

SETTLEMENT AGREEMENT

On July 11-12, 2016, the parties to the suit styled *Juana Gomez, et al. v. Comm'r of Texas Department of State Health Services, et al.*, No. A-15-CA-446 RP, participated in a mediation. As a result of that mediation, the parties to this case (the "Parties") reached an agreement to settle all claims between them in the lawsuit. As agreed at the mediation, the Parties agree as follows:

1. Acceptable Identification

The Mexican Voter ID card, which may be applied for from within the United States, shall be acceptable as a "Secondary Identification," pursuant to 25 TAC 181.28(i)(11)(D)(xiv). Additionally, the El Salvadoran and Honduran consular certification and Guatemalan consular identification cards— subject to Defendants receiving and reviewing independent verification regarding the process to issue such certification directly from the Honduran and Guatemalan consular authorities— also shall be acceptable as "Secondary Identification," pursuant to 25 TAC 181.28(i)(11)(D)(xv) ("The documents.") In addition to the interim certifications contemplated in this Agreement, Defendants shall certify that DSHS has, upon notification of substantial non-compliance, notified the local registrar, in writing, of the non-compliance. Upon evidence of continuing non-compliance and failure to remedy, DSHS will notify the appropriate local authorities pursuant to Health & Safety Code, Title 3. Plaintiffs shall have the same rights to contest such certification. Plaintiffs shall promptly notify DSHS, Office of General Counsel, of any known violations by local registrars with respect to inappropriate denial of Acceptable Identification.

As with all other applicants, Plaintiffs must submit properly completed applications and identification, which include the documents mentioned above.

All deadlines below are triggered by the entry of the Order to Stay.

2. Communication

- E-mail blast or U.S. Mail to all local registrars within 30 days clarifying acceptance of the documents, and requesting acknowledgement of receipt of the email or Mail.
- Plaintiffs' counsel may provide reasonable input to the content of the e-mail blast and Mail.

Communication Interim Deadlines:

- E-mail or U.S. mail to be sent within 30 days contingent upon timely receipt of Plaintiff input.

3. Training

- Include samples of the documents in regional and statewide trainings (June/December, respectively)

- Produce training video for all registrars within 60 days after receipt of Plaintiffs' input on poster/pamphlet content. Plaintiffs' counsel may provide reasonable input to the content of the training video. The training video will be available on the DSHS website. A notice and link will be sent to all local registrars instructing that all staff who issue birth certificates view the video.
- Plaintiffs' counsel may attend regional and/or statewide training conferences.

Training Interim Deadlines:

- Training video shall be available on the DSHS website within sixty days after receipt of Plaintiffs' input on poster/pamphlet content.

4. Materials/Handbook

- Posters/Pamphlets – will include the documents and be available on DSHS website in both English and Spanish and be mailed upon request by a local registrar. Local registrars will be instructed to display the posters in their lobby and make pamphlets available to the public.
- Handbook – updated to include the documents and the expanded list of supporting documents attached as Attachment A.
- Plaintiffs' counsel may provide reasonable input to the content of posters and pamphlets.
- Application for birth certificate form will be made available in Spanish on the DSHS website.

Material Updates Interim Deadline

- Posters/pamphlets – submission to Plaintiffs for input within 30 days; distribution within 60 days of receipt of Plaintiff input.
- Handbook update - submission to Plaintiffs for input within 30 days; distribution within 60 days of receipt of Plaintiff input.
- Spanish version of application – 30 days.

5. Resolution of Plaintiff Birth Certificates

Category 1 [See Attachment B.]

- Plaintiffs will obtain Mexican voting IDs or consular certification, or other eligible identification, and will then submit applications and copies of identification to Defendants;
- Defendants will issue birth certificates or provide written explanation stating the basis of the denial within 10 days of receipt of the applications and all identification;
- Plaintiffs will remedy application as requested by Defendants within 20 days of the denial or the application will be deemed withdrawn.
- If after reasonable conferencing any case is not resolved, the parties agree to submit the issue to Judge Pitman.

Category 2 [See attachment B.]

- Defendants have 10 days to issue birth certificates to Plaintiffs. If a birth certificate is not issued for a Plaintiff child, Defendants must provide a written explanation stating the basis of the denial within ten days;
- Plaintiffs will remedy application as requested by Defendants within 20 days of the denial or the application will be deemed withdrawn.
- If after reasonable conferencing any case is not resolved, the parties agree to submit the issue to Judge Pitman.

6. State Review Process

- Defendants shall designate a specific VSU supervisor, ("Review Officer") to resolve disputes of the denials of written applications for birth certificates by the local registration districts due to the adequacy of foreign identification presented. Counsel for Plaintiffs will be promptly informed of the name and contact number of such officer.
- The process for resolving issues relating to denial of birth certificate applications is as follows:
 - a. The applicant will first call the VSU customer service number, 1-888-963-7111 and attempt to resolve the issues.
 - b. If the birth certificate is not issued, then the applicant has the right to seek review from the Review Officer.
 - c. The Review Officer will have 10 days from receipt of any necessary documents, to either inform the applicant of the basis for the denial, or to inform the local registrar of any error in denial and issue the birth certificate. Upon notification of substantial non-compliance, DSHS will notify the local registrar, in writing, of the non-compliance. Upon evidence of continuing non-compliance and failure to remedy, DSHS will notify the appropriate local authorities pursuant to Health & Safety Code Title 3.
 - d. The Review Officer shall keep records of such requests for review and the actions taken thereon, for a period of two years.
 - e. Plaintiffs shall promptly notify DSHS of any violations relating to the above-described review process.
- Information relating to the review process discussed in this section, including the telephone number, shall be included in the posters and pamphlets. The toll-free customer service number will be included on the application form.

State Review Process Interim Deadline

- State Review Process shall be established within 30 days.

7. Attorneys' Fees and Costs

Within ten business days of the entry of an agreed order of dismissal with prejudice pursuant to this agreement, DSHS agrees to pay to plaintiffs by check made payable to Texas RioGrande Legal Aid the sum of \$225,000 in full and complete satisfaction of plaintiffs' claims for fees, expenses and costs.

8. Dismissal

The parties agree that this agreement shall be effectuated as follows:

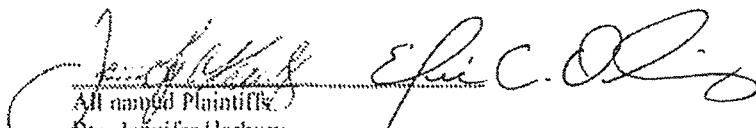
1. Stay of Proceedings. Subject to court approval, and with the exception of the certification procedure described below, the case shall be stayed until dismissed or the stay is lifted pursuant to the procedure set forth below. The parties shall submit an agreed motion to stay, advising the court that the purpose of the stay is to provide the parties an opportunity to resolve by agreement, the litigated issues and that the parties, through certification and notices, will keep the court apprised of their efforts. The stay will include discovery, pleadings, motions (dispositive or otherwise), and any other scheduled deadlines and settings. So that they do not remain unresolved for unnecessary periods of time, existing motions set for hearing will be dismissed without prejudice to the re-filing of same upon any lift of the stay.
2. Dismissal with Prejudice. If DSHS performs the undertakings set forth above in a timely manner, the parties agree to submit an agreed order of dismissal with prejudice. Timing of such submissions shall be as follows: Upon completion of the last to occur of the undertakings described above, DSHS shall so certify to the Court, with notice to plaintiffs. Within two weeks of such notice, plaintiffs shall either contest such certification or submit the agreed order of dismissal with prejudice. Defendants shall have two weeks to respond to any such contest. Any contest shall then be submitted to the Court for resolution, with the parties to abide by the Court's ruling. Interim certifications shall be made by DSHS as follows: Each individual undertaking set forth above includes an interim deadline. Within one week after the interim deadline, DSHS shall certify to the Court whether the undertaking was timely completed, with notice to plaintiffs. If plaintiffs contest such interim certification, they shall file same within two weeks of notice and DSHS shall have two weeks to respond. Such contest shall then be submitted to the Court for resolution. Plaintiffs have the right to waive any contest to DSHS' performance of any undertaking herein or to extend any interim deadline herein.

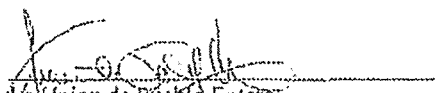
Subject to the foregoing provisions, Plaintiffs are not required to challenge compliance by DSHS with the Acceptable Identification provision or Review Process set forth above until 7 months after the date of the entry of the Stay. In no event shall Defendants seek or

the Court grant dismissal of the case before nine months after the date of the entry of the Stay.

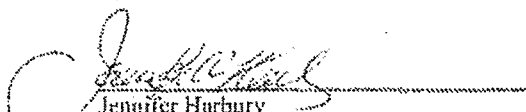
3. Lift of Stay. If DSHS does not meet the deadlines herein, as determined by the Court or as modified by the agreement of the parties, the stay shall be lifted, with the prosecution of the case to resume pursuant to any new scheduling order entered by the Court.


AGREED this 20th day of July, 2016:


All amicus Plaintiffs
By: Jennifer Harbury
Efrén Olivares



La Union de Pueblo Entero
By: Efrén Olivares, Executive Director

APPROVED:


Jennifer Harbury
Attorney for Plaintiffs

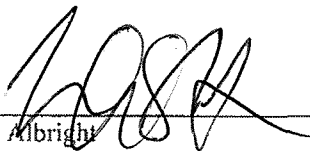


Texas Dept. of State Health Services
By: Kirk Cole, Senior Advisor



Texas Health and Human Services Comm'n
By: Kirk Cole, DSHS Senior Advisor

APPROVED:



Tom Albright
Attorney for Defendants

ATTACHMENT A

Specific, non-exclusive list of supporting documents:

1. Recent Utility bill with current address
2. Recent Paycheck stub
3. Public assistance applications or letters
4. Signed valid voter's registration card
5. Police report of stolen identification
6. Official School transcript
7. Bank account statement
8. Social security letter
9. Marriage license
10. Divorce decree
11. Certified birth certificate from Department of State (FS-240, DS-1350 or FS-545), state other than Texas, District of Columbia or other country
12. Automobile insurance card or contract
13. Lease agreement
14. Loan or installment payment contract
15. Promissory notes or loan contracts
16. Court order
17. Property titles or liens
18. Automobile titles
19. Library card
20. Fishing or hunting license
21. Recent Medical records and bills
22. Auto registration
23. Religious records w/signature of religious official.
24. Expired secondary document
25. Recent Rent receipt with address and name
26. Recent Cell phone bill or contract
27. Federal, state, or local tax records
28. Dept. of Homeland Security Notices or correspondence