

EXHIBIT B

Plaintiffs' Draft Requests for Production—Without Prejudice¹

REQUEST FOR PRODUCTION NO. 1: Produce all documents relating to the drafting, development, revision, or enactment of Executive Order 14168 of January 20, 2025, including but not limited to drafts of the order, sources relied upon in drafting it, and communications with any person concerning the drafting, development, revision, or enactment of the order.

REQUEST FOR PRODUCTION NO. 2: Produce all documents and communications between you and any non-governmental person or entity, including but not limited to advocacy organizations, think tanks, or lobbying groups, relating to Executive Order 14168 of January 20, 2025, or relating to any prior drafts of what became Executive Order 14168, or relating to the Passport Policy.²

REQUEST FOR PRODUCTION NO. 3: Produce all documents and communications that you relied upon, reviewed, considered, or rejected concerning your contention that requiring passports to reflect a person's sex assigned at birth advances any governmental interest.

REQUEST FOR PRODUCTION NO. 4: Produce all documents, studies, data, reports, or analyses that you relied upon, reviewed, considered, or rejected in asserting that Executive Order 14168 of January 20, 2025, and its subsequent implementation through the Passport Policy address a government interest in privacy.

REQUEST FOR PRODUCTION NO. 5: Produce all documents, studies, data, reports, or analyses that you relied upon, reviewed, considered, or rejected in asserting that Executive Order 14168 of January 20, 2025, and its subsequent implementation through the Passport Policy address a government interest in safety.

REQUEST FOR PRODUCTION NO. 6: Produce all documents, studies, data, reports, or analyses that you relied upon, reviewed, considered, or rejected in asserting that Executive Order 14168 of January 20, 2025, and its subsequent implementation through the Passport Policy address a government interest in foreign affairs.

REQUEST FOR PRODUCTION NO. 7: Produce all documents, studies, data, reports, or analyses that you relied upon, reviewed, considered, or rejected in asserting that Executive Order

¹ While Plaintiffs provide these draft document requests to inform the Court about topics on which they intend to pursue discovery, Plaintiffs reserve the right to serve additional document requests and modify these requests further prior to formal service on Defendants.

² For purposes of these requests, "Passport Policy" means Executive Order 14168, to the extent it purports to direct particular rules with respect to the issuance of passports, as well as "the substantive changes to [the State Department's] prior passport policy" intended to effectuate Executive Order 14168, which included "withdr[awing] the option for Americans to obtain a passport reflective of either their gender identity or sex assigned at birth" and "remov[ing] the option for intersex, non-binary, and gender non-conforming applicants to select 'X' as the sex marker." See ECF 74 at 2.

14168 of January 20, 2025, and its subsequent implementation through the Passport Policy address a government interest in law enforcement.

REQUEST FOR PRODUCTION NO. 8: Produce all documents, studies, data, reports, or analyses that you relied upon, reviewed, considered, or rejected in asserting that Executive Order 14168 of January 20, 2025, and its subsequent implementation through the Passport Policy address a government interest relating to misidentification of passport holders.

REQUEST FOR PRODUCTION NO. 9: Produce all documents, studies, data, reports, or analyses that you relied upon, reviewed, considered, or rejected in asserting that Executive Order 14168 of January 20, 2025, and its subsequent implementation through the Passport Policy address any other government interest that you contend justifies the Executive Order, including but not limited to consistency, uniformity, and government efficiency.

REQUEST FOR PRODUCTION NO. 10: Produce documents sufficient to show all complaints, reports, or instances since Defendants permitted individuals to change the sex designations on their passports in 1992 in which federal authorities allegedly could not accurately identify or misidentified any person due to an identity document reflecting the sex they live as rather than sex assigned at birth, including complaints received by any Defendant agency.

REQUEST FOR PRODUCTION NO. 11: Produce all documents and communications that you relied upon, reviewed, considered, or rejected concerning any governmental interest you contend supports requiring transgender, non-binary, or intersex persons to use an identity document bearing a sex designation that reflects their sex assigned at birth.

REQUEST FOR PRODUCTION NO. 12: Produce all documents that you considered or reviewed, or that were available to you, in forming your opinion that there is a “biological reality of sex.”

REQUEST FOR PRODUCTION NO. 13: Produce all electronic communications made, shared, or viewed by Defendants pertaining to the meaning of “a biological reality of sex.”

REQUEST FOR PRODUCTION NO. 14: Produce all documents and communications that you considered or reviewed, or that were available to you, in forming your opinion that there are “idealogues” using “socially coercive means to permit men to self-identify as women and gain access to intimate single-sex spaces and activities designed for women, from women’s domestic abuse shelters to women’s workplace showers.”

REQUEST FOR PRODUCTION NO. 15: Produce all documents that you considered or reviewed, or were available to you, in forming your opinion that “efforts to eradicate the biological reality of sex fundamentally attack women by depriving them of their dignity, safety, and well-being.”

REQUEST FOR PRODUCTION NO. 16: Produce all documents that you considered or reviewed, or that were available to you in forming your opinion that the “erasure of sex in

language” has a “corrosive impact not just on women but on the validity of the entire American system.”

REQUEST FOR PRODUCTION NO. 17: Produce all documents used to train, instruct, or provide guidance to any government employee, agent, or representative regarding implementation of Executive Order 14168 of January 20, 2025, with respect to passports, or regarding the Passport Policy.

REQUEST FOR PRODUCTION NO. 18: Produce all documents describing or reflecting policies, procedures, or guidelines for identifying violations of Executive Order 14168 of January 20, 2025, or of the Passport Policy, or of passport-related documents that do not comply with the order or the Passport Policy.

REQUEST FOR PRODUCTION NO. 19: Produce all documents describing or reflecting policies, procedures, or guidelines for complying with Executive Order 14168 of January 20, 2025, with respect to the Passport Policy, including but not limited to updates to physical infrastructure, software, or data management systems.

REQUEST FOR PRODUCTION NO. 20: Produce all documents reflecting, relating to, or evidencing any analysis of the operational impact of Executive Order 14168 of January 20, 2025, with respect to the Passport Policy, on any federal agency, governmental entity, or lessee.

REQUEST FOR PRODUCTION NO. 21: Produce all documents relating to any changes to identity document records systems, databases, fields, or related infrastructure that were implemented, proposed, or considered in response to Executive Order 14168 of January 20, 2025, or the Passport Policy, whether before or after its formal enactment.

REQUEST FOR PRODUCTION NO. 22: Produce all documents and communications, including emails, reflecting, relating to, or discussing the actual or anticipated impact or burdens of Executive Order 14168 of January 20, 2025, with respect to the Passport Policy on transgender, non-binary, or intersex individuals.

REQUEST FOR PRODUCTION NO. 23: Produce all documents and communications reflecting, relating to, or discussing any anticipated or actual response, or adverse consequences associated with or arising from Executive Order 14168 of January 20, 2025, with respect to the Passport Policy.

REQUEST FOR PRODUCTION NO. 24: Produce all electronic communications, including emails, sent or received on or after January 1, 2025, by any employee, agent, or designee of the Office of Defendants that contain any of the following terms, including singular and plural forms of: “birth sex,” “cross-dresser,” “disorder/difference of sex development,” “DSD,” “gender confusion,” “gender dysphoria,” “gender identity,” “gender marker,” “gender reassignment,” “hermaphrodite,” “intersex,” “sex assigned at birth,” “sex change,” “sex designation,” “sex marker,” “trans,” “transgender,” “transgendered,” “transsexual,” “transvestite,” “sex w/10 (birth! born designat! mark! chang! transgender! trans transsexual transvestite license bathroom restroom desig!)” + “gender ideol!” /p passport. This includes, for terms including more than one word, all

communications where those words appear within 3 words of each other, as well as all communications with variations on the ends of the terms to reflect plural use or tense changes.

REQUEST FOR PRODUCTION NO. 25: Produce all documents concerning instructions, policies, or other memoranda issued as a result of the entry of the Preliminary Injunctions,³ including, but not limited to, those distributed internally to the personnel of the State Department or made publicly available.

REQUEST FOR PRODUCTION NO. 26: Produce all documents demonstrating Defendants' awareness that Executive Order 14168 of January 20, 2025, and its implementation would restrict transgender, intersex, and non-binary individuals' ability to travel abroad.

REQUEST FOR PRODUCTION NO. 27: Produce all documents and communications describing how each of the Defendants' prior sex designation policies allowing passport sex designations to be updated based on information or certification from medical or psychological professionals, or later permitting transgender, intersex, and non-binary individuals to self-select or use neutral sex designations operated in practice.

REQUEST FOR PRODUCTION NO. 28: Produce all documents and communications detailing, cataloging, and/or describing any issues or difficulties arising for Defendants from each of Defendants' prior passport policies either allowing passport sex designations to be updated to reflect the sex a passport holder lives as rather than sex assigned at birth based on information or certification from medical or psychological professionals, or later permitting transgender, intersex, and non-binary individuals to self-select or use neutral sex designations on their passports.

REQUEST FOR PRODUCTION NO. 29: Produce data sufficient to show the total number of passports issued during the period in 2025 when the Preliminary Injunctions were in place, that were issued based on an attestation form pursuant to the Preliminary Injunctions issued in this case.

Plaintiffs are prepared to meet and confer regarding the specific ESI protocols the parties will apply.

³ For purposes of these requests, the Preliminary Injunction is that referenced in ECF 75 and 116.