

1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: One moment, please.

3 We are on the record at 9:07 a.m. on
4 September 2nd, 2022. This is the video-recorded
5 deposition of Dr. Michael K. Laidlaw in the matter of
6 C.P. by and through his parents, et al., versus
7 Blue Cross Blue Shield of Illinois.

8 No. 3:20-cv-06145-RJB in the United States
9 District Court at Tacoma.

10 This deposition is being held virtually and
11 was noticed by plaintiff.

12 Counsel, please introduce yourselves and
13 state whom you represent.

14 MR. Gonzalez-Pagan: Good morning. Omar
15 Gonzalez-Pagan, Lambda Legal, for the plaintiff.

16 MS. HAMBURGER: I'm Eleanor Hamburger,
17 Sirianni Youtz Spoonemore Hamburger, also for the
18 plaintiff.

19 MS. PAYTON: I'm Gwendolyn Payton and I
20 represent Blue Cross Blue Shield of Illinois.

21 THE VIDEOGRAPHER: My name is Patrick Norton
22 and I am the legal videographer. The court reporter
23 is Pat Lessard. We are with Seattle Deposition
24 Reporters.

25

1 A. Well, it's their internal sense of gender
2 which for a young person is going to be ambiguous.

3 That's different than saying someone who is,
4 you know, 24 -- throwing out a number -- 24, natal
5 female has a gender identity of a male. I think it's
6 two different situations.

7 Q. What's your reason for stating that a young
8 person's internal sense of gender is not firm or set?

9 A. Because it can change over time, just like a
10 lot of things. They might think they're a butterfly
11 for a while. I was the \$6 million man for a little
12 while.

13 It's just the nature of kids.

14 Q. Is there any peer-reviewed literature that
15 you can cite to in support of that opinion?

16 A. It's just an observation that anyone would
17 see, I think, with children.

18 Q. You spoke to a model and I just want to make
19 sure I understand your opinion as to what you would
20 recommend.

21 And I just want to clarify, is that the
22 case?

23 A. My purpose there was to list three different
24 types of approaches to -- more so kids or young people
25 with gender dysphoria. I'm not advocating any

1 particular position in that statement.

2 Q. Do you believe that adults, so people above
3 the age of majority, should not be able to have access
4 to gender affirming medical treatment such as hormones
5 or surgery?

6 A. Would you repeat that, please.

7 Q. Sure. Do you believe that adults, people
8 above the age of majority, should not be able to
9 access medical treatment in the form of hormones or
10 surgery as treatment for gender dysphoria?

11 MS. PAYTON: Object to the form.

12 A. I don't believe adults should be obstructed
13 or blocked from receiving, you know, gender
14 affirmative hormones or surgeries provided --
15 provided, again, they have capacity to consent. They
16 have co-morbid psychiatric, you know, conditions
17 examined and so forth.

18 Q. (By Mr. Gonzalez-Pagan) Are you aware that
19 the exclusion at issue in this case applies regardless
20 of age?

21 A. Yes, that's my understanding.

22 Q. Do you think it is appropriate for coverage
23 to be denied for people -- do you think it is
24 appropriate for coverage for medical treatment of
25 gender dysphoria to be denied for people above the age

1 of majority?

2 MS. PAYTON: Object to the form of the
3 question.

4 A. I would say with adults, as I just said
5 earlier, I have not actively sought to, you know,
6 prevent adults from getting hormones and surgeries for
7 gender dysphoria.

8 However, people can make a case, a medical
9 case for adults as well that there could be a harm
10 from this treatment. But I'm not opining on that
11 specifically.

12 Q. (By Mr. Gonzalez-Pagan) So you're not
13 providing an opinion one way or the other with regards
14 to adults?

15 A. With regard to adults I'm not making a
16 policy decision for adults.

17 Q. No. I understand that.

18 I guess -- let me just clarify because I
19 just want to be clear on the transcript. I think you
20 may have used the term "policy decision," and I'm not
21 asking you to do that.

22 I'm just asking about whether you're
23 providing an opinion about whether that care should be
24 provided or not with regards to adults?

25 A. I'm not providing an opinion on that.