

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, *et al.*,

Defendants.

Civil Action No. 1:20-cv-5583-AKH

DECLARATION OF JOSEPH J. WARDENSKI

I, Joseph J. Wardenski, under penalty of perjury under 28 U.S.C. § 1746, hereby state the following:

I am an attorney in the Office of the New York State Attorney General and counsel to Plaintiffs in this action. I submit this Declaration in connection with Plaintiffs' Renewed Motion for Summary Judgment on Administrative Procedure Act Claims [ECF No. 108] and accompanying Memorandum of Law [ECF No.109].

Attached to this declaration are true and correct copies of the following numbered exhibits:

1. Declaration of Ricardo Lara, Insurance Commissioner of the State of California
2. Declaration of Kevin Kish, Director, California Department of Fair Employment and Housing
3. Declaration of Kim Bimestefer, Executive Director, Colorado Department of Health Care Policy and Financing
4. Declaration of Michael Conway, Insurance Commissioner, Colorado Division of Insurance
5. Declaration of Tanya Hughes, Executive Director, Connecticut Commission on Human Rights and Opportunities

6. Declaration of Cassandra Codes-Johnson, Associate Deputy Director, Delaware Department of Health and Social Services, Division of Public Health
7. Declaration of Romona S. Fullman, Director, Delaware Division of Human Relations
8. Declaration of Mila Kofman, Executive Director, District of Columbia Health Benefit Exchange Authority
9. Declaration of Robert A. Planthold, Assistant General Counsel, Illinois Department of Insurance
10. Declaration of Mary M. Madden, Chief Legal Counsel and Ethics Officer, Illinois Department of Human Rights
11. Declaration of Amy M. Sneirson, Executive Director, Maine Human Rights Commission
12. Declaration of Leana E. Amáez, Director of Diversity, Equity, and Inclusion, Maine Department of Health and Human Services
13. Declaration of Alvin O. Gillard, Executive Director, Maryland Commission on Civil Rights
14. Declaration of Michele Eberle, Executive Director, Maryland Health Benefit Exchange
15. Declaration of Sharon C. Boyle, Esq., General Counsel, Massachusetts Executive Office of Health and Human Services
16. Declaration of Kevin Beagan, Deputy Commissioner, Massachusetts Division of Insurance, Health Care Access Bureau
17. Declaration of Sunila Thomas George, Chairwoman, Massachusetts Commission Against Discrimination
18. Declaration of Zecharias Hailu, Director, Minnesota Department of Human Services, Equal Opportunity and Access Division
19. Declaration of Irina Vaynerman, Deputy Commissioner, Minnesota Department of Human Rights
20. Declaration of Brooke Maylath, Health Facility Inspector II, Nevada Department of Health and Human Services, Division of Public and Behavioral Health
21. Declaration of Amanda Medina-Forrester, Executive Director, New Jersey Department of Health, Office of Minority and Multicultural Health
22. Declaration of Magda Schaler-Haynes, Senior Advisor, New Jersey Division of Consumer Affairs
23. Declaration of Nicole Comeaux, Director, New Mexico Human Services Department, Medical Assistance Division
24. Declaration of Kathyleen Kunkel, Cabinet Secretary, New Mexico Department of Health

25. Declaration of John Powell, Director of Rate Review and Acting Deputy Superintendent, New York State Department of Financial Services
26. Declaration of Trisha Schell-Guy, Acting General Counsel, New York State Office of Addiction Services and Supports
27. Declaration of Walker Wilson, Assistant Secretary for Policy, North Carolina Department of Health and Human Services
28. Declaration of Ana Novais, Assistant Secretary, Rhode Island Executive Office of Health and Human Services
29. Declaration of Patrick M. Allen, Director, Oregon Health Authority
30. Declaration of Adaline Strumolo, Deputy Commissioner, Department of Vermont Health Access
31. Declaration of Delegate Danica Roem, Virginia House of Delegates
32. Declaration of Karen Kimsey, Director, Virginia Department of Medical Assistance Services
33. Declaration of Nathan Houdek, Deputy Commissioner of Insurance, Wisconsin Office of the Commissioner of Insurance
34. Declaration of Melissa Black, Special Assistant to the Director, Illinois Department of Healthcare and Family Services
35. Declaration of Jacey Cooper, Chief Deputy Director for Health Care Programs and State Medicaid Director, California Department of Health Care Services
36. Nondiscrimination Regarding Coverage for Insureds Who Are Transgender or Gender Dysphoric, Wi. Off. of Comm'r of Ins. (June 29, 2020)
37. Expert Witness Declaration of Jaclyn White Hughto, PhD, MPH
38. Declaration of Elena Rose Vera, Executive Director, Trans Lifeline
39. Declaration of Carrie Davis, Chief Community Officer, The Trevor Project
40. Declaration of Ted Lewis, Executive Director, Side by Side (Aug. 19, 2020)
41. Declaration of James D. Jones, Administrator, Wisconsin Department of Health Services, Division of Medicaid Services
42. Declaration of Jessica K. Altman, Commissioner, Pennsylvania Insurance Department
43. Declaration of Teresa Miller, Secretary, Pennsylvania Department of Human Services
44. Declaration of Mark Starr, Acting Deputy Director, California Department of Public Health, Office of Health Equity
45. Declaration of Brenda Jegede, Manager, Michigan Department of Health and Human Services, Office of Equity and Minority Health
46. Declaration of Rachel Levine, M.D., Secretary, Pennsylvania Department of Health

47. Declaration of Tracy Dolan, Deputy Health Commissioner, Vermont Department of Health
48. Declaration of Kathryn E. Macomber, Director, Michigan Department of Health and Human Services, Division of HIV and STD Programs
49. Declaration of Katie Keith
50. Collected Stories in response to 2013 Request for Information, HHS-OCR-2013-0007-0040
51. Comment of Anonymous in response to 2013 Request for Information, HHS-OCR-2013-0007-0016
52. Comment of Whitman-Walker Health in response to 2013 Request for Information, HHS-OCR-2013-0007-0063
53. Comment of Transgender Legal Defense & Educational Fund in response to 2013 Request for Information, HHS-OCR-2013-0007-0158

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 2, 2020.

/s/ Joseph J. Wardenski
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