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HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN WASHINGTON
AT TACOMA DIVISION

MAJOR MARGARET WITT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
THE AIR FORCE; ET AL.,

Defendants.

No. C06-5195 RBL

[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
SANCTIONS DUE TO SPOILIATION
OF EVIDENCE

Pending before the Court is Plaintiff's Motion for Sanctions Due to Spoliation of Evidence. Upon review of all argument submitted by the parties, the Court hereby **GRANTS** Plaintiff's Motion for Sanctions Due to Spoliation of Evidence and the Court sanctions Defendants as follows:

(1) Plaintiff is entitled to an adverse evidentiary inference that command for the 446th AES is aware of other gay or lesbian members of the unit, and disciplined them for a lesser offense, but did not pursue any disciplinary action against them under the Don't Ask Don't Policy;

(2) Plaintiff is entitled to an adverse evidentiary inference that General Crabtree was ordered by Air Force Reserve Command Headquarters to remove Major Witt from the Air Force;

1 (3) Plaintiff is awarded reasonable attorney fees and costs for this motion. Plaintiff is
2 granted leave to file an application and declaration(s) for reasonable attorney fees and costs
3 within fifteen days of the filing of this Order.

4 **IT IS SO ORDERED.**

5 DATED this _____ day of July, 2010.

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8 _____
9 Ronald B. Leighton
10 UNITED STATES DISTRICT JUDGE

11 Presented By:

12 By: /s/ Sarah A. Dunne
13 Sarah A. Dunne, WSBA# 34869
14 Sher S. Kung, WSBA #42077
15 ACLU OF WASHINGTON FOUNDATION
16 901 Fifth Avenue #630
17 Seattle, WA 98164
18 Tel: (206) 624-2184
19 dunne@aclu-wa.org
20 skung@aclu-wa.org

21 James Lobsenz, WSBA#8787
22 CARNEY BADLEY SPELLMAN
23 701 5th Ave Ste 3600Seattle, WA
24 98104-7010
25 Tel. (206) 622-8020
26 lobsenz@carneylaw.com

27 *Attorneys for Plaintiff*
28
29