



U.S. Department of Justice  
Civil Division  
Federal Programs Branch

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BY E-MAIL AND FIRST-CLASS MAIL

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Re: Nancy Gill, et al. v. Office of Personnel Management, et al.,  
Case No. 1:09-cv-10309 JLT (D. Mass.)

Dear Counsel:

This is to inform you that the Department of State has amended the relevant provision of its Foreign Affairs Manual ("FAM") to provide for issuance of passports in a new name based on a legal name change recognized under State law. This amendment is effective immediately. It is being transmitted to State Department field offices, and has been posted on the Department's web site as amended 7 FAM 1359 Appendix C. The State Department has made this amendment to the FAM in accordance with 22 C.F.R. § 51.25(c)(4), which, following a 2007 amendment (effective February 2008), provides that "[a] name change will be recognized for purposes of issuing a passport if the name change occurs [by] [o]peration of state law." See 72 Fed. Reg. 64,930 (Nov. 19, 2007) (final rule).

In light of this change in the FAM, the Department of State now invites the plaintiff Keith Toney to submit a renewal application (Form DS-82) for a passport bearing his new name. In view of the circumstances, the Department is willing to process his application without the payment of an additional fee. To facilitate the processing of Mr. Toney's application without

payment of the usual fee, we ask that Mr. Toney submit his application together with recent photos and documentation supporting his name change, in person, at the State Department Passport Agency in Boston, which is located at the following address:

Boston Passport Agency  
Thomas P. O'Neill Federal Building  
10 Causeway Street, Suite 247  
Boston, MA 02222-1094

[REDACTED] Customer Service Manager at the Boston Passport Agency, will receive Mr. Toney's application. Mr. Toney should call [REDACTED] at [REDACTED] or [REDACTED] [REDACTED] at [REDACTED] to arrange an appointment to submit his application.

In relation to the above-captioned litigation, we believe this development renders moot the claims of plaintiffs Keith and Albert Toney against the State Department. Please let us know whether you concur, and whether you intend to omit these claims upon filing an amended complaint.

Please let me know if you have any questions regarding the submission of a new passport application on behalf of the plaintiff Keith Toney.

Sincerely,

  
W. SCOTT SIMPSON