

No. 22-1927

IN THE
United States Court of Appeals
for the Fourth Circuit

**CHRISTOPHER FAIN and SHAUNTAE ANDERSON, individually and on
behalf of all others similarly situated,**

Plaintiffs-Appellees,

v.

**WILLIAM CROUCH, in his official capacity as Cabinet Secretary of the
West Virginia Department of Health and Human Resources; CYNTHIA
BEANE, in her official capacity as Commissioner of the West Virginia Bureau
for Medical Services; and WEST VIRGINIA DEPARTMENT OF HEALTH
AND HUMAN RESOURCES, BUREAU FOR MEDICAL SERVICES,**

Defendants-Appellants.

On Appeal from the U.S. District Court for the Southern District of West Virginia
No. 3:20-cv-00740

SUPPLEMENTAL APPENDIX

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1 cover it, and they know what kind of distress that
2 would cause me to even talk about it.

3 Q. How do you know that that's why no doctor
4 has said that on the record?

5 MS. BUCHERT: Objection to form.

6 THE WITNESS: Because they've all mirrored
7 the same thing when we've had these conversations.
8 It's not covered by Medicaid.

9 BY MS. CYRUS:

10 Q. So you've discussed --

11 A. So there is no sense in them discussing it
12 any further.

13 Q. So you have discussed with physicians the
14 fact that breast augmentation and vaginoplasty
15 would not be covered by Medicaid?

16 MS. BUCHERT: Objection to form.

17 THE WITNESS: No. The doctors have
18 discussed with me that it's not covered. So there
19 is nothing that they can do about it.

20 BY MS. CYRUS:

21 Q. And who were the doctors who discussed
22 that with you?

23 THE WITNESS: Do I have to answer that
24 question.

1 MS. BUCHERT: Shauntae, yes, you have to
2 answer the questions unless we instruct you not to.

3 THE WITNESS: Dr. [REDACTED] and
4 Dr. [REDACTED].

5 BY MS. CYRUS:

6 Q. I mean, have Dr. [REDACTED] and
7 Dr. [REDACTED] told you that if it were covered
8 by Medicaid they would recommend you have breast
9 augmentation and vaginoplasty?

10 MS. BUCHERT: Objection to form.

11 THE WITNESS: They both have instructed me
12 that they would refer me to the places that -- for
13 the next step in my gender confirmation.

14 BY MS. CYRUS:

15 Q. Do you know if any of your medical records
16 say that?

17 MS. BUCHERT: Objection to form.

18 THE WITNESS: To my knowledge, no.

19 BY MS. CYRUS:

20 Q. So have you ever made a claim with
21 Medicaid requesting that it or one of the MCOs,
22 your MCO, pay for you to have breast augmentation
23 and vaginoplasty?

24 A. No, I have not.

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2022, I filed the foregoing document through the Court's CM/ECF system, which will serve an electronic copy on all registered counsel of record.

Dated: November 30, 2022

/s/ Avatara Smith-Carrington

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