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15 Attorneys for Plaintiffs
16 JANE DOE, STEPHEN ALBRIGHT,
17 AMERICAN KIDNEY FUND, INC.,
18 and DIALYSIS PATIENT CITIZENS, INC.
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

JANE DOE, *et al.*,
Plaintiffs,
v.
XAVIER BECERRA, *et al.*
Defendants.

Case No. 8:19-cv-2105-DOC-ADS
**DECLARATION OF PLAINTIFF
STEPHEN ALBRIGHT IN
SUPPORT OF MOTION FOR A
PRELIMINARY INJUNCTION**
Date: December 9, 2019
Time: 8:30 AM
Place: Courtroom 9D

1 I, Stephen Albright, declare as follows:

2 1. I am 54 years old and currently reside in Costa Mesa, California. I am
3 a plaintiff in the above-captioned lawsuit.

4 2. I have personal knowledge of the facts set forth herein. If asked to do
5 so, I could testify truthfully about the matters contained herein.

6 3. I was born in Orange County and have lived here for most of my life.
7 My significant other is 54 years old and moved to Orange County in 1990. We
8 consider Orange County our home, and together we have developed deep roots in
9 this community.

10 4. Things have become very difficult for us over the past several years. In
11 2011, I was diagnosed with polycystic kidney disease, a disorder in which the
12 kidneys develop fluid-filled cysts which prevent them from filtering waste products
13 from the blood. For several years, I was able to manage my diagnosis with the help
14 of my doctor, but my condition nonetheless deteriorated.

15 5. In 2017, I was diagnosed with renal failure. In order to deal with that
16 diagnosis, I had to commence dialysis. I was initially on hemodialysis—a form of
17 dialysis which involves blood filtering through a machine—for six months.
18 Unfortunately, that treatment proved ineffective because of blood clotting issues. As
19 a result, I had numerous health complications, including ulcers and fatigue, which
20 left me unable to work.

21 6. In 2018, I eventually transitioned to peritoneal dialysis, in which the
22 body's abdominal lining is used to carry out the necessary filtering. I have been on
23 that form of dialysis since my transition, with much better results. Indeed, I have
24 been able to work four days a week (32 hours total) while being on dialysis.

25 7. Nonetheless, my life remains extremely challenging. To remain alive,
26 I must dialyze every single night. That means I have to hook up to my machine and
27 bags at around 9:00 p.m. each night and carry out dialysis until 5:00 a.m. or 6 a.m.
28 the following morning. It is difficult to sleep while undergoing dialysis, as the

1 machine can emit alarms, the fluid bags required as part of the process are heavy and
2 intrusive, and I often experience cramping. In addition to my required dialysis
3 routine, I take over 30 pills a day: 11 in the morning, 7 at night, and 5 with each
4 meal. These medications are essential for dealing with the comorbidities that arise
5 from kidney failure, as well as the side effects of dialysis. Even with my dialysis
6 and medication, I still have a host of health complications. For example, over the
7 course of July, August, and September, I suffered from anemia and sudden weight
8 loss, which left me weakened. Incidents like that are not uncommon in my life.

9 8. Dealing with my disease is also logistically challenging. One day a
10 month, I have to stay home to wait for my 30-day supply of dialysis materials. (The
11 delivery consists of twenty-pound boxes that take up a great deal of space.) Of
12 course, there are also numerous visits with doctors. I try to schedule them for
13 Wednesdays, the day I take off during the week, but sometimes I am unable to obtain
14 an appointment on that day. I am fortunate that my employer has been willing to
15 provide me with a flexible schedule. I ultimately hope that I will be able to obtain a
16 kidney transplant, but for the time being, I remain in the evaluation phase for that
17 procedure.

18 9. The medical costs of my condition are very high. For example, some
19 of my medications individually cost \$1,000 for a single month's supply. Because
20 my condition limits my ability to work to part-time employment, I am ineligible for
21 healthcare through my employer, and my significant other and I obtain my primary
22 insurance through her employer and use Medicare as my secondary insurance. The
23 premiums we pay for my insurance are expensive in light of our modest means: \$436
24 a month on our primary insurance and \$1,200 a year for Medicare.

25 10. The American Kidney Fund has provided critical assistance by paying
26 the premiums on both my primary insurance and Medicare. That financial assistance
27 is absolutely essential for us. Even with the American Kidney Fund's help, our
28 finances are very tight. If California Assembly Bill 290 were to go into effect in

1 January 2020 and the American Kidney Fund can no longer providing us with
2 financial assistance, our situation will become dire.

3 11. My significant other and I have discussed our options if the law goes
4 into effect and none of them are good. My significant other would likely have to
5 move us to a primary health insurance plan with less coverage, but lower premiums.
6 Such a move, however, would expose us to higher out-of-pocket costs and could also
7 leave us uncovered for certain health events. We have also investigated Medi-Cal
8 as an option, but do not see that as a realistic option because our incomes are just
9 slightly too high. We are indeed needy, but we are not yet at the extremely low
10 levels required for Medi-Cal. It is unclear whether the new law will eventually force
11 us into that scenario. It is a possibility that fills us with dread.

12 12. We also cannot seriously contemplate leaving the State of California
13 and moving to another state to reduce my healthcare costs. Even leaving aside that
14 Orange County is our home, the truth is that we have no realistic options. I am in
15 my mid-50s and suffer from renal disease. I do not think that I would be able to
16 obtain a new job or be retrained for another line of work. It is also doubtful that my
17 significant other could obtain a job with similar health benefits.

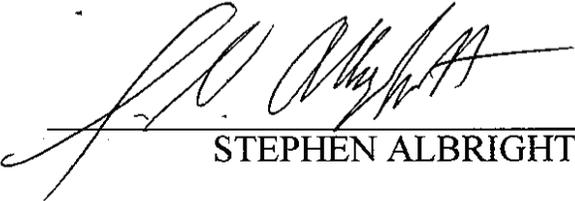
18 13. Though life was difficult before Assembly Bill 290, I now suffer from
19 severe anxiety contemplating what my significant other and I will have to try to do
20 to make ends meet. My anxiety adds additional problems, including trouble
21 sleeping, and I must take anxiety medication so that I do not worsen my other health
22 problems. Come January 2020, I have no idea what we will do if the American
23 Kidney Fund is no longer able to provide the financial assistance that we rely upon
24 so much.

25 14. The simple truth is that Assembly Bill 290 will put me at immediate
26 risk of real health and financial harm if it takes effect.

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I declare under the penalty of perjury and the laws of the United States that the foregoing is true and correct this 7th day of November 2019, at Costa Mesa, California.



STEPHEN ALBRIGHT