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3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 C. P., by and through his parents, Patricia  
7 Pritchard and Nolle Pritchard, S.L., by and  
8 through her parents, S.R. and R.L.;  
9 EMMETT JONES, individually and on  
10 behalf of others similarly situated; and  
11 PATRICIA PRITCHARD, individually,

12 Plaintiffs,

13 v.

14 BLUE CROSS BLUE SHIELD OF  
15 ILLINOIS,

16 Defendant.

JUDGMENT BY THE COURT

CASE NO. 3:20-cv-06145-RJB

17 **XX** **DECIDED BY THE COURT.** This action came to consideration before the Court. The  
18 issues have been considered and a decision has been rendered.

19 The Court has ordered that:

20 The class is entitled to declaratory relief as follows:

21 Blue Cross, its agents, employees, and successors, including Health Care Service  
22 Corporation (of which Blue Cross is a division), violated Section 1557 of the Affordable  
23 Care Act, 42 U.S.C. § 18116(a), and discriminated on the basis of sex against Plaintiffs  
24 C.P., S.L., and Jones, and the Plaintiff Class when it administered and enforced  
categorical exclusions of some or all gender-affirming health care services as they are  
defined in the class definitions. As a “health program or activity” subject to Section 1557,  
Blue Cross cannot discriminate in any of its activities, including but not limited to, its  
activities as a third-party administrator.

1 The class is entitled to a prospective injunction prohibiting Blue Cross from applying the  
2 discriminatory exclusions in the future as follows:

3 Blue Cross, its agents, employees, successors, including the Health Care Service  
4 Corporation, are hereby PERMANENTLY ENJOINED from administering or enforcing  
5 exclusions and any policies or practices that wholly exclude or limit coverage of “gender-  
6 affirming health care,” so long as it is a “health program or activity” under the ACA’s  
7 Section 1557, 42 U.S.C. § 18116(a).

8 The retrospective class is entitled to an injunction setting forth equitable tolling of the  
9 time limits to make claims or file appeals set out in their plans and for reprocessing. Those  
10 injunctions are as follows:

11 Blue Cross is enjoined from applying the original time limits in Class members’ health  
12 plans for submitting claims or appealing adverse benefit determinations, but only as to  
13 claims for gender-affirming health care that were denied based solely on the exclusions  
14 of gender-affirming health care services during the Class period. Class members will  
15 have 90 days from the date the Class notice is submitted to class members, to submit  
16 claims for gender-affirming care that were denied for pre-authorization and/or post-  
17 service based solely upon the exclusions for gender-affirming care.

18 Blue Cross shall accept and process these claims consistent with the remaining terms of  
19 the plans, the Administrative Services Agreements, other contracts, and indemnification  
20 agreements, subject to this Order and without administering the exclusions.

21 The class is entitled to court-approved notice of this case to class members at Blue Cross’s  
22 expense.

23 The named Plaintiffs are each entitled to nominal damages of \$1.00 for processing this case  
24 to success for the class.

Dated this 22<sup>nd</sup> day of January 2024.

Ravi Subramanian  
Clerk of Court

  
Gretchen Craft, County Clerk

