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The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MAJOR MARGARET WITT,

Plaintiff,

vs.

UNITED STATES DEPARTMENT OF
THE AIR FORCE; ROBERT M. GATES,
Secretary of Defense; MICHAEL B.
DONLEY, Secretary of the Department of
Air Force; and COLONEL JANETTE L.
MOORE-HARBERT, Commander, 446th
Aeromedical Evacuation Squadron,
McChord AFB;

Defendants.

NO. C06-5195 RBL

SUPPLEMENTAL DECLARATION
OF JAMES E. LOBSENZ IN
SUPPORT OF MOTION FOR
SUMMARY JUDGMENT

I, JAMES E. LOBSENZ, do hereby declare under penalty of perjury under the
laws of the United States that the following facts are true and correct.

SUPPLEMENTAL DECLARATION OF
JAMES E. LOBSENZ – 1
NO. C06-5195 RBL

**CARNEY
BADLEY
SPELLMAN**

LAW OFFICES
A PROFESSIONAL SERVICE CORPORATION
700 FIFTH AVENUE, #5800
SEATTLE, WA 98104-5017
FAX (206) 467-8215
TEL (206) 622-8020

1 1. I am counsel for the plaintiff. I have personal knowledge of the facts set forth
2 here.

3 2. Attached to this declaration as Appendix A is a true and correct copy of an
4 excerpt from the testimony given by defendant Robert Gates to the Senate Armed Forces
5 Committee on February 2, 2010, which was produced to plaintiff by the defendants in
6 response to a request for production in this case with the Bates Numbers 2911-12.

7 3. Attached as Appendix B are true and correct copies of excerpts from the
8 deposition of General Eric Crabtree.

9 4. Attached as Appendix C are true and correct copies of excerpts from the
10 deposition of MSgt. Edmond Hrivnak.

11 5. Attached as Appendix D are true and correct copies of excerpts from the
12 deposition of MSgt. Leah Crawford.

13 6. Attached as Appendix E are true and correct copies of excerpts from the
14 deposition of Lt. Colonel Kenneth Winslow.

15 7. Attached as Appendix F are true and correct copies of excerpts from the
16 deposition of Colonel Janette Moore-Harbert.

17 8. Attached as Appendix G are true and correct copies of excerpts from the
18 deposition of MSgt. Stacey Julian.

19 9. Attached as Appendix H are true and correct copies of excerpts from the
20 deposition of Captain Jill Robinson (formerly Jill Brinks).
21

SUPPLEMENTAL DECLARATION OF
JAMES E. LOBSENZ – 2
NO. C06-5195 RBL

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1 10. Attached as Appendix I are true and correct copies of excerpts from the
2 deposition of Colonel Mary Walker.

3 11. Attached as Appendix J is a true and correct copy of the following article,
4 which is referred to in the report of Professor Anthony Greenwald: Moradi & Miller,
5 “Attitudes of Iraq and Afghanistan war veterans towards gay and lesbian service members,”
6 36 Armed Forces & Society 397 (2010).

7 12. Attached as Appendix K is a true and correct copy of the following article,
8 which is referred to in the report of Professor Anthony Greenwald: Axelton & Saucier, “The
9 effects of contact on sexual prejudice: A meta-analysis,” 61 Sex Roles 178 (2009).

10 13. Attached as Appendix L is a true and correct copy of a declaration signed by
11 Major Thomas Hansen. The original was previously submitted as evidence in the administrative
12 discharge board proceeding which was held at AFB Robbins in September of 2006.

13 14. Attached Appendix M are true and correct copies of excerpts from the deposition
14 of Professor Nathaniel Frank.

15 15. Attached as Appendix N is a disk which is a true and correct copy of the video
16 taken by Ed Hrivnak’s wife at the retirement ceremony of her husband MSgt. Hrivnak. The
17 copy was made from the original video which MSgt. Hrivnak brought to his deposition.

18 DATED this 22nd day of July, 2010.

19
20 /s/James E. Lobsenz
 James E. Lobsenz, WSBA No. 8787
21 Attorney for Plaintiff

SUPPLEMENTAL DECLARATION OF
JAMES E. LOBSENZ -- 3
NO. C06-5195 RBL

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CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Peter J. Phipps	<u>Peter.phipps@usdoj.gov</u>
Marion J. Mittet	<u>Jamie.mittet@usdoj.gov</u>
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/s/Lily T. Laemmle
LILY T. LAEMMLE

SUPPLEMENTAL DECLARATION OF
JAMES E. LOBSENZ – 4
NO. C06-5195 RBL

**CARNEY
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