

HONORABLE JUDGE ROBERT J. BRYAN

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

C. P., by and through his parents,
Patricia Pritchard and Nolle Pritchard;
and PATRICIA PRITCHARD,

Plaintiff,

vs.

BLUE CROSS BLUE SHIELD OF
ILLINOIS,

Defendants.

Case No. 3:20-cv-06145-RJB

**DECLARATION OF GWENDOLYN C.
PAYTON IN SUPPORT OF BCBSIL’S
RESPONSE TO PLAINTIFFS’ MOTION TO
COMPEL**

FILED UNDER SEAL

Gwendolyn C. Payton, being duly sworn upon oath, deposes and states:

1. I am an attorney of record for Defendant Blue Cross Blue Shield of Illinois (“BCBSIL”).
2. I am of legal age, am competent to testify, and have personal knowledge of the matter herein.
3. On November 9, 2021, Plaintiffs served their Second Set of Discovery Requests, which were tied to their new class action allegations.
4. Attached as **Exhibit A** is a true and correct copy of BCBSIL’s Fourth Supplemental Responses and Objections to Plaintiffs’ Second Discovery Requests, which were timely served.
5. BCBSIL has supplemented its responses to Plaintiffs’ Second Set Discovery Requests on three separate occasions as its investigation and discovery progressed.
6. Plaintiffs also conducted and will continue to conduct extensive examinations of multiple

1 BCBSIL witnesses pursuant to Fed. R. Civ. P. 30(b)(6). The topics of these depositions include
2 all aspects of BCBSIL's administration of the exclusion and the parameters of that
3 administration.

4 7. BCBSIL objected to producing the identity of other plans in its initial discovery responses
5 and has consistently maintained those objections while responding to Plaintiffs' non-
6 objectionable requests.

7 8. Attached as **Exhibit B** is a true and correct copy of an excerpt of the deposition of
8 BCBSIL 30(b)(6) witness Telisa Drake, who disclosed that of the ERISA self-funded plans
9 BCBSIL administers, some plans have exclusions precluding benefits for gender-affirming care
10 because the of the plan sponsor's religious affiliation, and other sponsors do not have a religious
11 affiliation. Deposition of Telisa Drake ("Drake Decl.") at 58:25-59:15.

12 9. Attached as **Exhibit C** is a true and correct copy of an excerpt of the deposition of
13 BCBSIL 30(b)(6) witness Telisa Drake, who testified regarding the indemnity provision in the
14 Benefit Program Application ("BPA") for Plaintiffs' plan.

15 10. BCBSIL's review of ERISA self-funded plans has been a manual and laborious process
16 comprised of a review of hundreds of thousands of pages of documents. The production of the
17 Summary Plan Descriptions ("SPDs") alone would be an approximately [REDACTED] page
18 production. Plaintiffs' request for the BPAs for each of those plans would be an equally manual
19 and arduous process that would require BCBSIL to redouble its efforts.

20 11. The Joint Defense Agreement ("JDA") between CommonSpirit Health, f/k/a Catholic
21 Health Initiatives ("CHI") and BCBSIL contains more than just the identification of a privileged
22 relationship. It also contains legal strategies between BCBSIL and CHI related to motion practice
23 and testimony during interviews, depositions, and examinations.

24 12. On May 10, 2022, BCBSIL served its privilege log on Plaintiffs. Plaintiffs have yet to
25 serve any privilege log on BCBSIL, nor have they represented to BCBSIL that there are no
26 documents being withheld on the basis of any privilege.
27

1 13. Benefit Program Applications are forms filled out by employer groups directing certain
2 selections for their plan design and containing legal language. This is a standard form, which
3 BCBSIL has produced and which Plaintiffs have in their possession.

4 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the
5 United States that the foregoing is true and correct.

6
7 Dated this 6th day of June, 2022.

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10 By s/ Gwendolyn C. Payton
Gwendolyn C. Payton, WSBA No. 26752

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CERTIFICATE OF SERVICE

I certify that on the date indicated below I caused a copy of the foregoing document, DECLARATION OF GWENDOLYN C. PAYTON IN SUPPORT OF BCBSIL'S RESPONSE TO PLAINTIFFS' MOTION TO COMPEL to be filed with the Clerk of the Court via the CM/ECF system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing to the following attorneys of record:

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DATED this 6th day of June, 2022.

Kilpatrick, Townsend & Stockton LLP

By: /s/ Gwendolyn C. Payton
Gwendolyn C. Payton, WSBA #26752
gpayton@kilpatricktownsend.com

Counsel for Defendant Blue Cross and
Blue Shield of Illinois

EXHIBIT A

HONORABLE JUDGE ROBERT J. BRYAN

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
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C. P., by and through his parents,
Patricia Pritchard and Nolle Pritchard;
and PATRICIA PRITCHARD,

Plaintiff,

vs.

BLUE CROSS BLUE SHIELD OF
ILLINOIS,

Defendants.

Case No. 3:20-cv-06145-RJB

**FOURTH SUPPLEMENTAL RESPONSES
AND OBJECTIONS TO PLAINTIFFS’
SECOND DISCOVERY REQUESTS TO
DEFENDANT BLUE CROSS AND BLUE
SHIELD OF ILLINOIS**

TO: Plaintiffs C. P., Patricia Pritchard, and Nolle Pritchard.

AND TO: SIRIANNI YOUTZ SPOONEMORE HAMBURGER PLLC and LAMBDA
LEGAL DEFENSE AND EDUCATION FUND, INC., their attorneys.

Pursuant to Federal Rules of Civil Procedure 26, 33, and 34, Defendant Blue Cross Blue
Shield of Illinois (“BCBSIL”) hereby objects and responds to Plaintiffs’ Second Discovery
Requests (the “Requests”) as follows:

A. GENERAL OBJECTIONS

1. BCBSIL objects to the Requests to the extent they are overly broad, unduly
burdensome, oppressive, redundant, vague, ambiguous, and/or seek to impose on BCBSIL
obligations greater than or different from those imposed by the Federal Rules of Civil Procedure.

2. BCBSIL objects to the Requests to the extent they impose a burden on it that is

1 disproportionate to the needs of the litigation.

2 3. BCBSIL interprets the Requests as excluding documents and information subject
3 to the attorney-client privilege, work-product privilege, joint-defense/common-interest privilege,
4 and any other applicable privileges or protections.

5 5. BCBSIL objects to the Requests to the extent they require BCBSIL to use more
6 than reasonable diligence in preparing their objections and responses based on an examination of
7 those files that reasonably may be expected to yield responsive information and an inquiry of
8 those persons who reasonably may be expected to possess responsive information.

9 6. BCBSIL objects to the Requests to the extent the discovery sought is
10 unreasonably cumulative, duplicative, or obtainable from some other source that is more
11 convenient, less burdensome, or less expensive, including if the discovery sought is already in
12 the Plaintiffs' possession.

13 7. BCBSIL objects to each and every Request to the extent it seeks to require
14 BCBSIL to identify or produce documents not currently in their possession, custody, or control,
15 on the grounds that such a request seeks to require more of BCBSIL than any obligation imposed
16 by law, would subject it to unreasonable and undue annoyance, oppression, burden, and expense,
17 or would seek to impose upon it an obligation to discover information or materials from third
18 parties or sources that are equally accessible to the Plaintiffs.

19 8. BCBSIL objects to the Requests to the extent they seek information outside the
20 applicable three-year statute of limitations for Plaintiffs' Section 1557 claims. *See Smith v.*
21 *Highland Hosp. of Rochester*, No. 17-CV-6781-CJS, 2018 WL 4748187, at *3 (W.D.N.Y. Oct.
22 2, 2018); *Solis v. Our Lady of the Lake Ascension Cmty. Hosp., Inc.*, No. CV 18-56-SDD-RLB,
23 2020 WL 2754917, at *4 (M.D. La. May 27, 2020); *Ward v. Our Lady of the Lake Hosp., Inc.*,
24 No. CV 18-00454-BAJ-RLB, 2020 WL 414457, at *2 (M.D. La. Jan. 24, 2020); RCW
25 4.16.080(2). Moreover, Plaintiffs' class claims, added via amended complaint, do not relate back
26 to the filing of the initial complaint because BCBSIL was not put on sufficient notice at the time
27 that Plaintiffs intended to seek relief on a class-wide basis. *See McClelland v. Deluxe Fin. Servs.*,

1 *Inc.*, 431 F. App'x 718, 731 (10th Cir. 2011); *Corns v. Laborers Int'l Union of N. Am.*, No. 09-
2 CV-4403 YGR, 2014 WL 1319363, at *5 (N.D. Cal. Mar. 31, 2014) (finding the notice
3 requirement unmet where the original complaint did not give "clear notice" of plaintiff's intent to
4 allege and certify a class); *Perry v. Beneficial Finance Co. of N.Y.*, 81 F.R.D. 490, 495
5 (W.D.N.Y. 1979) (amended complaint adding class claims did not relate back to initial
6 individual complaint). Nonetheless, per the agreement between the parties and for discovery
7 purposes only, BCBSIL will conduct and produce discovery from November 23, 2016 to the
8 present.

9 10. BCBSIL incorporates by reference these "General Objections" into each of the
10 Specific Responses and Objections set forth below, as if fully set forth therein

11 **B. OBJECTIONS TO INSTRUCTIONS**

12 1. BCBSIL objects to Instruction One because it purports to require BCBSIL to
13 provide documents or information outside of its own possession, custody or control. BCBSIL will
14 interpret these Requests to require BCBSIL to draw upon the information reasonably ascertainable
15 to it, in accordance with the Federal Rules of Civil Procedure.

16 2. BCBSIL objects to Instruction Two because it purports to require BCBSIL to
17 provide documents or information outside of its own possession, custody or control. BCBSIL will
18 interpret these Requests to require BCBSIL to draw upon the information reasonably ascertainable
19 to it, in accordance with the Federal Rules of Civil Procedure.

20 **C. OBJECTIONS TO DEFINITIONS**

21 1. BCBSIL objects to the terms "Defendant," "you" or "your," as overly broad and as
22 calling for information outside of its own possession, custody, or control. BCBSIL also objects
23 that these terms as defined seek information protected by the attorney-client privilege, work
24 product doctrine, or any other applicable privilege or protection.

25 2. BCBSIL further objects that the term "Plan," as defined, fails to identify a specific
26 policy year. BCBSIL interprets this term to mean the Summary Plan Description, with an effective
27

1 date of January 1, 2019, attached as Appendix A to the Amended Complaint (Doc. 38, the
2 “Complaint”).

3 **D. REQUESTS FOR ADMISSION**

4 **REQUEST FOR ADMISSION NO. 1: Admit that there are at least 40 persons who
5 fit the class definition found at paragraph 91 of the Amended Complaint (Dkt. No. 38).**

6 INITIAL ANSWER: BCBSIL objects to this Interrogatory in that the class definition is
7 vague, ambiguous and not easily ascertainable. BCBSIL is still investigating this request and will
8 supplement this response upon completion of the investigation.

9 SUPPLEMENTAL ANSWER: BCBSIL objects that the class definition found at
10 Paragraph 91 of the Amended Complaint is vague, ambiguous, and not easily ascertainable.
11 BCBSIL specifically objects that the proposed class definition hypothetically includes all
12 individuals who “will be participants” and who “will be denied pre-authorization of coverage.”

13 Notwithstanding the foregoing objections, BCBSIL admits that there are at least 40 persons
14 who may fit the class definition found at paragraph 91 of the Amended Complaint.

15
16 **E. INTERROGATORIES**

17 **INTERROGATORY NO. 6: Please identify any other plans for which BCBSIL
18 administers a gender-affirming care exclusion.**

19 INITIAL ANSWER: BCBSIL objects to this Interrogatory as overly broad, unduly
20 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in
21 seeking “any other plans” for which BCBSIL administers a “gender-affirming care exclusion,”
22 without regard to the materiality of such plans to the fact as issue in this lawsuit as alleged in the
23 Complaint.

24 Notwithstanding the foregoing objections, BCBSIL states that it will produce responsive
25 Documents sufficient to show the relevant language and number of ERISA self-funded group
26 health plans pursuant to Rule 33(d) of the Federal Rules of Civil Procedure.

27 SUPPLEMENTAL ANSWER: BCBSIL objects to this Interrogatory as overly broad,

1 unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence
2 in seeking “any other plans” for which BCBSIL administers a “gender-affirming care exclusion,”
3 without regard to the materiality of such plans to the fact as issue in this lawsuit as alleged in the
4 Complaint.

5 Notwithstanding the foregoing objections, BCBSIL preliminarily states that there are [REDACTED]
6 ERISA self-funded group health plans for which BCBSIL administers a gender-affirming care
7 exclusion. Discovery is ongoing.

8 SECOND SUPPLEMENTAL ANSWER: See revised Addendum A.

9
10 **INTERROGATORY NO. 7: Please identify the total population of enrollees, by year,**
11 **in the CHI Plan and each of the plans identified in the responses to Interrogatories Nos. 3**
12 **and 6.**

13 INITIAL ANSWER: BCBSIL incorporates by reference its responses and objections to
14 Interrogatory Nos. 3 and 6. Notwithstanding the foregoing objections, BCBSIL states that it will
15 meet and confer with Plaintiffs regarding the relevance of this request to the allegations in the
16 complaint.

17 SUPPLEMENTAL ANSWER: BCBSIL states that the average number of enrollees in the
18 CHI Medical Plan is as follows:

19	January 2016-December 2016	[REDACTED]
20	January 2017-December 2017	[REDACTED]
21	January 2018-December 2018	[REDACTED]
22	January 2019-December 2019	[REDACTED]
23	January 2020-December 2020	[REDACTED]
24	January 2021-December 2021	[REDACTED]

25 See BCBSIL_CP_0010824.

1
2 **INTERROGATORY NO. 8: Please identify the total number of unique enrollees in**
3 **each plan administered by BCBSIL that contains a gender-affirming care exclusion as**
4 **identified in response to Interrogatory No. 6, or an exclusion that is the same or similar to**
5 **the Transgender Reassignment Surgery exclusion as identified in response to Interrogatory**
6 **No. 3, who have received a denial based on such exclusion from BCBSIL at any time since**
7 **November 23, 2014.**

8 **INITIAL ANSWER:** BCBSIL incorporates by reference its responses and objections to
9 Interrogatory Nos. 3 and 6. BCBSIL further objects to the term “same or similar” as vague and
10 ambiguous. BCBSIL also objects to the time frame set forth in this Interrogatory as seeking
11 irrelevant information beyond the applicable statute of limitations. For the reasons stated above,
12 BCBSIL will conduct and produce discovery from November 23, 2016 to the present.

13 Notwithstanding the foregoing objections, BCBSIL states that it will produce responsive
14 Documents sufficient to show the requested information from November 23, 2016 to the present,
15 to the degree it exists.

16 **SUPPLEMENTAL ANSWER:** BCBSIL incorporates by reference its responses and
17 objections to Interrogatory Nos. 3 and 6. BCBSIL further objects to the term “same or similar” as
18 vague and ambiguous. BCBSIL also objects to the time frame set forth in this Interrogatory as
19 seeking irrelevant information beyond the applicable statute of limitations. For the reasons stated
20 above, BCBSIL will conduct and produce discovery from November 23, 2016 to the present.

21 Notwithstanding the foregoing objections, BCBSIL preliminarily states that of the ERISA
22 self-funded group health plans BCBSIL administers, there are approximately [REDACTED] unique members
23 of [REDACTED] plans who have received a denial based on such an exclusion, for a total claim count of
24 [REDACTED] claims and a total billed charges amount of [REDACTED]. BCBSIL reasonably anticipates

1 that these numbers are overinclusive. Discovery is ongoing, and BCBSIL will supplement these
2 preliminary numbers as its internal review and investigation proceeds.

3
4 **INTERROGATORY NO. 9:** For each of the plans identified in response to
5 Interrogatories Nos. 3 and 6, please identify all individuals who participated in any way in
6 the creation, drafting and/or preparation of the Benefit Program Application provision on
7 coverage of treatment for gender dysphoria and/or the gender-affirming care exclusion,
8 whether employed by BCBSIL or another entity.

9 **ANSWER:** BCBSIL incorporates by reference its responses and objections to
10 Interrogatory Nos. 3 and 6. BCBSIL objects that the terms “creation” and “preparation” are vague
11 and ambiguous. Notwithstanding the foregoing objections, BCBSIL states that it will meet and
12 confer with Plaintiffs regarding the relevance of this request to the allegations in the complaint.

13
14 **INTERROGATORY NO. 10:** To the extent that BCBSIL’s response to Request for
15 Admission No. 1 is not a complete admission, please identify the complete factual bases for
16 BCBSIL’s denial, either in whole or in part, including the source of the factual bases for the
17 denial.

18 **ANSWER:** BCBSIL has admitted Request for Admission No. 1.

19 **F. REQUESTS FOR PRODUCTION**

20 **REQUEST FOR PRODUCTION NO. 12:** All contracts, Benefit Program
21 Applications or other kinds of applications or agreements between BCBSIL and any other
22 entity, including the self-funded plans and/or the self-funded plans’ sponsors, pertaining to
23 the plans identified in response to Interrogatories Nos. 3 and 6 in effect as of January 1, 2014,
24 up to and including the present.

25 **INITIAL RESPONSE:** BCBSIL incorporates by reference its responses and objections to
26 Interrogatory Nos. 3 and 6. BCBSIL objects to this Request as unduly burdensome and not
27 reasonably calculated to lead to the discovery of admissible evidence in seeking “all contracts,

1 Benefit Program Applications or other kinds of applications or agreements” between BCBSIL and
2 “any other entity,” without regard to the materiality of such documents to the facts at issue in this
3 lawsuit. For example, this Request as drafted could encompass agreements between BCBSIL and
4 a whole number of third parties that have nothing to do with coverage for any beneficiaries.
5 BCBSIL further objects to the time frame set forth in this Request as seeking irrelevant information
6 beyond the applicable statute of limitations.

7 Notwithstanding the foregoing objections, BCBSIL states that it will meet and confer with
8 Plaintiffs regarding the relevance of this request to the allegations in the complaint.

9 SUPPLEMENTAL RESPONSE: BCBSIL has produced its Administrative Services
10 Agreement, *see* BCBSIL_CP_0003912. BCBSIL has also produced a number of responsive
11 Benefit Program Applications from 2013-2021, *see, e.g.*, BCBSIL_CP_0008556;
12 BCBSIL_CP_0010652; BCBSIL_CP_0011135; BCBSIL_CP_0011147; BCBSIL_CP_0008567;
13 BCBSIL_CP_0010664; BCBSIL_CP_0008419; BCBSIL_CP_0010632; and BCBSIL_CP_
14 0010621.

15
16 **REQUEST FOR PRODUCTION NO. 13: All documents, emails, and other**
17 **communications relating to covering or excluding treatment related to gender dysphoria**
18 **and/or a gender-affirming care exclusion with regards to any plan identified in response to**
19 **Interrogatories Nos. 3 and 6, including but not limited to, treatment with puberty blockers,**
20 **hormone treatment, and/or surgery.**

21 RESPONSE: BCBSIL incorporates by reference its responses and objections to
22 Interrogatory Nos. 3 and 6. BCBSIL also objects to this Interrogatory to the extent it seeks
23 information protected by the attorney-client privilege, the work product doctrine, and/or other
24 applicable privileges. BCBSIL further objects to this Request as unduly burdensome and not
25 reasonably calculated to lead to the discovery of admissible evidence in seeking “all documents,
26 emails, and other communications” without regard to the materiality of such documents to the facts
27 at issue in this lawsuit. For example, this Request as drafted could encompass documents, emails,

1 and communications related to the plans identified in response to Interrogatory Nos. 3 and 6 but
2 which do not directly concern treatment for gender dysphoria and/or a gender-affirming care
3 exclusion.

4 Notwithstanding the foregoing objections, BCBSIL states that it will meet and confer with
5 Plaintiffs regarding the relevance of this request to the allegations in the complaint.

6
7 **REQUEST FOR PRODUCTION NO. 14: To the extent not already provided, please**
8 **produce all copies of the “Benefit Program Application” submitted to BCBSIL in relation to**
9 **any plan identified in response to Interrogatories No. 3 and 6, at any time since January 1,**
10 **2014.**

11 RESPONSE: BCBSIL incorporates by reference its responses and objections to
12 Interrogatory Nos. 3 and 6. BCBSIL further objects to the time frame set forth in this Request as
13 seeking irrelevant information beyond the applicable statute of limitations.

14 Notwithstanding the foregoing objections, BCBSIL states that it will meet and confer with
15 Plaintiffs regarding the relevance of this request to the allegations in the complaint.

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17 **REQUEST FOR PRODUCTION NO. 15: To the extent not already provided, please**
18 **produce all documents relating to any plan identified in response to Interrogatories Nos. 3**
19 **and 6 which reflect any determination that BCBSIL could administer such plan in a manner**
20 **that did not and/or does not comply with the Affordable Care Act’s Section 1557, 42 U.S.C.**
21 **§ 18116.**

22 RESPONSE: BCBSIL incorporates by reference its responses and objections to
23 Interrogatory Nos. 3 and 6. BCBSIL also objects to this Request to the extent it implicates attorney-
24 client privilege, work-product privilege, or any other applicable privileges or protections.

25 BCBSIL incorporates by reference its responses and objections to Interrogatory Nos. 3 and
26 6. Notwithstanding the foregoing objections, BCBSIL states that it will meet and confer with
27 Plaintiffs regarding the relevance of this request to the allegations in the complaint.

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DATED this 1st day of June, 2022.

KILPATRICK TOWNSEND & STOCKTON LLP

By /s/ Gwendolyn C. Payton
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*Counsel for Defendant Health Care Service
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CERTIFICATE OF SERVICE

I certify that on the date indicated below I caused a copy of the foregoing document, FOURTH SUPPLEMENTAL RESPONSES AND OBJECTIONS TO PLAINTIFFS' SECOND DISCOVERY REQUESTS TO DEFENDANT BLUE CROSS AND BLUE SHIELD OF ILLINOIS has been sent via e-mail to the following attorneys of record:

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DATED this 1st day of June, 2022.

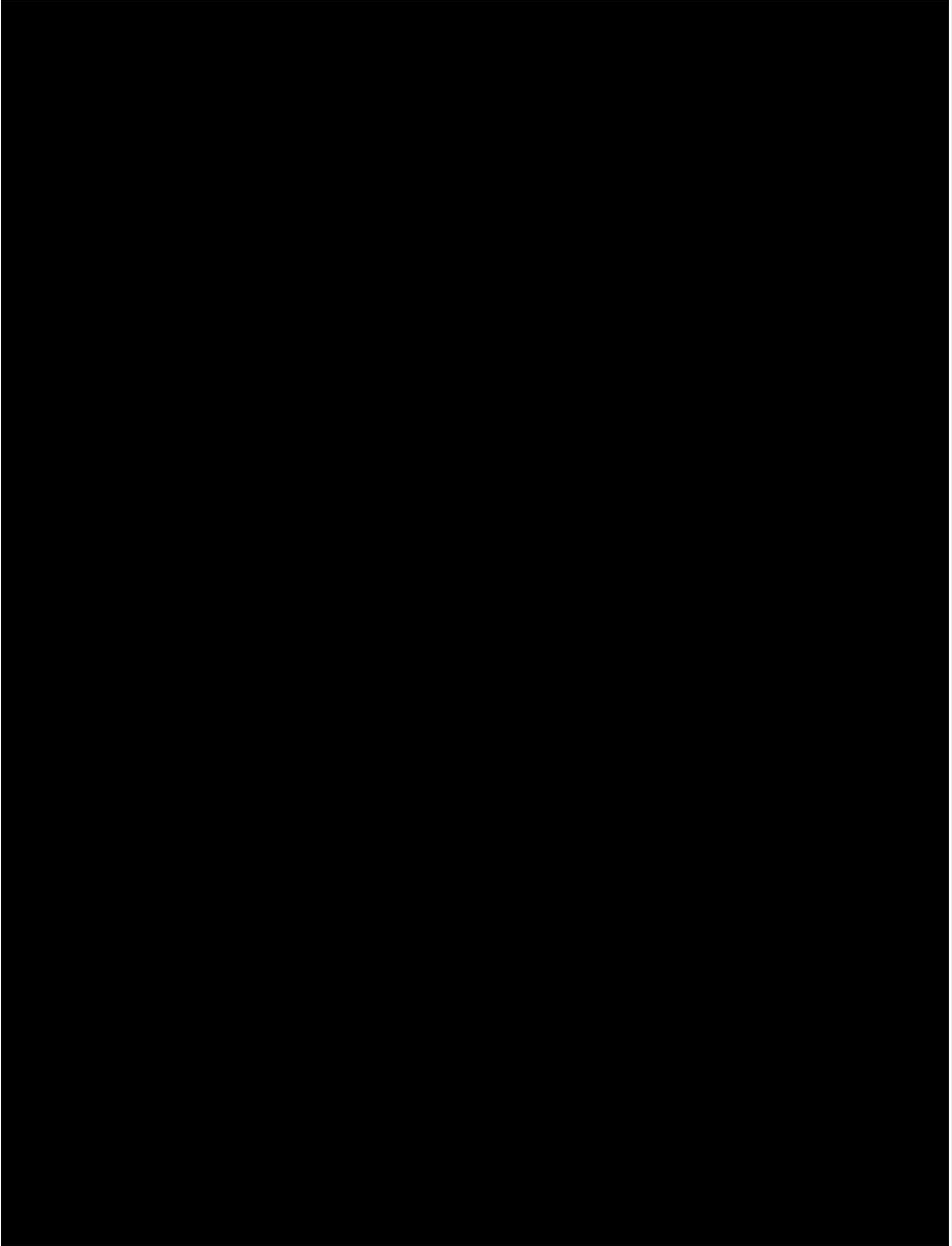
Kilpatrick, Townsend & Stockton LLP

By: /s/ Gwendolyn C. Payton
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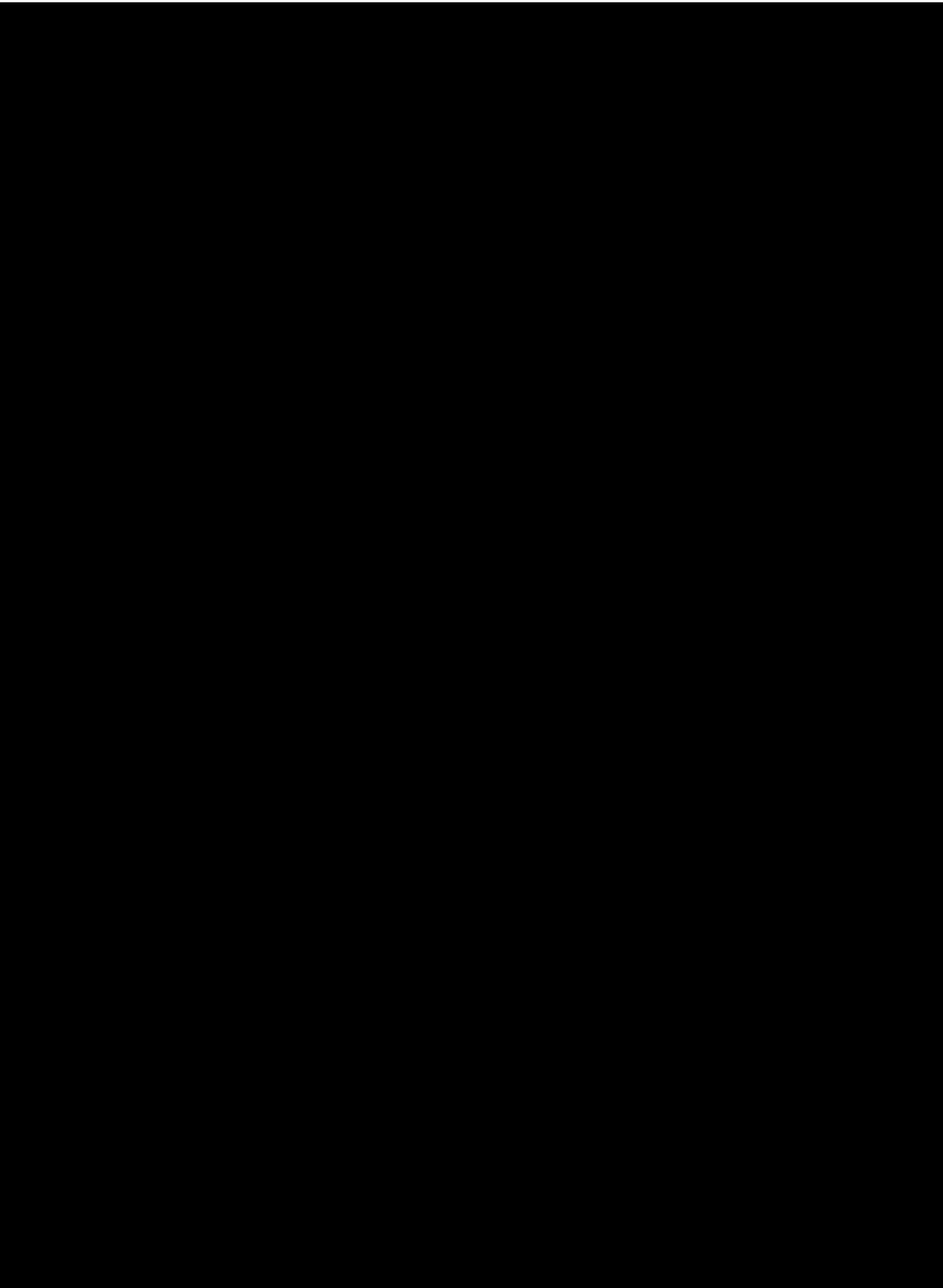
Counsel for Defendant Health Care Service Corporation, a Mutual Legal Reserve Company, doing business in Illinois as Blue Cross and Blue Shield of Illinois

ADDENDUM A

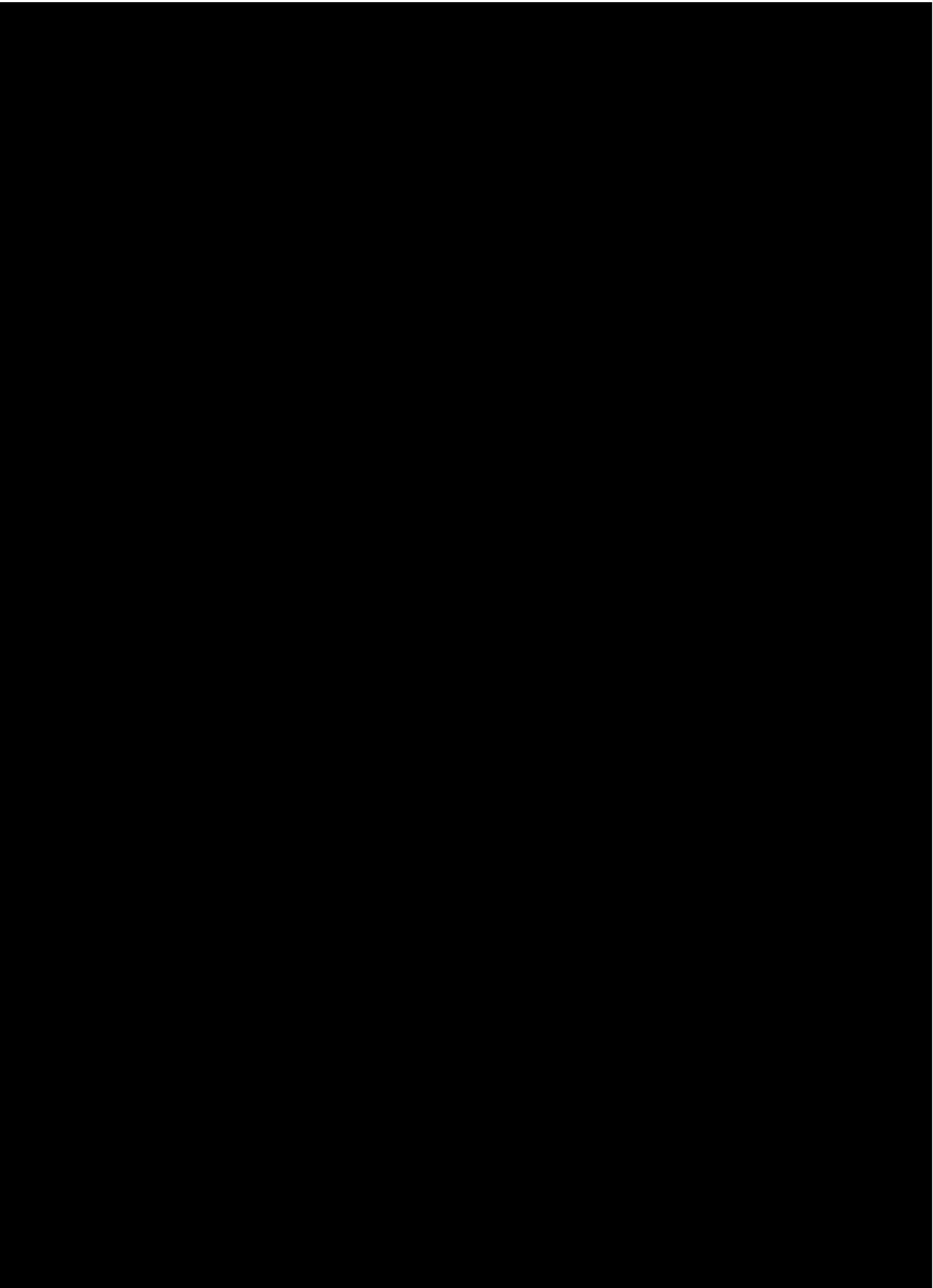
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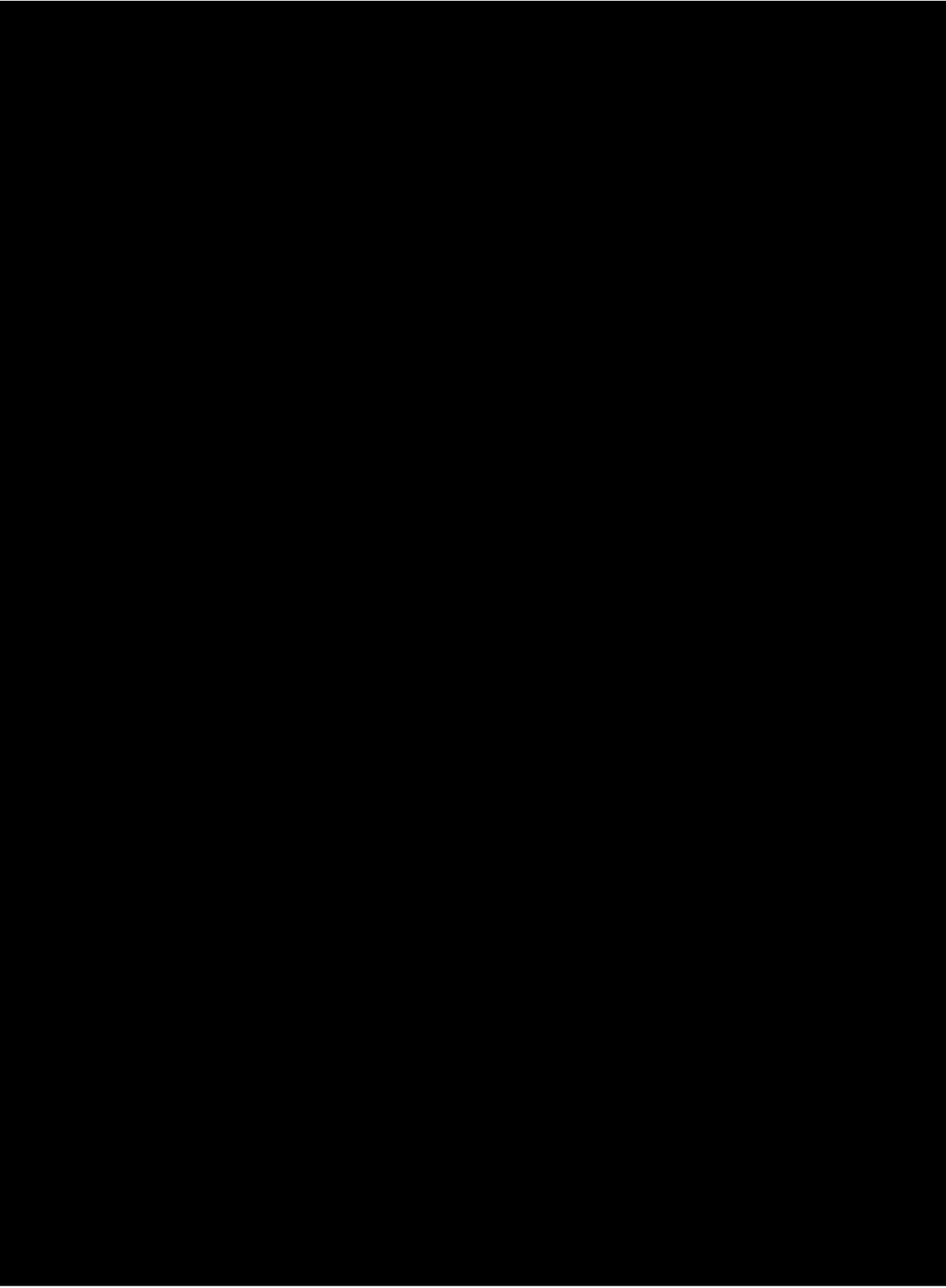


ADDENDUM A – 14

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CONFIDENTIAL

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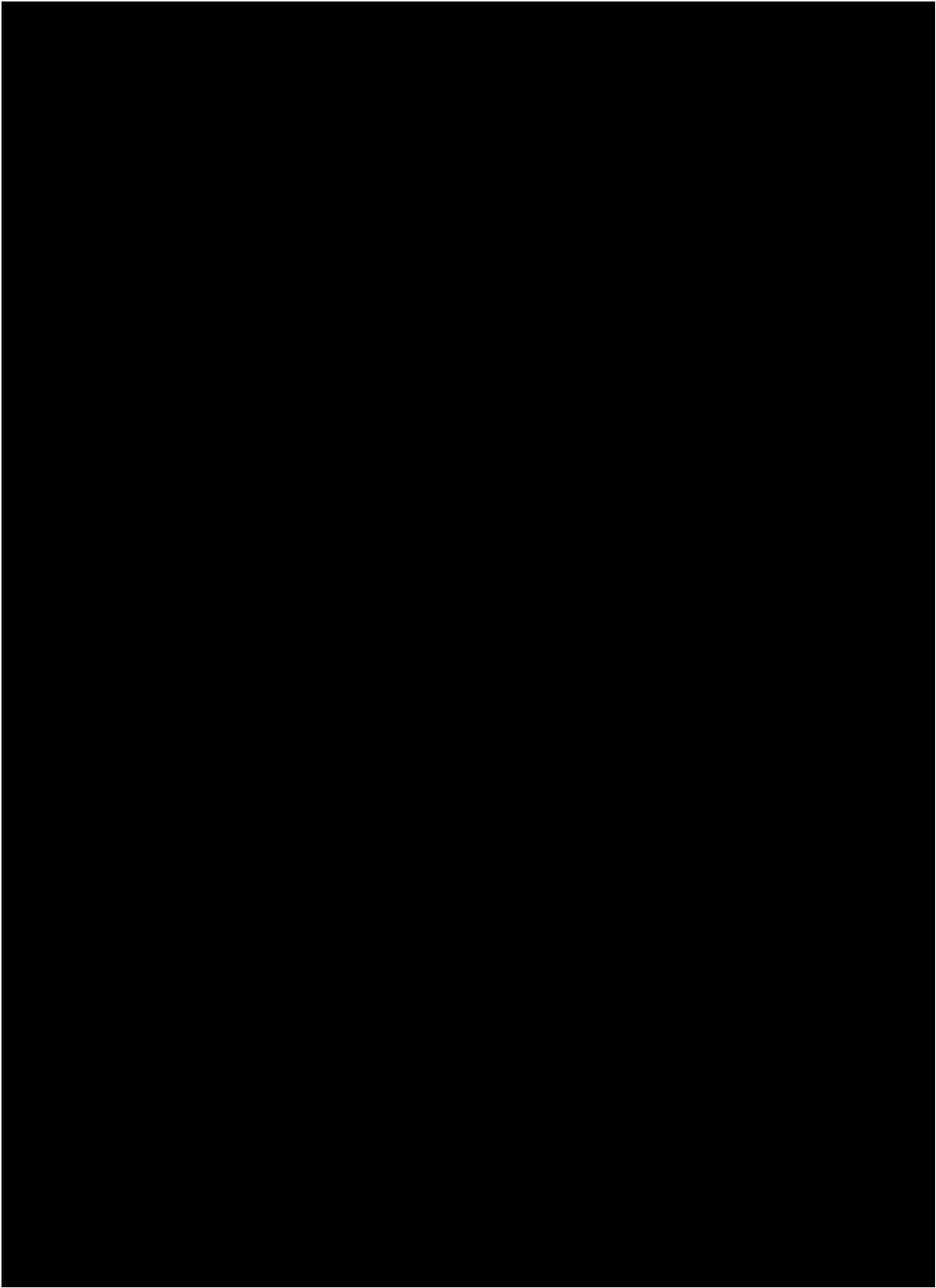


ADDENDUM A – 15

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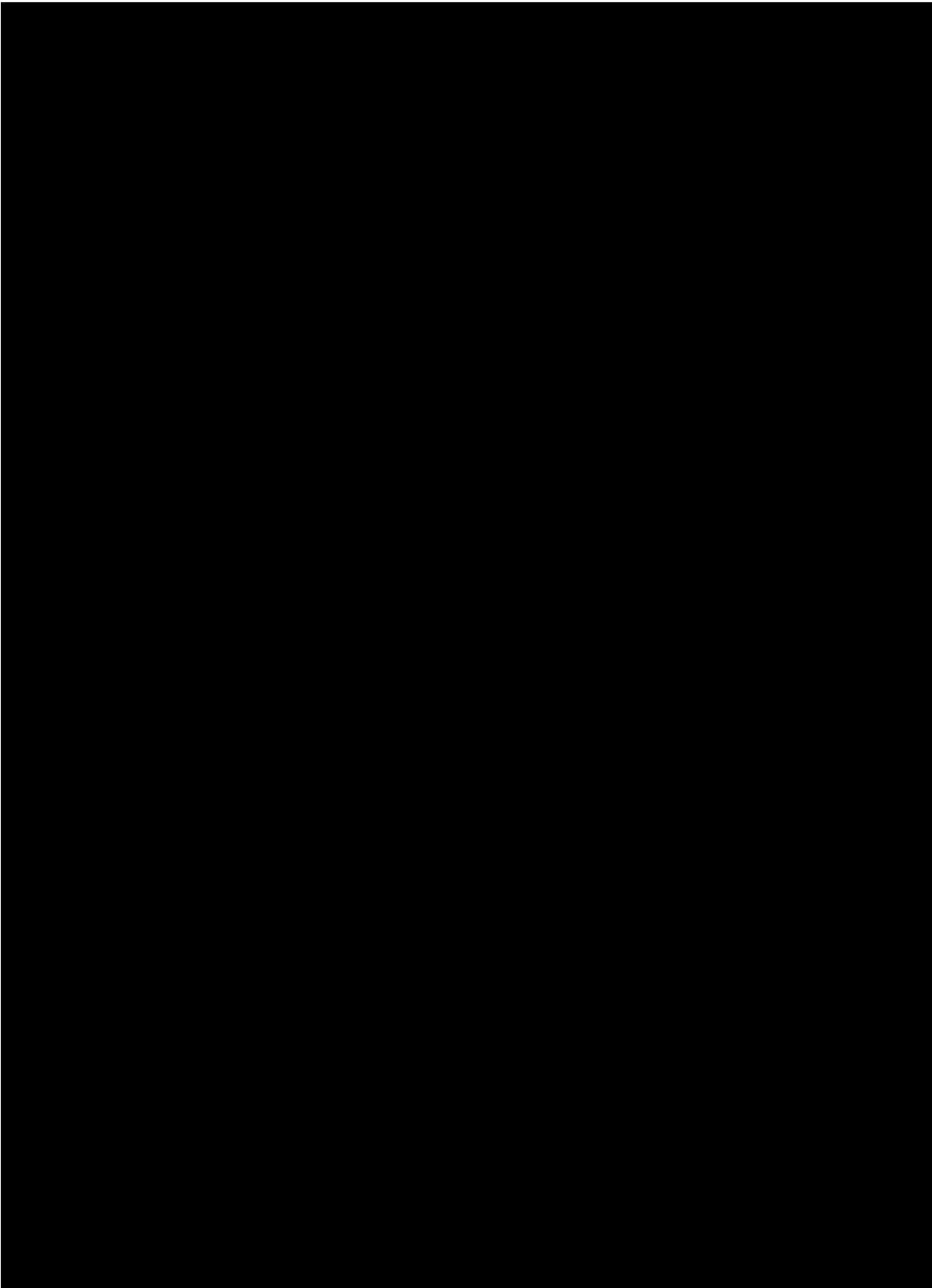


ADDENDUM A – 16

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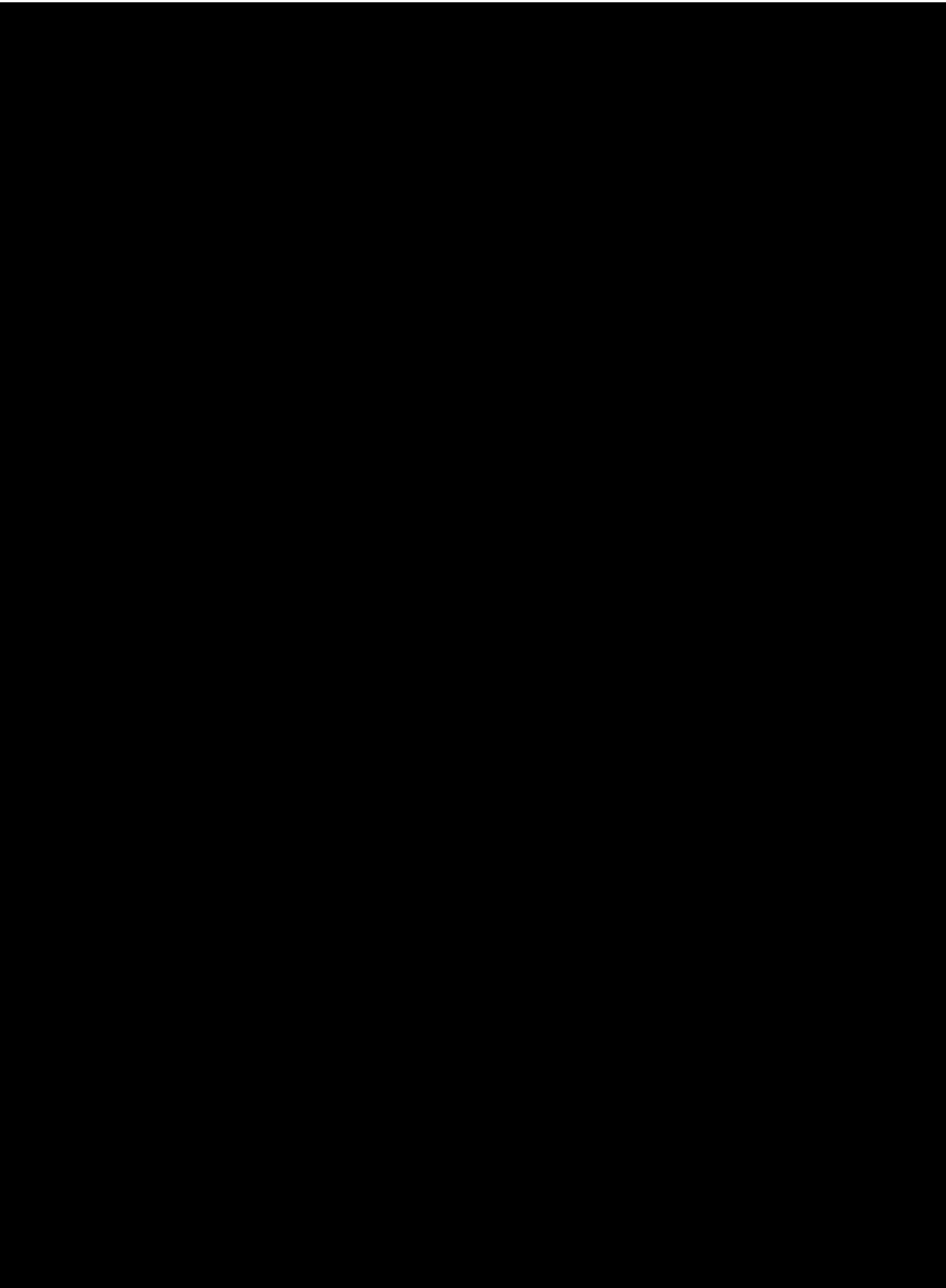


ADDENDUM A – 17

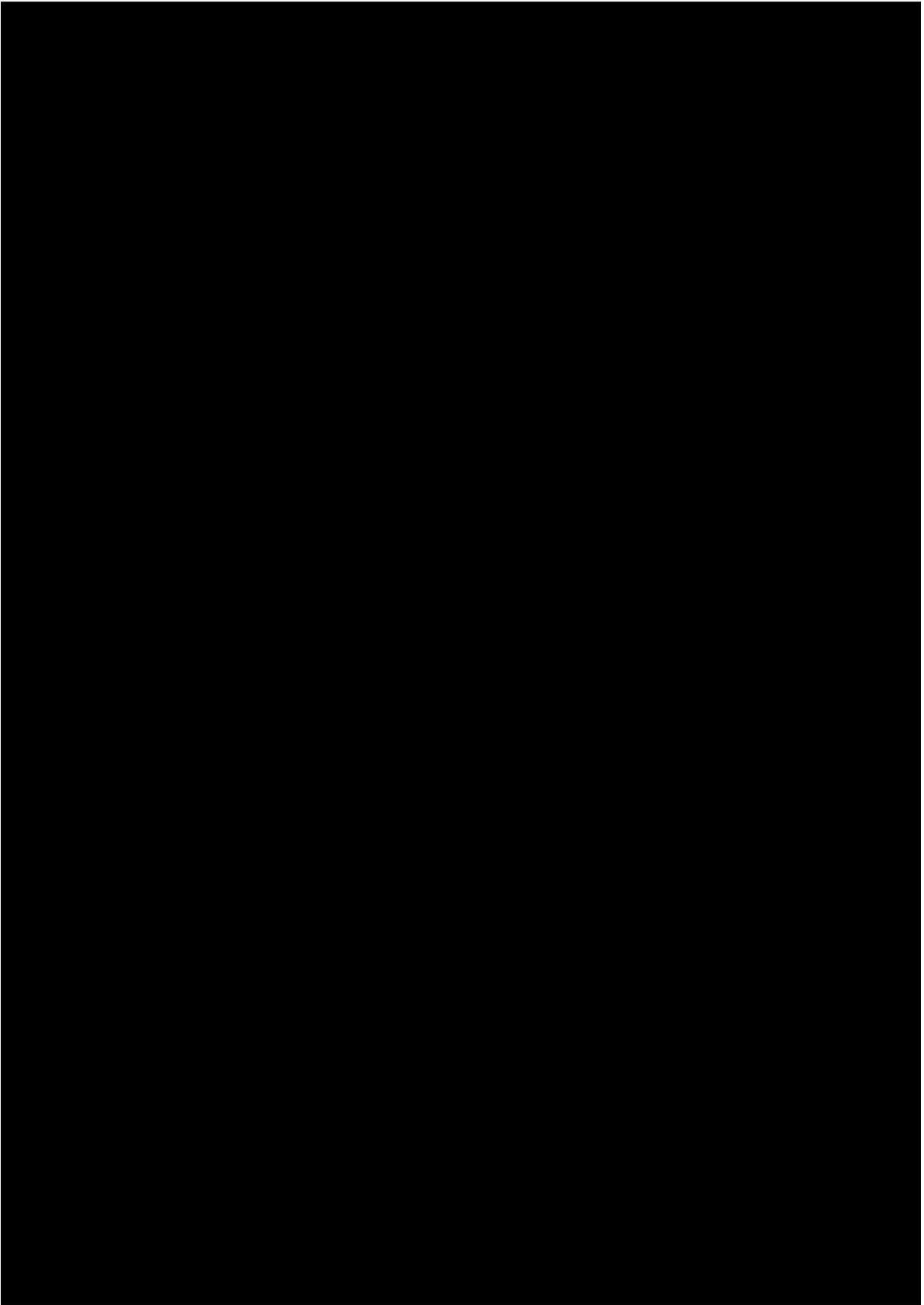
KILPATRICK TOWNSEND & STOCKTON LLP
1420 FIFTH AVENUE, SUITE 3700
SEATTLE, WA 98101
(206) 626-7713 FAX: (206) 260-8946

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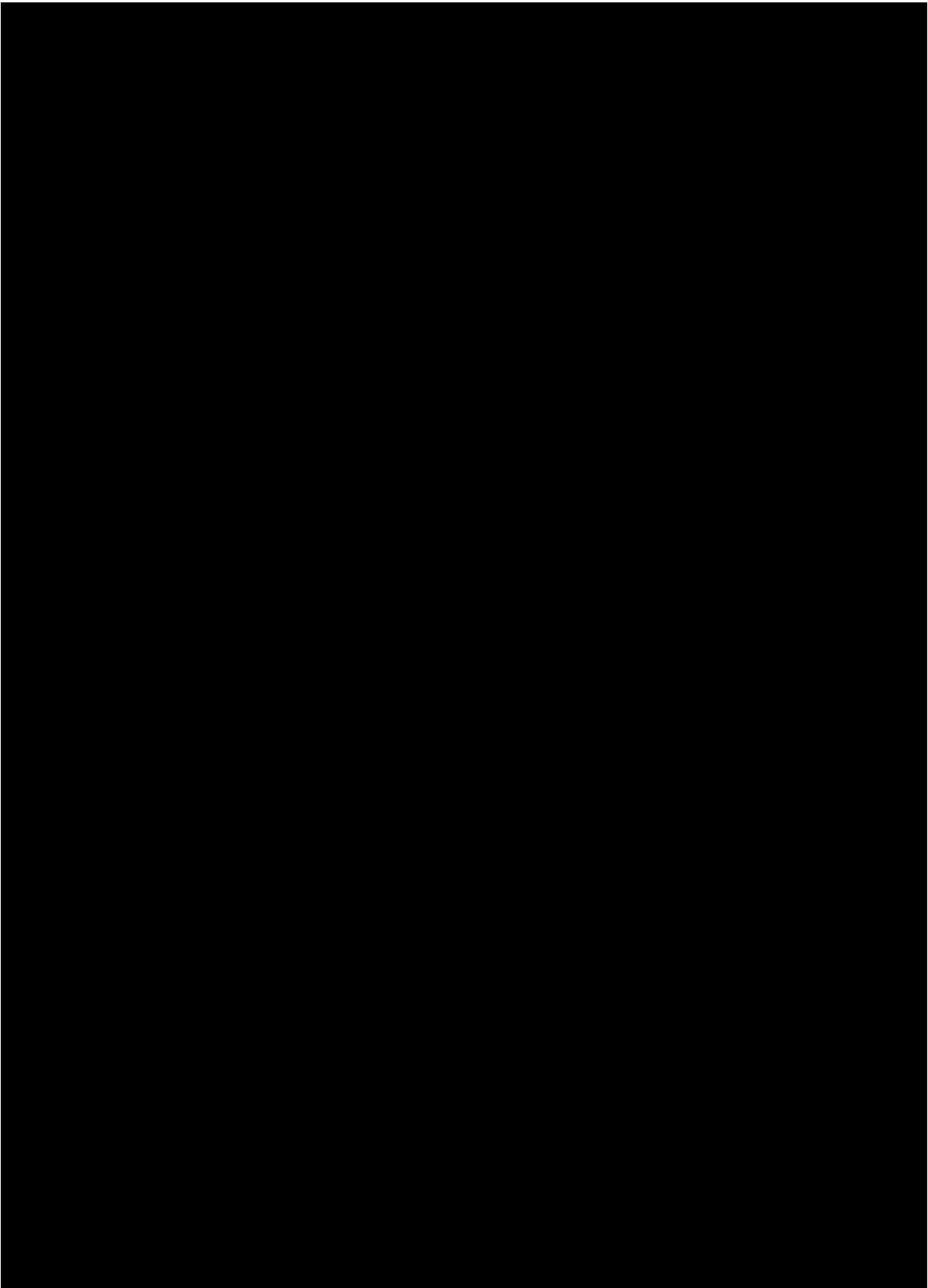
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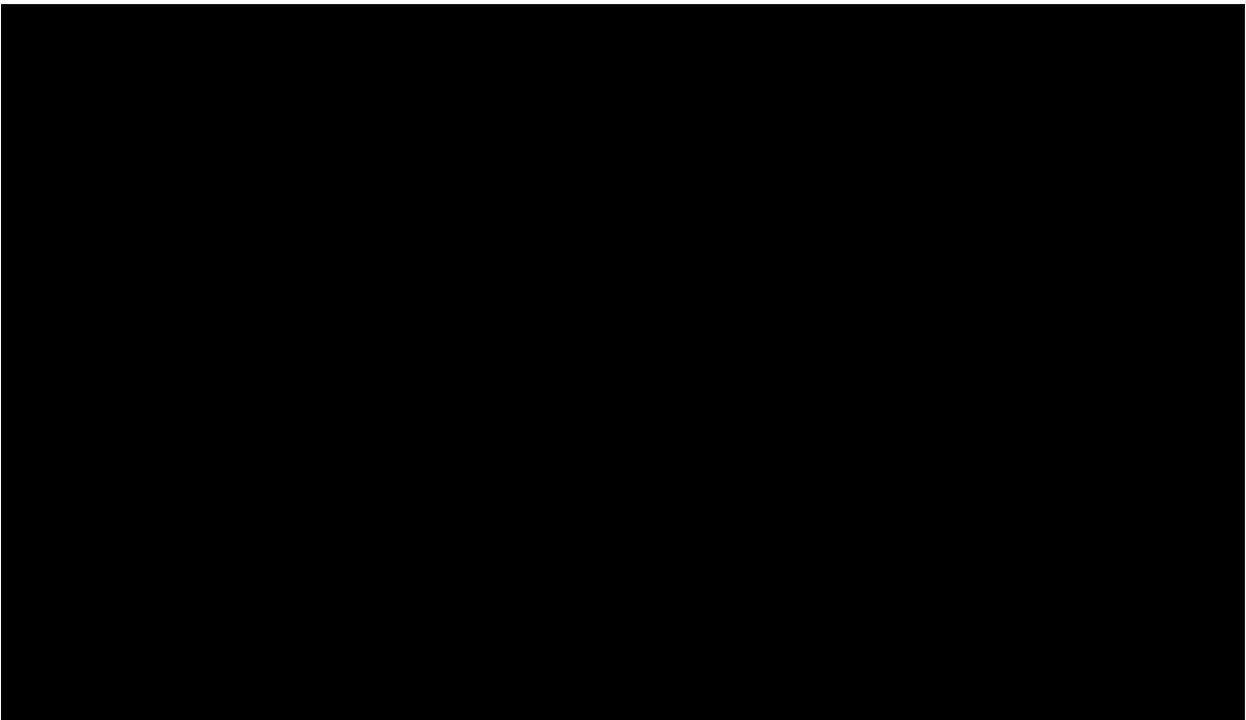


ADDENDUM A – 20

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ADDENDUM A – 21

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EXHIBIT B

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF F WASHINGTON
AT TACOMA

C.P., by and through his parents,)
 Patricia Pritchard and Nolle)
 Pritchard and PATRICIA PRITCHARD,)
 Plaintiffs,)
 vs.) No. 3:20-cv-06145-RJB
 BLUE CROSS BLUE SHIELD OF)
 ILLINOIS,)
 Defendant.)

ZOOM VIDEO DEPOSITION UPON ORAL EXAMINATION
OF
TELISA DRAKE 30(B)(6)

9:30 a.m.

May 13, 2022

REPORTED BY: Pat Lessard, CCR #2104

1 prepare that for today?

2 MS. PAYTON: Object to the form and instruct
3 not to answer, privileged.

4 Q. (By Ms. Hamburger) I want to direct your
5 attention to Exhibit 1, paragraph 2.t.

6 Were you asked to prepare the number and
7 identity of self-funded plans for which Blue Cross
8 Blue Shield of Illinois administers an exclusion of
9 coverage for some or all gender-affirming care?

10 MS. PAYTON: Object to the form. Same
11 objection, calls for privilege.

12 I think you're asking what counsel told her
13 to do so I'm going to instruct her not to answer.

14 MS. HAMBURGER: Okay.

15 MS. PAYTON: She's already told you she
16 doesn't know.

17 Q. (By Ms. Hamburger) Did you prepare to
18 respond to topic number 2.t. today?

19 A. 2.t. as in Tom?

20 Q. Uh-huh.

21 A. I was not.

22 Q. Okay. Turning back to Exhibit 21,
23 Interrogatory No. 6, the first supplemental answer in
24 the exhibit.

25 Do you know if the [REDACTED] identified group

1 health plans for which Blue Cross Blue Shield
2 administers a gender-affirming care exclusion includes
3 large and small group employers?

4 A. Yes, it does.

5 MS. PAYTON: Ele, what exhibit are we on? I
6 apologize, I got lost. What number is it?

7 MS. HAMBURGER: Twenty-one.

8 MS. PAYTON: Thank you.

9 Q. (By Ms. Hamburger) Does it include
10 employers that are religious organizations?

11 A. That I'm not -- that I do not have an answer
12 to.

13 Q. Does it include employers that are not
14 religious?

15 A. Yes, it does.

16 Q. And do you know what percentage of the plans
17 that exclude gender-affirming care are religious?

18 A. That I do not.

19 Q. Okay. I want to direct your attention to
20 Addendum A in Exhibit 21.

21 Have you seen this before?

22 A. Yes.

23 Q. Did you help create this chart?

24 A. I did not.

25 Q. Other than attorneys did you talk to anyone

EXHIBIT C

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF F WASHINGTON
AT TACOMA

C.P., by and through his parents,)
 Patricia Pritchard and Nolle)
 Pritchard and PATRICIA PRITCHARD,)
 Plaintiffs,)
 vs.) No. 3:20-cv-06145-RJB
 BLUE CROSS BLUE SHIELD OF)
 ILLINOIS,)
 Defendant.)

ZOOM VIDEO DEPOSITION UPON ORAL EXAMINATION
OF
TELISA DRAKE 30(B)(6)

9:30 a.m.

May 13, 2022

REPORTED BY: Pat Lessard, CCR #2104

1 Okay. No objection.

2 A. Yes.

3 Q. (By Ms. Hamburger) [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 A. [REDACTED]

8 Q. [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 MS. PAYTON: [REDACTED]

13 [REDACTED]

14 A. [REDACTED]

15 [REDACTED]

16 Q. (By Ms. Hamburger) [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 MS. PAYTON: [REDACTED]

22 [REDACTED]

23 A. [REDACTED]

24 [REDACTED]

25 Q. (By Ms. Hamburger) [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 A. [REDACTED]

4 Q. Can we turn to Plaintiffs' Exhibit 23.

5 (Marked Deposition Exhibit No. 23.)

6 Q. (By Ms. Hamburger) Are you there?

7 A. I'm there.

8 Q. Okay. Do you know what Exhibit 23 is?

9 A. Yes. [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 And that attached policy was copy and pasted
15 from our link on the public website into an email for
16 their review.

17 Q. Okay. And was the call about the named
18 plaintiffs in this matter?

19 A. It was not. We standardly have calls with
20 this particular client with all of their TPAs. And
21 that would have been a result of that particular call
22 where they were to ask everyone to do the same thing.

23 Q. Okay. Is [REDACTED] an attorney?

24 A. She is not.

25 Q. Is [REDACTED] an attorney?