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 through Attorney General Xavier Becerra*

9  
 10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 12

13 CITY AND COUNTY OF SAN FRANCISCO,  
 14 Plaintiff,  
 15 vs.  
 16 ALEX M. AZAR II, et al.,  
 17 Defendants.

No. C 19-02405 WHA  
*Related to*  
 No. C 19-02769 WHA  
 No. C 19-02916 WHA

18 STATE OF CALIFORNIA, by and through  
 ATTORNEY GENERAL XAVIER BECERRA,  
 19 Plaintiff,  
 20 vs.  
 21 ALEX M. AZAR, et al.,  
 22 Defendants.

**PLAINTIFFS' APPENDIX IN SUPPORT  
 OF THEIR MOTION FOR SUMMARY  
 JUDGMENT AND IN SUPPORT OF  
 THEIR OPPOSITION TO DEFENDANTS'  
 MOTION FOR SUMMARY JUDGMENT**

23 COUNTY OF SANTA CLARA et al.,  
 Plaintiffs,  
 24 vs.  
 25 U.S. DEPARTMENT OF HEALTH AND  
 26 HUMAN SERVICES, et al.,  
 27 Defendants.

Date: October 30, 2019  
 Time: 8:00 AM  
 Dept: 12  
 Judge: The Honorable William H. Alsup  
 Trial Date: None Set  
 Action Filed: 5/21/2019

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Plaintiffs hereby submit the attached Appendix in support of their motion for summary judgment and in support of their opposition to Defendants’ motion for summary judgment.

Dated: September 9, 2019

Respectfully Submitted,

XAVIER BECERRA  
Attorney General of California  
KATHLEEN BOERGERS  
Supervising Deputy Attorney General

*/s/ Neli Palma*

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STEPHANIE YU  
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*Attorneys for Plaintiff State of California, by  
and through Attorney General Xavier  
Becerra*

## Plaintiffs' Appendix to their Motion for Summary Judgment

EXHIBIT	AR NUMBER	DESCRIPTION OF DOCUMENT <sup>1</sup>
<b>Entity Comment Letters</b>		
1.	000140635-000140648	A Better Balance: The Work & Family Legal Center
2.	000147746-000147766	ACLU
3.	000054610-000054622	ACLU of Alabama
4.	000139483-000139494	ACLU of Florida
5.	000160890-000160902	ACLU Foundation of California
6.	000160716-000160727	ACLU of Colorado
7.	000057412-000057423	ACLU of Massachusetts
8.	000068069-000068079	ACLU of Michigan
9.	000058269-000058279	ACLU of Minnesota
10.	000138016-000138027	ACLU of New Mexico
11.	000056876-000056888	ACLU of South Dakota
12.	000035258-000035259	American Academy of Family Physicians
13.	000066627-000066628	American Academy of PAs
14.	000140460-000140477	American Academy of Pediatrics
15.	000133694-000133703	American Atheists
16.	000147981-000147985	American College of Emergency Physicians
17.	000139749-000139751	American College of Obstetricians and Gynecologists
18.	000137623-000137626	American Dental Education Association
19.	000030264	American Health Care Association/National Center for Assisted Living
20.	000067413-000067416	American Hospital Association

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<sup>1</sup> The documents listed in the Appendix are drawn from the flash drives, submitted to the Court on July 23, 2019. *See* Dkt. No. 74.

## Plaintiffs' Appendix to their Motion for Summary Judgment

<b>EXHIBIT</b>	<b>AR NUMBER</b>	<b>DESCRIPTION OF DOCUMENT</b>
21.	000139587-000139593	American Medical Association
22.	000056915-000056922	American Nurses Association and American Academy of Nursing
23.	000140452-000140454	American Pharmacists Association
24.	000028893-000028895	American Physical Therapy Association
25.	000147725-000147728	American Psychiatric Association
26.	000140575-000140578	American Psychological Association
27.	000058398-000058399	American Speech-Language-Hearing Association
28.	000147999-000148006	Americans United for Separation of Church and State
29.	000147890-000147892	Anne Arundel Medical Center
30.	000071679-000071683	Anti-Defamation League
31.	000071138-000071143	Association of American Medical Colleges
32.	000147963-000147965	Association of Women's Health, Obstetric and Neonatal Nurses
33.	000068369-000068373	Aurora Health Care
34.	000057077-000057078	Bend the Arc Jewish Action
35.	000147859-000147860	BJC HealthCare
36.	000140265-000140277	Blue Cross Blue Shield Association
37.	000139287-000139293	Boston Medical Center
38.	000137905-000137910	California Attorney General
39.	000140350-000140356	California Department of Insurance
40.	000057541-000057543	California LGBT Health and Human Services Network
41.	000151666-000151674	California Medical Association
42.	000135124-000135126	California Pan-Ethnic Health Network
43.	000147867-000147868	California Primary Care Association
44.	000135824-000135840	Callen-Lorde

## Plaintiffs' Appendix to their Motion for Summary Judgment

<b>EXHIBIT</b>	<b>AR NUMBER</b>	<b>DESCRIPTION OF DOCUMENT</b>
45.	000160639-000160653	Center for American Progress
46.	000135634-000135638	Center for Health and Gender Equity (CHANGE)
47.	000191027-000191033	Center for Inquiry
48.	000140694-000140701	Center for Medicare Advocacy
49.	000160801-000160828	Center for Reproductive Rights
50.	000148049-000148054	Center on Halsted
51.	000139397-000139401	Child Welfare League of America
52.	000138033-000138034	Christiana Care Health System
53.	000032771-000032772	City of Miami Beach
54.	000140484-000140489	City of New York
55.	000149090-000149098	Colorado Coalition for the Homeless
56.	000139925-000139929	Colorado Consumer Health Initiative
57.	000140332-000140335	Commonwealth of Pennsylvania Departments of Aging, Health, Human Services, Drug and Alcohol Programs, and Insurance
58.	000138088-000138099	Community Catalyst
59.	000135191-000135199	Compassion & Choices
60.	000160775-000160778	Consortium for Citizens with Disabilities Rights Task Force
61.	000071569-000071576	Consumer Health First
62.	000140209-000140214	Consumers for Affordable Health Care
63.	000055806-000055813	County of Santa Clara
64.	000139817-000139819	DignityUSA

## Plaintiffs' Appendix to their Motion for Summary Judgment

<b>EXHIBIT</b>	<b>AR NUMBER</b>	<b>DESCRIPTION OF DOCUMENT</b>
65.	000011509-000011513	Disability Rights Education and Defense Fund (DREDF)
66.	000160542-000160547	Duke Law School - Health Justice Clinic & NC AIDS Action Network
67.	000137943-000137945	EmblemHealth
68.	000160924-000160929	Empire Justice Center
69.	000071187-000071188	Esperanza Health Centers
70.	000055454-000055463	Every Child By Two
71.	000139245-000139253	Family Equality Council
72.	000011504-000011505	Family Voices
73.	000134957-000134959	Federal AIDS Policy Partnership
74.	000063125-000063131	Feminist Majority Foundation
75.	000139476-000139480	Forward Montana
76.	000140547-000140548	Freedom From Religion Foundation
77.	000139354-000139358	GLBTQ Legal Advocates & Defenders
78.	000160566-000160573	GLMA: Health Professionals Advancing LGBT Equality
79.	000147824-000147828	Greater New York Hospital Association (GNYHA)
80.	000067142-000067147	Guttmacher Institute
81.	000071476-000071481	Health Care For All
82.	000134957-000134959	HIV Health Care Access Working Group
83.	000139259-000139262	HIV Medicine Association
84.	000071673	Howard Brown Health
85.	000140153-000140159	Human Rights Campaign
86.	000147969-000147978	Human Rights Watch
87.	000161178-000161186	Institute for Policy Integrity at New York University School of Law
88.	000160934-000160935	Interfaith Voices for Reproductive Justice

## Plaintiffs' Appendix to their Motion for Summary Judgment

<b>EXHIBIT</b>	<b>AR NUMBER</b>	<b>DESCRIPTION OF DOCUMENT</b>
89.	000140011-000140027	International Women's Health Coalition
90.	000140493-000140497	Jackson County Democrats (JCD) LGBTQ Caucus
91.	000138145-000138149	Jacobs Institute of Women's Health
92.	000070952	Jewish Healthcare Foundation
93.	000140047	Jewish Women International
94.	000148161-000148167	Justice in Aging
95.	000161476-000161495	Lambda Legal
96.	000071624-000071626	Latino Coalition for a Healthy California
97.	000135393-000135395	LeadingAge
98.	000148789-000148799	Legal Voice
99.	000135769-000135772	LGBT Community Advisory Board, Washington, DC
100.	000071750-000071755	Lesbian Health Initiative (LHI)-Houston
101.	000147871-000147873	Massachusetts Health & Hospital Association
102.	000071698-000071699	Massachusetts Law Reform Institute
103.	000064200-000064201	Massachusetts Medical Society
104.	000161033-000161039	Medicare Rights Center
105.	000160169-000160461	MomsRising
106.	000139301-000139305	Montana Women Vote
107.	000068066-000068067	Maine Primary Care Association
108.	000148008-000148010	Muslim Advocates
109.	000057600-000057607	National Association of Chain Drug Stores
110.	000139217-000139228	NARAL Pro-Choice America

## Plaintiffs' Appendix to their Motion for Summary Judgment

<b>EXHIBIT</b>	<b>AR NUMBER</b>	<b>DESCRIPTION OF DOCUMENT</b>
111.	000148028-000148039	NARAL Pro-Choice Maryland
112.	000067994-000068004	National Abortion Federation
113.	000135610-000135612	National Academy of Elder Law Attorneys
114.	000148014-000148025	National Asian Pacific American Women's Forum
115.	000068426-000068451	National Association of Councils on Developmental Disabilities
116.	000138013-000138014	National Association of County and City Health Officials
117.	000140586-000140587	National Association of Pediatric Nurse Practitioners
118.	000065891-000065892	National Association of Social Work
119.	000134728-000134750	National Center for Lesbian Rights
120.	000148096-000148120	National Center for Transgender Equality
121.	000147915-000147919	National Coalition for LGBT Health
122.	000138161-000138163	National Coalition of STD Directors
123.	000147879-000147881	National Community Pharmacists Association
124.	000140183-000140192	National Council of Jewish Women
125.	000057082-000057093	National Council of Jewish Women New York
126.	000066295-000066296	National Council on Aging
127.	000147849-000147850	National Education Association
128.	000138102-000138112	National Family Planning & Reproductive Health Association
129.	000057126-000057127	National Health Care for the Homeless Council
130.	000139858-000139885	National Health Law Program
131.	000148056-000148062	National Immigration Law Center
132.	000160586-000160588	National Indian Health Board
133.	000057519-000057531	National Institute for Reproductive Health (NIRH)
134.	000160475-000160492	National Latina Institute for Reproductive Health

## Plaintiffs' Appendix to their Motion for Summary Judgment

<b>EXHIBIT</b>	<b>AR NUMBER</b>	<b>DESCRIPTION OF DOCUMENT</b>
135.	000149690-000149695	National LGBTQ Task Force
136.	000140594-000140597	National Organization for Women
137.	000148177-000148189	National Partnership for Women & Families
138.	000149141-000149156	National Women's Law Center
139.	000137857-000137862	New Voices for Reproductive Justice
140.	000140484-000140489	New York City
141.	000137574-000137587	New York Civil Liberties Union
142.	000140552-000140572	NMAC (formerly, the National Minority AIDS Council)
143.	000139547-000139553	North Carolina Justice Center
144.	000161452-000161462	Northwest Health Law Advocates (NoHLA)
145.	000137611-000137612	Ohio Hospital Association
146.	000059389-000059393	One Colorado Education Fund
147.	000139366-000139377	One Voice to Save Choice
148.	000055622-000055628	Oregon Foundation for Reproductive Health
149.	0000011483-00011487	Our Family Coalition
150.	000149000-000149005	PAI (Champions of Global Reproductive Rights)
151.	000138006-000138010	PCMA (Pharmaceutical Care Management Association)
152.	000070927-000070934	People For the American Way
153.	000148138-000148152	Physicians for Reproductive Health
154.	000160751-000160771	Planned Parenthood Federation of America
155.	000147730-000147734	Power to Decide

## Plaintiffs' Appendix to their Motion for Summary Judgment

<b>EXHIBIT</b>	<b>AR NUMBER</b>	<b>DESCRIPTION OF DOCUMENT</b>
156.	000071638-000071642	PROMO Fund
157.	000159777-000159781	Public Health Law Watch and Public Health Law Center
158.	000137758-000137767	Public Rights/Private Conscience Project
159.	000066545-000066556	Raising Women's Voices for the Health Care We Need
160.	000067827-000067829	Religious Action Center of Reform Judaism
161.	000133980-000133983	SAGE (Advocacy & Services for LGBT Elders)
162.	000134791-000134793	San Francisco Department of Public Health
163.	000161316-000161342	Sargent Shriver National Center on Poverty Law
164.	000139176-000139177	SisterLove, Inc.
165.	000027575-000027579	Southern Arizona Gender Alliance
166.	000051276-000051290	SPAN Parent Advocacy Network/Family Voices NJ
167.	000070993-000070995	Texas Hospital Association
168.	000157239-000157259	The Alliance: State Advocates for Women's Rights & Gender Equality
169.	000147952-000147955	The Disability Coalition of New Mexico
170.	000140685-000140692	The Fenway Institute at Fenway Health
171.	000160951-000160963	The Leadership Conference on Civil and Human Rights Health Care Task Force
172.	000071648-000071650	The Movement Advancement Project
173.	000148072-000148076	The New York State LGBT Health & Human Services Network
174.	000140339-000140340	The Patients Rights Action Fund
175.	000140395-000140400	The Trevor Project
176.	000160782-000160786	Transgender Law Center
177.	000140507-000140513	URGE: Unite for Reproductive & Gender Equity
178.	000067173-000067175	Washington State Department of Health

## Plaintiffs' Appendix to their Motion for Summary Judgment

<b>EXHIBIT</b>	<b>AR NUMBER</b>	<b>DESCRIPTION OF DOCUMENT</b>
179.	000135450-000135459	Whitman-Walker Health
180.	000161198-000161295	Williams Institute
181.	000066037-000066047	Wisconsin Alliance for Women's Health
182.	000067865-000067869	Wisconsin Hospital Association
183.	000140325-000140329	Wisconsin Medical Society
184.	000147907-000147913	Women's Health and Family Planning Association of Texas
185.	000068289-000068299	WV FREE

## Plaintiffs' Appendix to their Motion for Summary Judgment

EXHIBIT	AR NUMBER	DESCRIPTION OF DOCUMENT
<b>Individual Comment Letters</b>		
186.	000000106	Lesbian parent concerned about her children's care
187.	000006649	Transwoman in Indiana who already lives in fear of "trans panic"
188.	000006914	Mother of gay son who "has to face discrimination every day of his life. . . . Please reconsider this regulation."
189.	000007300	"My daughter is transgender and if her physicians were discriminatory, shed [sic] still be stuck in a body that killed her slowly every day."
190.	000007577	Parent of LGBTQ daughter who has a right to healthcare
191.	000008532	Parent of gay daughter concerned about discrimination
192.	000008890	Mother of transgender man
193.	000009247	Transgender person who has had good access but fears for others
194.	000009506	"I deserve as much right to healthcare as any cisgender citizen of this nation"
195.	000010053	Queer woman has been uncomfortable sharing sexual history and worries about being denied birth control
196.	000010211	Mom of transgender son fearing for ER care
197.	000010219	Has friend who's genetically XXY (intersex) and transgender
198.	000010236	Son has suffered discrimination since coming out and has suffered from suicidal ideation
199.	000010251	Woman upset that she, her wife, and their son fear losing healthcare

## Plaintiffs' Appendix to their Motion for Summary Judgment

<b>EXHIBIT</b>	<b>AR NUMBER</b>	<b>DESCRIPTION OF DOCUMENT</b>
200.	000010274	Worried about access in a sparsely populated area
201.	000010325	Faced discrimination by Seventh Day Adventist hospitals
202.	000011367	Transgender woman who has witnessed horror stories and speaks to med students on transgender access
203.	000011371	"Transgender female who is not going to let them take anything away from me"
204.	000012066	Man whose partner was initially denied parental status at an urgent care center
205.	000012912	Transgender woman and healthcare economist on increased healthcare costs
206.	000012996	Gay man who is a healthcare administrator and rejects discrimination
207.	000016236	Parent of child who struggled before transitioning
208.	000016449	Daughter not allowed to see same-sex partner in hospital in FL
209.	000022614	"I as a part of glbtq am opposed to the refusal of healthcare because of race, religion, sex preference, trans gendered."
210.	000022945	Parents of non-binary child who deserves medical care
211.	000024796	Illinois resident fears being kept alive by doctors
212.	000025913	Grandmother of two transgender kids
213.	000027777	Parent of transgender child who has been subject to "horrific treatment"
214.	000028521	Person whose transgender teenager was discriminated against in ER
215.	000029190	Physician who cares for transgender youth
216.	000029393	Transgender person who fears refusal of care
217.	000029717	Gay individual who needs infusion treatments and fears denial of care

## Plaintiffs' Appendix to their Motion for Summary Judgment

<b>EXHIBIT</b>	<b>AR NUMBER</b>	<b>DESCRIPTION OF DOCUMENT</b>
218.	000029955	Father of gay son concerned about discrimination
219.	000030586	"My daughter is transgender and her life is already difficult"
220.	000030768	Woman fears denial of access to birth control
221.	000030882	Woman concerned that she and her wife can go to any doctor
222.	000033830	Parent of gay son upset about discrimination
223.	000035302	Transgender individual who was refused service in town and had to drive 2 hours
224.	000035408	Lives in rural area and worries about access
225.	000052491	Transgender man who could be denied access to care
226.	000054575	Transgender woman denied breast-augmentation surgery in DC
227.	000054588	Mother of LGBTQ adult also concerned about hostile work environment in medical field
228.	000054594	"My daughter deserves treatment"
229.	000055272	Transgender individual who could be denied care
230.	000055280	Queer woman and partner whose desire to build a family may be harmed
231.	000055322	Person with transgender child
232.	000055326	Gay minister living with AIDS fears denial of service
233.	000055347	"Because I am gay and live in a rural area, my son (who is not gay) and I have been refused healthcare by our local clinic."
234.	000056864	Transgender individual who requires hormones; denial of care would be a "death sentence"
235.	000056996	Employee of organization that provides medical care for transgender individuals, many who have been afraid of seeking care
236.	000057188	Person with transgender child

## Plaintiffs' Appendix to their Motion for Summary Judgment

<b>EXHIBIT</b>	<b>AR NUMBER</b>	<b>DESCRIPTION OF DOCUMENT</b>
237.	000057215	Lives in rural area and worries about access
238.	000057309	Gay man who has been shamed from PrEP treatment
239.	000057477	Queer woman rejecting discrimination
240.	000057785	Has transgender daughter, do not take away healthcare
241.	000057844	Transgender man who fears being unable to travel to visit family due to lack of emergency care
242.	000057855	Gay man and healthcare professional rejects discrimination
243.	000059058	Lesbian and Catholic fearing for access
244.	000065789	"My son is transgender and it scares me to think that his health could suffer, legally, because of this new rule."
245.	000066141	Court-appointed special advocate for foster youth fighting for transgender healthcare
246.	000066168	Rural area, was delayed when wanting to know about abortion
247.	000066293	Queer teenager does not look forward to being denied proper care
248.	000066464	Gender-diverse person with chronic illnesses who has been discriminated against
249.	000066474	Trans woman who has experienced "lower class treatment"
250.	000066529	Wants LGBT son to be able to receive care
251.	000066537	Parent of lesbian and sibling of gay man who should not be discriminated against
252.	000066557	Gender affirmation surgery is hard to obtain. "I experience a lot of shaming associated with healthcare discrimination."
253.	000066574	"Active duty, transgender, Airman stationed on Okinawa" who had difficulty getting care
254.	000066595	Father of deceased LGBTQ son

## Plaintiffs' Appendix to their Motion for Summary Judgment

<b>EXHIBIT</b>	<b>AR NUMBER</b>	<b>DESCRIPTION OF DOCUMENT</b>
255.	000066734	Trans man who needs gynecological care
256.	000066808	Member of Portland's LGBT community who fears for loved ones who get in an accident
257.	000066850	Fears for transgender sister who could be denied care
258.	000066993	Lives in rural area
259.	000067037	Providers are heteronormative and ignorant about queer health issues
260.	000067068 - 000067069	Transgender individual fearing discrimination and listing research and statistics
261.	000067073	Gay individual who does not hide the fact but fears discrimination as a result
262.	000067094	Closeted trans man; fear prevents getting medical care
263.	000067095	Queer woman has struggled even with well-intentioned doctors
264.	000067149	Woman fears denial of abortion or family planning services
265.	000067154	Transgender woman refused gender confirmation surgery in PA
266.	000067434	"As a woman and a queer person, I should not be discriminated against because of my identity."
267.	000067206	Fears for care for partner and herself, especially if they start a family
268.	000067233	Transgender man who fears denial care for even a broken arm
269.	000067262	Transgender woman who almost died due to denial of care
270.	000067273	Queer person already faces discrimination
271.	000067290	Queer woman who thinks refusal of care is "cruel and inhuman"
272.	000067291	Queer woman afraid of bigotry in healthcare
273.	000067439	Bisexual individual has received supportive care but witnesses discrimination as an EMT

## Plaintiffs' Appendix to their Motion for Summary Judgment

<b>EXHIBIT</b>	<b>AR NUMBER</b>	<b>DESCRIPTION OF DOCUMENT</b>
274.	000067473	Rabbi who has worked with people who were denied access to care or to visit partners
275.	000067486	Transgender and queer person who has faced obstacles
276.	000067518	Queer woman who has had doctors make assumptions and ask offensive questions
277.	000067534	Trans and gender queer individual who has received biased care
278.	000067542	Queer woman who hasn't experienced healthcare discrimination but fears it
279.	000067655	Nonbinary person who has already experienced small instances of discrimination
280.	000067778	Physician who has heard from transgender patients about poor care; also concerned about gender queer daughter
281.	000067786	Transgender patient who had to fight to get medical records updated
282.	000067845	Queer woman has faced discrimination
283.	000071280	Queer woman and partner of trans man who has to evade invasive questions
284.	000071330	Grandmother because in viro fertilization allowed her daughter and wife to have kids
285.	000071412	Lost a transgender friend because a doctor refused to "waste" a donor kidney
286.	000071454	Gay man concerned about discrimination for himself and friends and family
287.	000071528	Queer woman needs healthcare to stay intact
288.	000071588	Pansexual individual says no one should be refused care
289.	000071643	Spouse of woman who died from MS fears removal of dignity from the dying
290.	000134033	"This legislation affects me personally as I am transgender."

## Plaintiffs' Appendix to their Motion for Summary Judgment

<b>EXHIBIT</b>	<b>AR NUMBER</b>	<b>DESCRIPTION OF DOCUMENT</b>
291.	000134055	Queer person has "refrained from being honest" with doctor to receive care
292.	000134077	Discrimination affects her transgender daughter
293.	000134121	"As a transgender person, getting adequate and holistic healthcare is already extremely difficult."
294.	000134191	"As a queer person I search for doctors who will treat me with respect. Please do not make this harder for me then it already is."
295.	000134290	10-year-old son is transgender, fear for care in emergency
296.	000134482	77-year-old fears doctors who believe people should suffer before dying
297.	000134515	Person's son is navigating his sexual identity and deserves the same right to services
298.	000134770	Grandmother of transgender individual
299.	000134797	Transgender person who has had difficulties getting routine care
300.	000134816	Mother of transgender adult child
301.	000134857	Bisexual woman hasn't faced discrimination but fears refusal of care based on who she loves
302.	000134880	Fortunate to have transgender doctor, rare in rural CO
303.	000134884	Queer woman with diabetes and depression fearing access to understanding providers
304.	000135797	Same-sex partner "lucky" to be able to visit spouse after giving birth
305.	000135903	Gay doctor who cares for LGBTQ patients and fears for them and himself
306.	000135973-000136474	Compilation of comments from NCTE
307.	000137569	"You cannot permit a medical provider the right to refuse service because I am gay."

## Plaintiffs' Appendix to their Motion for Summary Judgment

<b>EXHIBIT</b>	<b>AR NUMBER</b>	<b>DESCRIPTION OF DOCUMENT</b>
308.	000137730	Parent of trans son already facing discrimination
309.	000139149	Dropped from insurance when husband transitioned
310.	000139364	Teacher with transgender students and friends
311.	000139941	LGBTQ individual thinks the rule would give murderers better healthcare than LGBTQ individuals
312.	000139951-000139952	Queer woman and HIV-advocacy attorney objects to allowing discrimination
313.	000140241	"As a trans woman, I am deeply disappointed in your lack of dedication to serve all Americans equally."
314.	000148925	"We're a same gender family with a gay son. We've had to seek out health care practitioners who are LGBT friendly."
315.	000148937	Transgender person who avoids seeing the doctor, was previously discriminated against when identifying as lesbian
316.	000148944	Black queer person already faces racial discrimination
317.	000148965	Queer person trying to start a family fears discrimination for self or future children
318.	000148983	Has pastored individuals who were discriminated against
319.	000149039	Individual with intersexed and transgender wife who already have to travel for care
320.	000149044	Mother of lesbian daughter and gay son concerned about appropriate health care
321.	000149049	Queer patient who has relied on antidiscrimination laws
322.	000149055	"Do I not deserve health care because I'm trans?"
323.	000149114	Transgender person who has experienced hostile healthcare workers
324.	000149158	"I am a transgender female and my procedures and medications are important to my health."

## Plaintiffs' Appendix to their Motion for Summary Judgment

<b>EXHIBIT</b>	<b>AR NUMBER</b>	<b>DESCRIPTION OF DOCUMENT</b>
325.	000149166	"As an LGBTQ person, my rights could be at stake with this proposed rule."
326.	000149167	Gay nurse who has seen discrimination affecting care
327.	000149699	Trans person who has had healthcare providers "turn cold" when finding out patient is trans
328.	000150714	Trans individual who was not treated after NP disparaged
329.	000151241	Individual with queer and transgender friends who return from medical care in tears or delay treatment
330.	000152179	Queer person with chronic pain needs compassionate comprehensive care
331.	000152692	Student fears hormone replacement therapy will be inaccessible after graduation
332.	000154205	Person with transgender grandchild
333.	000155213	Post-op trans who has been dead-named and "viewed" by med students
334.	000160468	"As a transgender person, I should not be afraid to seek medical care because I may be turned away simply because of my sex at birth."
335.	000160536	Parent of trans teen worried about the impact on medical care
336.	000160540	Trans person wants doctors not to discriminate
337.	000160561	Trans person saying that carers shouldn't be able to deny care
338.	000160574	Gay man already struggles to find healthcare
339.	000160632	Queer individual who fears being turned away
340.	000160694	Parent worried about visitation rights for son's committed partner
341.	000160780	Transgender woman with limited healthcare options in rural OR
342.	000160846	Nurse with transgender son

## Plaintiffs' Appendix to their Motion for Summary Judgment

<b>EXHIBIT</b>	<b>AR NUMBER</b>	<b>DESCRIPTION OF DOCUMENT</b>
343.	000160865	Lesbian former NP who treated transgender and non-binary patients
344.	000160887	Transgender individual with autoimmune condition, dismissed by hematologist
345.	000160908	Transgender individual who is frequently misgendered and has experienced discrimination
346.	000160911	"I was denied care by over 50 doctors because I am transgender and then I had to drive 4 hours to get the needed care."
347.	000160921	"My son is gay, and as his proud mother I worry that he will not Be treated fairly or treated at all."
348.	000160965	"I am transgender. I have had occasions to be treated by doctors as though my trans-ness is contagious."
349.	000160989	"Discriminating impacts my son. This is not equality."
350.	000161005	"As a Christian who is LGBT, my life or quality of life (and that of my family) should not depend on the personal Religious beliefs of a medical professional."
351.	000161013	Gay male who has been refused medical treatment and visitation
352.	000161014	Bisexual and non-binary individual who reports discriminatory treatment
353.	000161019	Gay individual with chronic disease and few health insurance options
354.	000161020 - 000161021	Transgender individual writing about problems accessing care
355.	000161031	Queer woman shouldn't have to watch her words when receiving healthcare
356.	000161041	Disabled veteran living in rural area
357.	000161044	"Military spouse who happens to be transgender"
358.	000161045	Individual with transgender friends and students

## Plaintiffs' Appendix to their Motion for Summary Judgment

<b>EXHIBIT</b>	<b>AR NUMBER</b>	<b>DESCRIPTION OF DOCUMENT</b>
359.	000161062	LGBT woman with family history of ovarian cancer fears denial of a hysterectomy or other care
360.	000161064	Transgender man with two life-threatening illnesses
361.	000161168	"I've been refused treatment before for no other reasons than being transgender."
362.	000161173	"I do not expect either my daughter or her daughter, or her wife to be given anything less than the highest standard of care when they are sick."
363.	000161175	Friend was not treated by paramedics after hemorrhage from transition surgery
364.	000161187	Transgender man who does not want to be "scared to go to the doctor"
365.	000161190	Transgender person could be "left to die on the road by emergency workers"
366.	000161296	"My transgender son's LIFE depends upon ongoing health care"
367.	000161307	Gay man remembers HIV stigma and fears additional discrimination
368.	000161312	Transmale person who has been discriminated against
369.	000161346	Parent of gay son concerned about discrimination
370.	000161369	"I am trans and have already had an incredibly difficult time finding a doctor who will see me. These rules will make that even worse.
371.	000161373	Transgender individual who had trouble finding a doctor even in San Francisco
372.	000161392	Parent of gay daughter who should have the same right to care as her twin sister
373.	000161396	Parent of gay daughter and healthcare worker who has never refused treatment
374.	000171131 - 000171630	Compilation of comments from Planned Parenthood

## Plaintiffs' Appendix to their Motion for Summary Judgment

EXHIBIT	AR NUMBER	DESCRIPTION OF DOCUMENT
<b>Other Excerpts from the Record</b>		
375.	000537549 - 000537560	Armand H. Matheny Antommaria, <i>Adjudicating rights or analyzing interests: ethicists' role in the debate over conscience in clinical practice</i> , <i>Theor. Med. Bioeth.</i> 29:201-212 (2008)
376.	000537563 - 000537577	Lisa H. Harris <i>et al.</i> , <i>Obstetrician-Gynecologists' Objections to an Willingness to Help Patients Obtain and Abortion</i> , <i>Obstet. Gynecol.</i> 118(4): 905-912 (October 2011)
377.	000537892 - 000537893	Douglas B. White & Baruch Brody, <i>Would Accommodating Some Conscientious Objections by Physicians Promote Quality in Medical Care?</i> , <i>JAMA</i> , Vol. 305, No. 17 (May 4, 2011)
378.	000537894 - 000537900	Josh Hyatt, <i>Recognizing Moral Disengagement and Its Impact on Patient Safety</i> , <i>J. of Nursing Reg.</i> , Vol. 7, Issue 4 (Jan. 2017)
379.	000537901 - 000537923	Joan McCarthy & Chris Gastmans, <i>Moral distress: A review of the argument based nursing ethics literature</i> , <i>Nursing Ethics</i> , Vol. 22(I), 131-152 (2015)
380.	000537924 - 000537931	Farr A. Curlin, <i>et al.</i> , <i>Religion, Conscience, and Controversial Clinic Practice</i> , <i>N. Engl. J. Med.</i> , 356:593-600 (2017)
381.	000538029 - 000538045	Christy A. Rentmeester, <i>Moral Damage to Health Care Professionals and Trainees: Legalism and Other Consequences for Patients and Colleagues</i> , <i>Journal of Medicine and Philosophy</i> , <i>J. Med. &amp; Philosophy</i> , 33: 27-43 (2008)
382.	000538046 - 000538051	Kathleen M. Morrell and Wendy Chavkin, <i>Conscientious Objection to Abortion and Reproductive Healthcare: A Review of Recent Literature and Implications for Adolescents</i> , <i>Curr. Opin. Obstet. Gynecol.</i> 27:333-338 (2015)
383.	000538052 - 000538075	Emmanuel Scheppers, <i>et al.</i> , <i>Potential Barriers to the Use of Health Services Among Ethnic Minorities: A Review</i> , <i>Family Practice</i> 23: 325-348 (2006)
384.	000538670 – 000538674	Michael P. Combs <i>et al.</i> , <i>Conscientious refusal to refer: findings from a national physician survey</i> , <i>J. Med. Ethics</i> 37:397-401 (2011)
385.	000538675 - 000538708	<i>Conscientious objection to the provision of reproductive health care</i> , Ed. Wendy Chavkin, <i>Supp. to Int'l J. Gynecology &amp; Obstetrics</i> 123 Supp. 3
386.	000538709 - 000538727	Stephen J. Genuis and Chris Lipp, <i>Review Article: Ethical Diversity and the Role of Conscience in Clinical Medicine</i> , <i>Int'l J. Family Medicine</i> (2013)
387.	000538733 - 000538740	Fariba Borhani <i>et al.</i> , <i>The relationship between moral distress, professional stress, and intent to stay in nursing profession</i> , <i>J. Med. Ethics &amp; History of Med.</i> 7:4 (2014)
388.	000538792 - 000538810	Fallon Chipidza <i>et al.</i> , <i>Impact of the Doctor-Patient Relationship</i> , <i>Prim. Care Companion CNS Discord.</i> 2015; 17(5)
389.	000538816 - 000538821	Ezekiel Emmanuel <i>et al.</i> , <i>Euthanasia and Physician-Assisted Suicide: attitudes and experiences of oncology patients, oncologists, and the public</i> , <i>The Lancet</i> 347, 9018 (Jun. 29, 1996)

## Plaintiffs' Appendix to their Motion for Summary Judgment

<b>EXHIBIT</b>	<b>AR NUMBER</b>	<b>DESCRIPTION OF DOCUMENT</b>
390.	000548516 - 000548598	Hill, et al., Reproductive Health Care in Catholic-Owned Hospitals, NBER Working Paper No. 23768 (2017)
391.	000548505 - 000548515	Thorne, et al., <i>Reproductive Health Care in Catholic Facilities: A Scoping Review</i> , <i>Obstet. Gynecol.</i> 2019;133:105–15
392.	000548500 - 000548504	Lori R. Freedman, <i>When There's a Heartbeat: Miscarriage Management in Catholic-Owned Hospitals</i> , <i>AM. J. PUB. HEALTH</i> (2008)
393.	000548434 - 000548435	Julie D. Cantor, M.D., J.D., <i>Conscientious Objection Gone Awry—Restoring Selfless Professionalism in Medicine</i> , <i>360 New England J. Med.</i> 1484–85 (April 9, 2009)
394.	000541576 - 000541577	OMB Meeting Notes with Alliance Defending Freedom
395.	000541578 – 000541580	OMB Meeting Notes with Alliance Defending Freedom
396.	000546807 - 000546811	Letter from OCR Director to Complainants (June 21, 2016)
397.	000546783 - 000546794	Letter from Roger T. Severino (OCR) to Xavier Becerra (Jan. 18, 2019)
398.	000548420 - 000548433	Letters from Michelle Rouillard (DMHC) to Seven Insurers Re: Limitations or Exclusions of Abortion Services (Aug. 22, 2014)
399.	000537821 - 000537828	FY 2017 HHS Awards to the State of California, Pivot Table
400.	000537807 - 000537820	FY 2017 HHS Awards to Counties
401.	000537758 - 000537801	FY 2016 HHS Awards to Junior Colleges, Colleges, and Universities
402.	000541228 - 000541233	Notes from Listening Session with California Attorney General, Oregon Attorney General, CDHHS, CDHCS (Feb. 15, 2019)
403.	000537609 - 000537613	Christian Medical Association and Freedom2Care poll data
404.	000548707 - 000548710	Kellyanne Conway Memorandum re “Key Findings on Conscience Rights Polling” (April 8, 2009)
405.	000058342 - 000058346	National Women's Law Center Fact Sheet

## CERTIFICATE OF SERVICE

Case Name: State of California v. Alex M. Azar, et al. No. 3:19-cv-02769-WHA

I hereby certify that on September 9, 2019, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**PLAINTIFFS' APPENDIX IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT AND IN SUPPORT OF THEIR OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on September 9, 2019, at Sacramento, California.

Ashley Harrison

Declarant

*/s/ Ashley Harrison*

Signature