

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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

Plaintiffs,

v.

BLUE CROSS BLUE SHIELD OF ILLINOIS,
Defendant.

NO. 3:20-cv-06145-RJB

SUPPLEMENTAL DECLARATION OF
ELEANOR HAMBURGER IN SUPPORT
OF PLAINTIFFS' MOTION TO
COMPEL

**Renoted on Motion Calendar:
June 24, 2022**

**Confidential Exhibits 17-18 Filed Under Seal
Pursuant to Protective Order (Dkt. No. 25)**

I, Eleanor Hamburger, declare under penalty of perjury and in accordance with the laws of the United States and State of Washington that:

1. I am a partner at Sirianni Youtz Spoonemore Hamburger and am one of the attorneys for plaintiffs in this action.

2. Since Plaintiffs filed the Motion to Compel, BCBSIL produced what its counsel represented were redacted excerpts of the summary plan descriptions containing the various gender affirming care exclusions that are reflected in BCBSIL's

1 Addendum A. *See* Dkt. No. 57-1. BCBSIL also produced the documents it previously
2 withheld as “privileged” identified in its privilege log,

3 3. BCBSIL has not produced any responsive documents to RFP No. 13, aside
4 from the documents produced related to the Catholic Health Initiative (“CHI”) plan.

5 4. If Plaintiffs are provided with the identities of the health plans for which
6 BCBSIL administers gender affirming care exclusions, Plaintiffs’ counsel can look up the
7 reported Form 5500s for those plans to identify the number of enrollees in each. In other
8 words, with the identities of the plans, Plaintiffs can identify the approximate total
9 number of affected enrollees. This should reduce any burden imposed on BCBSIL.

10 5. When BCBSIL produced the number of plans for which it administers a
11 gender affirming care exclusion, it did not mark that information as “confidential.”
12 Similarly, when it supplemented that disclosure, it did not mark the supplemental
13 information as “confidential.” When I asked BCBSIL’s counsel to describe why the
14 information met the definition of “confidential” BCBSIL’s counsel did not respond to my
15 request.

16 6. Attached are true and correct copies of the following documents, with
17 highlighting where appropriate for the Court’s convenience:

| Exhibit | Description | Date |
|---------|---|------------|
| 17 | Excerpts of Rule 30(b)(6) Deposition of Telisa Drake on behalf of Blue Cross Blue Shield of Illinois – CONFIDENTIAL, FILED UNDER SEAL | 05/13/2022 |
| 18 | CHI BPA 2019 (Drake deposition Exhibit 9) – CONFIDENTIAL FILED UNDER SEAL | 11/13/2018 |

C.P. v. Blue Cross Blue Shield of Illinois
USDC (W.D. Wash.), No. 3:20-cv-06145-RJB

CONFIDENTIAL EXHIBIT
Filed Under Seal
Pursuant to Protective Order (Dkt. No. 25)

Exhibit 17

C.P. v. Blue Cross Blue Shield of Illinois
USDC (W.D. Wash.), No. 3:20-cv-06145-RJB

CONFIDENTIAL EXHIBIT
Filed Under Seal
Pursuant to Protective Order (Dkt. No. 25)

Exhibit 18