

Attachment 4

E-mail from plaintiff's counsel dated June 7, 2010

(subjects of witnesses' testimony)

Simpson, Scott (CIV)

From: Woods, Dan [dwoods@la.whitecase.com]
Sent: Monday, June 07, 2010 7:43 PM
To: Freeborne, Paul (CIV)
Cc: Gardner, Joshua E (CIV); Simpson, Scott (CIV); Parker, Ryan (CIV); Hunnius, Patrick
Subject: RE: Log Cabin Republicans v. United States: Rule 16 Conference
Attachments: LCR Witness List.pdf

Paul: 2 p.m. EST tomorrow is fine for our call. Please call 213-620-7772.

Attached please find our current witness list. As you will see, the witnesses are unchanged from our prior communications about witnesses, including the information we communicated to you in Patrick Hunnius's emails to you dated May 17 and May 20. Mr. Almy, Mr. Vossler, Mr. Loverde, Mr. Reinhart, Ms. Kopfstein, and Mr. Rocha all intend to testify about the circumstances surrounding their discharges pursuant to DADT. You have probably already located this information but, if you haven't, Mr. Almy was discharged by the Air Force in July 2006; Mr. Vossler was discharged by the National Guard in June 2009 and had previously served in the Army; Mr. Loverde was discharged by the Air Force in July 2008; Mr. Reinhart was discharged by the Coast Guard in 2002 and had previously served in the Navy; Ms. Kopfstein was discharged by the Navy in October 2002; and Mr. Rocha was discharged by the Navy in October 2007.

Patrick Hunnius will be sending you our proposed deposition designations by a separate email today. We do not yet have yours; does that mean that you do not intend to offer any deposition testimony at trial?

With regard to exhibits, you can assume that the exhibit list we will provide you in a day or two will include all of the deposition exhibits, all of the evidence supporting our opposition to the government's motion for summary judgment, the service records of the witnesses identified above, and some additional documents produced by the government in its document production. We can discuss further tomorrow but our understanding was that you intended to move *in limine* to exclude all of our exhibits, as irrelevant, so we have not rushed to complete the final list, in light of all of our other obligations under the court's order from last Thursday afternoon.

We look forward to speaking with you tomorrow. Regards, Dan

Dan Woods

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From: Freeborne, Paul (CIV) [mailto:Paul.Freeborne@usdoj.gov]
Sent: Monday, June 07, 2010 11:43 AM
To: Woods, Dan
Cc: Gardner, Joshua E (CIV); Simpson, Scott (CIV); Parker, Ryan (CIV)
Subject: RE: Log Cabin Republicans v. United States: Rule 16 Conference

Dan,

With respect to your contention that our deadlines are artificial, the deadlines are in fact imposed by the local rules regarding the obligation to meet and confer ten days prior to filing motions, and this Court's pretrial schedule setting forth June 18th for the filing of motions *in limine*. To the extent that you are unwilling to provide us with an exhibit list by tomorrow, we will inform the Court of that fact in our motion *in limine* regarding plaintiff's exhibits.

With respect to the time for the meet and confer, we propose 2 p.m. EST tomorrow.

Paul