

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL D. ALMY, JASON D. KNIGHT,
and ANTHONY J. LOVERDE,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
DEFENSE; ROBERT M. GATES, Secretary
of Defense; DEPARTMENT OF THE AIR
FORCE; MICHAEL B. DONLEY, Secretary,
Department of the Air Force; DEPARTMENT
OF THE NAVY; and RAY MABUS,
Secretary, Department of the Navy,

Defendants.

Case No. 10-cv-05627-RS

**[PROPOSED] ORDER GRANTING
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

Date: September 1, 2011
Time: 1:30 p.m.
Courtroom: 3, 17th Floor
Judge: Hon. Richard Seeborg

This matter coming before the Court on Plaintiffs’ Motion for Partial Summary Judgment,
the Court, having considered the papers, all the record evidence and arguments of counsel, finds
Plaintiffs’ discharge proceedings and subsequent discharges violated their substantive due process
rights.

///
///
///
///
///

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

THEREFORE,

Plaintiffs' Motion for Partial Summary Judgment is GRANTED, and the Defendants shall
reinstate Plaintiffs on active duty in their respective branches of the military within 30 days.

IT IS SO ORDERED.

Dated: _____

Hon. Richard Seeborg
U.S. District Court Judge