

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

**ELIZABETH HANDY and BILAL
ASIM WALK,**

Petitioners,

v.

**BRENDA FITZGERALD, M.D., in
her official capacity as Commissioner
of the Georgia Department of Public
Health; and DONNA L. MOORE, in
her official capacity as State Registrar
and Director of the State Office of
Vital Records,**

Defendants.

Civil Action File

No. 2017CV287758

JOINT MOTION TO DISMISS

Petitioners Elizabeth Handy and Bilal Walk and Defendants Brenda Fitzgerald, M.D. and Donna L. Moore jointly move to dismiss this action as moot. Petitioners filed this action, a Verified Petition for Writ of Mandamus, on March 22, 2017. Petitioners requested that Defendants comply with their mandatory legal duties under O.C.G.A. § 31-10-9(e)(5) to issue a birth certificate for their infant daughter, “in the surname ... as designated by both parents” in a signed and notarized acknowledgment of legitimation form. The Petitioners also requested

that the birth certificate be duly recorded in the Vital Records of the State of Georgia.

Since the filing of the Verified Petition, Defendants have complied with their mandatory duty under O.C.G.A. § 31-10-9(e)(5). On April 5, 2017, Donna L. Moore, the State Registrar and Director of the State Office of Vital Records, issued the birth certificate for Petitioners' infant daughter, as requested, bearing the name of their child as designated by both parents. The birth certificate has been duly recorded in the Vital Records of the State of Georgia. Ms. Moore issued a certified copy of the birth certificate to the Petitioners on April 10, 2017, which Petitioners received on April 12, 2017.

The public duty under O.C.G.A. § 31-10-9(e)(5) to enter the surname on the birth certificate as designated by both parents has now occurred, and Petitioners have obtained the relief they sought in this action. Accordingly, the Petition for Writ of Mandamus is moot. *See R.A.F. v. Robinson*, 286 Ga. 644, 646 (2010). For these reasons, the parties jointly move to dismiss this action. For the Court's convenience, the parties attach a proposed order as Exhibit A to this Motion.

[Signatures Continue on Following Page]

Respectfully submitted this 19th day of April, 2017.

/s/ Michael R. Baumrind

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Attorneys for Defendants

CERTIFICATE OF SERVICE

This is to certify that on this day, I have electronically filed the JOINT MOTION TO DISMISS via Odyssey eFileGA and have caused to be served a copy to the below listed counsel for Defendants in the case by first class mail and email addressed as follows:

Mark Cicero
Assistant Attorney General
Georgia Office of Attorney General
40 Capitol Square SW
Atlanta, GA 30334
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This 19th day of April, 2017.

/s/ Michael R. Baumrind

Michael R. Baumrind

EXHIBIT A

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[PROPOSED] ORDER OF DISMISSAL

This matter is before the Court on the parties' Joint Motion to Dismiss the Verified Petition for Writ of Mandamus. The parties have represented to the Court that the Defendants have fulfilled the public duty that was the basis of the Petition, and that Petitioners have received the relief they sought. Accordingly, upon consideration of the Joint Motion to Dismiss, the Court finds the motion just and proper. The Court **GRANTS** the Joint Motion to Dismiss the Verified Petition. This action is **DISMISSED** as moot.

Dated and signed, this ____ day of _____, 2017.

Judge Todd Markle
Superior Court
Fulton County, Georgia

Order Prepared by:

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