

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,

Plaintiffs,

vs.

BLUE CROSS BLUE SHIELD OF  
ILLINOIS,

Defendant.

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

**DECLARATION OF GWENDOLYN C.  
PAYTON IN SUPPORT OF BLUE CROSS  
BLUE SHIELD OF ILLINOIS’S NOTICE  
REGARDING EMMETT JONES  
DECLARATION**

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 Notice Regarding Emmett Jones Declaration, filed herewith.

3. Attached as **Exhibit A** is a true and correct transcript of a call between named Plaintiff Emmett Jones and a BCBSIL customer service representative dated November 15, 2023.

4. Attached as **Exhibit B** is a true and correct transcript of a call between named Plaintiff Emmett Jones and a BCBSIL customer service representative dated November 21, 2023.



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**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 NOTICE REGARDING EMMETT JONES DECLARATION with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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DATED this November 27, 2023.

**Kilpatrick, Townsend & Stockton LLP**

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

*Counsel for Blue Cross and Blue Shield of Illinois*

# **EXHIBIT A**

***C.P. et al. v. Blue Cross Blue Shield of Illinois***  
**Case No. 3:20-cv-06145-RJB**

**Transcript of November 15, 2023 Call from Named Plaintiff Emmett Jones  
To Blue Cross Blue Shield of Illinois**

Speaker 1: Judea

Speaker 2: Emmett Jones

<b>Speaker</b>	<b>Time Stamp</b>	<b>Comment</b>
Judea	[00:01]	Thank you for calling Blue Cross Blue Shield, this is Judea. How can I help you?
Emmett Jones	[00:06]	Hi. I was just calling to find out if you guys cover gender affirming surgeries?
Judea	[00:13]	Can I have you identification number?
Emmett Jones	[00:15]	Yeah, absolutely. C-H-V-8-3-7-8-3-1-4-3-0.
Judea	[00:26]	Sorry, could I have that one more time. 8-3-7-8-3-1...
Emmett Jones	[00:32]	C-H-V-8-3-7-8-3-1-4-3-0.
Judea	[00:44]	Thank you. Your first and last name and date of birth?
Emmett Jones	[00:48]	My first and last name is Emmett Jones, and my date of birth is September 9 <sup>th</sup> , 1980. This is under my wife's name. I am covered under her insurance.
Judea	[01:05]	The service is for yourself?
Emmett Jones	[01:08]	Yeah.
Judea	[01:09]	Okay. And the number that you are calling on today ending in 7648 is your best call-back number in case we get disconnected?
Emmett Jones	[01:19]	Yes.
Judea	[01:20]	Okay, give me a few moments while I pull up the policy. And you said for gender reassignment?

Speaker	Time Stamp	Comment
Emmett Jones	[01:26]	Gender affirming surgery. What's that?
Judea	[01:29]	Could you repeat what it was again, please?
Emmett Jones	[01:32]	Yeah, I am wondering if you guys are covering gender affirming surgery? Like gender-affirming mastectomy for instance?
Judea	[01:41]	Okay, let me take a look at the notes for this group. Give me a few moments.
Emmett Jones	[01:48]	Thank you
Judea	[01:49]-[03:08]	You're welcome... I don't see anything on the note pages that states "yes" or "no." I am just going to pull the benefit agreement to see what the verbiage is on the benefit agreement. I am just going to place you on a brief hold while I locate the benefit agreement and I can take a look for you, okay?
Emmett Jones	[03:25]	Yeah, absolutely. Thank you for your time.
Judea	[03:26]-[09:31]	Thank you. No problem... Okay, so there is actually no verbiage on the benefit agreement as well. I am going to have it sent over for review, just so we can get some clarification on that, if that's okay?
Emmett Jones	[09:46]	Yeah, that's great. Would you be able to maybe email me a copy of whatever you find?
Judea	[09:57]	So I wouldn't be able to actually email you a copy of the benefit agreement. We can discuss it and if there is coverage there, you can ask your employer for a copy of the benefit agreement. We're just not able to send copies of the benefit agreement because things can change. So they don't allow us to send them out, but if you are requesting a copy of it, you can ask from your employer. But once I do get that clarification, I can advise where it's at in there, and maybe your employer can provide you with a copy of it.
Emmett Jones	[10:32]	Okay. Well cool. I appreciate your time.
Judea	[10:36]	No problem, so I just need to verify some information with you. The number that you're calling on today ending in 7648 is your

Speaker	Time Stamp	Comment
		best call back number?
Emmett Jones	[10:46]	Yes.
Judea	[10:48]	And you happen not to answer, do you give me permission to leave a voicemail?
Emmett Jones	[10:53]	Yes, that's fine.
Judea	[10:54]	And the coverage that I am verifying is that, is there coverage for reassignment for top surgery? Is that correct?
Emmett Jones	[11:04]	Yeah, transgender surgery. It's typically top surgery, but I am kind of curious what the coverage for the surgery is in general.
Judea	[11:15]	Yes, I can take a look into all of the coverage details for you, and once I get that information back. I will follow back up with you directly.
Emmett Jones	[11:23]	Alright, thank you.
Judea	[11:24]	No problem. Have a good day.
Emmett Jones	[11:27]	Yeah, you too.
Judea	[11:28]	Thank you. Good bye.

# **EXHIBIT B**

***C.P. et al. v. Blue Cross Blue Shield of Illinois***  
**Case No. 3:20-cv-06145-RJB**

**Transcript of November 21, 2023 Call from Blue Cross Blue Shield of Illinois  
to Named Plaintiff Emmett Jones**

Speaker 1: Emmett Jones

Speaker 2: Judea

<b>Speaker</b>	<b>Time Stamp</b>	<b>Comment</b>
Emmett Jones	[00:04]	Hello. Who is this?
Judea	[00:08]	The is Judea with Blue Cross Blue Shield.
Emmett Jones	[00:11]	Oh, alright. Thanks for calling me.
Judea	[00:14]	No problem. Could I have you verify your first and last name and date of birth for the recording please.
Emmett Jones	[00:19]	Sure, Emmett Jones.
Judea	[00:25]	And your date of birth?
Emmett Jones	[00:26]	September 9 <sup>th</sup> , 1980
Judea	[00:29]	And you're okay if we continue on a recorded line?
Emmett Jones	[00:31]	Yes.
Judea	[00:32]	Okay, I just wanted to follow back on our conversation that we had, and I was doing more research for you. The service is a covered service. It does just have to go through medical policy criteria, where the doctor will have to send in some medical policy for the procedure beforehand.
Emmett Jones	[00:51]	What's the medical policy? What do you mean by that?
Judea	[00:55]	So there is certain criteria that the doctor has to send in. I actually have pulled up the medical policy and you can review it on our website under Blue Cross Blue Shield. I just had it pulled up, give me one moment. I think there is just a couple evaluations and things you have to go through, and the doctor just has to submit those documentations. Give me a few moments.
Emmett Jones	[01:19]	Okay.

Speaker	Time Stamp	Comment
Judea	[01:19]- [02:19]	I just had it up. So you have to do... I can show you how to look it up. It's a lot of documentation you have to go through and read through. But the doctor, you can just let them know that they just have to send in... basically it's a prior authorization for the services. I know there are some therapy sessions you have to go through before, in order to meet the criteria. If you do go to it, all you have to do is go to Blue Cross Blue Shield of Illinois. Once you go under Blue Cross Blue Shield of Illinois, because it is a provider thing, the provider has to go through the criteria. You go to Providers... let me back up. You go to BCBS IL and then you go under "Providers." Once you go under "Providers." you go to "Standards and Requirements."
Emmett Jones	[03:13]	Standards and Requirements?
Judea	[03:14]	Yes, once you go to "Standards and Requirements," you're going to click on there, it's going to ask "Standards and Requirements"- "Medical Policy", I'm sorry. Once you click on "Medical Policy," it's going to say Active and Pending Medical Policy. You just want to type in "transgender." Once you type in "transgender," it'll pull the medical policy up and that is just the criteria that the doctor has to send in.
Emmett Jones	[03:40]	Okay. So I look...so from...I go to Blue Cross Blue Shield and then I go to Providers. And then I go to, is it Medical Policy or Standards and Requirements next?
Judea	[03:55]	Once you go to the Providers tab, it's going to be Standards and Requirements first and then once you go to Standards and Requirements, you're going to click on where it has the medical policy. You're going to click on the first one where it says "Active and Pending Medical Policies." You can either type it in or go through the pages. Once you do go through the pages, you can find it and it will show all the criteria that the doctor has to send in.
Emmett Jones	[04:20]	Okay. Alright, thank you so much for getting back to me. I appreciate it.
Judea	[04:24]	No problem. Was there anything else that I can do for you?
Emmett Jones	[04:27]	No, I think that should, I think that should do it.
Judea	[04:31]	Alright, well, I'm glad I was able to get back in contact with

<b>Speaker</b>	<b>Time Stamp</b>	<b>Comment</b>
		you with that information, hope you have a wonderful day.
Emmett Jones	[04:37]	Alright, thank you so much.
Judea	[04:38]	You're welcome. Bye, bye.