1		The Honorable Robert S. Lasnik			
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8 9	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE				
10	ANDREA SCHMITT; ELIZABETH MOHUNDRO; and O.L. by and through her	) ) CASE NO. 2:17-cv-1611-RSL			
11	parents, J.L. and K.L., each on their own behalf, and on behalf of similarly situated individuals,				
12	Plaintiffs,	) DECLARATION OF JODI RUSSELL IN ) SUPPORT OF DEFENDANTS'			
13	V.	OPPOSITION TO PLAINTIFFS' MOTION			
14	KAISER FOUNDATION HEALTH PLAN OF	FOR CLASS CERTIFICATION			
15	WASHINGTON; KAISER FOUNDATION HEALTH PLAN OF WASHINGTON	Noting Date: March 3, 2023			
16 17	OPTIONS, INC.; KAISER FOUNDATION HEALTH PLAN OF THE NORTHWEST; and KAISER FOUNDATION HEALTH PLAN,	)			
18	INC.,				
19	Defendants.	)			
20		)			
21	I, Jodi Russell, declare under penalty of perjury under the laws of the United States of				
22	America, as follows:				
23	1. I am the Director of Data Reporting and Analytics for Actuarial Services for Kaiser				
24	Foundation Health Plan of Washington ("Kaiser"). I make this declaration based on my				
25	I oundation rication rian of washington ( Kaiser ). Timake this declaration based on my				
26					
27	DECLARATION OF JODI RUSSELL IN SUPPORT OF				
	DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION CASE NO. 17 or 1611 PSI				

CASE NO. 17-cv-1611 RSL #5330375 v1 / 22408-614

personal knowledge and a review of Kaiser's regularly maintained business records. I am competent to testify.

- 2. I have reviewed the Declaration from Frank G. Fox, specifically paragraph 9, where he references "an analysis performed by Kaiser in 2020 that estimated between 3.4-4% of enrollees would utilize hearing aid coverage if that benefit were added." I have also reviewed Exhibit K (attached), which is three tabs of a spreadsheet, prepared by Kaiser which was intended to address the potential impact of HB 1047, a 2022 Washington state proposed bill to mandate coverage of \$2,500.00, every 36 months, for prescription hearing aids for all insured health plans in Washington. This fiscal analysis of the potential legislation is not accurately characterized in the Declaration. Nor is it appropriate for Dr. Fox's purpose.
- 3. The enrollment numbers on Exhibit K include all insured Kaiser plans in Washington, including all Kaiser plans which have coverage for hearing aids through hearing aid riders, and Federal Employee Health Benefit plans, as well as base benefit plans which contain an exclusion for hearing aid coverage. The total enrollment figure of 480,958 for 2020 included on the document is the total enrollment figure for all of the above plans, including those which provided hearing aid coverage.
- 4. The probability of use estimate in the document, for the population age 0-49, actually applied the percentage for hearing loss (not hearing aid use) in the U.S. population for that age range, per the referenced NIH "quick statistics" article. The percentage of use estimate for that age range (0-49), then, is actually a percentage of hearing loss only. The other referenced article included hearing aid usage statistics for the age range 50-80+, so that percentage was used for the age 50-80+ age range.

DECLARATION OF JODI RUSSELL IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION CASE NO. 17-cv-1611 RSL #5330375 v1 / 22408-614

1	I declare under penalty and perjury under the laws of the United States that the foregoing			
2	is true and correct.			
3				
4	DATED this 21 <sup>st</sup> day of February, 2023.			
5	Jodi Russell			
6	Jodi Russell			
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	DECLARATION OF JODI RUSSELL IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION CASE NO. 17-cv-1611 RSL KARR TUTTLE CAMPBELL 701 Fifth Avenue, Suite 3300 Seattle, Washington 98104 Main: (206) 223 1313			

#5330375 v1 / 22408-614

Fax: (206) 682 7100

.						
1	CERTIFICATE OF SERVICE					
2	I, Luci Brock, affirm and state that I am employed by Karr Tuttle Campbell in King County,					
3	in the State of Washington. I am over the age of 18 and not a party to this action. My business					
4 5	address is: 701 Fifth Avenue, Suite 3300, Seattle, Washington 98104. On this day, I caused a true					
	and correct copy of the foregoing document to be filed with the Court and served on the parties					
6 7	listed below in the manner indicated.					
, 8	Eleanor Hamburger					
8 9	Richard E. Spoonemore SIRIANNI YOUTZ SPOONEMORE HAMBURGER	$\mathbf{X}$	Via U.S. Mail Via Hand Delivery Via Electronic Mail			
10	3101 Western Avenue Ste 350 Seattle, WA 98121 206-223-0303	$\boxtimes$	Via Overnight Mail CM/ECF via court's website			
11	Fax: 206-223-0246					
12	<u>ehamburger@sylaw.com</u> rspoonemore@sylaw.com					
13	Attorneys for the Plaintiffs					
14	John F. Waldo LAW OFFICE OF JOHN F WALDO	$\bowtie$	Via U.S. Mail			
15	2108 McDuffie Street	$\times$	Via Hand Delivery Via Electronic Mail			
16	Houston, TX 77019 206-849-5009		Via Overnight Mail CM/ECF via court's website			
17	Email: johnfwaldo@hotmail.com Attorneys for the Plaintiffs					
18	I declare under penalty of perjury under the laws of the State of Washington that the					
19	foregoing is true and correct, to the best of my knowledge.					
20	Executed on this 21st day of February, 2023, at Seattle, Washington.					
21						
22	<u>s/Luci Brock</u> Luci Brock					
23	Legal Assistant					
24						
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26						
27	DECLARATION OF JODI RUSSELL IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION- 1 CASE NO. 2:17-cv-01611-RSL		KARR TUTTLE CAMPBELL 701 Fifth Avenue, Suite 3300 Seattle, Washington 98104 Main: (204) 222 1212			
	#5330375 v1 / 22408-614		Main: (206) 223 1313 Fax: (206) 682 7100			

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## Exhibit 1 (Filed under seal)