

Bathroom Reader

The More You Go, The More You Know Issue 45, Mid-September 2017

FRIVOLOUS SUBWAY LAWSUIT GOES STALE



Do you remember that class action lawsuit against Subway that started with a Facebook picture of an 11” sandwich? The parties came to a settlement in which Subway agreed to implement practicable measures that ensures all foot-long sandwiches are indeed 12” long and pay \$525,000 in class counsel fees to the ten plaintiff law firms.

When a class member argued that the settlement only enriched the lawyers and provided no meaningful remedy to plaintiffs, the 7th Circuit Court of Appeals reversed the decision. Apparently, class actions that seek superficial benefits for the class and only result in fees for class counsel is “no better than a racket.”

LGBT RIGHTS ACTIVIST, EDITH WINDSOR, DIES



On September 12, 2017, Edith Windsor died at the

age of 88. Windsor became a gay rights icon in 2013 when she won her case challenging the Defense Against Marriage Act in the U.S. Supreme Court.

In mourning her passing, the LGBTQ community and its allies celebrate Windsor’s storied life as a unapologetic lesbian, her passionate decades-long love affair with her late wife, Thea Spyer, and her courageous determination as an advocate for equality. Many will no doubt continue her legacy for years to come.

TWINS SHARE EVERYTHING BUT CITIZENSHIP



What could go wrong when a man with U.S. citizenship and a man with Israeli citizenship decide to have kids? Andrew and Elad Dvash-Banks might have anticipated many different sorts of problems when they married in Canada in 2011 and decided to move their young family to the U.S. a few years later, but

an immigration snafu was not one of them.

The couple’s twin boys were born via a surrogate— one baby’s biological father is Andrew and the other baby’s biological father is Elad. As it turns out, under U.S. immigration law, only the twin fathered by Andrew is entitled to U.S. citizenship by the principle of jus sanguinis (or citizenship by blood). Despite both parents being listed on the twins’ Canadian birth certificates, Andrew cannot transfer his U.S. citizenship to both of his twins like they had anticipated.

Deborah Wald, an assisted reproduction technology specialist, advises that the best way for the couple to resolve this in court is to take advantage of the federal government’s specific multi-factored definition of adoption. If Andrew “adopted” his son, that process would be the basis of the baby’s application for U.S. citizenship.

This strategy is often employed when U.S. couples who have babies via foreign surrogates realize after a DNA test that their baby is not related to them and cannot enter the country without further legal action.