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16 *Attorneys for Plaintiff and the Putative Class*

17
 18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA
 20 OAKLAND DIVISION

21 MARA BERTON, on behalf of herself and
 22 all others similarly situated,

23 Plaintiff,

24 v.

25 AETNA INC. and AETNA LIFE
 26 INSURANCE COMPANY,

27 Defendants.
 28

CASE NO.: 4:23-cv-01849-HSG

**PLAINTIFF’S STATEMENT OF
 RECENT DECISIONS RE: PENDING
 MOTION TO DISMISS**

[Pursuant to Civil L.R. 7-3(d)(2)]

1 In connection with the Court’s consideration of Defendants Aetna Inc. and Aetna Life
2 Insurance Co.’s Motion to Dismiss, Plaintiff hereby respectfully provides notice of the following
3 two new authorities relevant to the pending motion published after this Court’s hearing on
4 Defendants’ Motion to Dismiss, attached as Exhibits hereto:

5 **Exhibit A:** *C.P. by and through Pritchard v. Blue Cross Blue Shield of Illinois*, No. 3:20-
6 cv-06145-RJB, 2023 WL 8543495, at *2 (W.D. Wash. Dec. 11, 2023), is a memorandum
7 opinion and order in a class action brought under Section 1557 of the Affordable Care Act,
8 denying the defendant’s motion to decertify a class of “individuals who ... have been, are, or will
9 be participants or beneficiaries in an ERISA self-funded ‘group health plan’ (as defined in 29
10 U.S.C. § 1167(1)) administered by Blue Cross Blue Shield of Illinois during the Class Period and
11 that contains a categorical exclusion of some or all Gender-Affirming Health Care services...”
12 and who have been or will be denied pre-authorization or coverage of treatment solely based on
13 that exclusion.

14 **Exhibit B:** *C.P. by and through Pritchard v. Blue Cross Blue Shield of Illinois*, No. 3:20-
15 cv-06145-RJB, 2023 WL 8777349, at *3 (W.D. Wash. Dec. 19, 2023), *appeal filed* No. 23-4331
16 (9th Cir.) is a memorandum opinion and order granting the plaintiffs’ motion for classwide
17 declaratory and injunctive relief and for nominal damages.

18 Both decisions relate to *C.P. by & through Pritchard v. Blue Cross Blue Shield of Ill.*,
19 No. 3:20-CV-06145-RJB, 2022 WL 17788148 (W.D. Wash. Dec. 19, 2022), cited and discussed
20 in Plaintiffs’ opposition (ECF 45) at 7, 17-18, and 24.

21 Respectfully submitted,

22 Dated: February 6, 2024

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8 By: /s/ Connie K. Chan
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