1 The Honorable Robert S. Lasnik 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 WESTERN DISTRICT OF WASHINGTON AT SEATTLE 9 ANDREA SCHMITT; ELIZABETH 10 MOHUNDRO; and O.L. by and through NO. 2:17-cv-1611-RSL her parents, J.L. and K.L., each on their 1 1 own behalf, and on behalf of all similarly 12 situated individuals. DECLARATION OF ELEANOR HAMBURGER IN SUPPORT OF 13 Plaintiffs, PLAINTIFFS' MOTION FOR LEAVE TO FILE FIFTH AMENDED COMPLAINT 14 v. 15 KAISER FOUNDATION HEALTH PLAN Note on Motion Calendar: 16 OF WASHINGTON; KAISER April 14, 2023 FOUNDATION HEALTH PLAN OF 17 WASHINGTON OPTIONS, INC.; KAISER FOUNDATION HEALTH PLAN OF THE 18 NORTHWEST; and KAISER 19 FOUNDATION HEALTH PLAN, INC., 20 Defendants. 21 I, Eleanor Hamburger, declare under penalty of perjury and in accordance with 22 the laws of the State of Washington and the United States that: 23 I am a partner at Sirianni Youtz Spoonemore Hamburger PLLC and am 1. 24 one of the attorneys for Plaintiffs in this action. 25 26 SIRIANNI YOUTZ DECLARATION OF ELEANOR HAMBURGER - 1 SPOONEMORE HAMBURGER PLLC

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Case No. 2:17-cv-1611-RSL

- 2. Since the Court denied Kaiser's Motion to Dismiss the Fourth Amended Complaint, Plaintiffs have engaged in extensive discovery, serving four separate requests for written discovery and taking the Rule 30(b)(6) deposition of Kaiser Foundation Health Plan of Washington and Kaiser Foundation Health Plan of Washington Options. Additional discovery is still outstanding, and Plaintiffs will take the depositions of five of Kaiser's witnesses in early April.
- 3. Kaiser served its first written discovery request on Plaintiffs on March 3, 2023. Defendants have not taken any depositions in this litigation to date.
- 4. I wrote Kaiser's counsel to inform them of our plan to amend the Complaint and provided a redlined copy of the proposed amended complaint. Defense counsel objected and did not agree to stipulate to the amendment.
- 5. Defense counsel has plenty of time to conduct discovery related to disparate impact discrimination. Should Defendants require additional time, Plaintiffs are open to a reasonable extension of the case schedule including the trial date.

DATED this 30th day of March, 2023, at Seattle, Washington.

/s/ Eleanor Hamburger

Eleanor Hamburger (WSBA #26478)
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