

The Honorable Robert S. Lasnik

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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)  
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Seattle, WA 98121  
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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,  
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- **John F. Waldo**  
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DATED: November 19, 2020, at Seattle, Washington.

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