

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

CHRISTOPHER FAIN, *et al.*, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

WILLIAM CROUCH, *et al.*,

Defendants.

CIVIL ACTION NO. 3:20-cv-00740

HON. ROBERT C. CHAMBERS, JUDGE

STIPULATION OF PLAINTIFFS AND DEFENDANTS

Pursuant to Local Rule of Civil Procedure 11.2, Plaintiffs and Defendants hereby stipulate as follows:

1. On March 30, 2022, Dr. James Becker provided deposition testimony on certain topics in this case as an organizational representative for the Department of Health and Human Resources, Bureau of Medical Services, pursuant to Federal Rule of Civil Procedure 30(b)(6). Plaintiffs and Defendants enter this stipulation to clarify the testimony that Dr. Becker provided in that capacity.

2. Defendants' response to Plaintiffs' Request for Production 6, which was served on Plaintiffs on March 25, 2022, and which was marked as Plaintiffs' Exhibit 4 during the deposition of Dr. Becker as an organizational representative, provides the complete list of the materials considered by the individuals responsible for adopting and/or maintaining the Exclusion of gender-confirming care in the West Virginia Medicaid program.

3. Apart from the materials Defendants identified in the response to Request for Production 6, as reflected in Plaintiffs' Exhibit 4 to Dr. Becker's deposition, Defendants do not

claim that the individuals responsible for adopting and/or maintaining the Exclusion of gender-confirming care in the West Virginia Medicaid program considered any other materials, documents, or communications.

4. The deposition testimony that Dr. Becker provided on March 30, 2022 regarding other materials he considered, which were not identified in the responses to Request for Production 6 in Plaintiffs' Exhibit 4 to this deposition, relates solely to materials Dr. Becker considered while reviewing appeals of services denied for treatment of gender dysphoria. That testimony does not relate to materials considered by the individuals responsible for adopting and/or maintaining the Exclusion of gender-confirming care in the West Virginia Medicaid program.

* * *

Dated: March 31, 2022

Respectfully submitted,

/s/ Walt Auvil

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document on March 31, 2022 with the Clerk of the Court using the CM/ECF system, which will send notification of filing, and a copy of the same, to the following CM/ECF participants:

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Dated: March 31, 2022

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