

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

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4 2. I have reviewed the Declaration from Frank G. Fox, specifically paragraph 9, where he
5 references "an analysis performed by Kaiser in 2020 that estimated between 3.4-4% of
6 enrollees would utilize hearing aid coverage if that benefit were added." I have also
7 reviewed Exhibit K (attached), which is three tabs of a spreadsheet, prepared by Kaiser
8 which was intended to address the potential impact of HB 1047, a 2022 Washington state
9 proposed bill to mandate coverage of \$2,500.00, every 36 months, for prescription hearing
10 aids for all insured health plans in Washington. This fiscal analysis of the potential
11 legislation is not accurately characterized in the Declaration. Nor is it appropriate for Dr.
12 Fox's purpose.

13 3. The enrollment numbers on Exhibit K include all insured Kaiser plans in Washington,
14 including all Kaiser plans which have coverage for hearing aids through hearing aid riders,
15 and Federal Employee Health Benefit plans, as well as base benefit plans which contain an
16 exclusion for hearing aid coverage. The total enrollment figure of 480,958 for 2020
17 included on the document is the total enrollment figure for all of the above plans, including
18 those which provided hearing aid coverage.

19 4. The probability of use estimate in the document, for the population age 0-49, actually
20 applied the percentage for hearing loss (not hearing aid use) in the U.S. population for that
21 age range, per the referenced NIH "quick statistics" article. The percentage of use estimate
22 for that age range (0-49), then, is actually a percentage of hearing loss only. The other
23 referenced article included hearing aid usage statistics for the age range 50-80+, so that
24 percentage was used for the age 50-80+ age range.

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

DATED this 21st day of February, 2023.

DocuSigned by:
Jodi Russell
6968DB1538C2400...
Jodi Russell

CERTIFICATE OF SERVICE

I, Luci Brock, affirm and state that I am employed by Karr Tuttle Campbell in King County, in the State of Washington. I am over the age of 18 and not a party to this action. My business 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 listed below in the manner indicated.

Eleanor Hamburger
Richard E. Spoonemore
SIRIANNI YOUTZ SPOONEMORE HAMBURGER
3101 Western Avenue Ste 350
Seattle, WA 98121
206-223-0303
Fax: 206-223-0246
ehamburger@sylaw.com
rspoonemore@sylaw.com
Attorneys for the Plaintiffs

- Via U.S. Mail
- Via Hand Delivery
- Via Electronic Mail
- Via Overnight Mail
- CM/ECF via court’s website

John F. Waldo
LAW OFFICE OF JOHN F WALDO
2108 McDuffie Street
Houston, TX 77019
206-849-5009
Email: johnfwaldo@hotmail.com
Attorneys for the Plaintiffs

- Via U.S. Mail
- Via Hand Delivery
- Via Electronic Mail
- Via Overnight Mail
- CM/ECF via court’s website

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, to the best of my knowledge.

Executed on this 21st day of February, 2023, at Seattle, Washington.

s/Luci Brock

Luci Brock
Legal Assistant

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: (206) 223 1313
Fax: (206) 682 7100

Exhibit 1

(Filed under seal)