

HONORABLE JUDGE ROBERT J. BRYAN

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**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 BLUE CROSS
BLUE SHIELD OF ILLINOIS'S
OPPOSITION TO MOTION FOR CLASS
CERTIFICATION**

NOTE FOR MOTION: October 28, 2022

Pursuant to 28 U.S.C. § 1746, I, Gwendolyn C. Payton, hereby declare as follows:

1. I am an attorney with Kilpatrick Townsend & Stockton LLP in Seattle, Washington. I am counsel of record for Defendant Blue Cross Blue Shield of Illinois (“BCBSIL”). I have personal knowledge of the facts set forth in this declaration.
2. This declaration is filed in support of BCBSIL’s Opposition to Motion for Class Certification, filed herewith.
3. Under its license agreement, BCBSIL only administers self-funded health plans for businesses whose corporate headquarters are in the State of Illinois.
4. Attached as Exhibit A is a true and correct copy of the expert report of Lawton R. Burns, dated June 24, 2022.

1 5. Attached as Exhibit B is a true and correct copy of the expert report of Michael K.
2 Laidlaw, dated August 3, 2022.

3 6. Attached as Exhibit C is a true and correct copy of BCBSIL’s Fifth Supplemental
4 Responses to Plaintiffs’ Second Set of Discovery Requests.

5 7. Attached as Exhibit D is a true and correct copy of an excerpt of the Zoom Video
6 Deposition Upon Oral Examination of BCBSIL 30(b)(6) witness Telisa Drake.

7 8. Attached as Exhibit E is a true and correct copy of an excerpt of the Zoom Video
8 Deposition Upon Oral Examination of BCBSIL 30(b)(6) witness Telisa Drake.

9 9. Attached as Exhibit F is a true and correct copy of the September 15, 2022
10 Correction issued by the World Professional Association for Transgender Health (“WPATH”) to
11 its Standards of Care for the Health of Transgender and Gender Diverse People, Version 8.

12 10. Attached as Exhibit G is a true and correct copy of an excerpt of the Zoom Video
13 Deposition Upon Oral Examination of BCBSIL 30(b)(6) witness Telisa Drake.

14 11. Attached as Exhibit H is a true and correct copy of an excerpt of the Zoom Video
15 Deposition Upon Oral Examination of Plaintiff Patricia Pritchard.

16 12. Attached as Exhibit I is a true and correct copy of an excerpt of the Zoom Video
17 Deposition Upon Oral Examination of Plaintiff Patricia Pritchard.

18 13. Attached as Exhibit J is a true and correct copy of correspondence from BCBSIL
19 to Plaintiff Patricia Pritchard, in which BCBSIL stated that “[t]ransgender services are not
20 covered under the terms of your group health plan through Catholic Health Initiatives (CHI).”

21 14. Attached as Exhibit K is a true and correct copy of the 2018 Summary Plan
22 Description for Catholic Health Initiatives.

23 15. Attached as Exhibit L is a true and correct copy of correspondence from BCBSIL
24 to Kevin Hatfield and Jeffrey Kylo, in which BCBSIL stated that the procedures in question
25 were a contract exclusion based on the terms of the plan designed by Catholic Health Initiatives.

26 16. Attached as Exhibit M is a true and correct copy of an excerpt of the Zoom Video
27 Deposition Upon Oral Examination of Sharon Booker.

1 17. Attached as Exhibit N is a true and correct copy of an excerpt of the Zoom Video
2 Deposition Upon Oral Examination of Sharon Booker.

3 18. Attached as Exhibit O is a true and correct copy of an excerpt of the Zoom Video
4 Deposition Upon Oral Examination of Sharon Booker.

5 19. Attached as Exhibit P is a true and correct copy of an excerpt of the Zoom Video
6 Deposition Upon Oral Examination of Sharon Booker.

7 20. Attached as Exhibit Q is a true and correct copy of an excerpt of the Zoom Video
8 Deposition Upon Oral Examination of Sharon Booker.

9 21. Attached as Exhibit R is a true and correct copy of an excerpt of the Zoom Video
10 Deposition Upon Oral Examination of Plaintiff Patricia Pritchard.

11 22. Attached as Exhibit S is a true and correct copy of the expert report of Frank G.
12 Fox, dated August 19, 2022.

13 23. Attached as Exhibit T is a true and correct copy of the revised expert report of
14 Frank G. Fox, with addendum, dated September 29, 2022.

15 24. Attached as Exhibit U is a true and correct copy of the expert report of Scott Carr,
16 Ph.D., dated October 24, 2022.

17 25. I declare, under penalty of perjury under the laws of the United States of America,
18 that the foregoing is true and correct.

19 DATED this 24th day of October, 2022, at Seattle, Washington.

20
21 /s/ Gwendolyn C. Payton
22 Gwendolyn C. Payton

CERTIFICATE OF SERVICE

I certify that on the date indicated below I electronically filed the foregoing, DECLARATION OF GWENDOLYN C. PAYTON IN SUPPORT OF BLUE CROSS BLUE SHIELD OF ILLINOIS’S OPPOSITION TO MOTION FOR CLASS CERTIFICATION with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

<p>Eleanor Hamburger SIRIANNI YOUTZ SPOONEMORE HAMBURGER 3101 WESTERN AVENUE STE 350 SEATTLE, WA 98121 206-223-0303 Fax: 206-223-0246 Email: ehamburger@sylaw.com</p>	<p><input checked="" type="checkbox"/> by CM/ECF <input type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery</p>
<p>Jennifer C Pizer LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC 4221 WILSHIRE BLVD., STE 280 LOS ANGELES, CA 90010 213-382-7600 Email: jpizer@lambdalegal.org</p>	<p><input checked="" type="checkbox"/> by CM/ECF <input type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery</p>
<p>Omar Gonzalez-Pagan LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC. (NY) 120 WALL STREET 19TH FLOOR NEW YORK, NY 10005 212-809-8585 Email: ogonzalez-pagan@lambdalegal.org</p>	<p><input checked="" type="checkbox"/> by CM/ECF <input type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery</p>

DATED this 24th day of October, 2022.

KILPATRICK TOWNSEND & STOCKTON
LLP

By: /s/ Gwendolyn C. Payton
Gwendolyn C. Payton, WSBA #26752