

The Honorable Robert S. Lasnik

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANDREA SCHMITT and ELIZABETH
MOHONDRO, each on their own behalf, and on
behalf of all similarly situated individuals,

Plaintiffs,

v.

KAISER FOUNDATION HEALTH PLAN OF
WASHINGTON; KAISER FOUNDATION
HEALTH PLAN OF WASHINGTON OPTIONS,
INC.; KAISER FOUNDATION HEALTH PLAN
OF THE NORTHWEST; and KAISER
FOUNDATION HEALTH PLAN, INC.,

Defendants.

NO. 2:17-cv-1611-RSL

**DECLARATION OF ELEANOR
HAMBURGER**

**Noted for Consideration:
December 4, 2020**

I, Eleanor Hamburger, declare under penalty of perjury and in accordance with
the laws of the United States and State of Washington that:

1. I am a partner at Sirianni Youtz Spoonemore Hamburger and am one of
the attorneys for plaintiff in this action.
2. On October 23, 2020, I was contacted by the parents of proposed Plaintiff
O.L. about joining this litigation. O.L.s parents had received an explanation of benefits
from Defendants denying coverage of O.L.'s recent hearing evaluation at Seattle

1 Children's Hospital, and they anticipated that O.L.'s claims for hearing aids would also
2 be denied.

3 3. On November 10, 2020, I emailed Kaiser's counsel, Medora Marisseau, to
4 inform her that Plaintiffs would move to add a new additional plaintiff, and that I would
5 provide her with a redlined version of the proposed amended complaint shortly. On
6 November 17, I emailed Kaiser's counsel with the proposed amended complaint, and
7 provided information about the identities of O.L. and her parents J.L. and K.L. I also
8 provided the name of J.L.'s employer. In the November 17 email I requested that Kaiser's
9 counsel let me know by the close of business on November 18, 2020 whether Kaiser
10 would not object to the proposed Fourth Amended Complaint. Kaiser's counsel did not
11 respond to either email.

12 4. Plaintiffs have no objection to a reasonable additional extension of the
13 deadline for defendants to file their responsive pleadings, if the Court permits the filing
14 of the Fourth Amended Complaint.

15 DATED: November 19, 2020, at Seattle, Washington.

16
17 /s/ Eleanor Hamburger

Eleanor Hamburger (WSBA #26478)
SIRIANNI YOUTZ SPOONEMORE HAMBURGER PLLC
3101 Western Avenue, Suite 350
Seattle, WA 98121
Tel. (206) 223-0303; Fax (206) 223-0303
Email: ehamburger@sylaw.com

CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2020, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

- **Mark A. Bailey**
mbailey@karrtuttle.com, sanderson@karrtuttle.com,
mmunhall@karrtuttle.com
- **Eleanor Hamburger**
ehamburger@sylaw.com, matt@sylaw.com, theresa@sylaw.com,
stacy@sylaw.com
- **Medora A Marisseau**
MMarisseau@karrtuttle.com, astanton@karrtuttle.com, jlikit@karrtuttle.com
- **Richard E Spoonemore**
rspoonemore@sylaw.com, matt@sylaw.com, rspoonemore@hotmail.com,
theresa@sylaw.com, stacy@sylaw.com
- **John F. Waldo**
johnfwaldo@hotmail.com

DATED: November 19, 2020, at Seattle, Washington.

/s/ Eleanor Hamburger
Eleanor Hamburger (WSBA #26478)
Attorneys for Plaintiff