

DECLARATION OF AMY RICHARDSON
PART I

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

MAXWELL KADEL, et al.,

Plaintiffs,

v.

DALE FOLWELL, et al.,

Defendants.

No. 1:19-cv-00272-LCB-LPA

DECLARATION OF AMY RICHARDSON

I, Amy Richardson, do hereby declare as follows:

1. I am more than 18 years of age, have personal knowledge of the facts set forth herein, and am otherwise competent to testify to the matters set forth herein.
2. I am a partner with Harris, Wiltshire & Grannis LLP, and counsel for Plaintiffs in this matter. I submit this declaration in support of Plaintiffs' Motions for Summary Judgment.
3. Attached to this declaration are true and correct copies of the documents listed in the table below. Entries in the table indicate where documents have been excerpted, or have had highlighting applied to indicate the relevant portions of the document.

4. Sensitive, protected, and/or irrelevant information has been redacted on certain pages of the attached exhibits in accordance with Federal Rule of Civil Procedure 5.2(a) and Local Rule 5.4(a)(3), with black boxes placed over the redacted text.

Exhibit	Description
1	Excerpt of Objs. and Resps. of Defs. Dale Fowell and Dee Jones to Pls.’ First Set of Interrogs., Sept. 3, 2020
2	Am. Objs. and Resps. of Defs. Dale Folwell and Dee Jones to Pls.’ Am. First Set of Requests for Admis., Sept. 29, 2020
3	Excerpt of Am. Resps. and Objs. of Defs. Dale Folwell and Dee Jones to Pls.’ First Set of Interrogs., Oct. 9, 2020
4	Excerpt of Objs. and Resps. of Defs. Dale Folwell and Dee Jones to University Defs’ First Set of Reqs. for Admis. and Interrogs., Feb. 10, 2021
5	Excerpt of Objs. and Resps. of Def. North Carolina State Health Plan for the Teachers and State Employees to Pls.’ First Reqs. for Admis., Interrogs., and Reqs. for Produc. of Docs. and Things, July 9, 2021
6	Excerpt of Def. North Carolina Department of Public Safety’s Resp. to Pls’. First Set of Interrogs., June 18, 2021
7	Excerpt of Def. North Carolina Department of Public Safety’s Resp. to Pls’. First Set of Req. for Admis., June 18, 2021 ¹
8	Composite of excerpts from 70/30 PPO Plan Benefits Booklets, 2016-2021, with yellow highlighting applied to relevant portions
9	Composite of excerpts from 80/20 PPO Plan Benefits Booklets, 2016-2021, with yellow highlighting applied to relevant portions

¹ The title of this document appears to mistakenly refer to “Interrogatories” instead of “Requests for Admission.”

Exhibit	Description
10	Disclosure of Expert Witnesses Who Do Not Provide a Written Report Pursuant to Fed. R. Civ. P. 26(a)(2) by Defs. Dale Folwell, Dee Jones and the North Carolina State Health Plan for Teachers and State Employees, May 1, 2021
11	Excerpt of Dep. Tr. of Dale Folwell
11(a)	Excerpt of Ex. 14 to Dep. Tr. of Dale Folwell, "Financials Update," Oct. 22, 2018, PLANDEF0154431, 0154481-82
12	Excerpt of Dep. Tr. of Dee Jones, Rule 30(b)(6) Designee of NCSHP
13	Excerpt of Dep. Tr. of Dr. Peter Robie, M.D.
14	Excerpt of Dep. Tr. of Becki Johnson, Rule 30(b)(6) Designee of N.C. Dept. of Public Safety
15	Excerpt of Dep. Tr. of Pltf. Maxwell Kadel
16	Excerpt of Dep. Tr. of Pltf. Connor Thonen-Fleck
17	Excerpt of Dep. Tr. of Pltf. Jason Fleck
18	Excerpt of Dep. Tr. of Pltf. Julia McKeown
19	Excerpt of Dep. Tr. of Pltf. C.B.
20	Excerpt of Dep. Tr. of Pltf. Michael D. Bunting, Jr.
21	Excerpt of Dep. Tr. of Pltf. Sam Silvaine
22	Excerpt of Dep. Tr. of Pltf. Dana Caraway
23	Excerpt of Dep. Tr. of Dr. George R. Brown, M.D.
23(a)	Expert Report of Dr. George R. Brown, M.D., DFAPA, entered as Ex. 1 to Dep. Tr. of Dr. George R. Brown, M.D., DFAPA

Exhibit	Description
23(b)	Bibliography to Expert Report of Dr. George R. Brown, M.D., DFAPA, entered as Ex. 14 to Dep. Tr. of Dr. George R. Brown, M.D., DFAPA
23(c)	Supp. Expert Report of Dr. George R. Brown, M.D., DFAPA, entered as Ex. 2 to Dep. Tr. of Dr. George R. Brown, M.D., DFAPA
23(d)	Expert Rebuttal Report of Dr. George R. Brown, M.D., DFAPA, entered as Ex. 3 to Dep. Tr. of Dr. George R. Brown, M.D., DFAPA
23(e)	C.V. of Dr. George R. Brown, M.D., DFAPA, entered as Ex. 5 to Dep. Tr. of Dr. George R. Brown, M.D., DFAPA
23(f)	Corrected bibliography to Dr. Brown's expert rebuttal report, served on Defendants on July 1, 2021
24	Excerpt of Dep. Tr. of Dr. Loren S. Schechter, M.D.
24(a)	Expert Report of Dr. Loren S. Schechter, M.D. (including attached bibliography), entered as Ex. 4 to Dep. Tr. of Dr. Loren S. Schechter, M.D.
24(b)	Expert Rebuttal Report of Dr. Loren S. Schechter, M.D. (including attached bibliography), entered as Ex. 7 to Dep. Tr. of Dr. Loren S. Schechter, M.D.
24(c)	C.V. of Dr. Loren S. Schechter, entered as Ex. 2 to Dep. Tr. of Dr. Loren S. Schechter, M.D.
25	Excerpt of Dep. Tr. of Dr. Randi C. Ettner, Ph.D.
25(a)	Expert Rebuttal Report of Dr. Randi C. Ettner, Ph.D., entered as Ex. 1 to Dep. Tr. of Dr. Randi C. Ettner, Ph.D.
25(b)	C.V. of Dr. Randi C. Ettner, Ph.D., entered as Ex. 2 to Dep. Tr. of Dr. Randi C. Ettner, Ph.D.
25(c)	Bibliography to Dr. Ettner's expert rebuttal report, entered as Ex. 3 to Dep. Tr. of Dr. Randi C. Ettner, Ph.D.

Exhibit	Description
26	Excerpt of Dep. Tr. of Dr. Johanna Olson-Kennedy, M.D., M.S.
26(a)	Expert Rebuttal Report of Dr. Johanna Olson-Kennedy, M.D., M.S., entered as Ex. 1 to Dep. Tr. of Dr. Johanna Olson-Kennedy, M.D., M.S.
26(b)	C.V. of Dr. Johanna Olson-Kennedy, M.D., M.S., entered as Ex. 2 to Dep. Tr. of Dr. Johanna Olson-Kennedy, M.D., M.S.
26(c)	Corrected bibliography to Dr. Olson-Kennedy's expert rebuttal report, served on Defendants on September 24, 2021
27	Excerpt of Dep. Tr. of Dr. Dan H. Karasic, M.D.
27(a)	Expert Rebuttal Report of Dr. Dan H. Karasic, M.D., entered as Ex. 2 to Dep. Tr. of Dr. Dan H. Karasic, M.D.
27(b)	C.V. of Dr. Dan H. Karasic, M.D., entered as Ex. 1 to Dep. Tr. of Dr. Dan H. Karasic, M.D.
27(c)	Corrected bibliography to Dr. Karasic's expert rebuttal report, served on Defendants on September 24, 2021
28	Excerpt of Dep. Tr. of Patrick Lappert, M.D.
29	National Academies of Sciences, Engineering, and Medicine, <i>Understanding the Well-Being of LGBTQI+ Populations</i> (2020), introduced as Ex. 12 to Dep. Tr. of Paul W. Hruz, M.D.
30	Email chain re: "time to talk on Tuesday?," May 27, 2016, PLANDEF0136562-63
31	Email from Lotta Crabtree re: "Coverage for gender dysphoria," July 5, 2016, PLANDEF000076540-41
32	Email chain re: "1557," July 14, 2016, KADEL00152143-44
33	"DST POLICIES AND PROCEDURES, Section 1557 Grievance Procedure," July 15, 2016, PLANDEF0012787-92

Exhibit	Description
34	Email chain re: "Bullet points for the BOT," July 27, 2016, KADEL00136645-46; attachment titled, "Affordable Care Act – Section 1557 Final Rule," KADEL00136650
35	Letter of Agreement with the Segal Company for assistance related to compliance with Sect. 1557, Nov. 1, 2016, PLANDEF0008908-10
36	Memo. to Mona Moon from Segal Consulting re: "Transgender Cost Estimate," Nov. 29, 2016, PLANDEF0006964-65
37	Email chain re: "1557 draft statement" Nov. 29, 2016, PLANDEF0016424-26
38	Email chain re: "Inclusion of Sex Change Surgery on Plan?," Dec. 1, 2016, PLANDEF0007946-48
39	Slides presented to Board of Trustees entitled, "Affordable Care Act – Section 1557 Requirements, Coverage for Gender Dysphoria," Dec. 2, 2016, PLANDEF0006966-89
40	Minutes for meeting of Board of Trustees, Dec. 1-2, 2016, PLANDEF0012810-22
41	Email chain re: "State Health Plan board to cover gender reassignment surgery," Dec. 6, 2016, PLANDEF0007133-40
42	Email chain re: "WUNC: Gender Dysphoria Coverage (noon deadline)," Dec. 8, 2016, PLANDEF0029555-57, email chain with Mona Moon and Brad Young
43	BlueCross BlueShield of North Carolina Corporate Medical Policy, "Gender Affirmation Surgery and Hormone Therapy," Jan. 1, 2017, PLANDEF0008644-52
44	Email from Chris Almberg re: "ACA Section 1557 Compliance Questionnaire," March 30, 2017, with attachment, KADEL00223708-13
45	Email chain re: "Hold Harmless," Aug. 4, 2017, PLANDEF0069016

Exhibit	Description
46	Email chain re: "Medical Policy Development," Sept. 28, 2017, PLANDEF0073378-81
47	Email chain re: "Gender Transition Services Amendment," Dec. 6, 2017, PLANDEF0071731-32; attachment, "Amendment to Third Party Administration Services Contract," PLANDEF0030342
48	Email from Lorraine Munk re: "Message from Treasurer Folwell," Oct. 25, 2018, PLANDEF0028665-66
49	Email from Susan Murray re: "Pharmacy appeals related to gender dysphoria or transgender services," Oct. 25, 2018, PLANDEF0120919-20
50	BlueCross BlueShield of North Carolina Corporate Medical Policy, "Gender Affirmation Surgery and Hormone Therapy," June 2021, KADEL00316786-96

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Amy Richardson
Amy Richardson