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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF ARIZONA**

**Russell B. Toomey,**  
  
Plaintiff,  
  
v.  
  
**State of Arizona; Arizona Board of Regents,**  
**D/B/A University of Arizona,** a governmental  
body of the State of Arizona; et al.,  
  
Defendants.

Case No.19-cv-00035-TUC-RM (LAB)

**DECLARATION OF CHRISTINE K  
WEE IN SUPPORT OF PLAINTIFF  
RUSSELL B. TOOMEY’S MOTION  
FOR SUMMARY JUDGMENT**

1 I, Christine K. Wee, submit this declaration under penalty of perjury pursuant to 28  
2 U.S.C. § 1746 and declare as follows:

3 1. I am a Senior Staff Attorney at ACLU Foundation of Arizona, licensed to  
4 practice law in the State of Arizona, and represent Plaintiff Russell B. Toomey and the  
5 certified classes (“Dr. Toomey” or “Plaintiff”).

6 2. I submit this declaration in support of Plaintiff’s Motion for Summary  
7 Judgment (the “Motion”), filed concurrently.

8 3. I base this declaration on my personal knowledge and on information obtained  
9 in the course of the above-captioned matter.

10 4. **Exhibit 1** as attached to Plaintiff’s Motion is a true and correct copy of the  
11 Expert Report and Declaration of Loren S. Schechter, M.D. dated March 23, 2021.

12 5. **Exhibit 2** as attached to Plaintiff’s Motion is a true and correct copy of excerpts  
13 of the Kelly Sharritts Deposition Transcript, dated April 22, 2021.

14 6. **Exhibit 3** as attached to Plaintiff’s Motion is a true and correct copy of excerpts  
15 of the Craig Brown Deposition Transcript, dated June 22, 2021.

16 7. **Exhibit 4** as attached to Plaintiff’s Motion is a true and correct copy of excerpts  
17 of the Elizabeth Schafer Deposition Transcript, dated April 28, 2021.

18 8. **Exhibit 5** as attached to Plaintiff’s Motion is a true and correct copy of excerpts  
19 of the Paul Shannon Deposition Transcript, dated June 25, 2021.

20 9. **Exhibit 6** as attached to Plaintiff’s Motion is a true and correct copy of  
21 excerpts of the Michael Meisner Deposition Transcript, dated March 16, 2021.

22 10. **Exhibit 7** as attached to Plaintiff’s Motion is a true and correct copy of excerpts  
23 of the Marie Isaacson Deposition Transcript, dated March 26, 2021.

24 11. **Exhibit 8** as attached to Plaintiff’s Motion is a true and correct copy of excerpts  
25 of the Scott Bender Deposition Transcript, dated March 31, 2021.

26 12. **Exhibit 9 (filed under seal)** as attached to Plaintiff’s Motion is a true and  
27 correct copy of a 2014 EPO Plan Change Log produced by State Defendants in this litigation  
28 bearing bates AZSTATE.124798 to AZSTATE.124804.

1           13. **Exhibit 10** (filed under seal) as attached to Plaintiff’s Motion is a true and  
2 correct copy of a 2012 EPO Plan Change Log produced by State Defendants in this litigation  
3 bearing bates AZSTATE.111894 to AZSTATE.111946.

4           14. **Exhibit 11** as attached to Plaintiff’s Motion is a true and correct copy of  
5 excerpts of the Yvette Medina Deposition Transcript, dated February 18, 2021.

6           15. **Exhibit 12** as attached to Plaintiff’s Motion is a true and correct copy of the  
7 EPO Plan effective January 1, 2016 produced by State Defendants in this litigation bearing  
8 bates AZSTATE.010905 to AZSTATE.011024.

9           16. **Exhibit 13** (filed under seal) as attached to Plaintiff’s Motion is a true and  
10 correct copy of a chart produced by State Defendants in this litigation as a standalone  
11 document bearing bates AZSTATE.151707 to AZSTATE.151719, and titled “Transgender  
12 Reassignment Summary” (the “ADOA Research Summary”).

13           17. **Exhibit 14** as attached to Plaintiff’s Motion is a true and correct copy of email  
14 correspondence produced by State Defendants bearing bates AZSTATE.006152 to  
15 AZSTATE.006153, and a PDF excerpt of its attachment, a “Transgender Coverage  
16 Analysis.xlsx,” originally bearing bates AZSTATE.006154, which was produced by State  
17 Defendants in native format as an Excel file.

18           18. **Exhibit 15** (filed under seal) as attached to Plaintiff’s Motion is a true and  
19 correct copy of a Medical Directors Meeting Agenda, dated March 10, 2016, produced by  
20 State Defendants in this litigation bearing bates AZSTATE.000385.

21           19. **Exhibit 16** as attached to Plaintiff’s Motion is a true and correct copy of email  
22 correspondence produced by State Defendants in this litigation bearing bates  
23 AZSTATE.009256.

24           20. **Exhibit 17** as attached to Plaintiff’s Motion is a true and correct copy of email  
25 correspondence produced by State Defendants in this litigation bearing bates  
26 AZSTATE.006077 to AZSTATE.006078.

27           21. **Exhibit 18** as attached to Plaintiff’s Motion is a true and correct copy of an  
28 email correspondence produced by State Defendants, and its attachment, the Williams

1 Institute cost analysis, respectively bearing bates AZSTATE.006090 and  
2 AZSTATE.006091 to AZSTATE.006094.

3 22. **Exhibit 19** as attached to Plaintiff's Motion is a true and correct copy of the  
4 Expert Report and Declaration of Joan Barrett, FSA, MAAA, dated April 14, 2021, with  
5 partial redactions.<sup>1</sup> An unredacted copy of Exhibit 19 has been **filed under seal**.

6 23. **Exhibit 20** as attached to Plaintiff's Motion is a true and correct copy of  
7 excerpts of the Christina Corieri Deposition Transcript, dated July 13, 2022.

8 24. **Exhibit 21 (filed under seal)** as attached to Plaintiff's Motion is a true and  
9 correct copy of email correspondence produced by State Defendants in this litigation bearing  
10 bates AZSTATE.246034 to AZSTATE.246036.

11 25. **Exhibit 22** as attached to Plaintiff's Motion is a true and correct copy of a EPO  
12 Plan effective January 1, 2017 produced by State Defendants in this litigation bearing bates  
13 AZSTATE.010093 to AZSTATE.010199.

14 26. **Exhibit 23** as attached to Plaintiff's Motion is a true and correct copy of a an  
15 analysis titled "Estimated annual costs to included transgender benefits" produced by State  
16 Defendants in this litigation bearing bates AZSTATE.151099.

17 27. **Exhibit 24** as attached to Plaintiff's Motion is a true and correct copy of  
18 ABOR's Fifth Supplemental Disclosure Statement, dated June 10, 2020.

19 28. **Exhibit 25** as attached to Plaintiff's Motion is a true and correct copy of the  
20 Charge of Discrimination filed with the EEOC and produced by Plaintiff Dr. Toomey in this  
21 litigation bearing bates TOOMEY000378 to TOOMEY000379.

22 29. **Exhibit 26** as attached to Plaintiff's Motion is a true and correct copy of  
23 excerpts of the Russell Toomey Deposition Transcript, dated May 26, 2021.

24 30. **Exhibit 27** as attached to Plaintiff's Motion is a true and correct copy of State  
25 Defendants' Supplemental Interrogatory Responses, dated January 21, 2021.

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<sup>1</sup> Ms. Barrett's report contains as an exhibit a copy of Exhibit 13 above, which has been  
filed under seal. This portion of Ms. Barrett's report has been redacted.

