

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

CHRISTOPHER FAIN and SHAUNTAE
ANDERSON, 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

JOINT STATUS REPORT

In accordance with the Court's request that the parties confer and notify the Court regarding the appropriateness of entering a judgment order at this time, and the parties' view of appropriate next steps in this matter, the parties have met and conferred and jointly propose the following:

1. The parties agree that entry of a judgment is appropriate, and have attached as Exhibit A a proposed Judgment Order for the Court's consideration, the terms of which all parties have agreed are in conformity with the Court's August 2, 2022, Memorandum Opinion and Order [ECF No. 270] granting Plaintiff's Motion for Class Certification [ECF No. 248] and with the Court's August 2, 2022, Memorandum Opinion and Order [ECF No. 271] granting Plaintiffs' Motion for Summary Judgment [ECF No. 250] and denying Defendants' Motion for Summary Judgment [ECF No. 252].

2. The parties agree that entry of the Judgment Order would conclude the proceedings before this Court, with the exception of Plaintiffs' filing of a bill of costs, and a

motion for attorney's fees and costs. The attached Judgment Order proposes to set the deadline for those filings up to and including 45 days after the date of entry of the judgment.

3. Nothing in the proposed Judgment Order or in this Joint Status Report is intended to waive or restrict any party's rights to appeal, and all objections, exceptions, and rights to appeal are specifically preserved by the parties.

Dated: August 17, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served electronically on August 17,
2022 on the following counsel for Defendants in this case:

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Dated: August 17, 2022

Respectfully submitted,

s/ Walt Auvil

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JUDGMENT ORDER

IT IS ORDER AND ADJUDGED that judgment is entered in favor of plaintiffs Christopher Fain, Shauntae Anderson, and the certified Rule 23 Class against defendants William Crouch, Cynthia Beane, and the West Virginia Department of Health and Human Resources, Bureau for Medical Services (the State actors and agencies responsible for administering the Medicaid Program in West Virginia) declaring that the West Virginia State Medicaid Program's exclusion of gender-confirming surgical treatment for transgender West Virginia Medicaid participants violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution; Section 1557 of the Patient Protection and Affordable Care Act, 42 U.S.C. § 18116; the Medicaid Act's Availability Requirement, 42 U.S.C. § 1396a(a)(10)(A); and the Medicaid Act's Comparability Requirement, 42 U.S.C. § 1396a(a)(10)(B).

IT IS FURTHER ORDERED AND ADJUDGED that defendants William Crouch, Cynthia Beane, and the West Virginia Department of Health and Human Resources, Bureau for Medical Services are PERMANENTLY ENJOINED from enforcing or applying the exclusion.

IT IS FURTHER ORDERED AND ADJUDGED that plaintiffs shall have up to and including 45 days after the date of entry of this judgment to file a bill of costs, and a motion for attorney's fees and costs.

IT IS FURTHER ORDERED AND ADJUDGED that the court retains jurisdiction to enforce the judgment.

Approved as to this _____th day of August, 2022.

Honorable Robert C. Chambers
U.S. District Court Judge