

1 DAN WOODS (State Bar No. 78638)  
 EARLE MILLER (State Bar No. 116864)  
 2 AARON KAHN (State Bar No. 238505)  
 WHITE & CASE LLP  
 3 633 W. Fifth Street, Suite 1900  
 Los Angeles, CA 90071-2007  
 4 Telephone: (213) 620-7700  
 Facsimile: (213) 452-2329  
 5 Email: dwoods@whitecase.com  
 Email: emiller@whitecase.com  
 6 Email: aakahn@whitecase.com

7 Attorneys for Plaintiff  
 Log Cabin Republicans  
 8

9 UNITED STATES DISTRICT COURT  
 10 CENTRAL DISTRICT OF CALIFORNIA  
 11

12 LOG CABIN REPUBLICANS, a  
 13 nonprofit corporation,

14 Plaintiff,

15 v.

16 UNITED STATES OF AMERICA and  
 17 ROBERT M. GATES (substituted for  
 Donald H. Rumsfeld pursuant to FRCP  
 18 25(d)), SECRETARY OF DEFENSE,  
 19 in his official capacity,

20 Defendants.  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

Case No. CV04-8425 VAP (Ex)

INDEX OF PLAINTIFF'S  
 DEPOSITION DESIGNATIONS AND  
 DEFENDANTS' COUNTER-  
 DESIGNATIONS AND OBJECTIONS  
 THERETO

Judge: Hon. Virginia A. Phillips

Complaint filed: October 12, 2004  
 Trial Date: July 13, 2010

Pretrial Conf: June 28, 2010  
 2:30 p.m.

1 In accordance with Central District Local Rule 16-2.7, the parties hereby  
2 submit an index of deposition designations and counter-designations and objections  
3 thereto. Defendants' designations below are submitted only as counter-designations  
4 to Plaintiff's designations.

5 In addition to the objections reflected in the table below, Defendants object  
6 to all depositions submitted as evidence at trial, in their entirety, on the ground that  
7 no evidence outside the legislative record is appropriate in a facial challenge to a  
8 statute.

9  
10 Dated: June 28, 2010

WHITE & CASE LLP

11  
12 By:  /s/ Dan Woods

13 Dan Woods  
14 Attorneys for Plaintiff  
15 Log Cabin Republicans

16 UNITED STATES DEPARTMENT  
17 OF JUSTICE, CIVIL DIVISION,  
18 FEDERAL PROGRAMS BRANCH

19 By:  /s/ W. Scott Simpson

20 W. Scott Simpson  
21 Attorneys for Defendants  
22 United States of America and  
23 Robert M. Gates, Secretary of Defense,  
24 in his official capacity  
25  
26  
27  
28

## Deposition Designations of Jamie Scott Brady

Designations			
From	To	Party (P/D)	Objections
6:1	6:6	D	
6:9	7:13	P	
7:14	7:18	D	
7:19	8:14	P	
8:21	9:20	P	
9:21	10:2	D	
10:3	12:13	P	
12:14	20:13	D	
20:14	21:9	P	21:3-9 Irrelevant
21:10	22:6	D	
22:12	23:6	P	Irrelevant
23:7	26:17	P	Irrelevant
26:18	27:1	D	
27:2	27:14	P	
27:15	28:14	D	
28:15	29:6	P	28:22-29:6 Irrelevant
29:7	29:9	D	
29:10	30:5	P	Irrelevant
30:8	30:21	P	
30:22	31:3	D	
31: 4	31:10	P	
31:11	31:16	D	
31:17	31:21	P	Irrelevant
31:22	33:2	D	
33:3	33:15	P	Irrelevant
33:16	33:22	D	
34:1	34:7	P	
34:8	34:12	D	
34:13	36:5	P	Irrelevant
36:6	36:7	P	Irrelevant
36:8	37:1	D	
37:2	44:2	P	37:2-39:4; 39:12-40:5; 40:22-44:2 Irrelevant
44:3	44:20	D	
44:21	45:13	P	
45:14	55:12	D	
55:13	55:20	P	
55:21	56:7	D	
56: 8	59:11	P	59:6-11 Vague
59:12	59:15	D	
59: 16	59:22	P	
60: 2	61:2	P	
61:3	64:22	D	
65: 1	65:22	P	
66: 1	66:11	P	
66:12	67:15	D	

**Deposition Designations of Jamie Scott Brady (Continued)**

Designations			
From	To	Party (P/D)	Objections
67:16	68:2	P	
68:3	71:14	D	
71:15	72:1	P	
72:2	83:11	D	
83:12	89:13	P	83:12-84:14 Irrelevant
89:14	95:13	D	
95:14	96:7	P	Irrelevant
96:8	104:16	D	
104:17	105:16	P	Irrelevant
105:17	106:2	D	
106:3	107:8	P	Irrelevant
107:9	108:17	D	
108:18	109:4	P	
109:5	126:11	D	
126:12	128:21	P	
128:22	131:18	D	
131:19	133:21	P	
133:22	138:5	D	
138:6	152:16	P	138:18-152:16 Irrelevant
152:17	152:21	P	Irrelevant
153:5	154:8	P	153:5-11 Vague
154:9	192:6	D	
192:7	192:13	P	
192:14	192:22	D	
193:1	193:21	P	
193:22	194:1	D	
194:2	195:1	P	194:18-195:1 Calls for speculation, lack of foundation, vague
195:2	201:16	D	
201:17	203:20	P	
203:21	206:5	D	
206:6	206:16	P	
206:17	207:14	D	
207:15	208:10	P	Irrelevant
208:11	209:8	D	
209:9	210:7	P	209:9-18 Irrelevant
210:8	211:3	D	
211:4	211:21	P	
211:22	215:2	D	
215:3	221:10	P	220:7-17 Irrelevant, vague
221:13	226:10	P	
226:11	226:15	D	
226:16	228:6	P	226:16-227:14 Irrelevant 227:20-228:6 Irrelevant, calls for speculation, lack of foundation
228:7	228:21	D	
228:22	235:3	P	230:17-22 Vague 232:2-19; 234:4-235:3 Irrelevant

## Deposition Designations of Jamie Scott Brady (Continued)

Designations			
From	To	Party (P/D)	Objections
235:4	235:17	D	
235:18	240:6	P	
240:7	243:12	D	
243:13	245:20	P	243:22-245:12 Irrelevant
245:21	246:8	D	
246:9	253:9	P	248:22-253:9 Irrelevant 250:1-14 Vague
253:10	253:18	D	
253:19	260:18	P	253:19-260:18 Irrelevant 255:14-21 Vague 259:6-14 Calls for speculation, lack of foundation 259:16-19 Lack of foundation 259:20-260:6 Vague
262:20	263:12	D	
263:17	265:16	D	
265:18	266:12	D	
266:15	268:9	D	

///

///

///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## Deposition Designations of Dennis Drogo

In addition to the objections reflected in the table below, Defendants object that the entire deposition of Dennis Drogo is irrelevant.

Designations			
From	To	Party (P/D)	Objections
6:2	11:3	P	
11:4	12:11	D	
12:12	20:5	P	
20:7	39:5	P	20:7-19 Argumentative, calls for speculation 21:5-18 Calls for speculation 33:12-34:6 Asked and answered 36:15-20 Vague 38:1-11 Argumentative
39:6	39:16	D	
39:17	52:9	P	
52:10	53:6	D	
53:7	56:5	P	Calls for speculation
56:6	56:7	D	
56:8	58:1	P	56:17-57:3 Vague
58:2	60:22	D	
61:1	62:1	P	
62:2	62:10	D	
62:11	63:15	P	
63:16	64:7	D	
64:8	64:22	P	
65:1	67:6	D	
67:14	68:10	P	
68:14	70:21	P	70:15-21 Calls for speculation
68:11	68:13	D	

///  
///  
///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

### Deposition Designations of Paul Gade

In addition to the objections reflected in the table below, Defendants object that the entire deposition of Paul Gade is irrelevant.

Designations			
From	To	Party (P/D)	Objections
6:1	91:5	P	
91:6	93:22	D	
94:1	118:18	P	99:2-20 Vague 101:4-102:13 Vague, lack of foundation 114:1-8 Lack of foundation

### Deposition Designation of Robert MacCoun

Defendants object to the admission of the Deposition of Robert MacCoun into evidence, on the basis that Plaintiff has not justified submitting the testimony of Robert MacCoun by deposition.

Designations			
From	To	Party (P/D)	Objections
6:2	182:5	P	