

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,  
  
Plaintiffs,  
  
vs.  
  
BLUE CROSS BLUE SHIELD OF  
ILLINOIS,  
  
Defendant.

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

**BLUE CROSS BLUE SHIELD OF  
ILLINOIS’S NOTICE REGARDING  
EMMETT JONES DECLARATION**

Defendant Blue Cross Blue Shield of Illinois (“BCBSIL”) hereby gives notice to the Court regarding the declaration submitted by named Plaintiff Emmett Jones on November 20, 2023.

1. On November 15, 2023, named Plaintiff Emmett Jones called BCBSIL and spoke with a BCBSIL customer service representative. *See* Payton Decl., Ex. A (the “November 15th Transcript”). That representative initially informed Emmett Jones that she did not see any verbiage in his benefits agreement or notes pages concerning whether his plan through CommonSpirit Health, formerly known as Catholic Health Initiatives, covers transgender-related surgeries. The representative informed Emmett Jones that she was sending his request for further review and that she would follow up with him herself once she received a response.

2. On November 20, 2023, Emmett Jones submitted a declaration in support of Plaintiffs’ Reply to Defendant’s Supplemental Briefing Regarding Defendant’s Motion to Decertify

1 (Dkts. 197, 198). In that declaration, Emmett Jones represented that he had asked a BCBSIL  
 2 representative if the gender-affirming care exclusion had been removed from his plan and received  
 3 a response that there was “no verbiage on that.” Dkt. 198 ¶ 5. He also represented that he “ha[d]  
 4 not received any further response from BCBSIL regarding [his] inquiry about whether and/or in what  
 5 way CommonSpirit Health removed or otherwise changed the gender affirming care exclusion in  
 6 the CHI Plan.” *Id.* ¶ 6.

7 3. The next day, on November 21, 2023, the same BCBSIL customer service  
 8 representative called Emmett Jones to follow up on their prior conversation and informed him that  
 9 transgender surgery is a covered service under his plan if it meets the criteria in BCBSIL’s medical  
 10 policy. *See* Payton Decl., Ex. B (the “November 21st Transcript”). The BCBSIL customer service  
 11 representative further explained how to access BCBSIL’s medical policy and described the  
 12 information that Emmett Jones’s providers would need to submit on his behalf for prior  
 13 authorization.

14 Dated this 27th day of November, 2023.

15  
 16 KILPATRICK TOWNSEND & STOCKTON LLP

17 By /s/ Gwendolyn C. Payton  
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26  
 27 *Counsel for Blue Cross Blue Shield of  
 Illinois*

**CERTIFICATE OF SERVICE**

I certify that on the date indicated below I caused a copy of the foregoing document, BLUE CROSS BLUE SHIELD OF ILLINOIS’S NOTICE REGARDING EMMETT JONES DECLARATION 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:

<p><b>Eleanor Hamburger</b>                  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><b>Jennifer C Pizer</b>                  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><b>Omar Gonzalez-Pagan</b>                  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 27th day of November, 2023.

KILPATRICK TOWNSEND & STOCKTON  
 LLP

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

*Counsel for Blue Cross Blue Shield of Illinois*