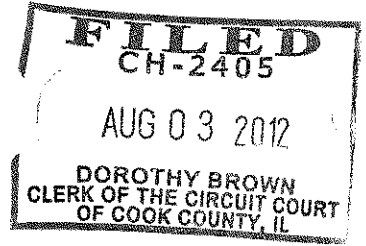
DATED: \_\_\_\_\_ of \_\_\_\_\_, 2012 **Judge Michael B. Hyman**

AUG 03 2012

**Circuit Court - 1921**

\_\_\_\_\_  
Judge Michael B. Hyman

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**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

**Reason for Notice**

Three individuals have filed a lawsuit on behalf of themselves and all others similarly situated alleging that the Illinois Department of Public Health has wrongfully denied the applications of transsexual persons to change the sex designation on their Illinois birth certificates on the ground that they have not undergone genital reconstruction surgery to match their internal sense of gender. The parties now seek to settle this case with a consent decree, which is a court order based on the parties' agreement. You are receiving this notice because your rights may be affected by the proposed consent decree.

This notice is being given by Court order to advise class members of: (i) the existence of this lawsuit; (ii) the Court's decision to allow the case to proceed as a class



action; (iii) the principal terms of the proposed consent decree; (iv) class members' right to comment on or object to the proposed consent decree; and (v) the procedure for obtaining more information.

The Court has made a preliminary determination that the proposed consent decree is within the range of fair, reasonable, and adequate settlements to this lawsuit. This notice should not be understood as an expression of any opinion by the Court concerning the merits of the lawsuit.

### **Description of the Lawsuit**

The named Plaintiffs allege that the Illinois Department of Public Health wrongfully denied the applications of transsexual persons to change the sex designation on their Illinois birth certificates on the ground that they have not undergone genital reconstruction surgery to match their internal sense of gender. Plaintiffs allege that this conduct violates the Illinois Vital Records Act and the rights to privacy and due process in the Illinois Constitution. Plaintiffs seek declaratory and injunctive relief, but not monetary damages.

The defendant, LaMar Hasbrouck, M.D., M.P.H., is the Director of the Department of Public Health and the State Registrar of Vital Records. The defendant denies that the conduct of the Department of Public Health violates any applicable law or rule whatsoever.

### **Description of the Plaintiff Class**

The Court has allowed the named Plaintiffs to sue on their own behalf as well as on behalf of the following Plaintiff class:

All persons with an existing Illinois birth record who are or will be unable to obtain an Illinois birth certificate with the sex designation that matches their internal sense of gender solely because of Defendant's refusal to issue birth certificates with a revised sex designation to persons who have not had genital reconstruction surgery.

The Court has also certified the named Plaintiffs to serve as the class representatives and Plaintiffs' counsel as class counsel.

The proposed consent decree, if approved and entered by the Court, will be a final decision on the issues raised in this lawsuit. Because this case is a class action, the consent decree will be binding on all class members.

### **Proposed Settlement**

If the Court grants final approval and enters the consent decree, class members would receive the following relief:

- Defendant would be prohibited from denying applications for a change in the sex designation on persons' existing Illinois birth records solely because those persons have not undergone genital reconstruction surgery to match their internal sense of gender.
- Defendant would promptly process and reach a final resolution on all open or pending completed applications by class members for a change in the sex designation on an Illinois birth certificate.

- Defendant would ascertain the names of all persons previously denied a change in the sex designation on an Illinois birth certificate since January 1, 2010, and provide individual notice informing them that genital surgery is no longer required for such a change.

- Defendant would also provide notice to all persons previously denied a change in the sex designation on an Illinois birth certificate between September 1, 2008 and December 31, 2009, for whom it has complete records.

- Defendant would post on the Illinois Department of Public Health website a clarification that genital reconstruction surgery is no longer a requirement for obtaining a change in the sex designation on an existing Illinois birth certificate.

- Plaintiffs will file a petition for fees, costs, and expenses incurred in bringing this lawsuit by October 2, 2012, in an amount not to exceed \$175,000.

Defendant will advise the Court by October 16, whether or not they intend to object to Plaintiffs' request for fees, cost, and expenses. If Defendant objects, the amount of Plaintiffs' fees, costs, and expenses incurred in bringing this lawsuit the Defendant should pay, if any, shall be reserved for later ruling by the Court.

#### **Hearing on Proposed Settlement**

The proposed consent decree will become final only after the Court holds a hearing and approves it as fair, reasonable, and adequate. You have the right to comment on the proposed consent decree and participate in the hearing, if you choose.

Judge Michael B. Hyman, the judge hearing this matter, has ordered that a hearing be held on October 23, 2012, at 10:00 a.m. in Room 2405 of the Richard J. Daley Center at 50 West Washington Street, Chicago, IL 60602. After the hearing, Judge Hyman will decide whether to approve and enter the proposed consent decree as recommended by class counsel and the named Plaintiffs.

Comments or objections by class members must be written, and filed with the Clerk of the Circuit Court:

Clerk of the Circuit Court  
Richard J. Daley Center  
50 West Washington Street, Room 802  
Chicago, IL 60602;

with copies to:

John Knight  
Roger Baldwin Foundation of the ACLU, Inc.  
180 N. Michigan Ave., #2300  
Chicago, IL 60601  
(312) 201-9740  
Counsel for the Plaintiff Class

The deadline for filing comments or objections is October 2, 2012.

Attendance at the hearing is not required. Class members wishing to be heard orally in support of or in opposition to the proposed consent decree must file a written comment or objection and indicate their intention to appear and speak at the hearing. Class members who do not file written comments or objections will be heard in court at the discretion of the judge. Written submissions are preferred, however. Class members

who approve of the proposed consent decree do not need to appear at the hearing or take any other action to indicate their approval.

The lawyers for the Plaintiff class have reviewed the proposed consent decree and believe it to be in the best interests of the Plaintiff class. Accordingly, the lawyers have recommended to the class representatives that they accept the proposed consent decree.

**How to Obtain More Information**

If you would like a copy of the proposed consent decree, or if you have any questions about the proposed consent decree or this litigation generally, you can visit the ACLU of Illinois' website, [www.aclu-il.org](http://www.aclu-il.org), call or write John Knight, one of the attorneys for the Plaintiff class, at the following:

John Knight  
Roger Baldwin Foundation of the ACLU, Inc.  
180 N. Michigan Ave., #2300  
Chicago, IL 60601  
(312) 201-9740, 335

The complete court file for this case is available for review at the courthouse of the Circuit Court of Cook County at 50 West Washington Street, Chicago, IL 60602. Do NOT contact the Court.



**LEGAL NOTICE OF CLASS ACTION SETTLEMENT**  
**GREY V. HASBROUCK, 11 CH 17091, Circuit Court of Cook County**

Plaintiffs are transsexual persons born in Illinois who were denied a change in the sex designation on their Illinois birth certificate by the Illinois Department of Public Health (IDPH) because they had not undergone genital reconstruction surgery. Plaintiffs filed a class action suit on behalf of themselves and other similarly situated persons against the Director of IDPH alleging that IDPH's denial of their applications violated Illinois law and the Illinois Constitution. IDPH expressly denied that its actions violated Illinois law and the Illinois Constitution.

The Court has certified a class of: All persons with an existing Illinois birth record who are or will be unable to obtain an Illinois birth certificate with the sex designation that matches their internal sense of gender solely because of Defendant's refusal to issue birth certificates with a revised sex designation to persons who have not had genital reconstruction surgery.

The parties have now reached a settlement of this case, subject to final court approval. Under the proposed settlement, IDPH will no longer deny applications for new birth certificates solely because the person has not had genital reconstruction surgery. The Circuit Court of Cook County has scheduled a hearing to decide whether to approve this settlement. The hearing will be held on October 23, 2012, at 10 a.m., in the courtroom of Judge Michael B. Hyman, Room 2405 of the Richard J. Daley Center, Chicago, Illinois.

If you believe that you are a member of this class, you may file written comments or objections to the proposed settlement with the Clerk of the Court and counsel for the Plaintiff class. For more information or to see a copy of the proposed settlement, visit the ACLU of Illinois' website, [www.aclu-il.org](http://www.aclu-il.org), or contact counsel for the Plaintiff class:

John Knight  
Roger Baldwin Foundation of ACLU, Inc.  
180 N. Michigan, 2300  
Chicago, IL 60601  
(312) 201-9740.

