

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

XAVIER HERSOM and JOHN DOE,

Plaintiffs,

v.

BILL J. CROUCH, in his official capacity as Cabinet Secretary of the West Virginia Department of Health and Human Resources; AYNE AMJAD, in her official capacity as Commissioner and State Health Officer for the Bureau of Public Health; and MATTHEW WICKERT, in his official capacity as the State Registrar for Vital Statistics,

Defendants.

Civil Action No. 2:21-cv-00450

JOINT STATUS REPORT

Plaintiffs Xavier Hersom and John Doe, by and through their undersigned counsel, hereby file this joint status report on behalf of the parties in the above-captioned litigation. On July 20, 2022, Plaintiffs filed a joint motion to hold this matter in abeyance and suspend the deadlines under this Court's current scheduling order to facilitate negotiation of the financial component of Plaintiffs' proposed settlement agreement to Defendants. ECF No. 36. On July 22, 2022, this Court granted the parties' joint motion, holding the matter in abeyance until August 22, 2022. ECF No. 37.

On August 24, 2022, the parties notified the Court that they had reached settlement in principle and requested that the Court continue to hold the above-captioned matter in abeyance for an additional 60 (sixty) days to facilitate finalization and execution of the settlement agreement.

ECF No. 38. The Court granted the parties' request and continued to hold the matter in abeyance until October 28, 2022. ECF No. 39. The parties hereby notify the court of the following:

The parties have settled this matter in accordance with the terms of the fully executed Settlement Agreement, attached hereto as **Exhibit A**. Per the terms of the Settlement Agreement, once Defendants have paid the settlement amount in full, Plaintiffs will voluntarily dismiss their lawsuit within 10 (ten) business days thereafter. Accordingly, because this matter has settled, Plaintiffs intend to file a voluntary dismissal in the near future, and in consideration of judicial economy and resources, the parties request that the Court administratively close the docket in this matter pending Plaintiffs' voluntary dismissal.

Dated: October 26, 2022

/s/ Nicholas Ward

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CERTIFICATE OF SERVICE

I, Nicholas Ward, do hereby certify that on this 26th day of October 2022, I electronically filed a true and exact copy of the *Joint Status Report* with the Clerk of Court and all parties using the CM/ECF System.

/s/ Nicholas Ward

West Virginia Bar No. 13703