

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

DECLARATION OF WALT AUVIL

I, Walt Auvil, 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 an attorney with and owner of The Employment Law Center, PLLC, 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

5.1(a) and Local Rule of Civil Procedure 5.2.1.(a), with black boxes placed over the redacted text.

Exhibit	Description
1	Defs.' Rsp. to Pls.' First Set Reqs. for Admis., Aug. 27, 2021
2	Defs.' Respon. to Pls.' First Set of Interrogs., Aug. 27, 2021
3	Defs.' Respon. to Pls.' Second Set of Interrogs., Oct. 25, 2021
4	Defs.' 1st Suppl. Respon. to Pls.' First Set of Interrogs., Nov. 30, 2021
5	Defs.' Second Suppl. Respon. to Pls.' Second Set of Interrogs., Nov. 30, 2021
5(a)	Defs.' Ninth Suppl. Respon. to Pls.' First Reqs. for Produc., March 25, 2022
6	Excerpt of Dep. Tr. of Pltf. Christopher Fain
7	Excerpt of Dep. Tr. of Pltf. Shauntae Anderson
8	Excerpt of Dep. Tr. of Secretary Bill J. Crouch
9	Excerpt of Dep. Tr. of Commissioner Cynthia Beane
10	Excerpt of Dep. Tr. of Dr. James Becker
11	Excerpt of Dep. Tr. of Frederick Lewis
12	Excerpt of Dep. Tr. of Becky Manning
13	Excerpt of Dep. Tr. of Brian Thompson
14	Excerpt of Dep. Tr. of Sarah Young
15	Excerpt of Dep. Tr. of Dr. Dan H. Karasic, M.D.
16	Expert Rep. of Dan H. Karasic, M.D. (redacted)
17	Expert Rebuttal Rep. of Dan H. Karasic, M.D.
18	Excerpt of Dep. Tr. of Dr. Loren S. Schechter, M.D.
19	Expert Rep. of Loren S. Schechter, M.D.

Exhibit	Description
20	Expert Rebuttal Rep. of Loren S. Schechter, M.D.
21	Excerpt of Dep. Tr. of Dr. Johanna Olson-Kennedy, M.D., M.S.
22	Expert Rebuttal Rep. of Dr. Johanna Olson-Kennedy, M.D., M.S.
23	Excerpt of Bureau of Medical Services Manual, Ch. 100, CFAIN0001650 – 0001662, with yellow highlighting applied to relevant portions
24	Excerpt of Bureau of Medical Services Manual, Ch. 519, with yellow highlighting applied to relevant portions
25	Aetna, The Health Plan, and UniCare Composite Ex., excerpted with yellow highlighting applied to relevant portions
26	InterQual Composite Ex., DHHRBMS015368 – 015415
27	Bureau of Medical Services, “Medicaid 101 An Overview of West Virginia’s Medicaid Program,” CFAIN0009542 – 0009561
28	Medicaid.gov, “Mandatory & Optional Medicaid Benefits,” DHHRBMS016220 – 23
29	Excerpt of State Fiscal Year 2021 Model Purchase of Service Provider Agreement between West Virginia and Aetna Better Health of W.V., DHHRBMS001121 – 001194, with yellow highlighting applied to relevant portions
30	Excerpt of State Fiscal Year 2021 Model Purchase of Service Provider Agreement between West Virginia and UniCare W.V., DHHRBMS001682 – 001755, with yellow highlighting applied to relevant portions
31	Excerpt of State Fiscal Year 2021 Model Purchase of Service Provider Agreement between West Virginia and The Health Plan, DHHRBMS002212 - 002285, with yellow highlighting applied to relevant portions
32	Email re: “[External] gender dysphoria question,” Oct. 13, 2020, DHHRBMS012318
33	Cost of Care Composite Ex., DHHSBMS012441, DHHSBMS0124989, and DHHSBMS015463, excerpted and with yellow highlighting applied to relevant portions

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

Dated this 31st day of May, 2022.

/s/ Walt Auvil
Walt Auvil