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13 UNITED STATES DISTRICT COURT
14 DISTRICT OF ARIZONA

15 D.H., by and through his mother, Janice
16 Hennessy-Waller, and John Doe, by his
guardian and next friend, Susan Doe, on behalf
17 of themselves and all others similarly situated,

18 Plaintiffs,

19 v.

20 Jami Snyder, Director of the Arizona Health
Care Cost Containment System, in her official
21 capacity,

22 Defendant.

No. CV-20-00335-TUC-SHR

**PLAINTIFF D.H.'S MOTION FOR
LEAVE TO FILE SUPPLEMENTAL
DECLARATION OF ANDREW
CRONYN, MD, IN SUPPORT OF
D.H. AND JOHN DOE'S MOTION
FOR PRELIMINARY INJUNCTION**

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1 Plaintiff D.H., by their undersigned counsel, hereby move for leave to file the
2 Supplemental Declaration of Andrew Cronyn, MD, as a supplement to their Motion for
3 Preliminary Injunction (Doc. 3) and Reply Brief in Support of Plaintiffs’ Motion for
4 Preliminary Injunction (“Reply Brief”) (Doc. 25). A copy of the Supplemental Declaration
5 is attached to this motion as Exhibit A. Defendant objects to the filing of this motion and
6 has requested an opportunity to respond to the attached supplemental declaration. Plaintiffs
7 do not object to that request.

8 On October 26, 2020, Plaintiffs filed their Reply Brief in support of their motion for
9 preliminary injunction along with reply declarations from Drs. Janssen and Schechter. That
10 brief—and accompanying declarations—responded to Defendant’s claims regarding the
11 irreparable harm D.H. and John Doe are experiencing because of AHCCCS’s categorical
12 exclusion of surgical treatment for gender dysphoria. *See, e.g.*, Reply Brief, Doc. 25, at 9–
13 11; Reply Expert Declaration of Aron Janssen, MD, Doc. 25-1, at ¶¶ 20–35; Reply Expert
14 Declaration of Loren Schechter, MD, Doc. 25-2, at ¶¶ 18–28. Since that filing, on
15 November 2, 2020, D.H.’s health has deteriorated further because of his inability to obtain
16 male chest reconstruction surgery, requiring him to seek emergency medical treatment. As
17 such, the events and information contained in the attached supplemental declaration were
18 not known at the time of Plaintiffs’ filing of their Reply Brief. That information further
19 demonstrates the urgency of the relief Plaintiffs request and the irreparability of the harm
20 caused by the continued denial of coverage for male chest reconstruction surgery.

21 D.H. respectfully requests leave to file the attached supplemental declaration in
22 support of Plaintiffs’ Motion for Preliminary Injunction. And, given this change in D.H.’s
23 health, Plaintiffs further request that the Court set a case management conference to discuss
24 scheduling oral argument on their Motion for Preliminary Injunction.

1 Dated: November 20, 2020

PERKINS COIE LLP

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3 By: /s/ Daniel C. Barr

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CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2020, I electronically transmitted the attached documents to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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UNITED STATES DISTRICT COURT
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D.H., by and through his mother, Janice
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No. CV-20-00335-TUC-SHR

**PROPOSED ORDER FOR
PLAINTIFF D.H.'S MOTION FOR
LEAVE TO FILE SUPPLEMENTAL
DECLARATION OF ANDREW
CRONYN, MD, IN SUPPORT OF
D.H. AND JOHN DOE'S MOTION
FOR PRELIMINARY INJUNCTION**

Before the Court is Plaintiff D.H.'s Motion requesting leave to file a supplemental declaration of Andrew Cronyn, MD, in support of D.H. and John Doe's motion for preliminary injunction.

IT IS HEREBY ORDERED that Plaintiff's Motion is GRANTED. Plaintiff D.H. may file a supplemental declaration of Andrew Cronyn, MD in support of the pending motion for preliminary injunction.