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 KAREN GOLINSKI

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

17 KAREN GOLINSKI,  
 18 Plaintiff,  
 19 v.  
 20 UNITED STATES OFFICE OF PERSONNEL  
 MANAGEMENT,  
 21 Defendant.

Case No. 4:10-cv-00257 (SBA)

**DECLARATION OF PLAINTIFF  
 KAREN GOLINSKI IN SUPPORT  
 OF MOTION FOR  
 PRELIMINARY INJUNCTION**

Date: June 15, 2010  
 Time: 1:00 p.m.  
 Place: Courtroom 1, 4th Floor  
 United States Courthouse  
 1301 Clay Street  
 Oakland, California 94612

1 I, Karen Golinski, hereby declare and state as follows:

2 1. I am a staff attorney in the Motions Unit of the Office of Staff Attorneys in the  
3 Ninth Circuit Court of Appeals, where I have been employed for eighteen years. I am the  
4 plaintiff in this matter, and submit this declaration in support of my motion for preliminary  
5 injunction. I have personal knowledge of the facts set forth herein, and if called upon to do so,  
6 could and would competently testify thereto.

7 2. My spouse, Amy Cunninghis, and I have been partners for twenty years. We were  
8 lawfully married under the laws of the State of California on August 21, 2008, and remain legally  
9 married. We became registered domestic partners with the City and County of San Francisco in  
10 1995 and with the State of California in 2003. Amy and I have a six-year-old son.

11 3. I have paid for self and family coverage under the Blue Cross and Blue Shield  
12 Service Benefit Plan (“Blue Cross/Blue Shield”) to cover my and my son’s health insurance since  
13 his birth in March 2003. In 2010, my biweekly premium for the Blue Cross/Blue Shield Self and  
14 Family Plan is \$108.91. This year, I will pay \$2,831.66 in premiums to Blue Cross/Blue Shield  
15 for coverage under the family plan.

16 4. Following my marriage to Amy, on September 2, 2008, I submitted a “Health  
17 Benefits Election Form” to the Human Resources Department, seeking to add Amy as my spouse  
18 under my existing family coverage plan.

19 5. On September 11, 2008, I received an e-mail from Ms. Renee Reynolds, a Human  
20 Resources Generalist for the United States Court of Appeals for the Ninth Circuit. This e-mail  
21 included an e-mail exchange between Ms. Reynolds and Ms. Lynda Hamke, Human Resources  
22 Assistant with the Administrative Office of the U.S. Courts (the “AO”), stating that Amy would  
23 not be eligible for coverage under my family coverage plan.

24 6. On October 21, 2008, I received another e-mail from Ms. Reynolds stating that my  
25 request to add Amy as my spouse under my family coverage plan would not be processed by the  
26 AO because Amy and I are of the same gender. As of the date of this declaration, my spouse has  
27 not been added to my existing family coverage plan.

1           7.       On October 2, 2008, I filed a complaint under the Ninth Circuit’s Employment  
2 Dispute Resolution (“EDR”) Plan. A true and correct copy of the EDR Plan is attached hereto as  
3 Exhibit A.

4           8.       Amy is a contract employee with a nonprofit organization and is not eligible for  
5 health insurance coverage from her employer. Because I have been unable to cover Amy under  
6 my health insurance plan, we have had to purchase separate, private individual health insurance to  
7 cover Amy. We purchase this private insurance from Blue Shield of California (“Blue Shield”).

8           9.       The Blue Shield insurance is inferior in many respects to the Blue Cross/Blue  
9 Shield family coverage. Amy has had two different insurance plans with Blue Shield since  
10 September 2008. From September 2008 through June 2009, Amy’s co-payments and deductibles  
11 were significantly higher than what we paid under my health insurance plan. For example, Amy  
12 was required to pay a \$45 co-payment for a doctor visit, while I was only required to pay \$20 for  
13 a primary care visit and \$30 for a visit with a specialist. Amy had a \$2,000 deductible, and I did  
14 not have a deductible on my health insurance plan. Amy also had to pay 30% of the fees for all  
15 non-emergency services, while many of the same services do not cost anything under my plan,  
16 including X-rays, mammograms, and MRIs. In the case of hospitalization, Amy was required to  
17 pay \$250 to be admitted, in addition to 30% of all service, doctor, and medical procedure fees,  
18 whereas I was only required to pay \$100 for inpatient or \$40 for outpatient services per day.  
19 Amy also had to pay \$100 for any emergency room visits and 30% of the fees for all service and  
20 physician visits, whereas I only had to pay \$50 for emergency room care and \$30 for urgent care.  
21 A true and current copy of a summary of benefits under the Blue Cross and Blue Shield Service  
22 Benefit Plan (Karen Golinski’s coverage) is attached hereto as Exhibit B. A true and correct copy  
23 of the summary of benefits under Blue Shield of California (Amy Cunningham’s September 2008-  
24 June 2009 coverage) is attached hereto as Exhibit C.

25           10.       From September 2008 through June 2009, the monthly premium for the Blue  
26 Shield policy was \$366. Attached as Exhibit D are true and correct copies of the insurance  
27 premium bills during the time period of September 2008 through June 2009.  
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1           11.     In May 2009, Amy was notified that, effective July 1, 2009, the premium for the  
2 Blue Shield policy would increase by \$63 a month, for a new monthly total of \$429. Attached as  
3 Exhibit E is a true and correct copy of the letter Amy received from Blue Shield.

4           12.     As of July 1, 2009, Amy switched to a less expensive insurance policy because  
5 Amy and I did not believe we could afford the premium increase over an extended period of time.  
6 The monthly premium for Amy's new plan, Blue Shield of California's Balance Plan 1700, is  
7 \$340. The new plan offers even less comparable coverage to my Blue Cross/Blue Shield plan and  
8 to Amy's previous plan with Blue Shield. In addition to requiring Amy to pay 30% of all  
9 inpatient and outpatient medical expenses, the plan also places an annual cap of \$2,500 on brand  
10 name prescription medications, after which Amy is responsible for paying any and all brand name  
11 medication expenses incurred. Secondly, the plan also does not cover pregnancy-related  
12 expenses. A true and correct copy of a summary of benefits under Blue Shield of California's  
13 Balance Plan 1700 (Amy Cunningham's July 2009 to present coverage) is attached hereto as  
14 Exhibit F. Attached as Exhibit G are true and correct copies of Amy's insurance premium bills  
15 during the period July 2009 through the most recent statement of January 2010. This plan  
16 provides inadequate coverage because of the prescription medication cap, and we feel Amy is  
17 under-insured.

18           13.     Amy has once again investigated individual coverage options with Blue Shield  
19 based on her age and geographic location, and found thirty different plans, including a plan with a  
20 monthly premium of \$970. None of these plans provides coverage comparable to the coverage I  
21 receive because the premiums, deductibles, and out of pocket expenses exceed those of my plan.  
22 Attached as Exhibit H is a true and correct copy of Blue Shield of California's available plans for  
23 a woman of Amy's age living in the San Francisco Bay Area.

24           14.     If Amy should become seriously ill or injured and require extensive prescription  
25 medication, medical treatment, or hospitalization, I fear under her existing coverage that our  
26 family might suffer severe financial hardship.

1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct. Executed this 26th day of January 2010, at San Francisco,  
3 California.

4 /s/ Karen Golinski

5 Karen Golinski

6 **GENERAL ORDER 45 ATTESTATION**

7 I, James R. McGuire, am the ECF User whose ID and password are being used to file the  
8 DECLARATION OF PLAINTIFF KAREN GOLINSKI IN SUPPORT OF MOTION FOR  
9 PRELIMINARY INJUNCTION. In compliance with General Order 45, X.B., I hereby attest that  
10 Karen Golinski has concurred in this filing.

11  
12 /s/ James R. McGuire

13 James R. McGuire  
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