Log Cabin Republicans v. United States of America et al
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DECLARATION OF PAUL G. FREEBORNE

I, Paul G. Freeborne, declare as follows:

1. I am counsel for defendants, United States and the Secretary of Defense, Robert M. Gates.

2. On October 12, 2010, the Court entered a judgment and permanent injunction which, *inter alia*, orders defendants to "immediately suspend and discontinue any investigation, discharge, separation, or other proceeding, that may have been commenced under the "Don't Ask, Don't Tell" Act, or pursuant to 10 U.S.C. § 654 or its implementing regulations, on or prior to the date of th[e] Judgment."

3. Defendants seek the entry of an emergency stay of the Court's October 12, 2010 judgment and permanent injunction. And because this matter requires immediate action that cannot be accommodated through a regularly noticed motion, defendants have filed the accompanying *ex parte* application seeking the entry of an emergency stay of the Court's judgment and permanent injunction.

4. Defendants have notified plaintiff's counsel by email of its intention to file the accompanying ex parte application; plaintiff's counsel advised undersigned counsel that plaintiff will oppose defendants' application.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 14th day of October, 2010.

Paul G. Freeborne

PAUL G. FREEBORNE

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