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Attorneys for Plaintiff Russell B. Toomey

1
2 **UNITED STATES DISTRICT COURT**
3 **DISTRICT OF ARIZONA**
4

5 **Russell B. Toomey,**
6 Plaintiff,

4:19-cv-00035-TUC-RM (LCK)

**PLAINTIFF’S LAY WITNESS
DISCLOSURE**

7 v.

8 **State of Arizona; Arizona Board of**
9 **Regents, d/b/a University of Arizona,** a
10 governmental body of the State of Arizona; et
11 al.,

12 Defendants.

13 Plaintiff, by and through undersigned counsel, hereby submits his Disclosure of
14 Lay Witnesses in accordance with the Court’s November 2, 2020 Scheduling Order
15 (Doc. 130) and FED.R.CIV. P. 26(a)(3).

16 By identifying the individuals and categories of documents below, Dr. Toomey
17 does not waive or intend to waive his right to assert the attorney-client privilege, the
18 work product doctrine and any other privilege or protection from disclosure available
19 under federal or state statutory, constitutional or common law.

20 Dr. Toomey expressly reserves the right to object to the admissibility at trial of
21 any information contained in or derived from this disclosure statement. He does not
22 concede the relevance of any information contained in or derived from this disclosure
23 statement. Dr. Toomey reserves the right to rely upon the individuals identified in this
24 disclosure statement for subjects other than those identified herein. Dr. Toomey reserves
25 the right to supplement, amend, correct, or modify these disclosures as appropriate,
26 pursuant to Fed. R. Civ. P. 26(E).

- 1 1. Russell B. Toomey
2 c/o Victoria Lopez and Christine K. Wee
3 ACLU FOUNDATION OF ARIZONA
4 3707 North 7th Street, Suite 235
5 Phoenix, Arizona 85014

6 Dr. Toomey is the Plaintiff in this matter and is expected to testify relating to all
7 facts in the Complaint.

- 8 2. Paul Shannon
9 c/o Ryan C. Curtis
10 Fennemore Craig
11 2394 East Camelback Road, Suite 600
12 Phoenix, AZ 85016-3429

13 Mr. Shannon is the Acting Assistant Director of Benefit Services Division of the
14 Arizona Department of Administration. Mr. Shannon is expected to testify regarding
15 the self-funded health plan provided to Arizona State employees, including its
16 exclusions.

- 17 3. Ron Shoopman
18 c/o Paul Eckstein Perkins Coie, LLP
19 2901 North Central Avenue, Suite 2000
20 Phoenix, Arizona 85012-2788

21 Mr. Shoopman is sued in his official capacity as Chair of the Arizona Board of
22 Regents. Mr. Shoopman is expected to testify regarding the Board of Regents'
23 communications with the Arizona Department of Administration ("ADOA") urging the
24 ADOA to remove the coverage exclusion for gender reassignment surgery.

- 25 4. Larry Penley
26 c/o Paul Eckstein Perkins Coie, LLP
27 2901 North Central Avenue, Suite 2000
28 Phoenix, Arizona 85012-2788

 Mr. Penley is sued in his official capacity as a member of the Arizona Board of
 Regents. Mr. Penley is expected to testify regarding the Board of Regents'
 communications with the Arizona Department of Administration ("ADOA") urging the
 ADOA to remove the coverage exclusion for gender reassignment surgery.

1 5. Ram Krishna
2 c/o Paul Eckstein Perkins Coie, LLP
3 2901 North Central Avenue, Suite 2000
4 Phoenix, Arizona 85012-2788

5 Mr. Krishna is sued in his official capacity as a member of the Arizona Board of
6 Regents. Mr. Krishna is expected to testify regarding the Board of Regents'
7 communications with the Arizona Department of Administration ("ADOA") urging the
8 ADOA to remove the coverage exclusion for gender reassignment surgery.

9 6. Bill Ridenour
10 c/o Paul Eckstein Perkins Coie, LLP
11 2901 North Central Avenue, Suite 2000
12 Phoenix, Arizona 85012-2788

13 Mr. Ridenour is sued in his official capacity as a member of the Arizona Board
14 of Regents. Mr. Ridenour is expected to testify regarding the Board of Regents'
15 communications with the Arizona Department of Administration ("ADOA") urging the
16 ADOA to remove the coverage exclusion for gender reassignment surgery.

17 7. Lyndel Manson
18 c/o Paul Eckstein Perkins Coie, LLP
19 2901 North Central Avenue, Suite 2000
20 Phoenix, Arizona 85012-2788

21 Ms. Manson is sued in her official capacity as a member of the Arizona Board
22 of Regents. Ms. Manson is expected to testify regarding the Board of Regents'
23 communications with the Arizona Department of Administration ("ADOA") urging the
24 ADOA to remove the coverage exclusion for gender reassignment surgery.

25 8. Karrin Taylor Robson
26 c/o Paul Eckstein
27 Perkins Coie, LLP
28 2901 North Central Avenue, Suite 2000
 Phoenix, Arizona 85012-2788

 Ms. Taylor Robson is sued in her official capacity as a member of the Arizona

1 Board of Regents. Ms. Taylor Robson is expected to testify regarding the Board of
2 Regents' communications with the Arizona Department of Administration ("ADOA")
3 urging the ADOA to remove the coverage exclusion for gender reassignment surgery.

4 9. Jay Heiler
5 c/o Paul Eckstein
6 Perkins Coie, LLP
7 2901 North Central Avenue, Suite 2000
8 Phoenix, Arizona 85012-2788

9 Mr. Heiler is sued in his official capacity as a member of the Arizona Board of
10 Regents. Mr. Heiler is expected to testify regarding the Board of Regents'
11 communications with the Arizona Department of Administration ("ADOA") urging the
12 ADOA to remove the coverage exclusion for gender reassignment surgery.

13 10. Fred DuVal
14 c/o Paul Eckstein
15 Perkins Coie, LLP
16 290I North Central Avenue, Suite 2000
17 Phoenix, Arizona 85012-2788

18 Mr. DuVal is sued in his official capacity as a member of the Arizona Board of
19 Regents. Mr. DuVal is expected to testify regarding the Board of Regents'
20 communications with the Arizona Department of Administration ("ADOA") urging the
21 ADOA to remove the coverage exclusion for gender reassignment surgery.

22 11. Authorized Representative of the Arizona Department of
23 Administration
24 c/o Ryan C. Curtis
25 Fennemore Craig
26 2394 East Camelback Road, Suite 600
27 Phoenix, AZ 85016-3429

28 This representative is expected to testify regarding the self-funded health plan
provided to Arizona State employees, including its exclusions.

1 12. Authorized Representative of the Benefit Services
2 Division of the Arizona Department of Administration
3 c/o Ryan C. Curtis
4 Fennemore Craig
5 2394 East Camelback Road, Suite 600
6 Phoenix, AZ 85016-3429

7 This representative is expected to testify regarding the self-funded health plan
8 provided to Arizona State employees, including its exclusions.

9 13. Andy Tobin
10 c/o Ryan C. Curtis
11 Fennemore Craig
12 2394 East Camelback Road, Suite 600
13 Phoenix, AZ 85016-3429

14 Mr. Tobin is the Director of the Arizona Department of Administration. Mr.
15 Tobin is expected to testify regarding the self-funded health plan provided to Arizona
16 State employees, including its exclusions.

17 14. Scott Bender
18 c/o Ryan C. Curtis
19 Fennemore Craig
20 2394 East Camelback Road, Suite 600
21 Phoenix, AZ 85016-3429

22 Mr. Bender is the Plan Administration Manager of the Benefit Services Division
23 of the Arizona Department of Administration. Mr. Bender is expected to testify
24 regarding the self-funded health plan provided to Arizona State employees, including
25 its exclusions.

26 15. Marie Isaacson
27 c/o Ryan C. Curtis
28 Fennemore Craig
 2394 East Camelback Road, Suite 600
 Phoenix, AZ 85016-3429

 Ms. Isaacson is the former Director of the Benefit Services Division of the
 Arizona Department of Administration. Ms. Isaacson is expected to testify regarding
 the self-funded health plan provided to Arizona State employees, including its
 exclusions.

1 16. Yvette Medina
2 c/o Ryan C. Curtis
3 Fennemore Craig
4 2394 East Camelback Road, Suite 600
5 Phoenix, AZ 85016-3429

6 Ms. Medina is employed by the Arizona Department of Administration. Ms.
7 Medina is expected to testify regarding the self-funded health plan provided to Arizona
8 State employees, including its exclusions.

9 17. Michael Meisner
10 c/o Ryan C. Curtis
11 Fennemore Craig
12 2394 East Camelback Road, Suite 600
13 Phoenix, AZ 85016

14 Michael Meisner is an Actuary I in the Benefits Services Division of the
15 Arizona Department of Administration and is expected to testify regarding his
16 employment with the Arizona Department of Administration and the self-funded health
17 plan administered by the Arizona Department of Administration.

18 18. Elizabeth Schafer
19 c/o Ryan C. Curtis
20 Fennemore Craig
21 2394 East Camelback Road, Suite 600
22 Phoenix, AZ 85016

23 Elizabeth Schafer is the former Plan Administrator of the Benefits Services
24 Division of the Arizona Department of Administration who is expected to testify
25 regarding her employment with the Arizona Department of Administration and the
26 self-funded health plan administered by the Arizona Department of Administration.

27 19. Chanelle Bergren
28 c/o Fennemore Craig P.C.
 2394 East Camelback Road, Suite 600
 Phoenix, AZ 85016

 Chanelle Bergren is the former Plan Administration Manager for the Arizona
Department of Administration. Ms. Bergren is expected to testify regarding duties she

1 performed during her employment with the Arizona Department of Administration and
2 the self-funded health plan administered by the Arizona Department of Administration.

3
4 20. Christina Corieri
5 c/o Fennemore Craig, P.C.
6 2394 East Camelback Road, Suite 600
7 Phoenix, Arizona 85016

8 Christina Corieri is a Senior Policy Advisor for the Arizona Governor's Office.
9 Ms. Corieri is expected to testify regarding duties she performed during her
10 employment with the Arizona Governor's Office, the self-funded health plan
11 administered by the Arizona Department of Administration, and the circumstances
12 giving rise to this litigation. Communications between Ms. Corieri and other State of
13 Arizona representatives are covered by the attorney-client privilege, and the State of
14 Arizona is not waiving such privilege by listing Ms. Corieri as a person with
15 knowledge.

16
17 21. Craig Brown
18 c/o Fennemore Craig, P.C.
19 2394 East Camelback Road, Suite 600
20 Phoenix, Arizona 85016

21 Craig Brown is the former Director of the Benefits Services Division of the
22 Arizona Department of Administration who is expected to testify regarding his
23 employment with the Arizona Department of Administration and information about the
24 self-funded health plan administered by the Arizona Department of Administration.

25
26 22. Jennifer Bowling
27 c/o Fennemore Craig, P.C.
28 2394 East Camelback Road, Suite 600
Phoenix, Arizona 85016

Jennifer Bowling is a Benefit Operations Manager for the Arizona Department
of Administration who is expected to testify regarding duties she performed during her
employment with the Arizona Department of Administration and the self-funded health

1 plan administered by the Arizona Department of Administration.

2 23. Michael T. Liburdi
3 c/o Fennemore Craig, P.C.
4 2394 East Camelback Road, Suite 600
5 Phoenix, Arizona 85016

6 Michael Liburdi is the former General Counsel for the Office of the Arizona
7 Governor who is expected to testify regarding information concerning the Plan.

8 24. John M. Fry
9 c/o Fennemore Craig, P.C.
10 2394 East Camelback Road, Suite 600
11 Phoenix, Arizona 85016

12 John Fry is general counsel for the Office of the Arizona Attorney General who
13 is expected to testify regarding information concerning the Plan.

14 25. Nicole A. Ong
15 c/o Fennemore Craig, P.C.
16 2394 East Camelback Road, Suite 600
17 Phoenix, Arizona 85016

18 Nicole Ong is former general counsel for the Arizona Department of
19 Administration who is expected to testify regarding information concerning the Plan.

20 26. Christina Kuhl
21 c/o Perkins Coie, LLP
22 2901 North Central Ave., Suite 200
23 Phoenix, AZ 85012

24 Christina Kuhl is the Assistant Benefits Director at Northern Arizona University
25 who is expected to testify regarding information concerning the Plan and the Northern
26 Arizona University's communications with the Arizona Department of Administration
27 and beneficiaries of the Plan.

28 27. Judith Cato
 c/o Perkins Coie, LLP
 2901 North Central Ave., Suite 200
 Phoenix, AZ 85012

1 Judith Cato is the Benefits Director at Arizona State University. Ms. Cato has
2 information concerning the Plan and the Arizona State University's communications
3 with the Arizona Department of Administration and beneficiaries of the Plan

4 28. Joanna Surveyor
5 c/o Perkins Coie, LLP
6 2901 North Central Ave., Suite 200
7 Phoenix, AZ 85012

8 Joanna Surveyor is the Benefits Administration Manager at Arizona State
9 University. Ms. Surveyor has information concerning the Plan and the Arizona State
10 University's communications with the Arizona Department of Administration and
11 beneficiaries of the Plan.

12 29. Helena Rodrigues
13 c/o Paul Eckstein
14 Perkins Coie, LLP
15 290I North Central Avenue, Suite 2000
16 Phoenix, Arizona 85012-2788

17 Ms. Rodrigues is the Vice President and Chief Human Resources Officer at the
18 University of Arizona. Ms. Rodrigues is expected to testify regarding the Board of
19 Regents' communications with the Arizona Department of Administration ("ADOA")
20 urging the ADOA to remove the coverage exclusion for gender reassignment surgery.

21 30. Allison Vaillancourt
22 c/o Paul Eckstein
23 Perkins Coie, LLP
24 290I North Central Avenue, Suite 2000
25 Phoenix, Arizona 85012-2788

26 Ms. Vaillancourt is the Vice President of Business Affairs & Human Resources
27 at the University of Arizona. Ms. Vaillancourt is expected to testify regarding the
28 Board of Regents' communications with the Arizona Department of Administration
("ADOA") urging the ADOA to remove the coverage exclusion for gender
reassignment surgery.

1 31. Staci Wilson
2 c/o Paul Eckstein Perkins Coie, LLP
3 290I North Central Avenue, Suite 2000
4 Phoenix, Arizona 85012-2788

5 Ms. Wilson is the Assistant Vice President of Human Resources at the
6 University of Arizona. Ms. Wilson is expected to testify regarding the Board of
7 Regents' communications with the Arizona Department of Administration ("ADOA")
8 urging the ADOA to remove the coverage exclusion for gender reassignment surgery.

9 32. Erica Emmons
10 Strategic Account Executive, Government and Education
11 Cigna
12 531 East High Street, Suite 200
13 Phoenix, AZ 85054

14 Erica Emmons is expected to testify concerning the self-funded health plan
15 administered by the Arizona Department of Administration, the exclusion for gender-
16 transition surgery, and the circumstances giving rise to this litigation.

17 33. Alicia Gillum, Cigna

18 Alicia Gillum is expected to testify concerning the self-funded health plan
19 administered by the Arizona Department of Administration, the exclusion for gender-
20 transition surgery, and the circumstances giving rise to this litigation.

21 34. Dr. Rudolph Cane, Cigna

22 Dr. Rudolph Cane is expected to testify concerning the self-funded health plan
23 administered by the Arizona Department of Administration, the exclusion for gender-
24 transition surgery, and the circumstances giving rise to this litigation.

25 35. Wilson Rodgers, Cigna

26 Wilson Rodgers is expected to testify concerning the self-funded health plan
27 administered by the Arizona Department of Administration, the exclusion for gender-
28 transition surgery, and the circumstances giving rise to this litigation.

1 36. Chris Giammona
2 Mercer Insurance
3 17901 Von Karman, Suite 1100
4 Irvine, CA 92614

5 Chris Giammona is a Partner at Mercer Insurance and is expected to testify
6 regarding information concerning the self-funded health plan administered by the
7 Arizona Department of Administration, the exclusion for gender-transition surgery, and
8 the circumstances giving rise to this litigation.

9 37. Jay A. Dash
10 Account Manager, Public and Labor Accounts
11 Aetna
12 4500 East Cotton Center Blvd.
13 Phoenix, AZ 85040

14 Jay Dash is an account manager in the Public and Labor Accounts department
15 and is expected to testify regarding information concerning the self-funded health plan
16 administered by the Arizona Department of Administration, the exclusion for gender-
17 transition surgery, and the circumstances giving rise to this litigation.

18 38. Ray G. Eveleth
19 Senior Account Executive
20 Aetna Public and Labor Sector
21 4500 East Cotton Center Blvd.
22 Phoenix, AZ 85040

23 Ray Eveleth is a Senior Account Executive in the Public and Labor department
24 and is expected to testify regarding information concerning the self-funded health plan
25 administered by the Arizona Department of Administration, the exclusion for gender-
26 transition surgery, and the circumstances giving rise to this litigation.

27 39. Devon Moore
28 Arizona Department Administration Benefit Services
 Aetna

 Devon Moore is expected to testify concerning the self-funded health plan
administered by the Arizona Department of Administration, the exclusion for gender-
transition surgery, and the circumstances giving rise to this litigation.

1 40. Dr. Jim Krominga
2 Member of ADOA Benefit Services Division
3 Aetna
4 Division Medical Directors Meetings

5 Dr. Jim Krominga is expected to testify concerning the self-funded health plan
6 administered by the Arizona Department of Administration, the exclusion for gender-
7 transition surgery, and the circumstances giving rise to this litigation.

8 41. Branson Cobb, Aetna

9 Branson Cobb is expected to testify regarding testify concerning the self-funded
10 health plan administered by the Arizona Department of Administration, the exclusion
11 for gender-transition surgery, and the circumstances giving rise to this litigation.

12 42. Jas Lee, Blue Cross/Blue Shield of Arizona

13 Jas Lee is expected to testify concerning the self-funded health plan
14 administered by the Arizona Department of Administration, the exclusion for gender-
15 transition surgery, and the circumstances giving rise to this litigation.

16 43. Ken Muth, Blue Cross/Blue Shield of Arizona

17 Ken Muth is expected to testify concerning the self-funded health plan
18 administered by the Arizona Department of Administration, the exclusion for gender-
19 transition surgery, and the circumstances giving rise to this litigation.

20 44. Mary Echtinaw, Blue Cross/Blue Shield of Arizona

21 Mary Echtinaw is expected to testify concerning the self-funded health plan
22 administered by the Arizona Department of Administration, the exclusion for gender-
23 transition surgery, and the circumstances giving rise to this litigation.

24 45. Colette Severns, Blue Cross/Blue Shield of Arizona
25 Client Service Manager
26 8220 North 23rd Avenue, Bldg. 2
27 Mail Stop C608
28 Phoenix, AZ 85021-4872

1 Colette Severs is expected to testify concerning the self-funded health plan
2 administered by the Arizona Department of Administration, the exclusion for gender-
3 transition surgery, and the circumstances giving rise to this litigation.

4
5 46. Washington Coven, Blue Cross/Blue Shield of Arizona
6 Strategic Relationship Executive
7 Large Group and National Accounts

8 Washington Coven is expected to testify concerning the self-funded health plan
9 administered by the Arizona Department of Administration, the exclusion for gender-
10 transition surgery, and the circumstances giving rise to this litigation.

11 47. Dr. James Napoli, Blue Cross/Blue Shield of Arizona

12 Dr. James Napoli is expected to testify concerning the self-funded health plan
13 administered by the Arizona Department of Administration, the exclusion for gender-
14 transition surgery, and the circumstances giving rise to this litigation.

15 48. Sharon Tucker, Blue Cross/Blue Shield of Arizona

16 Sharon Tucker is expected to testify concerning the self-funded health plan
17 administered by the Arizona Department of Administration, the exclusion for gender-
18 transition surgery, and the circumstances giving rise to this litigation.

19
20 49. Stephanie Martin, United Healthcare
21 Client Executive, Client Management
22 1 East Washington St., Suite 1700
23 Phoenix, AZ 85004

24 Stephanie Martin is expected to testify concerning the self-funded health plan
25 administered by the Arizona Department of Administration, the exclusion for gender-
26 transition surgery, and the circumstances giving rise to this litigation.

1 Dated this 21st day of December, 2020.

2
3 ACLU FOUNDATION OF ARIZONA

4 By /s/ Christine K. Wee

5 Victoria Lopez

Christine K. Wee

6 AMERICAN CIVIL LIBERTIES UNION
7 FOUNDATION

8 Joshua A. Block

Leslie Cooper

9 WILLKIE FARR & GALLAGHER LLP

10 Wesley R. Powell

11 Matthew S. Friemuth

Nicholas Reddick

12 *Attorneys for Plaintiff Russell B. Toomey*

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CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2020, I electronically transmitted the attached document to the Clerk’s office using the CM/ECF System for filing. Notice of this filing will be sent by email to all parties by operation of the Court’s electronic filing system.

/s/ Christine K. Wee
Christine K. Wee