

**EXHIBIT B**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EDITH SCHLAIN WINDSOR, in her  
capacity as Executor of the Estate  
of CLARA SPYER,

Plaintiff,

-against-

10-CV-8435

THE UNITED STATES OF AMERICA,

Defendant.  
-----

(Caption continued on next page.)

DEPOSITION OF LETITIA ANNE PEPLAU, Ph.D.,

Friday, June 17, 2011



ESQUIRE



Tankoos Reporting

Telephone: 212.349.9692  
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One Penn Plaza  
Suite 4715  
New York, NY 10119

1 L.A. Peplau, Ph.D.

2 homosexual acts?

3 MR. BENSON: Object to the form.

4 Same objection.

5 A. You know, how I would classify such a  
6 person would depend on the goal of the  
7 research project. Researchers who are  
8 interested in studying the transmission of  
9 sexually transmitted diseases might be  
10 particularly interested in studying men who  
11 have sex with men regardless of whether they  
12 identify as heterosexual or gay. And a term  
13 that is commonly used for that for those men  
14 is men who have sex with men, MSM.

15 Q. Can sexual orientation be defined at  
16 birth?

17 MR. BENSON: Objection to form.

18 A. What research shows is that people  
19 come to understand their sexual orientation  
20 most typically during adolescence, so I would  
21 say that looking at a newborn, I would not be  
22 able to tell you what that child's sexual  
23 orientation is going to be.

24 Q. In paragraph 15 of Exhibit 2, you  
25 describe the continuum of sexual orientation.

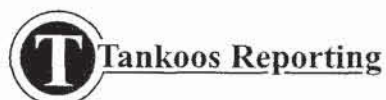
1 L.A. Peplau, Ph.D.

2 Q. Can I ask you, Dr. Peplau, do we know  
3 what the respondents meant here when they were  
4 reporting on their perceived choice about  
5 sexual orientation?

6 A. We really do not know what the  
7 respondents meant when they indicated that  
8 they had, for example, a fair amount of  
9 choice. I think one possibility is that what  
10 they are really saying is that they recognize  
11 that they had same sex romantic sexual  
12 attractions and then they chose rather than  
13 denying or suppressing those attractions, that  
14 they chose to act upon them by, for example,  
15 forming a same sex relationship. We do not  
16 know, but I think there are many -- there are  
17 possible interpretations of what choice might  
18 have meant to the respondents.

19 Q. If I could ask you please to turn to  
20 Exhibit 2, which is your expert affidavit.  
21 The first passage I would like to focus you on  
22 is paragraph 37 on page 17.

23 Do you recall that Mr. Dugan asked  
24 you a number of questions relating to this  
25 paragraph?



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**Name of Cases:**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDITH SCHLAIN WINDSOR,  
in her capacity as Executor of the Estate of THEA CLARA SPYER,  
Plaintiff,

v.

THE UNITED STATES OF AMERICA,  
Defendant.

(10 Civ. 8435) (BSJ) (JCF)

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

JOANNE PEDERSEN & ANN MEITZEN, GERALD V. PASSARO II, LYND  
DEFORGE & RAQUEL ARDIN, JANET GELLER & JOANNE MARQUIS,  
SUZANNE & GERALDINE ARTIS, BRADLEY KLEINERMAN & JAMES GEHRE,  
and DAMON SAVOY & JOHN WEISS,  
Plaintiffs,

v.

OFFICE OF PERSONNEL MANAGEMENT, TIMOTHY F. GEITHNER, in his official  
capacity as the Secretary of the Treasury, and HILDA L. SOLIS, in her official capacity  
as the Secretary of Labor, MICHAEL J. ASTRUE, in his official capacity as the  
Commissioner of the Social Security Administration, UNITED STATES POSTAL  
SERVICE, JOHN E. POTTER, in his official capacity as The Postmaster General of the  
United States of America, DOUGLAS H. SHULMAN, in his official capacity as the  
Commissioner of Internal Revenue, ERIC H. HOLDER, JR., in his official capacity as  
United States Attorney General, JOHN WALSH, in his official capacity as Acting  
Comptroller of the Currency, and THE UNITED STATES OF AMERICA,  
Defendants.

(310-CV-1750) (VLB)

**Date of Deposition:** Friday, June 17, 2011

**Name of Witness:** Letitia Anne Peplau, Ph.D.

Letitia Anne Peplau Errata Sheet for June 17, 2011 Deposition

I wish to make the following changes, for the following reasons:

PAGE LINE: 16:3

CHANGE FROM: “would it”

CHANGE TO: “would it be”

REASON: Transcription error

PAGE LINE: 22:23

CHANGE FROM: “ASEF (ph)”

CHANGE TO: “NSF [National Science Foundation]”

REASON: Transcription error

PAGE LINE: 29:20

CHANGE FROM: “questions”

CHANGE TO: “lesbians”

REASON: Transcription error

PAGE LINE: 32:13

CHANGE FROM: “Does California studies”

CHANGE TO: “Those California studies”

REASON: Transcription error

PAGE LINE: 33:2–3

CHANGE FROM: “I see against relationships of lesbians and gay men.”

CHANGE TO: “I see—where it says, ‘The relationships of lesbians and gay men’”

Letitia Anne Peplau Errata Sheet for June 17, 2011 Deposition

REASON: Transcription error

PAGE LINE: 41:4

CHANGE FROM: "It was always conceivable"

CHANGE TO: "It is always conceivable"

REASON: Transcription error

PAGE LINE: 42:15–18

CHANGE FROM: "All close same sex relationships between friends, relatives,  
hom coworkers, acquaintances or others which shall be considered  
osexual relationships."

CHANGE TO: "Of all close same-sex relationships between friends, relatives,  
hom coworkers, acquaintances, or others, which shall be considered  
osexual relationships?"

REASON: Transcription error

PAGE LINE: 49:5–6

CHANGE FROM: "however, it actually an encompasses"

CHANGE TO: "however, it actually encompasses"

REASON: Transcription error

PAGE LINE: 51:3–5

CHANGE FROM: "harms not individuals in legal same sex marriage but gay men,  
lesbians and bisexuals as a group."

CHANGE TO: "harm not only individuals in legal same-sex marriages, but  
gay men, lesbians, and bisexuals as a group."

REASON: Transcription error

Letitia Anne Peplau Errata Sheet for June 17, 2011 Deposition

PAGE LINE: 57:10

CHANGE FROM: “no singular theory”

CHANGE TO: “no single theory”

REASON: Transcription error

PAGE LINE: 57:14

CHANGE FROM: “the interplay biological,”

CHANGE TO: “the interplay of biological,”

REASON: Transcription error

PAGE LINE: 57:24

CHANGE FROM: “that is all learning experience”

CHANGE TO: “that it is all learning, experience”

REASON: Typographical error

PAGE LINE: 59:22

CHANGE FROM: “married that the families would accept”

CHANGE TO: “married that their families would accept”

REASON: Typographical error

PAGE LINE: 61:7

CHANGE FROM: “protection or lesbians”

CHANGE TO: “protection for lesbians”

REASON: Typographical error



Letitia Anne Peplau Errata Sheet for June 17, 2011 Deposition

PAGE LINE: 63:6  
CHANGE FROM:  
CHANGE TO: Add "Q:"  
REASON: Typographical error

PAGE LINE: 66:6  
CHANGE FROM: "One form that"  
CHANGE TO: "One form that is"  
REASON: Transcription error

PAGE LINE: 67:11  
CHANGE FROM: "homosexual marriage is one"  
CHANGE TO: "homosexual marriage if one"  
REASON: Transcription error

PAGE LINE: 70:21  
CHANGE FROM: "I to want pose an objection"  
CHANGE TO: "I want to pose an objection"  
REASON: Transcription error

PAGE LINE: 71:24  
CHANGE FROM: "will not effect heterosexual"  
CHANGE TO: "will not affect heterosexual"  
REASON: Typographical error

Letitia Anne Peplau Errata Sheet for June 17, 2011 Deposition

PAGE LINE: 76:8

CHANGE FROM: “they in partners are”

CHANGE TO: “that partners are”

REASON: Transcription error

PAGE LINE: 77:25

CHANGE FROM: “expert”

CHANGE TO: “experiment”

REASON: Transcription error

PAGE LINE: 78:3

CHANGE FROM: “assign people’s conditions”

CHANGE TO: “assign people to conditions”

REASON: Transcription error

PAGE LINE: 78:18

CHANGE FROM: “simply her asking”

CHANGE TO: “simply asking her”

REASON: Typographical error

PAGE LINE: 80:13

CHANGE FROM: “mental harm disparities”

CHANGE TO: “mental health disparities”

REASON: Transcription error

Letitia Anne Peplau Errata Sheet for June 17, 2011 Deposition

PAGE LINE: 81:24  
CHANGE FROM: "Fingerhut, et al. Paper"  
CHANGE TO: "Fingerhut, et al. paper"  
REASON: Typographical error

PAGE LINE: 82:16  
CHANGE FROM: "depressed"  
CHANGE TO: "depression"  
REASON: Transcription error

PAGE LINE: 88:8  
CHANGE FROM: "an individual as"  
CHANGE TO: "an individual's"  
REASON: Typographical error

PAGE LINE: 96:2  
CHANGE FROM: "many Americans old"  
CHANGE TO: "many Americans hold"  
REASON: Typographical error

PAGE LINE: 98:4  
CHANGE FROM: "imagines of lesbian"  
CHANGE TO: "images of lesbian"  
REASON: Transcription error

Letitia Anne Peplau Errata Sheet for June 17, 2011 Deposition

PAGE LINE: 98:6  
CHANGE FROM: “for trails”  
CHANGE TO: “portrayals”  
REASON: Transcription error

PAGE LINE: 98:14  
CHANGE FROM: “More the point”  
CHANGE TO: “More to the point”  
REASON: Typographical error

Letitia A Peplau

Letitia Anne Peplau, Ph.D

Subscribed and sworn to before me

this 27<sup>th</sup> day of July, 2011.

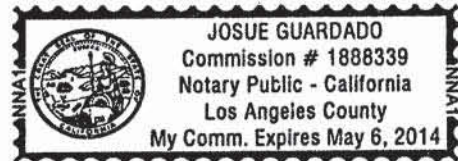
  
(NOTARY PUBLIC)

May 6, 2014  
(MY COMMISSION EXPIRES)

CERTIFICATE

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES



: SS.